



Office of Sponsored Programs (OSP) Roundtable

Post-Award Prior Approvals

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Agenda

- Basics
- Prior Approval Requests
- Questions



OSP Roundtable – Post-Award Prior Approvals Basics



What is a post-award prior approval request?

- A change to an awarded project that requires approval of the sponsor prior to implementing the change.
- Many sponsors include in award documents provisions which allow for a specific action to take place only when a request has been made by the awardee and approved by the sponsor.
- Prior approval means prior to taking that action which requires approval.
- The sponsor is contractually within their right to deny the request.



How do I know when prior approval is required?

- Know your award terms and conditions.
- Be wary of making assumptions.
 - There are variations between sponsor types (federal vs. foundation), types of agreements (grant vs. contract), and even within sponsor divisions (ex: each Institute/Center at NIH may have their own implementation of NIH policy and require different prior approvals). Each award is unique.
- Prior-Approval vs. Required Notification
- Interpretation may come into play. A conservative approach is best, but when in doubt, talk with your GCO.



I need to request sponsor prior approval. Now what?

- The need for prior approval by a sponsor should be communicated to OSP who will assist the unit/PI with developing the request and will submit it to the sponsor for consideration.
- When you think that you may reach the threshold indicated in the award, contact your GCO.
- Communication is key!
- Submit a post-award change request to OSP via the Portal.



Who can provide prior approval? What documentation is required?

- Formal contract modification or, on occasion, other documentation of approval from an authorized official of the sponsor.



b. TS&I Technical Representative. The TS&I Technical Representative is the "Lead Technical Contact" noted on the face of this order. All technical liaisons with TS&I's prime contract customer and all program re-direction within the scope, terms and conditions, total price, and period of performance of this Subcontract shall be implemented through TS&I's Technical Representative or a designated alternate. The Technical Representative shall not be authorized to:

- Change any of the terms and conditions of the Subcontract;
- Authorize the expenditure of funds;
- Supervise the Seller's employees; or
- Perform any action that would result in the Subcontract being changed from non-personal to a personal services Subcontract.



F. Modifications: To modify the Attachments or Face Page, the parties mutually agree to record, in writing, the terms of such modification and to revise or complete the Face Page and all the appropriate attachments in conjunction therewith. In addition, to the extent that such modification meets the criteria set forth in Section I.B herein, it shall be subject to the approval of the AG and



Modifications to the Grant

Any material changes to the goals or objectives of the grant, the lead project personnel, the budget, or the term of the grant must be submitted in writing and then approved in advance by the Foundation.



Subaward Considerations

- When Cornell is the subrecipient:
 - Approval requests may take longer.
 - Just because our sponsor (i.e. the PTE) is likely to approve it, doesn't mean that the prime sponsor will.
- When Cornell has a subrecipient that needs to make changes:
 - We may need prime sponsor prior approval.



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Prior Approval Requests



Budget Revision (Rebudgeting)

A change to the project budget approved by the sponsor.



Budget Changes: An amendment that would result in a transfer of funds among program activities or budget cost categories that does not affect the amount, consideration, scope or other terms of such contract may be subject to the approval of the AG and OSC where the amount of such modification is, as a portion of the total value of the contract, equal to or greater than ten percent for contracts of less than five million dollars, or five percent for contracts of more than five million dollars; and, in addition, such amendment may be subject to prior approval by the applicable State Agency as detailed in Attachment D (Payment and Reporting Schedule).



Grant funds and the final approved budget for the grant are to be expended on items included in the budget submitted with your proposal. During the course of the grant, all grant funds and any accrued interest must be used to support this project. At the end of the grant term, any funds not expended for the purposes of the grant are to be returned to the Foundation.



Any line item set out above may be increased by no more than 10% over or reduced by no more than 10% below the estimated line item without the need to obtain prior approval from the Foundation, provided that such additional disbursement is covered by a corresponding reduction or increase, respectively, in another line item(s) so that the amount of the total disbursements set out above remains the same. Any disbursements greater than the said 10% limit shall require the prior approval of the Foundation. In the event that there are unused funds upon completion of all of the line items set out above, the disbursement of such remaining funds shall require the approval of the Foundation in advance.



Travel

Need to incur travel costs that requires prior approval by the sponsor.



Travel:

“Contractor shall not bill any premium for overtime services or travel time without the prior written consent of EMRE.”



H.14 **Travel. Travel is only Applicable** when it has been requested by Subcontractor and approved in writing by TDA’s Principal Investigator/ Technical Point of Contact (TPOC) or someone of a higher Authority who is authorized to bind TDA. Only costs incurred for lodging, meals, and incidental expenses (as defined in the regulations cited in the (i) Federal Travel Regulations (FTR), prescribed by the General Services Administration (GSA) are allowable. **Only actual travel expenses (with receipts) will be reimbursed in accordance with the FTR. No profit is allowable on travel.**



16. Travel

Travel expenses to attend conferences and scientific meetings directly relevant to the Simons Foundation grant, unless specifically approved or stated otherwise in the award letter, are limited to \$4,000 per year per individual per project.

All travel and accommodation expenses exclusively related to Simons Foundation-organized conferences, workshops and symposia will be reimbursed by the Simons Foundation outside of the award funds.

Travel necessary to complete the scientific aims of the grant is approved on a case-by-case basis in the application budget.



No out-of-state travel costs shall be permitted unless specifically detailed and pre-approved by the State.



Purchase of Equipment

When a project needs to purchase equipment not previously approved by the sponsor.



Purchase of Equipment:

"Any equipment purchases required to fulfill the objectives of the subcontract must be approved in advance by IAI. The Government will not normally fund instrumentation, equipment, or facility acquisition under Phase 1 or Phase 2 contracts, and such costs may not be considered allowable under this Subcontract."



EQUIPMENT

THE USE OF FUNDS FROM A NESSF TRAINING GRANT FOR THE PURCHASE OF EQUIPMENT, INCLUDING COMPUTERS, IS **NOT PERMITTED**.



d. Equipment. Purchases of equipment are not allowable unless either proposed by Seller and accepted as part of this subcontract upon award, evidenced by the cost of equipment having been included in the cost of the subcontract, or advanced written approval to purchase equipment is obtained from the Buyer prior to the purchase. Equipment means any tangible item with a value in excess of \$5000, other than expendable materials or supplies necessary to perform the work effort.



Pre-Award Spending

When spending of awarded funds needs to occur prior to the start date of an award.



a. In accordance with 2 C.F.R. § 200.309 (Period of performance) and the terms and conditions of a DOC award a non-Federal entity may charge to the Federal award only allowable costs incurred during the period of performance, which is established in the award document. As defined at 2 C.F.R. § 200.77, the “period of performance” is “the time during which the non-Federal entity may incur new obligations to carry out the work authorized under the Federal award.” The period of performance may sometimes be referred to as the project period or award period. **This Standard Term is subject to exceptions for allowable costs pertaining to: (i) preaward costs (see 2 C.F.R. § 200.458); (ii) publication and printing costs (see 2 C.F.R. § 200.461); and administrative costs incurred in connection with the close-out of an award (see 2 C.F.R. § 200.343).**



§200.308 Revision of budget and program plans

(d)(1) Incur pre-award costs 90 calendar days prior to award (or more than 90 calendar days with the prior approval of the Federal awarding agency). Preaward expenditures prior to funding of an increment within a multiple-year project, including any optional years, are not subject to this limitation or approval requirement. All costs are incurred at the recipient's risk (i.e., the Federal awarding agency is under no obligation to reimburse such costs if for any reason the recipient does not receive an award or if the award is less than anticipated and inadequate to cover such costs).

TAKENOTE

It's worth asking when sponsors are silent on pre-award spending allowability if such needs exist. However, all costs incurred before the sponsor makes the award are at the recipient's risk. In addition, costs associated with human subjects or animal use can't be incurred prior to obtaining approved protocols.



Carry-forward

Request to use unspent funds from a previous project period during a future period.



Carry over of an unobligated balance into the next budget period requires Grants Management Officer prior approval.



*Approved Annual Budget	**Unexpended Balance	Automatic vs Formal Carry Forward Request
Grants with an approved annual budget of \$200,000 or less	\$50,000 or less of the approved annual budget	Automatic Carry Forward: Funds will automatically carry forward to the next funding year. A formal request is not required.
	More than \$50,000 of the approved annual budget	Formal Carry Forward Request Required: Submit a Carry Forward Request web form in the Deliverables section of proposalCENTRAL. The request is due thirty (30) days prior to the end of the funding year.
Grants with an approved annual budget of more than \$200,000	25% or less of the approved annual budget	Automatic Carry Forward: Funds will automatically carry forward to the next funding year. A formal request is not required.
	More than 25% of the approved annual budget	Formal Carry Forward Request Required: Submit a Carry Forward Request web form in the Deliverables section of proposalCENTRAL. The request is due thirty (30) days prior to the end of the funding year.



Change in PI or Project Personnel

A change in the individuals identified as leading or participating in the project.



(a) The Research will be supervised by the Principal Investigator. Institution shall notify Merck as soon as practicable in the event that its Principal Investigator will not be able to direct and supervise the Research or leaves Institution's employ. If Institution's Principal Investigator is unable to serve as its Principal Investigator and a successor acceptable to both Merck and Institution is not available within thirty (30) days of such notice to Merck, Merck may terminate this Agreement without Cause in accordance with Paragraph 13.



(a) The Key Personnel of the Contractor, as identified in Schedule 1, Scope of Work, who are to perform the work under this Contract shall be subject to the approval of the Department. In case of the death, disability, or end of employment of one or more but not all the persons so approved, the Contractor shall identify if possible a successor or replacement for such Key Personnel; however, the Department shall have the right to approve successor Key Personnel to perform the work under this Contract. If the Department does not approve such Key Personnel, then this Contract will terminate.



Change in Key Personnel:

"The Contractor shall notify the Government in the event of a transition (replacing or removal) of key personnel (those individuals addressed in the Contractors proposal) working under this contract. The Government reserves the right to review the qualifications of any Contractor personnel proposed to replace existing personnel and accept/reject the individual based on its judgement that the individual can perform similarly as the transitioned personnel."



Change in Effort Committed

A change in the level of effort committed to the project by project personnel.



Change of percent effort of key personnel Any change in percent effort of key personnel by 25 percent or more of their originally allocated percent effort requires prior approval. For example, if a person identified as key personnel was originally approved for 10 percent effort and now wants to contribute 35 percent effort, a formal request and approval are required. A Change in percent effort of key personnel web form must be signed and submitted by the institution's SO. The web form must state the reason for the change in the percent effort and a description of how the change will affect the scope of work, implementation and timeline of the research project. The web form must be submitted to the Deliverables section of the award on pC. Please see our Reallocation of Funds policy for further requirements concerning personnel changes that may affect the approved budget.



8.1.2.6 Change in Status, Including Absence of PD/PI and Other Senior/Key Personnel Named in the NoA

The recipient is required to submit a **prior approval** request to the GMO if:

- There is a significant change in the status of the PD/PI or other **Senior/Key Personnel** specifically named in the **NoA** including but not limited to withdrawing from the project entirely, **being absent from the project during any continuous period of 3 months or more**, or **reducing time devoted to the project by 25 percent or more from the level that was approved at the time of initial competing year award** (for example, a proposed change from 40 percent effort to 30 percent or less effort or in calendar months a change from 4.8 to 3.6 calendar months). Reductions are cumulative, i.e., the 25% threshold may be reached by two or more successive reductions that total 25% or more. Once agency approval has been given for a significant change in the level of effort, then all subsequent reductions are measured against the approved adjusted level. Selecting **Yes** in the RPPR constitutes a **prior approval** request to the agency and the issuance of a subsequent year of funding constitutes agency approval of the request.
- There is a change from a multiple PD/PI model to a single PD/PI model.
- There is a change from a single PD/PI model to a multiple PD/PI model.
- There is a change in the number or makeup of the PD/PIs on a multiple PD/PI award.



PI Transfer

[OSP Roundtable](#)

“Transfer of Sponsored Projects”
https://vod.video.cornell.edu/media/t/1_zptpf5c9

[NCURA Magazine Article](#)

“Award Transfers: Anticipated Issues to Forestall Them”
https://www.osp.cornell.edu/Education/protected/NCURA/Award%20Transfers_NCURAMagazine_OctNov2018.pdf

The move of an award from one institution to another as a result of a PI’s move.



With approval Simons Foundation PIs may transfer their grant to a new institution, provided that both the old and new institutions agree to the change of institution. PIs may transfer their grant to domestic and foreign nonprofit organizations and public and private institutions, such as colleges or universities, unless specified otherwise in the Request for Application (RFA) or award letter. The award cannot be transferred to for-profit organizations. The following documentation is required for a change of grantee institution.

Required from the original institution:

- A Transfer Web Form for New Institution web form signed and submitted by the institution’s SO. The web form must state the reason for departure, plans for continuation of the project, confirmation that the transfer will not alter the project’s plans and an effective date of transfer. The web form can be accessed and completed online in the Deliverable section of the award on pC.
- A Financial Statement completed online in the Budget section of the award on pC.
- A check for any unexpended funds sent to the Simons Foundation (within 60 days of transfer date).

Required from the new institution:

- A Transfer Web Form for Original Institution web form signed and submitted by the institution’s SO. The web form must confirm the PI’s appointment at the new institution and indicate the new institution’s support for the project, the PI start date and the updated contact information for the PI, SO and FO. The web form can be accessed and completed online in the Deliverable section of the award on pC.
- A renewable reagents and data sharing agreement. The agreement must be uploaded to the web form as a PDF.
- A budget for the remainder of the funds. The budget must be uploaded to the web form as a PDF. Change of institution approval Once the Simons Foundation has approved the change of institution web forms from both institutions, the foundation will send a close-out letter to the original institution and an award letter to the new institution. The new institution must complete an Activation Agreement that must be signed and submitted by the new institution’s SO.

Upon receipt and approval of the signed Activation Agreement, unexpended funds received from the original institution will be made payable to the new institution.



Adding a Subaward

When a PI wants to add a subaward to a project that was not previously approved by the sponsor.



Delegation and Subcontracting. University may not subcontract any work performed under this Agreement without Google's prior written consent (which can be revoked at any time). In the event that such subcontracting is authorized, it will be documented on the applicable SOW and University must enter into a written agreement with its subcontractor that contains terms that are at least as protective of Google as the terms of this Agreement. Execution of a SOW identifying subcontracted work will constitute Google's prior written consent. University will be responsible for any acts or omissions of its subcontractors and will remain obligated to Google for the performance of its obligations under this Agreement. University is responsible for ensuring its subcontractors perform in all respects with this Agreement.



11. This provision modifies Article 2. Prior Written Approval of NIFA Agency Specific Terms and Conditions (6/17) regarding subawards. The grantee may subaward amounts in excess of 50% of the total amount without prior NIFA approval except for single subaward that exceed 50% of the total award or any subaward to a Federal agency. A listing of all subawards approved in previous year is required annually for this project to be submitted with the annual renewal proposal or separately to the agency.



No-Cost Extension (NCE)

A request to extend the period of performance beyond the current end of the award.



More than one no-cost extension or an extension of more than 12 months.

Usually no more than one no-cost extension or an extension of more than 12 months is permitted only when there are exceptional circumstances. The extension(s) **must be approved in writing by the ADO**. The awardee should prepare and submit a **written request (which must be received no later than 10 days prior to the expiration date of the award)**.



35. No Cost Extension

A No Cost Extension may be requested to extend the end date of a grant without providing additional funding, unless stated otherwise in the award letter. A formal No Cost Extension request is required in the final funding year regardless of the amount of unexpended funds unless the award letter prohibits a No Cost Extension. A No Cost Extension request is due thirty (30) days prior to the end date of the funding year. To request approval, complete the No Cost Extension Request web form in the Deliverables section of the award in pC.

TAKENOTE

Some federal sponsors permit recipients of some grants to exercise the first 12-month no-cost extension without approval by the sponsor. These grantee approved no-cost extensions still require Cornell to notify the sponsor of election of this expanded authority. In addition, the justification for the extension must remain compliant with 2 CFR 200.



Use of Name

A request to use Cornell's name or mark in any publicity.



- 9 **Use of Name.** Neither Party shall use this Agreement or the name of the other Party for endorsement, advertising, news release, or in any other manner (except in publications noted in Article 11 below) without the prior written approval of the other Party. This provision shall not preclude University from publishing Sponsor's name, project title, University's principal investigator, project period and award amount in its publicly-available listing of sponsored projects.



4. **USE OF NAME.** Except to share the details of grant work supported by the Society, neither party will use the name of the other party or its employees in any commercial advertisement without the prior written consent of the other party. The Society acknowledges that the Grantee maintains a list of all Research projects, which list name of Sponsor and title of Research, and that Grantee may make use of such list consistent with its obligations as an academic institution. Grantee agrees that in any agreement Grantee may reach with a third party to publish or broadcast any materials or text or commentary about the Project ("Materials"), the third party will acknowledge the Society as a sponsor of the Project, but, unless the Society otherwise agrees in writing, will otherwise be prohibited from using or displaying the name or trademark of National Geographic Society or any of its affiliate company; provided that Grantee is permitted to allow such third party to publish a brief, unobtrusive statement concerning the Principal Investigator or other project member as the scientist, researcher, photographer or writer and to describe them as a "National Geographic Society grantee". In no event shall the name or trademark of the Society or any of its affiliate company or any Society publications be used for any advertising or promotional purposes in connection with the publishing of the Materials by third parties as allowed by this grant.



Receipt of Export Controlled Information

When the project's scope of work necessitates the receipt of export controlled information by Cornell University.



University intends to conduct the project as fundamental research under the export regulations and thus prefers to receive no export Controlled Information. If TOYOTA determines a need to provide University with Export Controlled Information, then TOYOTA agrees to obtain prior written approval from University's administrative representative. TOYOTA may not provide any Export Controlled Information to University until such approval is received and a plan for receipt of the Export Controlled Information is developed and approved by University and TOYOTA. If the parties are unable to develop



The Government Contracting Officer has determined the Statement of Work in Exhibit A entitled, _____, to be Fundamental Research and publication restrictions do not apply.

OSP Roundtable

"Export Compliance Issues for the Research Community"

https://www.osp.cornell.edu/documents/RoundTables/201707_Zoom.mp4



Change in Scope of Work or Objectives

A change to the scope of work or objectives approved by the sponsor.



8.1.2.5 Change in Scope

In general, the PD/PI may make changes in the methodology, approach, or other aspects of the project objectives. However, the recipient must obtain **prior approval** from the NIH awarding IC for a change in scope. A change in scope is a change in the direction, aims, objectives, purposes, or type of research training, identified in the approved project. The recipient must make the initial determination of the significance of a change and should consult with the GMO as necessary.

Potential indicators of a change in scope include, but are not limited to, the following:

- Change in the specific aims approved at the time of award.
- Substitution of one animal model for another.
- Change from the approved use of live vertebrate animals.
- Change from the approved involvement of human subjects that would result in an increased risk. This includes:
 - An addition or change that would result in changing the overall human subjects or clinical trial designation of the award;
 - From non-human subjects research to human subjects research (exempt or non-exempt);
 - From exempt to non-exempt human subjects research; or
 - From "No Clinical Trial" to "Includes a Clinical Trial." Requests for this change must be submitted to a clinical trial FOA as a competitive revision. See NIH definition of [clinical trial](#) and [2.3.5 - Types of Funding Opportunity Announcements](#).
 - The new inclusion of subject populations that are covered by additional regulatory protections under 45 CFR 46 subparts B, C or D (pregnant women, human fetuses, and neonates; prisoners; or children).
 - Any change to the study protocol that would increase the risk level for subjects including physical, psychological, financial, legal or other risks. This could include the addition of a new study population that would be at higher risk from existing research procedures, the addition of new study procedures that are greater than minimal risk, any modification of existing study procedures that would increase overall risk, or the addition of a new clinical study or a new clinical trial intervention arm not originally proposed that is greater than minimal risk.
 - New information indicating a higher level of risk to participants than previously recognized for a study intervention, procedure, or pharmacological treatment.
- Shift of the research emphasis from one disease area to another.
- A clinical hold by FDA under a study involving an IND or an IDE.
- Application of a new technology, e.g., changing assays from those approved to a different type of assay.
- Transfer of the performance of substantive programmatic work to a third party through a **consortium agreement**, by contract, or any other means. If the third party is a foreign component, NIH **prior approval** is always required.
- Change in other senior/key personnel not specifically named in the **NoA** (see [Change in Status, Including Absence, of PD/PI and Other Senior/Key Personnel Named in the NoA](#) below for requirements for NIH approval of alternate arrangements for or replacement of named senior/key personnel).
- Significant rebudgeting, whether or not the particular expenditure(s) require **prior approval**. Significant rebudgeting occurs when expenditures in a single **direct cost** budget category deviate (increase or decrease) from the categorical commitment level established for the budget period by 25 percent or more of the total costs awarded. For example, if the award budget for total costs is \$200,000, any rebudgeting that would result in an increase or decrease of more than \$50,000 in a budget category is considered significant rebudgeting. The base used for determining significant rebudgeting excludes the effects of prior-year carryover balances but includes competing and non-competing supplements. Significant rebudgeting does not apply to modular grants.
- Incurrence of research patient care costs if costs in that category were not previously approved by NIH or if a recipient desires to rebudget additional funds beyond those approved into or rebudget funds out of the research patient care category.
- Purchase of a unit of equipment exceeding \$25,000.



OSP Roundtable – Post-Award Prior Approvals
Questions?



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