

2023 NIEHS WTP Meeting - NIEHS Best Practices for Administrators

Lisa Edwards, Lead Grants Management Specialist

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The Plan

- NIH Policy Updates
- Obligations, Undrawn vs. Unliquidated vs. Unobligated Balances
- Carryover
- Structure and Communication
- Reporting
- Other Support
- Questions ??



Policy Updates



Policy Update Resources

- Notices of NIH Policy Changes website
<https://grants.nih.gov/policy/notices.htm>
- To subscribe to receive NIH Policy Updates
https://grants.nih.gov/grants/guide/listserv_dev.htm

Implementation of the NIH SBIR and STTR Foreign Disclosure Pre-award and Post-Award Requirements

NOT-OD-23-139

June 12, 2023

The SBIR and STTR Extension Act of 2022 (the Act), signed into law by President Biden on September 30, 2022, reauthorized the SBIR program, the STTR program, and related pilot programs through September 30, 2025.

- The Act includes major changes to the SBIR and STTR programs, including:
- increased minimum performance standards (refer to [NOT-OD-23-092](#)),
- disclosure requirements regarding ties to foreign countries,
- a requirement for federal agencies that manage SBIR and STTR programs to establish a due diligence program to assess security risks posed by applicants, and
- denial of award and recovery authority provisions when ties to foreign countries of concern pose a significant risk.



NIH Final Updated Policy Guidance for Subaward/Consortium Written Agreements

NOT-OD-23-182
September 15, 2023

Updated Policy Guidance - effective January 1, 2024

- 15.2 ADMINISTRATIVE AND OTHER
NIH expects recipients to ask potential subrecipients, at the application stage, to submit language in their letters of support indicating their awareness of these requirements and the subrecipient's willingness to abide by all requirements should an award be issued.
- 15.2.1 Written Agreement - ***signed, and agreed to by both parties***

Updated Process for Requesting Drawdowns Outside of the Liquidation Period

NOT-OD-21-149

July 8, 2021

Liquidation period = 120 days after end of project period

- Before submitting payment request in PMS, submit a prior approval request to the Grants Management Specialist
- Request must include:
 - PMS subaccount (e.g. award document number)
 - NIH grant number
 - amount of funds to be drawn down
 - a justification for the late payment request
 - a description of the action being taken to preclude similar situations in the future
- The IC will review the request and if it is determined that the justification is adequate, will notify the recipient of the approval
- Once approved, the recipient may submit the payment request in PMS



Updated Requirements for NIH Notification of Removal or Disciplinary Action Involving PD/PIs or other Senior/Key Personnel

NOT-OD-22-129

May 10, 2022

- Recipient institutions must notify NIH when individuals identified as PD/PI or other Senior/Key personnel in an NIH notice of award are removed from their position or are otherwise disciplined by the recipient institution due to concerns about harassment, bullying, retaliation or hostile working conditions
- Notification must be provided by the Authorized Organization Representative within 30 days of the removal or disciplinary action and must be submitted to NIH through a dedicated web form
- All required notifications must include, at a minimum, the name of the Authorized Organization Representative submitting the notification, the name of the individual of concern, a description of the concerns, the action(s) taken, and any anticipated impact on the NIH-funded award(s)
- If the concerns shared with NIH will impact the PD/PI or senior/key personnel's ability to continue as the scientific lead of the project, NIH will require prior approval for a replacement

NIH Data Management and Sharing Policy

Beginning January 25, 2023, competing applications involving generation of scientific data must include a DMS Plan

- Implementation Details for the NIH Data Management and Sharing Policy (NOT-OD-22-189)
- Data Management and Sharing: Protecting Privacy When Sharing Human Research Participant Data (NOT-OD-22-213)
- Data Management and Sharing: Responsible Management and Sharing of American Indian/Alaska Native Participant Data (NOT-OD-22-214)
- Implementation Changes for Genomic Data Sharing Plans Included with Applications Due on or after January 25, 2023 (NOT-OD-22-198)

[NOT-OD-23-053](#) – Has all the NIH Data Management & Sharing Policy Notices

Announcing New Inbox for Inquiries Related to Federal Financial Reports (FFRs) and Financial Closeout

NOT-OD-23-035

December 5, 2022

- A central email inbox for inquiries related to the submission and processing of Federal Financial Reports (FFRs) and financial closeout has been established by the Office of Policy for Extramural Research Administration (OPERA) FFR Reconciliation and Financial Closeout Support Center at OPERAFFRInquiries@od.nih.gov



Communication through a Signing Official

Reminder Regarding Recipient and Applicant Grants Policy Related Inquiries

NOT-OD-21-151

July 13, 2021

- NIH awards are made to recipients, which are most often institutions, not individuals
- Office of Sponsored Projects staff can address most questions
- Institutions have their own policies and procedures that may impact the response to the question



Obligations and Drawdowns

Obligations

Funds that **have been committed** by contract or other legally binding action

Examples of possible obligations:

- Contract for printing services
- Equipment that has been ordered
- (sub)Award agreements*
- Consulting contracts

*In accordance with your institution's financial policies and procedures

Unliquidated Obligations

Funds that **have been committed** by contract or other legally binding action, but have **not been paid out yet** – reported on the annual FFR (10.f)

Examples of possible unliquidated obligations

- Contract for printing services where the final invoice has not been paid
- Equipment that has been ordered but not paid for
- (sub)Award agreements* with outstanding invoices
- Consulting contracts

*In accordance with your institution's financial policies and procedures

Unobligated Balance

Funds that **have not been committed** by contract or other legally binding action – reported on the FFR (10.h) and estimated in the RPPR (G.10)



Undrawn Balance

Funds that have not been drawn down from the Payment Management System Account

This balance might include obligations, unliquidated obligations, and unobligated balances

Rebudgeting

NIH prior approval **is not required** to rebudget funds for any direct cost item that the applicable cost principles identify as requiring the Federal awarding agency's prior approval, **unless** the incurrence of costs is associated with or is considered to be a change in scope



Order of Funding Requests

- Use current award 1st
- Carryover is 2nd
- Supplement is last



Carryover

Carryover

Authorization to use **unobligated** funds from a previous budget period in the current budget period to cover prospective allowable costs for the current budget period

Most WTP awards do not have automatic carryover authority as indicated in the Notice of Award, the recipient must request prior approval before utilizing any of the **unobligated** funds from a prior budget period

Funds reported as unliquidated obligations on the FFR may be liquidated even after the budget period ends. Carryover should not be requested for these funds.

Carryover – When Should You Request?

- There is an immediate *bona fide** need
- There will not be sufficient funds left over in the current year award to rebudget to cover the costs
- Only after an FFR has been accepted by NIH

NOTE: The *bona fide* needs rule is one of the fundamental principles of federal appropriations law: A fiscal year appropriation may be obligated only to meet a legitimate, or *bona fide*, need arising in, or in some cases arising prior to but continuing to exist in, the fiscal year for which the appropriation was made

Carryover - Bona Fide Needs Rule

NIH policy and federal appropriations law require that we not provide more funding in any budget period than we can reasonably expect the recipient to obligate during that same budget period

Before we authorize carryover or award a supplement, we have to be reasonably sure that the recipient will be able to obligate all the current year funding **plus** any additional funding we provide/authorize during that budget period, before the budget period ends

Recipients must demonstrate an immediate, bona fide need (Bona Fide Needs Rule 31 USC, Section 1502)

Carryover – The Request

- Cover Letter
 - Reason for the unobligated balance
 - Description of the immediate need and explanation why the requested costs cannot be covered by rebudgeting out of your current year's award (this could include a spending forecast)
 - Description of scientific activities to be supported
 - How the work will be impacted if the funds are not carried over
 - Total amount of funds requested for carryover, with a breakdown of direct and indirect costs

Carryover – The Request

- Budget
 - A detailed budget
 - Use PHS398 or SF424 forms
 - A separate budget and budget justification for each core and project and for each consortium partner included in the carryover
 - ****Provide a Composite Budget page****
 - A checklist page showing the F&A base and rate to calculate indirect costs (Use the rate from the current NOA)

Carryover – The Request

- Budget Justification
 - Reasonable, allowable costs that are necessary and in line with the existing budget
 - Costs that are not duplicative of funds awarded in the current NOA
 - **Must include personnel names and calendar months effort** (TBN will not be accepted)
 - Effort levels must not exceed time remaining in the current budget period

Carryover - Where Do You Submit?

Electronic submission - through the Prior Approval Module
(Select “Prior Approvals” tab in eRA Commons)

Carryover - Grants Management Review

- Has an FFR been accepted?
- Are there funds available on the FFR in the amount being requested?
- Is the recipient on track to draw down all/most funds from the current award by the end of the current budget period?
- Is the unobligated balance (as reported on the FFR) growing or decreasing over time?
- Is the unobligated balance on the most recent FFR larger or smaller than the approved carryover for that year?
- Does the request duplicate funding already provided?
- Is it within scope?

Why Might A Carryover Request Be Disapproved?

- Out of scope
- FFR has not been accepted
- Request does not demonstrate a bona fide need
- Recipient cannot reasonably obligate requested funds in current budget period
- Costs have already been incurred
- Request consists solely of duplicative or questionable costs
- Insufficient justification

Setting Carryover Expectations

- Once a carryover request has been submitted and all other documents are in place, you can generally expect a determination within about 30 days (except in the 4th quarter)
 - Prepare your budget request accordingly
 - Please do not request an update one week after you submit your request
 - Carryover requests submitted in the last quarter of the fiscal year may be delayed
- Final determination
 - If approved, the final determination will come in the form of a revised Notice of Award
 - If disapproved, the final determination will come in an email from the grants management specialist to the signing official, with a brief explanation of the disapproval

Resources

- NIH Grants Policy Statement “Carryover”:
https://grants.nih.gov/grants/policy/nihgps/HTML5/section_8/8.1.2_prior_approval_requirements.htm#Carryover
- NIH Grants Policy Statement “Supplements”:
https://grants.nih.gov/grants/policy/nihgps/HTML5/section_8/8.1.2_prior_approval_requirements.htm#Need



Structure and Communication

NIEHS Grants Management Structure

- **Grants Management Specialists** (Camilo Asuncion, Lisa Edwards, Barbara Gittleman, Latavia Miller, Clark Phillips and James Williams) – responsible for the day-to-day management of individual grants; resource for AOR/SO; address issues that affect individual grants
- **Team Lead** (James Williams) – responsible for the day-to-day management of the overall program; issues written guidance to the Grants Management Specialists assigned to the individual grants; addresses policy issues that affect all projects in the program
- **Chief Grants Management Officer** (Jenny Greer) – responsible for the program in the context of the entire NIEHS grants portfolio; policy resource

Grants Management Specialist assignments change from time to time – check the Commons for your currently active grant



Reporting

Reporting Requirements

- Annual
 - Research Performance Progress Report (RPPR)
 - Due 60 days before the start of next budget period
 - Federal Financial Report (FFR)
 - Due 90 days after the end of the calendar quarter in which your budget period ends (05/31 BP end, FFR due 9/30 or 7/31 BP end, FFR due 12/21)
- Final (due 120 days after end of project period)
 - Final Research Performance Progress Report (F-RPPR or I-RPPR)
 - Final Federal Financial Report
 - Final Invention Statement



Annual FFR

- Unobligated Balance reported should be cumulative – total from all previous budget periods
- Unliquidated Obligations are allowable

RPPR - Program Reporting

- Must report on each Program individually
- **MUST include a budget for each Program that was awarded (AND EACH SUBAWARD)**
 - Submit the costs you plan to spend in the next budget period (should not exceed amount of funds committed from prior Notice of Award)
 - You can rebudget among the different cost categories without NIH prior approval as long as your rebudgeting does not constitute a change of scope. Funds **CANNOT** be rebudgeted within Programs without NIEHS prior approvals
 - Detailed budget justification is required for any line items that represent a significant change from previously recommended levels

Publications (C) – Overall

- NIEHS checks publications reported in the RPPR for compliance with the NIH Public Access Policy
- Publications list in section C of the RPPR is based on the Publications listed on the PD/PI's My NCBI report
- If a publication shows “non-compliant” or a publication is listed outside of section C, we cannot proceed with the funding of a non-competing (T5) grant until the Public Access Support Center confirms it has become compliant
- You must work with the Public Access Support Center (PublicAccess@mail.nih.gov) and submit the compliant NCBI report once the publication comes into compliance
- Start the Public Access Compliance process as soon as the article is selected for publication

Participants (D) – Overall

- D.1 Who worked on the project during the reporting period (retrospective)
 - PD/PIs and everyone who worked on the project 1 cm or more
 - Can include decimals now
- D.2.a Will there be changes of effort of PD/PI or key personnel named in the NOA in the next budget period? (prospective)
 - This is asking for prior approval. This is not where to report something that already happened
- D.2.c Other Support (retrospective and prospective)

Other Support Documentation (D.2.c.)

- Documentation is **only** needed if there is a **change** in **ACTIVE** other support status and **only** for individuals named as PI or Key Personnel on the Notice of Award
- Do not list “0” months effort for research projects – some effort is required
- Include the WTP grant
- Total combined support (including the WTP grant) cannot exceed 12 calendar months or 100% effort

Unobligated Balance (G.10) – Overall Component

- Report cumulative unobligated balance = unobligated balance remaining from all previous budget periods + estimated unobligated balance from the budget period that is just ending
- Percentage is calculated by the Cumulative Unobligated Balance divided by the amount awarded on the last Notice of Award (including any authorized carryover)
- Unless you requested carryover into the budget period that is just ending, unobligated balance in G.10 cannot be less than the unobligated listed on your most recently accepted annual FFR

Reporting Resources

- NIH RPPR Website and FAQs - <https://grants.nih.gov/grants/rppr/index.htm>
- NIH RPPR Instruction Guide - https://grants.nih.gov/sites/default/files/rppr_instruction_guide.pdf (specialized instructions for multi-component projects are in section 7.6)



Other Support

Other Support and Biosketches

- New Other Support and Biosketch formats are required for all applications and Other Support **submitted** on or after **January 25, 2022**
- Other Support documents must be **digitally signed** (a scanned signature or printed/typed signature is not sufficient)
- If an individual has foreign support in their Other Support, they will be required to submit copies of the contracts (in English)

Biosketch

- Must list **all current** positions and scientific appointments both domestic and foreign, including affiliations with foreign entities or governments. This includes titled academic, professional, or institutional appointments whether or not remuneration is received, and whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary)
- Historical information is not required
- Positions, Scientific Appointments, and Honors must be listed in **reverse chronological order (most recent to oldest)**

Other Support

- Must include
 - all resources made available to a researcher in support of and/or related to all of their research endeavors, regardless of whether or not they have monetary value and regardless of whether they are based at the institution the researcher identifies for the current grant
 - All current and pending support
 - Total award amount (including indirect costs) for each project
 - In-kind contributions (if not contributing to the grant for which the application has been submitted)
 - Electronic signature
 - Copies of contracts, grants, other agreements for foreign (in English)

NIH Pre-award and Post-award Disclosures Relating to the Biographical Sketch and Other Support

Type of Activity	Biographical Sketch	Other Support	Annual Project Reports	Post-Award Information Terms & Condition	Disclosure Not Required
Professional preparation (e.g., educational degrees)	X				
Organizational Affiliations and Appointments	X				
Academic, professional, or institutional appointments, whether or not remuneration is received, and whether full-time, part-time, or voluntary	X				
All projects currently under consideration from whatever source, and all ongoing projects, irrespective of whether support is provided through the proposing organization, another organization or directly to the individual, and regardless of whether or not they have monetary value (e.g., even if the support received is in-kind such as office/laboratory space, equipment, supplies, or employees.)		X	X	X	
Recently completed support or support that has ended					X
Current or pending participation in, or applications to, programs sponsored by foreign governments, instrumentalities, or entities, including foreign government-sponsored talent recruitment programs	X (Appropriate placement may be contract-dependent)	X (Appropriate placement may be contract-dependent)			
In-kind contributions not intended for use on the project/proposal being proposed		X	X	X	
Visiting Scholars in Labs funded by an external entity		X		X	
Students and postdoctoral researchers funded by an external entity		X	X	X	
Consulting that falls outside of an individual's appointment; separate from institution's agreement		X	X	X	
Consulting that is considered part of an individual's appointment/agreement with their home institution (e.g., a PI at a foreign institution's retention contracts within their home institution)					X
Travel supported/paid by an external entity to perform research activities with an associated time commitment		X	X	X	
Travel supported/paid by an external entity to attend a conference or workshop					X

Other Support – In-Kind Resources

- **In-kind resources** must be reported correctly
 - If in-kind contributions are intended for use on the project being proposed to NIH in the current application, the information must be included as part of the Facilities and Other Resources or Equipment section of the application and not on Other Support
 - In-kind contributions not intended for use on the project being proposed in this application must be reported in Other Support. If the time commitment or dollar value is not readily ascertainable, reasonable estimates should be provided
- If a foreign resource is incorrectly listed as in-kind support on Other Support (e.g., it is intended for use on the project being proposed) this may be a foreign component

Other Support Review

- Commitment Overlap – does total effort exceed 12 calendar months for any individual?
- Budgetary Overlap – is the recipient receiving funding from multiple sources for the same work?
- Scientific Overlap – are there projects on the other support document that appear to duplicate the scientific aims of the project under consideration?

All forms of overlap must be resolved prior to award

Other Support Resources

- NIH Other Support
<https://grants.nih.gov/grants/forms/othersupport.htm>
- NIH Other Support FAQs - <https://grants.nih.gov/faqs#/other-support-and-foreign-components.htm>
- Other Support Format Page
<https://grants.nih.gov/sites/default/files/other-support-format-page-rev-10-2021.docx>
- NIH Pre-Award and Post-Award Disclosures
<https://grants.nih.gov/grants/forms/NIH-Disclosures-Table.pdf>
- NIH Other Support Training – Video (<https://youtu.be/Xn2MLfO1jqU>) and PowerPoint (<https://grants.nih.gov/sites/default/files/slideset-Commitment-Transparency-Nov2021.pptx>)



Questions??

James R. Williams

Lead Grants Management Specialist

National Institutes of Health (NIEHS)

984-287-3338

james.williams3@nih.gov

Specialist listed on your notice of award