

Negative Confirmation On Award Notices

Background

For several years, when a notice of award was produced by RAS, a hard copy was sent to the DLC with a copy of the award for review and acceptance of the terms and conditions by the principal investigator and administrative officer (positive confirmation). MIT policy (not a requirement of the sponsor) stated that the Notice of Award must be signed and returned to RAS certifying that the individuals will be responsible for adhering to the terms and conditions of the award.

In many instances the signoff at the DLC level was done without careful examination of the terms and conditions of the award. In some instances, this is because both the principal investigator and administrative officer are well seasoned, experienced people who are aware of the terms and conditions that attach to standard awards (NSF, NIH, DOE, etc.). Unfortunately, this same level of review sometimes happens even when the terms and conditions are non-standard or there is a reason to emphasize certain elements of the award or award modification.

New Policy

RAS has eliminated positive confirmation (signatures) for awards (both grants and contracts) with standard terms and conditions, but continues positive confirmation when there are included in the terms and conditions of the award sensitive items in awards which might require written acceptance by the PI/AO.

Procedure

Notices of Awards are being produced in one of two ways: (1) negative confirmation (signature is not required) and (b) positive confirmation (signature is required).

When negative confirmation is acceptable, the "no signature needed statement will be included with a reminder that expenditure of funds signifies acceptance of the terms and conditions.'

When positive confirmation is required, the "signature required" statement will be included which would signal both the investigator and the administrative officer to carefully review the terms and conditions of the award and to sign and return the notice of award to the OSP contract officer.

Currently on unilateral awards from the federal government (NIH, NSF, etc.) expenditure of funds is acceptance of the terms of the award. This principle is the one proposed for implementation here.



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Additional Information

Although this is not an inclusive list, the sensitive items which might require written acceptance might include the following:

- ◆ Cost sharing
- ◆ Underrecovery of F&A
- ◆ Incorporation of SOW other than that in the proposal
- ◆ Letter contract definitization
- ◆ Inspection
- ◆ Nondisclosure agreement/proprietary data
- ◆ Fixed price delivery
- ◆ Title to equipment to sponsor
- ◆ Unusual prior approvals or funding limitations
- ◆ Publication reviews
- ◆ Unusual reporting and delivery schedules
- ◆ Technical direction
- ◆ Withholding of payment (other than standard)
- ◆ Invoicing responsibilities of DLC
- ◆ Funding reductions
- ◆ Stop work orders
- ◆ Early termination

This procedure was effective April 10, 2000.

Why are we doing this? Where we can streamline the process without abdicating stewardship responsibilities we want to do so. This process, we believe, will highlight those awards requiring special attention. Additionally, as we look forward to electronic awards from agencies which load directly into the Kuali Coeus database, we want to streamline the process even more by eliminating, where we can, the production of a paper notice of award, and this is a step in that direction.

What is critical is an understanding by principal investigators and administrative officers that, whether signature is or is not required, there is still the necessity to understand and comply with terms and conditions of awards. In this regard, we would be willing to meet with DLCs to respond to questions about the notices of award. In addition, the RAS contract administrators will be happy to meet with principal investigators and administrative officers to discuss the terms and conditions of any specific award.