



SPA Certificate Series Subawards

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University of Missouri

Introduction

- Overview of SPA Certificate Series
- Session Facilitators
- Review of referenced documents



Session Objectives

- Understand when to use a subaward vs. another type of agreement
- Discuss the impact and compliance requirements throughout the award process:
 - Proposal development and submission
 - NGA, Acceptance and establishment of subaward
 - Award Management
 - Closeout

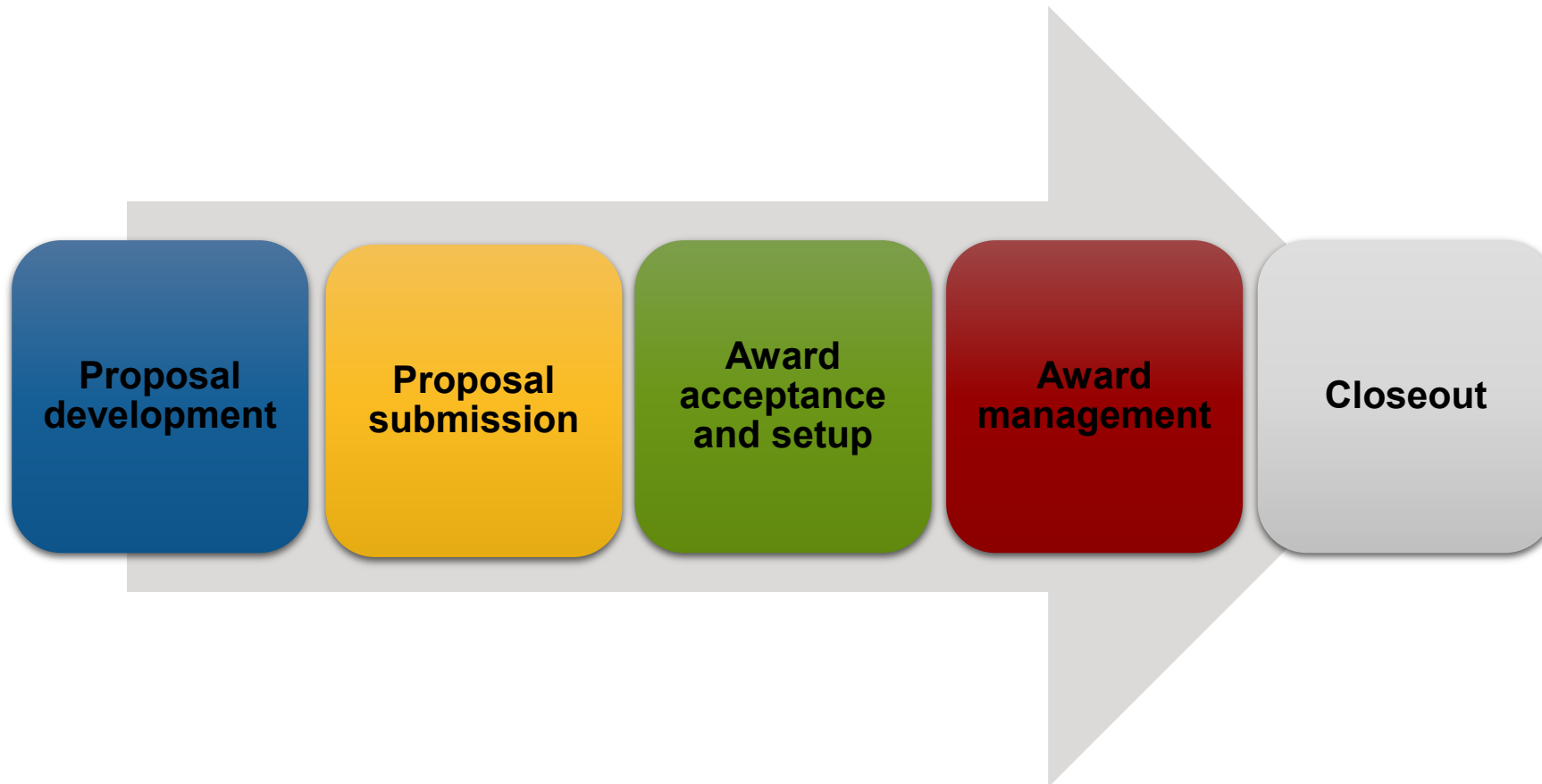


What is a subaward, exactly?



Research, Innovation & Impact
University of Missouri

Award Cycle





Where to start?

Subrecipient vs. Contractor?

Subrecipient?

- Activities have a significant impact on the total project
- There are distinct deliverables for work unique to the project

Contractor?

- Service or goods routinely provided
- Not unique to the project



Federal Definitions: 2 CFR 200.331

- *Subrecipients.* A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient.
- *Contractors.* A contract is for the purpose of obtaining goods and services for the non-Federal entity's own use and creates a procurement relationship with the contractor.



Federal Definitions: 2 CFR 200.331

- Characteristics which support the classification of the non-Federal entity as a subrecipient include when the non-Federal entity:
 - (1) Determines who is eligible to receive what Federal assistance;
 - (2) Has its performance measured in relation to whether objectives of a Federal program were met;
 - (3) Has responsibility for programmatic decision making;
 - (4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and
 - (5) In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.



Federal Definitions: 2 CFR 200.331

- Characteristics indicative of a procurement relationship between the non-Federal entity and a contractor are when the non-Federal entity receiving the Federal funds:
 - (1) Provides the goods and services within normal business operations;
 - (2) Provides similar goods or services to many different purchasers;
 - (3) Normally operates in a competitive environment;
 - (4) Provides goods or services that are ancillary to the operation of the Federal program; and
 - (5) Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.



The background of the slide features a low-angle shot of a white, ornate building with a large dome and a spire, set against a clear blue sky. A flag is visible on the left side of the building. In the foreground, there are out-of-focus autumn leaves in shades of yellow and orange. A semi-transparent white rectangular box with a thin orange border is centered over the image, containing the title text.

Subcontracts: Required Documents

Subrecipient and Contractor Determination Checklist


Purpose: To comply with the regulations of OMB Uniform Guidance, the University must determine whether services provided to further the purposes of an award (grant or contract) should be paid as a contractor agreement or subrecipient of the award.

Sponsored Programs Administration University of Missouri		Subrecipient and Contractor Determination Checklist for Sponsored Projects	
Name of Organization: _____		PeopleSoft Project # _____	
Funding Agency: _____			
Answer the questions below to determine how a provider should be paid: as a contractor or subrecipient. See page 2 for instructions and clarification on specific questions.			
Contractor. Provides a service or good that is routinely provided to the general public and therefore is not unique to the project. Typically the organization is for-profit and not subject to Federal compliance requirements. Reference: 2CFR 200.330 (b) (Payments for these agreements should be under budget accounts that roll up to 720001)		Yes	No
1 Does the organization operate in a competitive, for-profit environment: i.e. a for-profit entity?			
2 Does the organization provide similar goods or services within its normal business operations to many different purchasers?			
3 Will the organization provide goods or services that are ancillary (a minor contribution) to the project?			
4 Will the activities performed be done by an unidentified individual or team of personnel?			
5 Will the activities performed be a series of repetitive tests or activities requiring little or no discretionary judgment by the person(s) performing the activities?			
6 Will the University of Missouri be able to complete reports about the project without the organization providing significant contributions regarding the activities it performed?			
Subrecipient. Activities will have significant impact on the total project with distinct deliverables for work that is unique to the project and minimal supervision from the PI at the University of Missouri. Reference: 2CFR 200.330 (a) (Payments for these agreements should be under budget accounts 765001 & 766001)		Yes	No
7 Is the organization subject to Federal compliance/audit requirements (OMB Uniform Guidance Subpart F)?			
8 Will the proposal to the sponsor identify the organization as having a key role in the project?			
9 Will the organization use project funds to carry out the organization's portion of the project rather than using the funds to provide generic goods or routine services to the University of Missouri?			
10 Will the work performed be unique to the project, designed specifically to enhance the research goals and outcomes of the primary project?			
11 Will the organization have any publishing rights to their portion of the activities of this project?			
12 Will the organization have any rights to resulting patentable or copyrightable technology developed during the activities of this project?			
Additional Comments: _____			
Relationship Determined to Be: Contractor Subrecipient			
Preparer's Signature: _____			
Preparer's Name: _____ Date: _____			
Reference: 2CFR 200.330			
Approved 03/17/2009 Revised 12/19/2016			



Subrecipient and Contractor Determination Checklist

- Can be found on the SPA website under “Forms and Templates”
<https://research.missouri.edu/sponsored-programs-administration/forms-and-templates>
- Should be completed at proposal whenever possible
 - Ensures expense is properly budgeted
- PI completes to determine classification
 - Subrecipient - copy included with proposal
 - Contractor - retained with department
- If responses don't clearly indicate the classification, work with SPA



Sponsored Programs
Administration
University of Missouri

Subrecipient and Contractor
Determination Checklist for Sponsored Projects

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Funding Agency: _____

PeopleSoft Project # _____

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5 Will the activities performed be a series of repetitive tests or activities requiring little or no discretionary judgment by the person(s) performing the activities?			
6 Will the University of Missouri be able to complete reports about the project without the organization providing significant contributions regarding the activities it performed?			

Subrecipient. Activities will have significant impact on the total project with distinct deliverables for work that is unique to the project and minimal supervision from the PI at the University of Missouri. Reference: 2CFR 200.330 (a) (Payments for these agreements should be under budget accounts 765001 & 766001)		Yes	No
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11 Will the organization have any publishing rights to their portion of the activities of this project?			
12 Will the organization have any rights to resulting patentable or copyrightable technology developed during the activities of this project?			

Relationship Determined to Be:

Contractor

Subrecipient

Preparer's Signature: _____

Date: _____

Preparer's Name: _____

Reference: 2CFR 200.330

Approved 03/17/2009 | Revised 12/19/2016



Subcontract Documents Required at Proposal

- Signed Subrecipient Commitment Form
- Statement of Work
- Budget
- Budget Justification
- Any Sponsor required forms



Subcontract Documents Required at Award

- Signed Subrecipient Commitment Form
- Statement of Work
- Budget
- Budget Justification
- Indirect Cost Rate Agreement

Do not need to re-request documents if received all at proposal and no changes have been made to the project



Section I: To be completed by all Subrecipients

PASS-THROUGH ENTITY (PTE) INSTITUTION INFORMATION	
PTE PI	
PTE Institution	
Prime Sponsor	
Project Title	

SUBRECIPIENT INSTITUTION INFORMATION	
Institution	
Type of Organization	
FDP Expanded Clearinghouse Profile url (if applicable)	If you have a completed FDP Expanded Clearinghouse profile as of 1/9/23 and comply with all applicable certifications, INCLUDING PHS, DOE AND NASA FCOI Policies, please skip section II.
PI Name	eRA Commons
PI Phone	PI E-Mail
Project Period	
Research Security Training	If Research Security Training requirements apply, we confirm our covered individuals have completed the training in accordance with the requirements.
UEI	Tax ID Number
Performance Site Address	Performance Site Congressional District #
Direct Costs (SEE THE PROGRAM GUIDE sheeting)	F&A Costs
Cost Sharing	Cost Sharing Amount
SUBRECIPIENT CONTACTS	
Administrative	E-Mail
	Phone
Fiscal Contact	E-Mail
	Phone
Authorized Official	E-Mail
	Phone

	YES/NO	APPROVAL DATE OR PENDING		YES/NO	APPROVAL DATE OR PENDING
Human Subjects			Recombinant dNA		
Vertebrate Animals			Select Agents		
Human Embryonic Stem Cells			Program Income		

Section II: To be completed by non-FDP member institutions only

D. APPLICABLE RATES	
1. Facilities and Administration (F&A) Rate: _____ %	
Please check one of the following:	
<input type="checkbox"/> Subrecipient's federally-negotiated F&A rate for this type of work. (A copy of the subrecipient's F&A rate agreement must be provided to the University of Missouri before a subaward will be issued.)	
<input type="checkbox"/> Other rate (please specify the basis on which the rate has been calculated):	

Subrecipient Commitment Form

- Used for all subrecipients (FDP and non FDP)
- Includes
 - Subrecipient contact information
 - Subrecipient financial commitments
 - Indirect cost rate applicable to project
 - Fringe Benefit rate
 - Conflict of Interest
 - Debarment/Certifications
 - AOR signature
 - can be found on SPA website under “forms and templates”

<https://research.missouri.edu/sponsored-programs-administration/forms-and-templates>





Compliance Issues

Compliance Issues

- Legal
- Conflict of Interest – including PHS FCOI requirements
- Export Compliance
- IRB Reliance Agreements or Single IRB
- ACUC MOUs
- Subrecipient Monitoring
- Debarment



What are Debarment and Exclusion?

- **Exclusion** services reimbursed by any federal or state health care program (e.g., Medicare or Medicaid)
- **Debarment** – person – person cannot provide, cannot be paid with federal funds or work on a federally funded project
- University agrees not to use debarred or excluded persons as a condition of receiving federal grants and participating in federal programs



Debarment

- Must be checked to execute subs and issue payments (Federal)
- Check is completed at www.sam.gov (System for Award Management)
- In order for entity appear in a search of www.sam.gov, subrecipient must obtain a Unique Entity Identifier (UEI)



Examples of Cause

- Medicare or Medicaid fraud
- Health care related fraud, theft, or financial misconduct
- Patient abuse or neglect
- Controlled substance violations
- Convictions and judgment related to public programs
- Embezzlement, theft, forgery, bribery, and making false statements
- Offenses showing lack of business integrity or business honesty
- Antitrust violations



Federal Debarment/Exclusion Lists

- Office of Inspector General for Health and Human Services List of Excluded Individuals and Entities (LEIE)
- System for Award Management maintains the list of Parties Excluded from Federal Procurement, Non-procurement, and Reciprocal Programs.
www.sam.gov
- Additional lists: https://ecustoms.com/about-us/visual_trade_compliance_resources/us_export_violations/



SAM.GOV Screenshot

Entity Registration

Exclusions

Active Exclusions

Responsibility / Qualification

UNIVERSITY OF MISSOURI SYSTEM

Active Registration

Unique Entity ID

SZPJL5ZRCLF4

CAGE/NCAGE

9C156

Expiration Date

Sep 20, 2024

Physical Address

121 University Hall

Columbia, Missouri

65211-3020, United States

Mailing Address

601 Turner AVENUE, Turner Avenue Garage - Room 201

Sponsored Programs Admin

Columbia, Missouri

65211-1, United States

Purpose of Registration

All Awards

Version

Current Record

EXCLUSIONS



There may be instances when an individual or firm has the same or similar name as your search criteria, but is actually a different party. Therefore, it is important that you verify a potential match with the excluding agency identified in the exclusion's details. To confirm or obtain additional information, contact the federal agency that took the action against the listed party. Agency points of contact, including name and telephone number, may be found by navigating to the Agency Exclusion POCs page within Help.

Active Exclusions
There are no active exclusion records associated to this entity by its Unique Entity ID.

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University of Missouri

Sam.gov Screenshot-Debarred

STL Loft Metals

Classification Type

Firm

Excluding Agency

DEFENSE LOGISTICS AGENCY

Exclusion Type

Ineligible (Proceedings Pending)

Primary Address

5329 Kings Park Drive
Saint Louis, MISSOURI 63129
UNITED STATES

Termination Date

Indefinite

Exclusion Status

● Active

Exclusion Program

Reciprocal

Active Date

Aug 29, 2024

Exclusion

Version

Current Version

■ EXCLUSION DETAILS

i Nature (Cause)
Preliminary ineligible based upon adequate evidence of conduct indicating a lack of business honesty or integrity, or a lack of business integrity, or regulation, statute, executive order or other legal authority, pending completion of an investigation and/or legal proceedings; or based upon initiation of proceedings to determine final ineligibility based upon regulation, statute, executive order or other legal authority or a lack of business integrity or a preponderance of the evidence of any other cause of a serious and compelling nature that it affects present responsibility.

Effect
Procurement:
Agencies shall not solicit offers from, award contracts to renew, place new orders with, or otherwise extend the duration of current contracts, or consent to subcontracts in excess of \$35,000 (other than commercially available off-the-shelf items (COTS)), with these contractors unless the agency head (or designee) determines in writing there is a compelling reason to do so.

Nonprocurement:
No agency in the Executive Branch shall enter into, renew, or extend primary or lower tier covered transactions to a participant or principal determined preliminarily ineligible unless the head of the awarding agency grants a compelling reasons exception in writing. Additionally, agencies shall not make awards under certain discretionary Federal assistance, loans, benefits (or contracts there under); nor shall an ineligible person participate as a principal, including but not limited to, agent, consultant, or other person in a position to handle, influence or control Federal funds, or occupying a technical or professional position capable of substantially influencing the development or outcome of a funded activity; nor act as an agent or representative of other participants in Federal assistance, loans and benefits programs. Contact the award agency for questions regarding the extent of Nonprocurement transaction award ineligibility. The termination date will be listed as "Indefinite" (Indef.) unless otherwise specified.

Hide Details

CT Code	Exclusion Status
Not provided	Active
Create Date	Update Date
Aug 30, 2024	Aug 30, 2024
Additional Comments	
DLA SDO HAS PROPOSED DEBARMENT OF THIS ENTITY AND ALL AFFILIATED PARTIES.	
Primary Address	
5329 Kings Park Drive Saint Louis, MISSOURI 63129 UNITED STATES	

■ IDENTIFICATION INFORMATION

Organization Name	CAGE Code
STL Loft Metals	4UKG4
Unique Entity ID	
HW6UQ4LKPF76	



Subrecipient Monitoring

- Required by Uniform Guidance 200.332
 - (b) Determines if subrecipient is Low or High risk
- If high risk, add additional language to subcontract
 - Due to our risk assessment, we have a compliance obligation to take additional measures to ensure the allowability, allocability, and reasonableness of the expenditures claimed on your invoices. The additional measures may include requests for original receipts to support invoice charges, payroll ledgers to support salary expenditures, site visits, and other measures, as outlined in the Uniform Guidance 200.208.



Subrecipient Monitoring Screenshot

Subrecipient Monitoring

Supplier ID: 0100062347 RESEARCH FNDTN OF SUNY

▶ Contact Information

Fiscal Year

Find | View All

First 1 of 16 Last

Fiscal Year	Vendor Fiscal Year End Date	Risk Assessment	
2024	06/30/2022	RF_for_SUNY_Risk_Assessment_6-30-22.xlsx	Delete View

Risk is assessed at low.

230 characters remaining

Audit Information

Find | View All

First 1 of 1 Last

Date of A-133 Audit Check	Attachments	
07/18/2023	Research_Foundation_SUNY_Audit_6-30-22.pdf	Delete View
	Research_Foundation_SUNY_Harvester_6-30-22.xlsx	Delete View
	Research_Foundation_SUNY_EPLS_2024.pdf	Delete View

Results of A-133 Audit

No Findings

254 characters remaining

☐ Follow Up Needed


A-133 Review Completed: 07/18/2023

A-133 Review Completed By: 10307357 Grotzinger,Charity Dana

Management Decision

Due:



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Subcontract Processing

Flow of Subcontracts after receipt of an award

- SGCA and Departmental staff work together to get all required documents from subcontractor
- These documents are given to Subcontract Processor to draft up subcontract
- Draft sent to PI to review & approve
- Upon approval, sent to sub to partially execute
- Sub returns to Sub Processor, is fully executed by SPA Authorized Official
- Return to subrecipient so they have fully executed copy for their records
- Copy is uploaded to Perceptive Content and attached to Subcontract record in PeopleSoft



PI Approval

- Items to consider when we send to review & approve: Fixed Price or Cost Reimbursable
 - Carryover between years
 - Payment terms/ frequency (fixed price)
 - Cost share requirements
 - Final due dates (technical and financial)
 - Reporting requirements- see next page



Reporting Requirements

Attachment 4 Reporting and Prior Approval Terms	Subaward Number: C00077169-1
Subrecipient agrees to submit the following reports (PTE contacts are identified in Attachment 3A):	
Technical Reports:	
<input type="checkbox"/> Monthly technical/progress reports will be submitted to the PTE's <input type="text" value="Principal Investigator"/> within <input type="text" value="15"/> days of the end of the month.	
<input type="checkbox"/> Quarterly technical/progress reports will be submitted within 30 days after the end of each project quarter to the PTE's <input type="text" value="Principal Investigator"/> .	
<input type="checkbox"/> Annual technical / progress reports will be submitted within <input type="text" value="60"/> days prior to the end of each budget period to the PTE's <input type="text" value="Principal Investigator"/> . Such report shall also include a detailed budget for the next Budget Period, updated other support for key personnel, certification of appropriate education in the conduct of human subject research of any new key personnel, and annual IRB or IACUC approval, if applicable.	
<input checked="" type="checkbox"/> A Final technical/progress report will be submitted to the PTE's <input type="text" value="Principal Investigator"/> within <input type="text" value="15"/> days of the end of the Project Period or after termination of this award, whichever comes first.	
<input checked="" type="checkbox"/> Technical/progress reports on the project as may be required by PTE's <input type="text" value="Principal Investigator"/> in order for the PTE to satisfy its reporting obligations to the Federal Awarding Agency.	
Prior Approvals:	
Carryover: <input type="text" value="Carryover is automatic"/>	
Other Reports:	
<input type="checkbox"/> In accordance with 37 CFR 401.14, Subrecipient agrees to notify both the Federal Awarding Agency via iEdison and PTE's <input type="text" value="Principal Investigator"/> within 60 days after Subrecipient's inventor discloses invention(s) in writing to Subrecipient's personnel responsible for patent matters. The Subrecipient will submit a final invention report using Federal Awarding Agency specific forms to the PTE's <input type="text" value="Financial Contact"/> within 60 days of the end of the Project Period to be included as part of the PTE's final invention report to the Federal Awarding Agency.	
A negative report is required: <input type="text" value="No"/>	
<input type="checkbox"/> Property Inventory Report (only when required by Federal Awarding Agency), specific requirements below.	
Additional Technical and Reporting Requirements: <input checked="" type="checkbox"/>	
<div>Progress reports due in a time frame that will allow the University of Missouri to meet sponsor requirements outlined in the Project Workplan that is incorporated into this subaward agreement.</div>	



Possible Delays

- Sam.gov registration
- Subrecipient monitoring letter/questionnaire not filled out by sub or not filled out completely
- PI approval
- Vendor/Supplier not set up in the system. Will be sent an invitation through PaymentWorks to submit information to be set up as a vendor/supplier.
- All necessary documents not received or incomplete
- Subrecipient slow to return partially executed agreement



Additional Uniform Guidance Requirements

- Technical reporting requirements
- 15% de minimus indirect cost rate allowed for subrecipients who don't have a negotiated indirect cost rate agreement.
- Additional fixed price requirements



Fixed Price under UG

- Additional Fixed Price requirements
 - With prior approval from the Federal agency, may provide subawards based on fixed amounts up to \$500,000. 2 CFR 200.333
 - Note: Fixed Price only, Cost Reimbursable still uncapped
- Possible to issue multiple subawards to same entity if there are multiple Statements of Work (\$500,000 limit per SOW)



Subs to Foreign Entities

- They may not have a UEI and will need to get one if they are participating in a Federal Award.
- They may not have been audited (or audit standards could be different than ours), which could be challenging during the risk assessment process.
- May be delays in contracting due to time differences causing slowed communication.



Subcontract Invoicing

- Post Award team will check:
 - Period of performance
 - Cumulative amount within awarded amount
 - Signed by AO
 - Certification language included
- Must check Subrecipient monitoring
 - Risk assessment completed within the last 12 months



Subcontract Invoicing

- **Standard email language:**
- Attached is a subcontractor's invoice which I have already reviewed for compliance with the financial terms and conditions of the subcontract. If, to your knowledge, the amount of payment is commensurate with technical progress and all programmatic reports have been submitted in accordance with the requirements outlined in the subaward agreement, please indicate your approval by your positive response to this e-mail. I have summarized the invoice information below.
 - **Sponsor: Natl Institute of Food & Ag**
 - **Subcontractor: Lincoln University**
 - **Invoice No.: 3500 - 7**
 - **Amount: \$3,536.79**
- If this is the FINAL invoice from the subcontractor, your positive response authorizing payment will be an indication that all work is completed and any required technical report has been received.
- If, for any reason, you feel this invoice, or any part of it, should not be paid as is, please notify me as soon as possible so that we can work together to solve any concerns with this subcontract payment.



Final Invoice

- Received in time?
 - 60 days from the end of the sub is standard but based on when our final is due to prime sponsor could be shorter time frame.
- Marked Final?
- Has all work been completed by sub and within the period of performance?
 - All deliverables/ technical reports received
 - If not, is No Cost Time Extension (NCTE) a possibility?



Subcontract NCTE

- Only allowed to extend up to end date of MU Prime agreement
- When Prime agreement receives NCTEs, Post Award teams will ask PI if subs should be extended
- Up to PIs discretion if subs should be extended
- Can often be accomplished through a unilateral amendment





Case Studies

Case Study #1

Contractor/Vendor or Subrecipient?

- An engineering firm specializing in equipment fabrication is hired to build a custom piece of equipment solely for use on a federally funded project.



Case Study #1

Contractor/Vendor or Subrecipient?

- An engineering firm specializing in equipment fabrication is hired to build a custom piece of equipment solely for use on a federally funded project.
- **CONTRACTOR/VENDOR**



Case Study #2

Contractor/Vendor or Subrecipient?

- A small, private company is tasked with performance and reporting of a small portion of the overall scope of work.



Case Study #2

Contractor/Vendor or Subrecipient?

- A small, private company is tasked with performance and reporting of a small portion of the overall scope of work.
- **SUBCONTRACTOR**



Case Study #3

Contractor/Vendor or Subrecipient?

- A consultant offers to provide hourly services without compensation, but an accounting of the hourly services will be reported to the sponsor as committed cost share.



Case Study #3

Contractor/Vendor or Subrecipient?

- A consultant offers to provide hourly services without compensation, but an accounting of the hourly services will be reported to the sponsor as committed cost share.
- **NEITHER – Unpaid collaborator**



Case Study #4

Can we do that?

- Scenario: A PI would like to issue a subcontract to a private company with whom the PI is a part owner. The company has provided a quote for services indicating a deliverable, a fixed per hour rate, and a number of hours expected, but no other documentation.

What are the main areas of concern and why?



Case Study #4

Can we do that? - Solutions

- **Is the project federally funded?**
- **If so, this relationship may violate 2 CFR 200.318(c)(1)**

“...No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract...”

- **Are there any ways to correct or mitigate this issue?**



Case Study #4

Can we do that? - Solutions

- An alternate PI may be selected for MU.
- The proposal could be updated so that MU is a subrecipient to the company. This type of relationship does not violate 2 CFR 200.318
- **Other concerns?**



Case Study #4

Can we do that? - Solutions

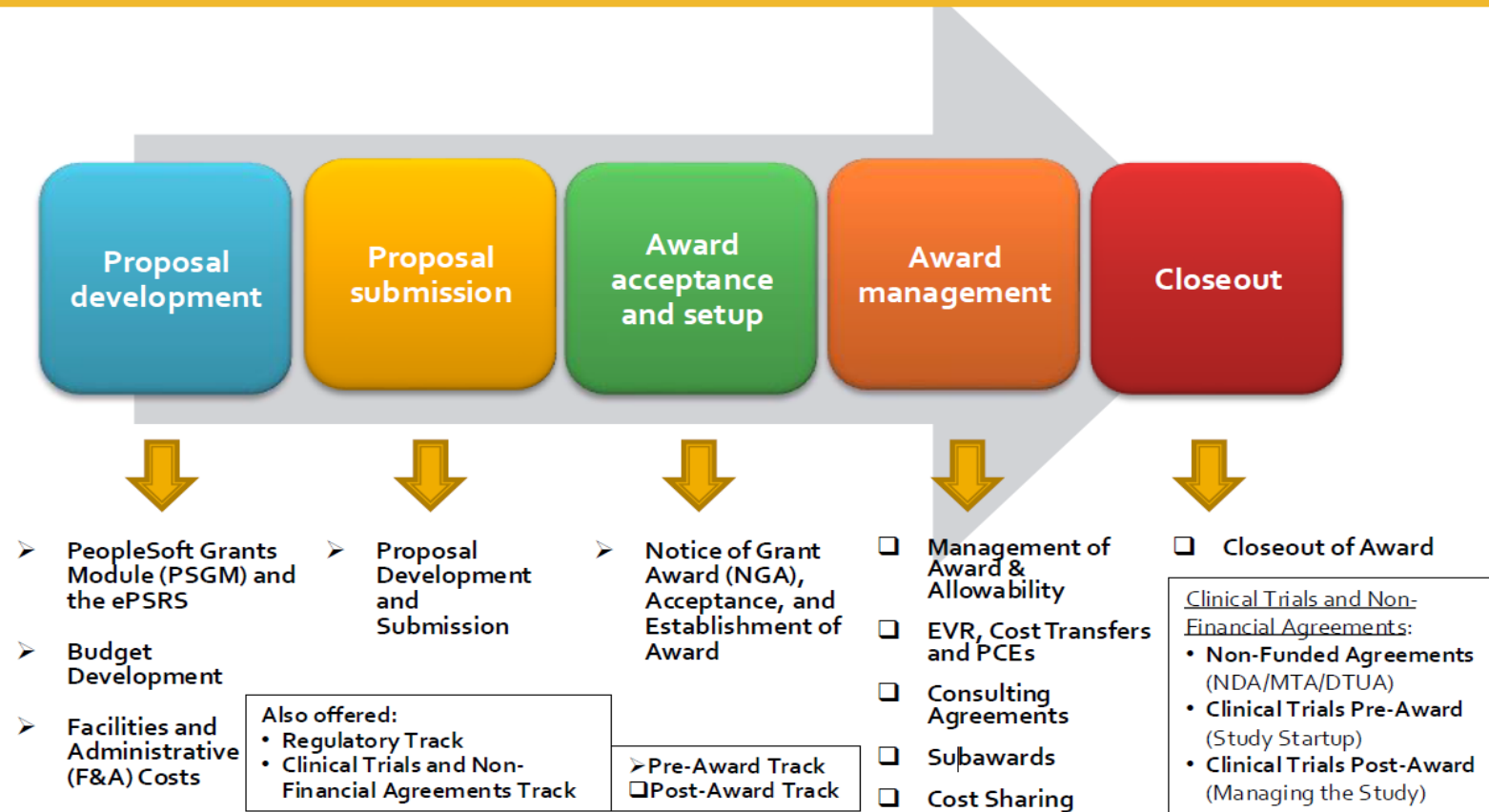
- The documents provided by the company suggest a contractor/vendor relationship and not a subrecipient relationship. While we would charge indirect costs on only the first 50k of a subrecipient, we would charge indirect costs on the full amount of a contractor/vendor cost. The PI may be attempting to exploit a conflict of interest in order to avoid collecting applicable indirect charges. Additionally, the company has not provided a detailed budget, budget justification, scope of work, or indirect cost/Fringe benefit rate agreement sufficient to perform our due diligence in determining if their costs are allowable, allocable, and reasonable or to determine if they are compliant with PHS/DOE mandated FCOI monitoring requirements (as applicable).





Concluding Points

Certificate Series for Specialized Grants Training



Contact Information

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