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Budget, Contracting, Grants, and Agreements

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**With an update on
Research
Protection!**

With Special Guest: Edward J. Lee, Air Force Office of Scientific Research

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RESEARCH PROTECTION –

It all starts with Congressional Law!

- National Defense Authorization Act (NDAA) 2019 **directed the Department of Defense (DoD) to establish an initiative** to work with academic institutions who perform defense research and engineering activities to: (1) **support protection** of intellectual property, controlled information, key personnel, and information about critical technologies relevant to national security; and (2) **to limit undue influence**, including through foreign talent programs, by countries to exploit United States technology within the Department of Defense research, science and technology, and innovation enterprise.
- Congress subsequently amended NDAA 2019 in NDAA 2020 Section 1281, and NDAA 2021 Section 1299C. Congress also enacted NDAA 2021, Section 1062, **Limitation of Provision of Funds to Institutions of Higher Education Hosting Confucius Institutes**; and Section 223, **Disclosure of Funding Sources in Applications for Federal Research and Development Awards**.





RESEARCH PROTECTION –

Then something from the President!

- **Executive Direction.** The Presidential Memorandum on United States Government-Supported Research and Development National Security Policy was issued on Jan 14, 2021, under National Security Presidential Memorandum-33 (NSPM-33) and it **directed action to strengthen protections of United States-supported Research and Development (R&D) against foreign government interference and exploitation.**
- NSPM-33 directs R&D participants **to disclose conflicts of interest and commitment, and for organizations to have established and administer policies and processes to identify and manage risks to research security and integrity.**





RESEARCH PROTECTION –

And more from the Department of Defense

- **DoD Policy.** On 20 July 2020, Office of the Under Secretary of Defense for Research and Engineering (OUSD(R&E)) issued DoD Instruction 5000.83, Technology and Program Protection to Maintain Technological Advantage. This instruction establishes DoD policy, assigns responsibilities, and provides procedures for Science and Technology (S&T) managers and engineers **to manage system security and cybersecurity technical risks** from foreign intelligence collection of DoD-sponsored research and technology that is in the interest of national security.
- As a means to counter the threat from strategic competitor nations, the DoD will employ **risk-based measures to protect systems and technologies from adversarial exploitation and compromise** of U.S. military vulnerabilities and weaknesses.
- The OUSD R&E issued a policy memorandum on 20 Mar 2019, Subject: Actions for the Protection of Intellectual Property, Controlled Information, Key Personnel, and Critical Technologies. This memorandum directed DoD Grants managers to **request proposer information using OPM standard forms for “Senior/Key Person Profile (Expanded)”**.





RESEARCH PROTECTION –

So... what does this mean to HBCU/MIs?

- In the future, DoD Solicitations, (e.g., Broad Agency Announcements/BAAs and Funding Opportunity Announcements/FOAs) for research are likely to include some **new/additional requirements** related to research protection
 - *For example, additional forms might need to be completed and a risk assessment might need to be performed by the Government related to your proposal*
- In the future, DoD Research Awards (grants, cooperative agreement or contracts) are likely to include some **new/different terms & conditions**.
 - *For example, if there is a change in Key Personnel, then a new risk assessment might need to be performed*



NOTE: The Items listed above are examples. You need to read your DoD solicitation and any resulting DoD award carefully to ensure you understand any requirements related to Research Protection!





HOW DOES WORKING WITH DoD START?

Call for Research Proposals...





WHAT TO LOOK FOR AND WHERE

- ✓ DoD releases calls (or solicitations) for Research Proposals commonly called either:
 - **Broad Agency Announcements (BAAs)**
 - **Funding Opportunity Announcements (FOAs)**
- ✓ These solicitations are typically posted in [grants.gov](https://www.grants.gov) and [sam.gov](https://www.sam.gov).
 - **Grants.gov** is the Government-wide portal for solicitations for assistance instruments (grants and cooperative agreements)
 - **Sam.gov** is another Government-wide site for solicitations that are for procurements contracts

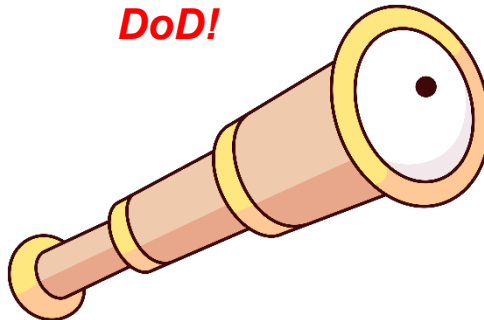


**WHEN
PREPARING A
PROPOSAL,
PLEASE KEEP
FOCUSED ON
THESE
THINGS...**

- Read the solicitation (BAA or FOA) very *carefully*
 - Sometimes there are items like **page limits or other limitations** that **MUST** be adhered to in your proposal
 - Sometimes there are **required forms*** that **MUST** be completed and included with your proposal
- Communicate! – *Ask questions if you don't understand! Ask them early! Don't wait until the last minute!*
- Provide all required backup documentation for your proposal

**NOTE: It is likely that there will be some new forms related to research protection that must be completed and submitted in your proposal.*

FAILURE TO RESPOND APPROPRIATELY TO THE SOLICITATION REQUIREMENTS MAY, IN SOME CASES, RESULT IN YOUR PROPOSAL NOT BEING CONSIDERED BY DoD!





SHOW US THE MONEY... SUBMIT A COMPLETE BUDGET!

- Before DoD can award a contract, grant or cooperative for your research proposal, DoD must determine that budget to be **fair and reasonable for the proposed effort**
- This means you must include **sufficient detail** in your proposal to support your proposed costs.
 - Most solicitations contain **cost proposal requirements** to guide you. Please review these carefully and include sufficient detail with your proposal.

Failure to include sufficient detail in your proposal will delay the award of your grant, cooperative agreement or research contract.



HOW TO SUBMIT PROPOSALS

Proposals for assistance instruments (grants and cooperative agreements) MUST be submitted through Grants.gov.

Proposals for procurement contracts awards an should be submitted through the method described in the solicitation (BAA/FOA.)

Do not wait until the last minute to submit a proposal!





TYPES OF RESEARCH AWARDS

- ✓ **Procurement Contracts**
- ✓ **Assistance Instruments**
 - ✓ *Grants*
 - ✓ *Cooperative Agreements*





PROCUREMENT CONTRACTS

- ✓ *What is being funded?*
- ✓ **Goods and services acquired for the direct benefit or use of the U.S. Government.**



*Examples for DoD including buying vehicles, uniforms, base upkeep, etc. BUT DoD also buys **research under contracts**, if that research is **military specific**, or the **applications of that research are limited to just the military.***

*Procurement Contract Research Awards will typically be more “formal” and include more terms & conditions. For example, in a contract you will likely have a **detailed scope of work that you are required to follow***





ASSISTANCE INSTRUMENTS

- ✓ *What is being funded?*
- ✓ *The carrying out of a public purpose of support or stimulation*
 - ✓ *Like an investment, Truly providing “assistance” in the form of funding*

Example, a “Pell Grant”



For purposes of this meeting, we are talking about assistance with the public purpose of “furthering science through research and development projects.”



GRANT - What is being funded?

A research effort
WITHOUT substantial Government involvement

- **Typical Grant for Research –**
 - *Think university professor...*
 - *in the laboratory...*
 - *with some grad students...*
 - *white lab coats...*
 - *doing experiments....*
 - *with the results contributing to...*
- **BUILDING BLOCKS OF SCIENCE**



COOPERATIVE AGREEMENTS – What is being funded? A research effort WITH substantial Government involvement

**Government involvement
is in the form of
COLLABORATION which
includes:**

CONTINUOUS COMMUNICATION!

- Joint planning
- Joint research vision and objectives
- Joint research is performed
- Joint demonstrations and validation
- Joint publications and inventions
- Personnel exchange



WHAT HAPPENS IF THE PRINCIPAL INVESTIGATOR (PI) UNDER A RESEARCH AWARD MOVES?

Please contact the Grants Officer immediately! They can aid in the process and help minimize time lost!

Usually, one of these paths will be taken:

- A new PI may be assigned by the institution (*in this case the Government will likely need to approve the change and perhaps also do another risk assessment*)
- The award may be modified to include a sub to the new institution to complete the research (*if everyone "plays nice"*)
- The existing award may be terminated and reissued (*which means a new proposal submission, etc.*)



OTHER ITEM TO NOTE... PROPERTY

For research awards with educational institutions, all equipment purchased under the award ***is retained by the educational institution*** at the end of the award ***unless the Government indicates otherwise*** in the research award.

****NOTE: If a PI moves, any equipment already purchased under the research award will NOT move with the PI!***





NO COST EXTENSIONS

- Requests should be submitted at least 30 days (preferably at least 2 months) prior to the end date of performance, unless there are rare extenuating circumstances*
- Requests should be submitted to the Government Technical Person (COR/GOR/CAM) and the Government Business Person (KO/GO) by an authorized representative of the institution and **not** just the PI
- Documentation to accompany the request should include reason for the extension, duration of the requested extension, and activities to be carried out during this period

***NOTE: Cases are VERY rare for no cost extensions to be approved after the period of performance ends! You cannot count on this!**





CLOSEOUT OF RESEARCH AWARDS

- The Federal agency will close out the award when it determines that all applicable administrative actions and all required work of the research award has been completed.
- Research awards will include final reports. **Please must submit all financial, performance, and other reports required as in the research award in a timely manner.**

Please don't make us chase you down for these things!



 **U.S. ARMY**

Questions?

