

# ARS □ ERS □ NASS □ NIFA

## *Policies and Procedures*

**Title:** Requirements for Seeking and Accepting Incoming Research Agreements

**Number:** 321.1.v.3

**Date:** March 26, 2015

**Originating Office:** Office of National Programs

**This Replaces:** P&P 321.1 dated 10/1/2014

**Distribution:** All ARS Employees

**This P&P establishes policies, responsibilities, and procedures regarding the submission of proposals and acceptance of funded and non-funded incoming agreements to conduct research.**

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## **1. Purpose**

This P&P establishes requirements for ARS when seeking and accepting incoming agreements to conduct research.

## **2. Background**

This P&P updates the previous version of P&P 321.01 “Requirements for Seeking and Accepting Incoming Research Agreements” dated October 1, 2014 to remove requirements regarding requiring Incoming Funds Records (IFRs) in ARIS for letters of intent and letters of collaboration. The October 1, 2014 version of this P&P updated the previous version “Acceptance of Non-Appropriated Funds to Conduct Research or Perform Services” dated July 6, 1995, removing service agreements, and combined it with P&P 324.0 “ARS Reimbursable and Trust Fund Agreements” dated December 15, 1999 as modified by ARS Bulletin 07-304 “Change in Approval Requirement of Dollar Threshold for Incoming Agreements” dated May 3, 2007. It also expanded the scope to cover all ARS incoming research agreement types and provides additional guidance and requirements as appropriate.

## **3. Core Principles Underlying the Role and Function of External Funding for Research**

ARS has established the following principles underlying the role and function of external funding for research in supporting ARS’ mission:

- The purpose of obtaining external funding is to complement existing investments in ARS’ mission. ARS scientists may seek external funding but there is no requirement to do so. External funding is appropriate to further scientific goals as defined by ARS’ National Programs and to strengthen partnerships with stakeholders.
- ARS has a unique and important role as USDA’s primary, intramural research agency. With the ability to fund projects over the long term, ARS is able to maintain continuity in its research efforts to produce objective and credible scientific results that solve problems, develop and transfer solutions, and respond to emergencies through the rapid mobilization of technical experts and resources. Scientists must consider plans for external funding in coordination with line and program management in the context of this unique and important role and should not jeopardize the ability of ARS in accomplishing its mission.
- Considerable stakeholder input and ARS planning go into the development of National Programs.
  - The primary work of scientists is articulated by the research objectives and desired outcomes in approved and certified Research Project Plans.

- External funding may be sought to complement or extend research objectives of base funds.
- External funding agreements should attempt to recover the full costs of the covered research, including support for facilities, project administration, and technical support, excluding salaries for permanent ARS employees. Large, multi-collaborator grants may also include support to fund a project manager or other administrative support for the grant as allowable.

#### **4. Policy**

ARS may seek and enter into funded and non-funded agreements with other organizations to conduct research when the agreement:

- Conforms to the Principles delineated in Section 3 of this P&P;
- Supports the mission or responsibilities of ARS;
- Is of mutual interest to ARS and the other parties to the agreement;
- Is within the performing unit's technical expertise and resource capabilities (considering the agreement's duration, work plan, and commitment of resources);
- Is fully documented and tracked with respect to:
  - The work and the funds or other resources as required by ARS for the performance of the proposed research,
  - The work and the funds or other resources as required by collaborating organizations for the performance of the proposed research, and
  - The source of outside funds or other resources;
- Has appropriate approvals as delineated under Section 5., Responsibilities, and is appropriately documented in an Incoming Funds Record (IFR, formerly the ARS-425) in the Agricultural Research Information System (ARIS);
- Clearly lists all ARS scientists as such (university adjunct appointments may also be listed but primary representation must be as an ARS employee as per Section 12.5 of USDA Ethics Issuance 09-1); and
- Complies with ARS Policies and Procedures, including:
  - Requirements governing the participation of different Categories of ARS employees on agreements and financial conflict of interest requirements:

- P&P 701.0, “Selection, Appointment, and Responsibilities of the ARS Principal Investigator (formerly the ADODR)” (includes specification of which ARS employees may be PIs);
- Who may/may not negotiate and manage agreements on behalf of ARS:
  - P&P 700.0, “Delegation of Authority for Authorized Departmental Officers”;
- Indirect costs:
  - P&P 329.5, “Charging Indirect Program Support Costs on Soft Funds”;
- Responsible conduct of research and other activities:
  - P&P 129.0, “Research Misconduct”,
  - P&P 130.4, “Animal Care and Use Committee”,
  - P&P 160.0M, “Safety, Health, and Environmental Management Program”,
  - P&P 601.2, “Transfer of Biological Agents and Related Information to Non-USDA Locations or Individuals”,
  - P&P 605.1, “Protection of Human Subjects”,
  - P&P 610.5, “Minimizing Risks of Releasing Weedy or Poisonous Plants”,
  - P&P 635.1, “Humane Animal Care and Use”, and
  - USDA Department Policy for the National Environmental Policy Act (7 CFR Part 1b);
- Policies, Procedures, and regulations specific to the various types of agreements, including:
  - P&P 141.2, “Technology Transfer in ARS”, which covers:
    - Cooperative Research and Development Agreements (CRADAs) and
    - Intellectual Property considerations regarding other types of agreements,
  - P&P 704.0, “Research Support Agreements”, and
  - P&P 705.0, “Memoranda of Understanding”;
- Agreement closeout:
  - P&P 703.0, “Closeout Procedures for Extramural Agreements”; and
- Financial management:
  - P&P 324.1, “Financial Manual for Incoming Reimbursable Agreements”.

Agreements are between the outside organization and ARS, as formally managed by the Authorized Departmental Officer (ADO) and the ARS PI and as designated by their respective roles, **not between the outside organization and ARS employees as individuals.**

If the PI is unable to lead the project throughout the life of the agreement, a plan to expire the agreement, find a new PI, or develop a new or amended agreement will be developed jointly by the Research Leader, Area Office, and the funding institution.

This policy applies to all ARS employee activity on incoming research agreements, regardless of whether ARS is the primary recipient or a sub-recipient. In addition and as per USDA Ethics Issuance 09-1, ARS scientists may not use adjunct appointments as a means to avoid the requirements of this policy, nor may any ARS employee assume fiduciary responsibilities on behalf of any other organization.

## **5. Responsibilities**

### **5.A. Before Applying for an Incoming Agreement (Research)**

#### **5.A.1 – Responsibilities for Both ARS PIs and Line Management Reviewing Officials**

ARS PIs and line management reviewing officials must evaluate the following when developing a proposal or otherwise considering external research funding or reviewing ARIS IFRs:

- The relevance of the proposed work to their base-funded project as well as the goals of the funding organization:
  - Organizations that offer grants or other external funding to ARS are interested in seeing their particular goals achieved. Recognition of funder's goals must be given in drafting proposals for external funding. Early consultation with ARS line and program management will assist in defining permissible work complementary to project plan objectives in base-funded projects.
- The costs to ARS of the proposed research:
  - Recovering these costs as part of the agreement where allowable,
  - Recognizing that the salaries of permanent ARS employees are not recoverable,
  - Determining how to manage those expenses not recoverable on the agreement, and
  - Remembering ARS' IPSC and collaborating organization(s)' indirect costs requirements;
- Whether adequate time has been provided for the accomplishment of the proposed research objectives:

- As permitted by the funding source, ARS PIs are encouraged to initiate agreements for periods longer than 1 year where additional funding is anticipated, up to a maximum of five years. This will facilitate time extensions and receipt of additional funds without the need to create a new agreement. The exception to this guidance is for Material Transfer Research Agreements (MTRAs) and CRADAs, which frequently evolve over time. For this reason it is recommended that MTRAs and CRADAs have a starting duration of no more than two years to ensure proper oversight of intellectual property.
- Existing ARS resources and realistic business timeframes for key agreement administrative activities such as planning reasonable times for any resulting funds to become available for use, hiring and procurement timelines, and availability of shared resources in developing proposals and requesting start dates;
- The abilities of ARS sub-recipients to perform their portions of the proposed work and their ability to comply with ARS and the funding organization's rules and requirements; and
- Current research agreements (as known at the unit or Area level, respectively) for possible intellectual property conflicts.

#### 5.A.2 – ADDITIONAL ARS PI RESPONSIBILITIES

In addition to those responsibilities listed Section 5.A.1, the ARS PI must seek approval to apply for an incoming agreement by working with their unit staff to prepare and submit an ***IFR through ARIS:***

- An IFR must be submitted and approved prior to the submission of a formal proposal to an outside organization. This requirement applies to all incoming research agreement types including those without funding.
- An IFR is to be submitted no later than 30 days prior to the submission of a proposal. Exceptions to this requirement should be made for last minute opportunities and for other circumstances where submitting an IFR 30 days prior to submission is not feasible; reasons for late submissions must be noted in the comments section of the IFR. *It is recommended that an IFR be submitted as soon as the intent to apply is known in order to allow adequate time to address any unforeseen issues.*
- Information contained in the IFR needs to be a reasonable estimate given available knowledge and should not be delayed until details are final. IFR information can and should be updated when greater detail is known or key information changes.

- Designate an ARS Agreement Holder (who actually manages the agreement) in ARIS if multiple ARS Management Units are involved (other involved ARS Management Units must also each prepare an IFR that is linked in ARIS to the ARS Agreement Holder's record (see ARIS manual for instructions));
- Approval of the IFR **must** be obtained **prior** to submission of the proposal to the funding organization.

**Letters of collaboration** are submitted as part of a proposal to confirm the participation of an ARS scientist on an agreement and to document research participation and the availability of key supporting resources such as equipment. When letters of collaboration are required, ARS PIs will:

- As appropriate or as required for the proposal, submit a draft letter of intent to collaborate following the appropriate procedures of the ARS Area, and
- Secure all required approvals (See below and Exhibit 1).

If an IFR is not approved or the agreement is not funded:

- The ARS PI will notify their unit's ARIS user to delete the IFR from the ARIS system if a proposal is not approved for submission by ARS. (Note: Deletion only occurs when the IFR does not receive ARS approval)
- The ARS PI will promptly notify their unit's ARIS user to change the status of the IFR to "unfunded" if the proposal does not result in an agreement from the outside organization.

#### 5.A.3. – ADDITIONAL RESEARCH LEADER, CENTER/LABORATORY DIRECTOR OR HQ UNIT LEADER RESPONSIBILITIES

In addition to those responsibilities listed in 5.A.1, the Responsible Fund Holder (*Research Leader, Center/Laboratory Director, or HQ Designated Contact*) will:

- Provide guidance and oversight to the PI(s) in the development of the proposal and the IFR, including:
  - Assessing compatibility with assigned, Office of Scientific Quality Review (OSQR)-certified research objectives;
  - Working with the ARS PI and the Administrative Officer in developing a budget that fully recovers allowable costs of the proposed work;

- Ensuring that proposals contain timeframes and start dates that are realistic considering key activities such as funds availability, hiring, and procurements; and
- Reviewing the proposal prior to its submission for conformance with the principles and policies laid out in this P&P;
- Ensure that ARS PI's are Category 1, 4, or 6 employees, as per P&P 701.0. This applies to anyone on the agreement with fiduciary responsibility or otherwise managing ARS resources;
- Ensure that the unit ARIS user prepares and submits the IFR 30 days prior to proposal submission deadlines (exceptions to this requirement should be made for last minute opportunities and for other circumstances where submitting an IFR 30 days prior to submission is not feasible; reasons for late submissions must be noted in the comments section of the IFR); and
- Review the IFR for conformance to this policy and approves or disapproves it in ARIS.

5.A.4. – ADDITIONAL AREA OFFICE RESPONSIBILITIES (THIS APPLIES TO THE RESPONSIBLE PROGRAM OR ADMINISTRATIVE DIRECTOR FOR AN HQ PROPOSAL)

In addition to those responsibilities listed in 5.A.1, the *Area Director* will:

- Review the ARIS IFR for the project for conformance to this policy, the Core Principles Underlying Research Agreements (Section 3 of this P&P), and consult with their Technology Transfer Coordinator regarding potential intellectual property conflicts with existing agreements.
- Approve or disapprove the ARIS IFR within five business days.
- If approved, forwards the following ARIS IFRs to the Office of National Programs (ONP) for their approval:
  - Research agreements for \$50,000 or greater, and
  - All CRADAs and MTRAs.

Note that ONP receives email notification of ARIS IFRs less than \$50,000, which they can review and discuss with appropriate personnel, if required.

The Area/HQ Program Analyst will:

- Route requests for new ARIS Sources of Funding (SOFs) to the Office of the Associate Administrator, ONP with documentation supporting any request to exempt the SOF from Indirect Program Support Costs (IPSC) as per P&P 329.5.

#### 5.A.5. – OFFICE OF NATIONAL PROGRAMS RESPONSIBILITIES

The Office of National Programs will:

- Review the ARIS IFR for conformance to this policy, especially:
  - Conformance to the Core Principles Underlying Research Agreements (Section 3 of this P&P),
  - Compatibility with assigned, OSQR-approved research objectives, and
  - Potential intellectual property conflicts with existing agreements.
- Approve or disapprove the ARIS IFR within five business days.

#### **5.B. Upon Notification by a Funding Organization of their Intention to Fund or Otherwise Enter into an Incoming Agreement**

Follow the procedures in Section 5.A. of this P&P if the notification is unsolicited and for all incoming research agreements not marked as a “grant” in ARIS (i.e., a proposal was not submitted and thus an IFR with appropriate approvals has not already been entered into ARIS).

Note that MTRAs and CRADAs are negotiated between the Technology Transfer Coordinator (TTC), the Cooperator, and the ARS PI in conjunction with ONP and OTT. The agreements are signed by the OTT ADO and processed by the Technology Transfer Assistants (TTAs).

#### 5.B.1 – PI RESPONSIBILITIES

The *ARS PI* will:

- Recognize that only the ADO may formally negotiate and enter into and accept agreements;
- Inform their RL and unit ARIS user upon notification by an outside organization of the intent to fund or otherwise enter into an incoming agreement;
- Generate appropriate documentation within five business days of receiving notification of funding as follows (This is done with initial entry for the IFR for all incoming research agreements not marked as a “grant” in ARIS):
  - For agreements over \$25,000, generate an AD-416/417 and Agreements Information Management System (AIMS) documentation from the existing

IFR in ARIS/AIMS and forward for approval (See ARIS handbook for further information); or

- For agreements under \$25,000, prepare only the AIMS agreement documentation in ARIS/AIMS from the existing IFR and forward for approval. (See ARIS Handbook for further information);
- Not expend agreement funds until after notification that they are available for use (which does not occur until after all ARS actions are completed by all parties to the agreement);
- Work with appropriate personnel to prepare and submit all required technical and financial reports to the funding organization as per the terms and conditions of the incoming agreement;
- Work with the ADO to make modifications to the agreement as appropriate and allowable, including reallocation among budget categories and extension of time.
- Work with their Financial Technicians and Administrative Officers to monitor agreement funds and invoice for funds on the agreement in a timely way; and
- Assist administrative support staff and ADOs responsible for agreement closeout activities.

#### 5.B.2 – LINE MANAGEMENT RESPONSIBILITIES

The *Research Leader* will review and approve, as appropriate, the AD-416/417 and AIMS agreement documentation.

Once approved, the agreement documentation will be automatically forwarded to the ADO's work file in ARIS/AIMS.

The *Administrative Officer, Area Director, HQ Director, and National Program Leader* will each receive email notification from ARIS regarding the award and the entry of the AD-416/417 and the AIMS data.

The Area Director, HQ Program Manager, or AFM Director, as appropriate, is responsible for accounting for receipt and disposition of agreement funds including maintaining documentation demonstrating compliance with ARS mission and applicable laws, regulations, and policies and procedures.

### 5.B.3 – BUSINESS SERVICE CENTER RESPONSIBILITIES

The ADO will:

- Review the agreement, accept it, and update ARIS/AIMS within five business days for routine agreements (The ADO will send those agreements that require modification to the cooperator within five business days);
- Update the start and termination dates in ARIS/AIMS as follows:
  - If the agreement is prepared by the sponsor, the start date and termination dates in ARIS will be those indicated on the agreement; or
  - If the agreement is prepared by ARS, the start date and termination date for an agreement will be those the Location enters in ARIS;
- The ADO may modify these dates based on input from the sponsor and ARS PI;
- Maintain an electronic copy of the signed agreement in AIMS E-Green; and
- Execute the US Government Interagency Agreement (IAA) – Agreement Between Federal Agencies (IAA FMS Form 7600A (General Terms and Conditions (GT&C)) and Form 7600B (Order Requirements and Funding Information)) for incoming agreements from other Federal Agencies (replaces the AD-672).

Within five business days after the agreement is fully executed for reimbursable agreements and 10 business days after receipt of a check for trust agreements, the *Budget and Fiscal Officer (BFO)* will:

- Establish the account code and financial plan within the official accounting system, and
- Distribute the information to the appropriate ARS contacts.

## **6. Authorities**

- 7 U.S.C. 450(a):
  - Reimbursable Cooperative Agreement (RCA)
  - Trust Fund Cooperative Agreement (TFCA)
  - Materials Transfer Research Agreement (MTRA) (joint 15 U.S.C. 3710(a))
- 7 U.S.C. 3291 – International Agricultural Research, Extension, and Teaching
- 7 U.S.C. 3318(b) - Specific Cooperative Agreement (SCA)

- 7 U.S.C. 3318(c) – Assistance-Type Cooperative Agreements (ATCA) (used for sub-awards originating from agreements incoming to ARS)
- 15 U.S.C. 3710(a):
  - Cooperative Research and Development Agreement (CRADA)
  - Materials Transfer Research Agreement (MTRA) (joint with 7 U.S.C. 450(a))
- 7 U.S.C. 2269 - Gifts of property; acceptance and administration by the Secretary of Agriculture

## 7. Abbreviations

<b>ATCA</b>	Assistance-Type Cooperative Agreement
<b>ADO</b>	Authorized Departmental Officer
<b>ADODR</b>	Authorized Departmental Officer’s Designated Representative (obsolete – replaced by ARS Principal Investigator (PI))
<b>AIMS</b>	Agreements Information Management System
<b>ARIS</b>	Agricultural Research Information System
<b>AFM</b>	Administrative and Financial Management
<b>ARS</b>	Agricultural Research Service
<b>BFO</b>	Budget and Fiscal Officer
<b>BSC</b>	Business Service Center
<b>CRADA</b>	Cooperative Research and Development Agreement
<b>FMAD</b>	Financial Management and Agreements Division
<b>IAA</b>	Inter-Agency Agreement
<b>IFR</b>	ARIS Incoming Funds Record (formerly the ARS-425)
<b>IPSC</b>	Indirect Program Support Costs
<b>LOI</b>	Letter of Intent

<b>MTRA</b>	Materials Transfer Research Agreement
<b>ONP</b>	Office of National Programs
<b>OSQR</b>	Office of Scientific Quality Review
<b>OTT</b>	Office of Technology Transfer
<b>P&amp;P</b>	Policies and Procedures
<b>PDRAM</b>	Program Direction and Resource Allocation Memorandum
<b>PI</b>	Principal Investigator
<b>RCA</b>	Reimbursable Cooperative Agreement
<b>RL</b>	Research Leader
<b>SOF</b>	Source of Funds
<b>TFCA</b>	Trust Fund Cooperative Agreement
<b>TTA</b>	Technology Transfer Assistant
<b>TTC</b>	Technology Transfer Coordinator
<b>USDA</b>	United States Department of Agriculture

## **Glossary**

A full ARS Grants and Agreements Glossary is posted on the Financial Management and Agreements Division (FMAD)'s web page under ADO/ARS PI Resources (or directly at <http://www.afm.ars.usda.gov/agreements/files/ARS-GRANTS-AGREEMENTS-GLOSSARY.pdf>).

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Steven Shafer  
Associate Administrator  
Office of National Programs

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Date

**Exhibit 1 – Table of actions with expected timelines for routine agreements<sup>1</sup>**

Action	Expected Timeline
<p>Incoming Funds Record (IFR)</p> <ol style="list-style-type: none"> <li>1. Submitted by ARS PI in ARIS, including RL review and approval</li> <li>2. CD/LD (if there is a CD/LD) review and approval</li> <li>3. Area Director review and decision</li> <li>4. ONP review and decision for all incoming agreements &gt;= \$50,000 or amended to that amount and all CRADAs and MTRAs</li> </ol> <p>(ONP receives email notification of all IFRs &lt;\$50,000)</p> <ol style="list-style-type: none"> <li>5. Delete IFR if ARS does not approve application for funding</li> <li>6. Update IFR if funding awarded</li> <li>7. Change status to “Unfunded” if funds not awarded</li> </ol>	<ol style="list-style-type: none"> <li>1. As soon as the intent to apply for funding is known; as a guideline, no later than 30 days prior to proposal submission<sup>2</sup></li> <li>2. Up to 5 business days</li> <li>3. Up to 5 business days</li> <li>4. Up to 5 business days</li> <li>5. ARS PI notifies the ARIS user to delete the record immediately upon notification that a proposal is not approved for submission</li> <li>6. Upon notification by a funding organization of their intention to fund or otherwise enter into an incoming agreement</li> <li>7. ARS PI notifies the ARIS user to change the status promptly upon learning the proposal will not be funded</li> </ol>

<sup>1</sup> Allow additional time for complex agreements or situations.

<sup>2</sup> Accommodation will be made for genuine last minute opportunities, as documented in the comments section of the ARIS Incoming Funds Record.

<p>Letters of Collaboration</p> <ol style="list-style-type: none"> <li>1. ARS PI submits to Area Director</li> <li>2. Area Director signature and return to ARS PI</li> </ol>	<ol style="list-style-type: none"> <li>1. After submission of the IFR</li> <li>2. 3 business days</li> </ol>
<p>AIMS Documentation (and AD-416/417 for research agreements &gt; \$25,000) (This is done with initial entry for the IFR for all incoming research agreements not marked as a “grant” in ARIS)</p> <ol style="list-style-type: none"> <li>1. Submitted by ARS PI in ARIS, including RL and CD/LD review and approval</li> <li>2. Area Director (or HQ Cognizant Official for HQ agreements)</li> <li>3. ONP (agreements &gt; \$25,000)</li> <li>4. (a) For routine agreements, ADO reviews the agreement, accepts it, and updates ARIS/AIMS  (b) For agreements requiring modification, ADO sends to cooperator</li> <li>5. BFO makes funds available in system: <ol style="list-style-type: none"> <li>(a) Reimbursable agreements</li> <li>(b) Trusts</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Within 3 business days upon notification by a funding organization of their intention to fund or otherwise enter into an incoming agreement</li> <li>2. Will receive email notification regarding the award and the entry of the AD-416/417 and the AIMS data</li> <li>3. Will receive email notification regarding the award and the entry of the AD-416/417 and the AIMS data</li> <li>4. (a) 5 business days  (b) 5 business days</li> <li>5. <ol style="list-style-type: none"> <li>(a) 5 business days after the agreement is fully executed</li> <li>(b) 10 business days after receipt of check</li> </ol> </li> </ol>