



October Q&A

Greetings Colleagues,

The [October 2020 MRAM meeting](#) materials and recording have been published. We've included all the Q&A from the October session here for your convenience.

Uniform Guidance

Fixed Amount Awards

Q: Will these Fixed Amount Awards replace Cost Reimbursable Awards?

A: No. The new Fixed Amount Award will not replace cost reimbursable. The revised Uniform Guidance (UG) is giving agencies another option for how they make awards, when the project meets the criteria set out in the UG. We will continue to see what we consider cost reimbursable awards where there are costs incurred and there is draw-down. That will still probably be the bulk of our federal funding. However, we will probably see an increase in the "fixed-amount" funding as it is intended to decrease record keeping and that is one of the goals for this presidential task force.

Q: Would we keep any remaining funds?

A: Yes, when the pricing is put together, the UW would need to be very careful, that we are not cushioning in costs so as to make a "profit", that's against federal and state law. At the same time you want to be really careful that you're estimating as closely to what the actual costs likely would be so you don't end up having a deficit at the end. There is some risk there going in both directions when you are receiving a fixed amount award.

Q: Will we need to track key personnel effort with fixed amount awards?

A: We believe the answer to that is "Yes". Fixed amount awards do require certification at the end of the project that "the level of effort was expended" and if effort was not carried out as proposed, "the amount of the Federal award may be adjusted". We anticipate that effort reporting and regular effort certification will continue for these types of awards.

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Subawards

Q: The example provided didn't clarify whether an organization that negotiated a 30% rate with Harvard and then wanted to use it with UW on a separate subaward - are both projects on federal funding? And how would they exceed the de minimus provision in the first place if they did not have a NICRA (National Indirect Cost Rate Agreement)?

A: Yes, this is under the caveat that both subawards are issued under federal funding. With regards to exceeding the 10% de minimus provision, the Uniform Guidance now extends some flexibility to subrecipients that don't have a negotiated indirect cost rate agreement for federal agencies. So, in the case that they have never received a federal award or federal funding to begin with the 10% would still be applicable. This is when the subrecipient entity has negotiated a separate subaward and separate rate agreement with that other pass-through-entity.

Q: Is the new 10% de minimus rate for institutions without a negotiated agreement applicable to foreign institutions as well, or only domestic institutions?

A: Yes. In general, this applies to any non-federal entities. So that could be a foreign organization and of course domestic organizations as well. However, there are certain federal agencies that have separate indirect cost rate caps for foreign organizations. For example NIH limits IDC to 8% on foreign recipients. So, while the Uniform Guidance has this 10% de minimus rate, it also depends on what the specific agency requirements are.

Bo Park

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Post Award Changes on the Uniform Guidance

Closeout

Q: With the new close out dates, will GCA be changing the final action date [FAD]?

A: The FAD is an automatically determined date in the system. It is based on the due date of either the final financial report or the final invoice, which GCA enters into the financial system. So, yes, if the sponsor issues changes to the terms and conditions of the award as to when the final financial report or final invoice is due, then the final action date would change. The final action date counts backwards from the due date of the final financial report or final invoice.

Q: Will GrantTracker be updated where FAD final action date might now change because of the 90 to 120 date final deadline change by some agencies?

A: Yes, if it changed. The final action date in GrantTracker pulls from the same place in the financial system.

Matt Gardner

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National Defense Authorization Act: Specific prohibition on covered telecommunications products/services

Q: "Covered telecommunications." Would this include paying for cell phones?

A: It would, yes.

Q: Will there be a list to reference of forbidden entities?

A: The best way, to access what is considered a covered entity is [in the regulation itself](#) and the federal [System for Award Management \(SAM\)](#). In SAM, it is listed as "ineligible". If we find another more accessible place where a comprehensive list exists, we will share that out.

Q: Are Comcast services allowed for off campus?

A: Comcast itself is not a "covered" entity. However, if it integrates covered telecommunications equipment or services as a substantial or essential component of, or as critical technology in, any system it offers as a product/service, and those are used on a federal award (grant or contract), that could be an issue.

Q: Will the covered telecommunications apply to our home computers?

A: Unfortunately, the response depends on a legal interpretation of the regulation, whether the home computer is a personal device/equipment only used incidentally for UW work purposes, and the source of funds to purchase the home device/equipment.

More information to come at future MRAMs on this new and nuanced regulatory area.

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EO 13950 Combating Race and Sex Stereotyping

Q: What about for departments? Most of our anti-racism training happens at the department level and is paid via department funds if we have an outside trainer. The SPH and SOM are both leading school and in some cases program-wide trainings.

A: That is one of the things that UW HR centrally is considering, both what to do centrally and at the local levels. We are expecting some guidance from HR.

Q: We have an antiracism training next week. Can we proceed? Using non-federal funds.... This is for an institute...

A: Yes -- proceed as planned, for now.

Joe Giffels

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Foreign Nationals on Sponsored Projects

Q: What about Patenting before publications, those patents are threatened by foreign interest

A: When something gets patented it becomes published eventually, so it becomes public domain. If we are going for a patent for something that is a fundamental research project, it's completely fine. Because whether it becomes published before or after, it doesn't really matter. It's okay to go for a patent in fundamental research and delay publication for that purpose.

Q: To confirm: the UW can agree to remove a sponsor's Confidential Information from a publication - even if doing so makes then makes publication futile or unsupportable? That is still "fundamental research" even if UW would never be able to make a meaningful publication?

A: Right, the UW can agree to remove a sponsor's confidential information from a publication. But we wouldn't want to publish a sponsor's confidential information. It's still fundamental research, but again, a sponsor's confidential information would not be a part of the fundamental research.

Q: What purchase from overseas will have problem?

A: It's a long list, 99.9% of items are usually fine. But the more complicated ones are the ones that require other governmental agency review. If you are importing things that need to be cleared by the FDA, the Fish and Wildlife Service, things that need to be cleared by any type of other agency, those are the ones that are probably going to be more difficult. Or high-value items. If you have high-value items please contact me because those definitely raise the risk for non-compliance.

Mark Stomski

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National Biosafety Month

Q: How do you de-contaminate the central air-flow in the labs

A: That's a great question. All the air is passed through a HEPA filter and then exhausted out of the building. No air is recirculating. So basically there is constantly clean air entering the facility and exiting through the HEPA filter.

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Thank you,
MRAM

OCTOBER 2020 MRAM MATERIALS



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