



Subawards At Morgan State University

Office of Research Administration

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Agenda

- Types of Agreements
- Identifying Partner Roles
- What ORA Needs
- Budget Concerns
- Subrecipient Monitoring
- Things We Consider
- Red Flags
- Helpful Links



Grant vs Cooperative Agreement vs Contract

Grant

- A flexible instrument designed to provide money to support a public purpose. Assistance with few restrictions.
- Conceived by PI.
- Flexible as to scope of work, budget, and other changes
- Conceived by PI. Flexible as to scope of work, budget, and other changes Governed by the terms of the grant agreement
- Diligent efforts are used in completing research and the delivery of results
- Payment awarded in annual lump sum

Cooperative Agreement

- A flexible instrument designed to provide money to support a public purpose. Assistance with involvement between parties.
- Governed by the terms of the cooperative agreement
- Conceived by PI. Typically, flexible as to scope of work, budget, and other changes
- Diligent efforts are used in completing research and the delivery of results
- Payment awarded in annual lump sum unless otherwise specified in the cooperative agreement

Contract

- A binding agreement between a buyer and a seller to provide goods or services in return for consideration (usually monetary). Procures goods services.
- Governed by Federal Acquisition Regulations
- Conceived by sponsor. Relatively inflexible as to scope of work, budget, and other changes
- Significant emphasis placed on delivery of results, product, or performance
- Payment based on deliverables and milestones

Identifying Partner Roles

Subrecipient

- Responsible for programmatic decision-making design/development of their project activities.
- Could be a co-author on publications.
- Work could involve IRB, IACUC, IP considerations.
- Subaward Agreements typically handled by Central Office

Vendor

- Provides Goods /services within normal business operations.
- Similar goods/services provided to many different purchasers.
- Normally operates in competitive environment, has a price list, and/or provides quotes.
- May not co-author publications.
- Contracts typically handled through Procurement Office.

Consultant

- Provides expert advice or services for a fee (per hour or day).
- Not heavily involved in design, development or execution of project.
- Not responsible for progress of project.
- Personal Service Contracts are generally handled through
- Procurement Offices.

What ORA Needs



INTERNAL
ROUTING FORM



BUDGET



BUDGET
JUSTIFICATION



STATEMENT OF
WORK



PRIME AWARD
NOTICE



SPECIAL TERMS
AND CONDITIONS

Budget Concerns

Does your budget accurately reflect your project?

- Federal regulations – 2 CFR 200
 - Allowable, Allocable, Reasonable, Consistent
- Sponsor regulations – NSF, NIH, DOE, DOD, State, Foundation
 - Adjustments to the budget may be restricted by the funder
- State regulations – Remember just because the Federal and Sponsor says you can do something doesn't mean you can
- Institutional regulations – If your Institution has additional restrictions you have to adhere to them
- Your budget should be reviewed and approved by ORA
 - Changes to the budget can impact other line items
 - Our F&A rates are federally negotiated

Subrecipient Monitoring

Preparation

- Subrecipient Commitment Form
- SAM review
- FDP Clearing House Review

Technical Requirements

- Performance
- Deliverables

Invoicing

- Managing spending
- Partnering with RFA

Close - Out

- Are deliverables met?
- Are invoices submitted/paid?

Things We Consider



Payment Details



Liability Concerns



Governing Law



Intellectual Property Protections



Partner Review

RED Flags (Non – Starters)

- Governing Law

18. This Agreement and all matters relating to this Agreement (whether in contract, statute, tort (including, without limitation, negligence) or otherwise) shall be governed by, and construed in accordance with, the laws of the State of New York, without giving effect to the choice of law principles thereof. If any provision of this

6) **Insurance Requirement:** The Subrecipient will be required to obtain and keep in force during the term of this Agreement **commercial general liability** insurance, to include off premises activities when applicable, covering bodily injury, death, and property damage in the minimum amounts of one million dollars (\$1,000,000.00) per person, and two million dollars (\$2,000,000.00) per occurrence. Prince George's County, Maryland shall be designated as an Additional Insured on the Certificate of Insurance.

- Insurance Requirements

- Indemnification

5) **Indemnification:** The Subrecipient shall save, hold and keep harmless and indemnify the County against any and all liability claims, demands, suits, judgments, and the cost of whatsoever kind and nature arising or alleged to have arisen from injury, including personal injury to or death of a person or persons, and for loss or damage occurring in connection with this Agreement or that results in whole or part from any act or failure to act, errors or omissions of the Subrecipient, or any employee, agent or representative of the Subrecipient.

RED Flags

“Works for Hire”

- Has copyright implication

Use of Foreign Nationals

- Can impact the use of PIs and students

FAR 52.227-17 Special Works

- Prevents the release, distribution and publication of any data first produced in the performance of this award. All data and deliverables will belong to the Government.

FAR 52.227-14 Rights in Data

- Requires the prior written consent of the Government to establish a claim in copyrightable data first produced or delivered under the contract.

“DFARS 252.204-7000 Disclosure of Information

- Prevents the release of unclassified information without advance, specific contracting officer approval.
- Serves as a waiver of the university fundamental research exclusion to export control laws.
- Requires subrecipients to “scope out” fundamental research portion of their statement of work with Government CO (requires understanding and cooperation from the prime sponsor)

Helpful Links

- <https://www.morgan.edu/ora>
- [PI Handbooks & Trainings](#)
- [Internal Routing Form](#)
- [University Application Information](#)



Thank You!

If you still have questions
reach out to:

ask.ora@morgan.edu

