FORMS-E APPLICATION PACKAGES FOR ALL APPLICATIONS ON OR AFTER JANUARY 25, 2018

The National Institute of Health (NIH) and other agencies serviced by the Electronic Research Administration (eRA) use the ‘Competition ID’ field of Grants.gov application packages for quick and easy identification of the form versions used in an application package. NIH will require the use of application packages with a Competition ID of ‘FORMS-E’ for due dates on or after January 25, 2018 - see NOT-OD-17-062 (https://grants.nih.gov/grants/guide/notice-files/NOT-OD-17-062.html).

Applications prepared using “FORMS-D” application packages for due dates after January 24, 2018 will not be reviewed.

This change will apply to all funding opportunity announcements (FOAs) and all application types (new, resubmission, renewal, revision). Applications submitted using the wrong forms will automatically be withdrawn by the NIH Center for Scientific Review Division of Receipt and Referral and will not be reviewed. Application guides for FORMS-E application packages will be posted on the How to Apply - Application Guide page (https://grants.nih.gov/grants/how-to-apply-application-guide.html) no later than October 25, 2017.

Focus of changes:

- Consolidation of human subjects, inclusion enrollment, and clinical trial information previously collected across multiple agency forms.
- Expansion and use of discrete form fields for clinical trial information to:
  - Provide the level of information needed for peer review;
  - Lead applicants through clinical trial information collection requirements;

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• Present key information to reviewers and agency staff in a consistent format; and
• Align with ClinicalTrials.gov (where possible) and position NIH for future data exchange with ClinicalTrials.gov.
• Incorporation of recent Grants.gov changes to R&R Budget and SBIR/STTR Information forms.

These changes will be implemented with application form packages identified with a Competition ID of "FORMS-E" and associated application guide instructions. See High-level Summary of Form Changes in FORMS-E Application Packages for a full list of changes.

All active FOAs with due dates both before and after January 25, 2018 will be updated to add FORMS-E application packages between October 25, 2017 and November 25, 2017. For a transition period, both FORMS-D and FORMS-E application packages will be active. Applicants must choose the appropriate application package for their due date when presented with both FORMS-D and FORMS-E application packages on the same FOA (see table below).

<table>
<thead>
<tr>
<th>If your due date is...</th>
<th>You must use...</th>
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<tbody>
<tr>
<td>On or before January 24, 2018, including:</td>
<td>FORMS-D application package</td>
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<tr>
<td>• Applications submitted for due dates on or before January 24, 2018</td>
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<tr>
<td>• Applications submitted under NIH Late Policy 2-week window of consideration for intended due dates on or before January 24, 2018</td>
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<tr>
<td>• Applications submitted by February 7, 2018 under NIH Continuous Submission Policy for January 7, 2018 AIDS intended due date</td>
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<tr>
<td>On or after January 25, 2018, including:</td>
<td>FORMS-E application package</td>
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<tr>
<td>• Applications submitted for due dates on or after January 25, 2018</td>
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<tr>
<td>• All application types (New, Resubmission, Renewal, Revision)</td>
<td></td>
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<tr>
<td>• Applications submitted early for intended due dates on or after January 25, 2018</td>
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</tbody>
</table>

Direct inquiries to: NIH Grants Information at grantsinfo@od.nih.gov.
RESPONDING TO REQUESTS FROM THE PUBLIC FOR INFORMATION OR RECORDS PERTAINING TO EXTRAMURALLY-FUNDED RESEARCH

From time to time, an extramural sponsor may forward to a University of Hawaii (UH) principal investigator, requests from the public for information or records pertaining to their research projects, or a UH principal investigator may receive them directly from a requestor. The UH must respond to these requests within specified time periods so please forward any such request to ORS right away via the ORS Helpline (helpline@ors.hawaii.edu). If the request is being made under the Hawaii Uniform Information Practices Act (Hawaii Revised Statutes Chapter 92F) (UIPA), ORS will coordinate the response with the designated UIPA campus coordinator and with the system communications office.

The university is permitted to review the records and withhold certain types of information that is protected from public disclosure. Upon receipt and review of the request, ORS will ask for additional information from the PI or sponsor as needed, then ask the PI to review the proposed response for any statutory exemptions. If the information request requires consultation with the UH Office of General Counsel (OGC), ORS will arrange for OGC review. After allowed redactions have been addressed or the PI confirms that redactions are not necessary, ORS will obtain any necessary signatures, then submit the formal response on behalf of UH.

If you have any questions, please contact Darcie Yoshinaga, Interim Director, at dsy@hawaii.edu or (808) 956-8259.

REQUEST FOR HIGH RISK SUBAWARD APPROVAL

As a pass-through entity, the University of Hawaii must ensure that our subrecipients comply with laws, regulations and terms and conditions of the award. Through our subaward review process, ORS recently identified certain subrecipients that did not obtain a Single Audit as required by 2 CFR 200 Subpart F and therefore are considered high risk. To minimize risk to the university, ORS is implementing a new process for all sponsor types to require upper-level approval (i.e., chancellor, dean or director) prior to the issuance of subawards to high risk subrecipients. If ORS becomes aware of a high risk Subrecipient, a “Request for High Risk Subaward Approval” form will be sent to the Principal Investigator (PI) and applicable upper-level administrator (chancellor, dean or director) for acknowledgement and approval prior to executing an initial subaward or amendment. This form should be shared with all personnel involved, including but not limited to, the chair, program coordinator and fiscal administrator. The upper-level administrator and PI will be informed of the specific outstanding issue(s) that triggered the high risk classification, and be required to provide an unrestricted Department KFS Account that may be charged in the event that any costs reimbursed to the subrecipient are subsequently deemed to be unallowable.

Should you have any questions, please contact Dawn Kim, Financial Compliance Manager, at dawnkim@hawaii.edu or (808) 956-0396.
Impact of Moving Locations on the F&A Rate Charged to a Project

**Question:** My project is currently charged the off-campus rate. It is operating in space provided by the federal government and in rented space off-campus that the grant pays for. To save rent costs, we are thinking of moving some of the operations on-campus. Even if we move, more than 50% of the work on the project will still be performed in the federal space. Would the move have any impact on the rate charged to my project?

**Answer:** No. Because more than 50% of the work is still being performed off-campus, the off-campus rate will continue to apply. Determination of whether a project should be charged the on-campus or off-campus rate is based on where the majority of the work is performed.

Impact of Services Agreements on the F&A Rate Charged to a Project

**Question:** My project is currently charged the on-campus rate. However, services agreements that are primarily conducted off-campus make up the bulk of the costs of my project. I see that AP 8.927 mentions that subawards should not be considered when determining whether a project should be using an on-campus or off-campus rate. However, services agreements are not subawards. So would my project qualify for an off-campus rate?

**Answer:** No. The determination of whether a project should be using an on-campus rate or off-campus rate is based solely on where the work performed by UH employees and RCUH employees hired to work on the project, takes place. If more than 50% of the work of UH employees takes place on-campus, then the on-campus rate should be used.

Ten Percent (10%) of Modified Total Direct Cost (MTDC) IS NOT a De Facto De Minimis Rate

**Question:** I am working with a pass-through entity that is a non-profit organization. Although they have no policy regarding limiting indirect costs, I don’t think they should pay the negotiated rate of 41.5%. Can I use the 10% of MTDC de minimis F&A rate?

**Answer:** No. The 10% of MTDC rate is only for non-federal entities that have never negotiated an F&A rate with the Federal government. Because the University of Hawaii has negotiated rates with the federal government for many years, the de minimis rate does not apply. Under 2 CFR 200, UH is entitled to its full negotiated F&A rates on awards from federal agencies and subawards from non-federal entities unless a federal statute, federal regulation or written federal agency policy caps F&A. In this case, you should seek a waiver from your campus chancellor or the chancellor’s designee.

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Form of Non-federal Entity Does Not Impact F&A Rate on Federal Funds

**Question:** I am budgeting a proposal for a sponsor that is a quasi-governmental entity of the state or county. Although federal funds will be used to fund our project and there is no federal F&A rate cap, I believe that the legislation that establishes this entity exempts it from treatment as federal funds (e.g., because it says that any other sources of funding not identified in the legislation is considered revenue of that state or county entity). So does this exemption allow me to charge the state rate of 10% of MTDC?

**Answer:** No. The legal form of the non-federal entity or the enabling legislation, if any are not determinative. Federal funds remain federal funds even if they pass through a quasi-governmental entity. Under 2 CFR 200, the university is entitled to receive its full negotiated F&A rate on federal funds unless federal statute, Federal regulation or written Federal agency policy caps F&A. In this case, you should seek a waiver from your campus chancellor or the chancellor's designee.

Rates on Not More Than x% of Total Award Projects

**Question:** My project has an F&A cap of 10%, but the rate is shown as 1111 in KFS? Isn't this wrong?

**Answer:** This is a project where the F&A cap is 10% of the total award as opposed to 10% of a specific base such as total direct costs. For example, a project might limit an award size to $150,000 and F&A costs can be no more than 10% of the total award. F&A cost would be $15,000 (10% of $150,000) and direct costs would be limited to $135,000 ($150,000 - $15,000). $135,000 x 10% equals $13,500 not $15,000. Thus, for KFS to compute F&A to the limit of $15,000, the rate must be approximately 11.11% ($135,000 x 11.11% = $14,998.50).
How do I check on the status of a new award or subaward?

You can use the “Status Log” tool found on the ORS website:

http://www.ors.hawaii.edu/index.php/award-status

Once you log in with your UH username and password, use the “Search” box to find the PI of the award you are checking on. Once the PI name shows up in the “Results” box, use the “Insert” button to add it to the “Choice” box. You can continue adding more PIs or click the “Run” button at the bottom of the screen. The award status should show once the query completes.

Is the University of Hawaii a 501(c)(3) non-profit organization?

No, the University of Hawaii does not have a 501(c)(3) non-profit tax status. As an instrumentality of the state, UH is exempt from federal and state income tax in accordance with Internal Revenue Code §115, and does not meet the requirements to be designated as a 501(c)(3) non-profit organization.

Do you have any questions or comments for ORS?

Please contact us at the ORS Helpline:
Email: helpline@ors.hawaii.edu or Phone: (808) 956-5198