



OFFICE OF SPONSORED PROJECTS & INDUSTRY PARTNERSHIPS POLICY MANUAL

WFO Federal Sponsors (Except NIH)

Office of Sponsored Projects & Industry Partnerships
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WORK FOR OTHERS - FEDERAL SPONSORS	2
Proposals	2
1. Sponsor Solicitation	2
2. LBNL Unique Capabilities	2
3. Exception to Full Cost Recovery	3
4. Subcontracting	3
5. Animal/Human Subjects	3
6. NEPA/CEQA	3
7. Conflict of Interest	4
8. Non-Nuclear Proliferation	4
9. Restriction on Publications	4
10. Proposal Submission to Sponsor	5
11. DOE Review	5
Awards	6
1. Federal Award Document	6
2. Funding Order Reconciliation Sheet	6
3. DOD CMRP	6
4. Award Authorization	6

WORK FOR OTHERS - FEDERAL SPONSORS

Proposals

The OSPIP Contracts Officers (CO) has the institutional review responsibility for submitting all proposals to non-DOE entities.

For proposals being submitted to federal government sponsors, OSPIP CO's should give special attention to the following:

1. Sponsor Solicitation

If the proposal is in response to a published, sponsor solicitation, the OSPIP CO shall review the solicitation based on the [OSPIP Guidance on Responding to Federal Solicitations](#) to ensure that LBNL is not responding to a Federal Request for Proposal (RFP) but is instead responding to a Broad Agency Announcement (BAA) type solicitation as allowed by DOE (including Request for Applications, Program Announcements, Program Research and Development Announcements).

Once that determination has been made, the CO needs to ensure that LBNL meets sponsor eligibility requirements and that there are no sponsor requirements identified in the solicitation which would prevent LBNL from responding. The OSPIP CO ensures that the title and url for the Solicitation is provided so it may print out on the RAPID DOE Review Factor for BAAs for transmittal to DOE.

2. LBNL Unique Capabilities

LBNL's explanation regarding its special expertise, unique capability or unique facilities for the performance of work is a key element because it provides DOE the basis to make its determination that LBNL is not directly competing with the private sector. It is important that the phrase

"The work should not be available from commercial sources"

be included and substantiated in the RAPID DOE Review Factor for the Uniqueness Statement.

3. Exception to Full Cost Recovery

A list of Federal Sponsors that are exempt can be found in the [10/29/98 DOE Memo](#). Additional Memos were issued to include blanket pricing exceptions for work performed in support of [Counter Terrorism and Homeland Security](#). DOE Memos were issued in December 1998 to terminate waivers for the [Environmental Protection Agency \(EPA\)](#) and [Defense Advanced Research Projects Agency \(DARPA\)](#).

4. Subcontracting

The concern is that if there is subcontracting in excess of \$100,000 and/or exceeding 40% of total project costs it could dilute LBNL's assertion that it is uniquely qualified to perform the proposed work since we need a high level of outside assistance. The concern with subcontracting is that LBNL, not the federal agency sponsor, must be responsible for subcontractor selection. This is to avoid circumvention of the Competition in Contracting Act by the sponsoring agency. The explanation of the subcontract activity should be included in the RAPID DOE Review Factor for Subcontracting

5. Animal/Human Subjects

If the proposal indicates that use of human or animal research subjects are involved, then the OSPIP CO must remember to check that all necessary HARC coordinated approvals are obtained. [See HARC process](#) for additional guidance

6. NEPA/CEQA

OSPIP must Verify LBNL NEPA/CEQA approval. The NEPA/CEQA approval is in the form of an email.

7. Conflict of Interest

COI policies are found in the RPM at [10.1](#) [General] and [RPM 10.5](#) [Research-related]. The Research and Institutional Integrity Office (RIIO) is the office of record for the original conflict of interest forms for both positive and negative disclosures. OSPIP receives copies of both positive and negative disclosures.

If there is a positive response to a disclosure, then the OSPIP CO should follow up with the Division to remind them to work with the LBNL Conflict of Interest Coordinator to resolve the issue.

Awards cannot be authorized until a positive Conflict of Interest has been resolved.

8. Non-Nuclear Proliferation

If the proposal involves work related to non-nuclear proliferation, counter terrorism, or intelligence related activities, the LBNL Office of Homeland Security approval is required before submittal to OSPIP.

9. Restriction on Publications

If the sponsor has placed any restriction on Publication, there will need to be an Export Control review, along with Director's approval. [See the Non Federal Work for Others Process for Review and Approval of Sponsored Research Proposals](#) for additional guidance

10. Proposal Submission to Sponsor

The OSPIP CO prepares the [WFO/Federal proposal transmittal letter](#) and attaches the proposed scope of work and budget and other sponsor application forms, if required, and transmits it to the Federal sponsor contact identified by the scientific division. Ensure that Laboratory Directed Research and Development (LDRD) are called out in the budget and the sponsor is informed of the LDRD costs per the [DOE Guidance \(4/02\)](#). There is a separate [proposal transmittal letter for funding directly from the Department of Homeland Security](#). The OSPIP CO updates the fields in RAPID regarding [OSPIP review and approval of proposals](#).

11. DOE Review

The OSPIP CO must ensure DOE approval for all proposals prior to authorization of an award. Follow the non federal process [found here](#), without the need for a patent allocation form. The [DOE letter dated 10/8/96](#) states that proposals for fellowships or conference support do not require DOE approval.

In accordance with the [DOE/BSO Memorandum of 6/11/2002](#), proposals in response to solicitations for which funding is uncertain are not submitted to DOE until the Sponsor notifies LBNL that funding is pending. Examples of these types of proposals include those submitted to the [National Institutes of Health](#), the [University of California Special Research Program](#), the [DOD Congressionally Mandated and Directed Research Program](#), etc.

Awards

1. Federal Award Document

OSPIP CO receives and reviews the Federal sponsor award document to determine if it contains the appropriate LBNL and DOE approval requirements; coordinates with the scientific division to gain concurrence if the proposed scope of work and budget have been altered in the award document; OSPIP CO negotiates if necessary with the Federal sponsor if the terms of the award are unacceptable.

2. Funding Order Reconciliation Sheet

The OSPIP CO prepares the [Funding Order Reconciliation Sheet](#). The OSPIP CO scans the Funding Order Reconciliation and federal sponsor award document. The OSPIP CO e-mails the package to the DOE/BSO. Within 5 working days of submittal of the Federal sponsor award document to DOE, the OSPIP CO follows-up to ensure approval.

3. DOD CMRP

The DOD Congressionally Mandated Research Program (such as the DOD Breast Cancer Research Program) and NIH grant award document is not sent to DOE/BSO for acceptance. Instead, the OSPIP CO prepares a [DOD CMRP Award Transmittal Letter](#) for forwarding a copy of award to DOE/BSO for their records.

4. Award Authorization

DOE signs the award and mails it to the sponsor along with the required cover letter stating LDRD costs. A copy is provided to OSPIP. Once all the required LBNL and DOE approvals have been obtained for the award, the OSPIP CO follows the Procedures found [here](#) to enter the needed information into the Enterprise Research Administration System.

A SPAA is sent to the PI, DIV, AR and Budget Office. Any special terms are noted on the SPAA.