

# **SUL ROSS STATE UNIVERSITY**

*A Member of the Texas State University System*

## **SRSU Policy: Externally Sponsored Programs: Pre-Award Policy**

**SRSU Policy ID: APM 2.21.1**

**Policy Reviewed by: Director of Sponsored Programs**

**Approval Authority: Executive Vice President and Provost**

**Approval Date: July 11, 2017**

**Next Review Date: July 2020**

## **POLICY SCOPE**

Sul Ross State University (“University”) encourages faculty and staff to pursue sponsored program activities in their areas of expertise. This policy covers the pre-award phase of externally sponsored programs - preparation, review and approval of proposals, procedures for University review, negotiation and acceptance of awards and contracts. Its purpose is to ensure that the University properly manages funds, departmental workloads, complies with legal and fiduciary responsibilities, and maintains the highest standards of academic performance, research, scholarship and administration. “Externally sponsored programs” are defined as those activities, funded whole or in part, by sources external to the University (“sponsor(s)”) for which there is an expectation (implied or specifically stated) on the part of the sponsor(s) for performance, deliverable(s) or outcome(s). To be covered under this policy, the sponsor must require the University to enter into a formal agreement such as a grant, contract, cooperative agreement, or other legally binding means of transfer.

This policy does not cover programs covered by other University policies, such as contracts for the simple sale of goods/services, rental of University equipment/facilities, etc. These are handled by the Vice President for Finance and Operations. Programs funded by informal agreements such as gifts/donations are the responsibility of the appropriate Chair/Director or Dean. Solicitations for donations are covered by a separate Fund-Raising Policy Statement in the APM and are handled by the Office of External Affairs.

Programs that are covered by this Externally-Sponsored Programs policy typically have one or more of the following characteristics:

- funding sources include governmental entities, either directly or indirectly as a pass-through.
- funding sources include entities outside of the U.S. (“foreign entities”).
- the sponsor requires a formal written agreement.
- the sponsor requires the University to submit a Scope of Work or other project plan.
- the sponsor will reimburse actual expenses only (i.e. it is not ‘fixed price’).
- the project generally serves the ‘public good’ rather than primarily benefiting the sponsor.
- the sponsor requires the return of unused funds at the program’s conclusion.

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The only persons legally authorized to bind the University in any agreement are the President and the Vice President for Finance and Operations. Faculty and staff cannot make verbal or written commitments to sponsors, including the 'acceptance' of 'pre-approved' projects sent directly to them by the sponsor. Sponsor requirements beyond simply using a donation for a specific project need to be formalized in a written agreement at the discretion of the Vice President for Finance and Operations. If a 'donor' requires the University to sign a formal agreement, then this Externally Sponsored Programs policy applies.

## **APPLYING FOR EXTERNALLY SPONSORED PROGRAMS**

The Office of Sponsored Programs (OSP) assists with identifying potential funding sources, developing proposals and coordinating the internal review and approval process, as well as assisting with communication of progress or final reports or other requested information.

Sponsored programs may support research, education, scholarly, creative, service and outreach activities. Proposals shall be consistent with and contribute to the mission of the University. Programs undertaken with private sponsors must not violate The APM Policy on "Competition with Private Enterprise." An internal review and approval procedure is required prior to proposal submission to verify compliance.

All sponsored programs must have a Principal Investigator (research projects)/Project Director (non-research projects) who is qualified and available to manage the project from inception to completion within the limits of University and sponsor policies. The primary responsibility for the origination, development and preparation of proposals rests with the PI/PD. While sponsor awards are made to the University, the PI/PD is responsible for the management, execution, and completion of the project, including submission of all required reports. Information and assistance are provided to the PI/PD during the pre-award process by the OSP. Grants accounting is a function of the Office of Accounting Services which provides support during the post-award phase.

A PI/PD wishing to submit a proposal to a sponsor is encouraged to confer with his/her chair, director or dean to discuss the plans as early as possible to ensure the program will be acceptable to management. The PI/PD should also inform the OSP immediately of the intent to submit a proposal. Thereafter, the OSP will maintain a calendar of all such intents including deadlines, timelines etc. and will monitor the proposal process for appropriate progress.

## **PROPOSAL PREPARATION**

Proposals shall be reviewed and approved by Department Chairs, Deans, the Vice President for Finance and Operations, the Executive Vice President and Provost, the Office of Sponsored Programs and the University President using the *University Approval Form for Externally Sponsored Programs and Projects*.

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OSP requires a minimum of 5 working days to process a completed proposal before being submitted to a sponsor. Any exceptions to this timeline require approval from the Associate Provost for Research. The PI/PD should contact OSP immediately to ensure the proposal can be completed within this timeframe.

OSP, with the assistance of Accounting Services, maintains various documents on the University's website which provide guidance as well as policies and procedures that must be followed. The PI/PD bears the primary responsibility for the accuracy of all material in the proposal and for compliance with all federal, state, private, Texas State University System, and Sul Ross State University policies. The sponsor's approval of a proposal that includes program activities and/or budget items that do not conform to the policies covering the program does not constitute a de-facto acceptance by the sponsor to undertake such activities. When questionable items are subsequently identified, Accounting Services must be notified to determine an appropriate course of action.

Each proposal to be submitted requires the submission of a *University Approval Form for Externally Sponsored Programs and Projects* and other supporting OSP forms, when required, with the proper signatures prior to submission. Proposals involving human/animal subjects, hazardous materials, bio-safety or radioactive materials will require the prior approval of the appropriate oversight body (Institutional Review Board - IRB, Institutional Animal Care and Use Committee - IACUC, Safety Coordinator, etc.).

The PI/PD must ensure resources will be available when a program requires equipment, facilities, personnel, etc. that are not under the direct control of the PI/PD. The responsible department should be contacted as early as possible and the need for these resources should be disclosed on *University Approval Form for Externally Sponsored Programs and Projects*. Resources controlled by an entity outside the University require a "letter of commitment" signed by a legal representative of that entity even if there is no monetary value associated with the resources provided.

Additionally, proposals that include institutionalized positions, involve multi-disciplinary or multi-unit collaborations, or do not include indirect costs of 32% of Modified Total Direct Costs must receive prior approval from the Executive Cabinet.

## **BUDGET PREPARATION**

Matching Funds (must be pre-approved): The budget must reflect the minimum match required unless the application documents specifically state that projects with higher match commitments have a higher probability of being awarded. In each case, the match amount and the source must be clearly defined.

Infrastructure Costs: The *University Approval Form for Externally Sponsored Programs and Projects* should also clearly indicate any infrastructure costs not included in the grant.

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Indirect Costs: The PI/PD is required to request the maximum amount allowed for indirect costs unless the funder caps indirect costs at a lesser amount. This is approved by the President and/or Vice President for Finance and Operations.

During the proposal preparation phase, early consultation with OSP and/or Accounting Services will help to facilitate budget acceptance. Any issues or conflicts should be brought to the attention of OSP who will recommend further action as necessary.

## **ADMINISTRATIVE REVIEW, APPROVAL AND SUBMISSION OF PROPOSAL**

The *University Approval Form for Externally Sponsored Programs and Projects* along with the completed proposal and related documents must be routed for approval.

Failure to route a proposal for review and approval with enough time to meet sponsor deadlines may cause OSP to be unable to submit the proposal.

OSP will submit the proposal to the sponsor after all approvals have been obtained. The President and the Vice President for Finance and Operations are the only individuals legally authorized to sign when the sponsor's paperwork calls for the signature of an "authorized organizational representative" or other 'legally authorized' person.

It is not uncommon for a sponsor to request additional information and/or changes after a proposal is submitted, but before an award is made. If, in the judgment of OSP and the PI/PD, these items do not materially change the nature of the program, the OSP, with the help of the PI/PD, is authorized to provide such information/changes to the sponsor. However, if the sponsor requires new signatures on any forms, they must be re-routed to the Vice President for Finance and Operations and the President.

The PI/PD is **not** authorized to begin work when a proposal is submitted, even if the sponsor promises that the proposal will be accepted. Spending accounts will only be approved once the award document has been received.

## **SPONSOR'S NOTIFICATION OF PROPOSAL ACCEPTANCE/REJECTION**

When notification of an award acceptance/rejection is received, the notification should be forwarded to OSP.

If the sponsor requires the signing of additional documents upon award acceptance, they must be forwarded to the OSP. OSP will route the documents for signatures, as appropriate. Only the President and the Vice President for Finance and Operations are authorized to sign legal agreements. Any individual signing a legal contract without proper authorization may be held personally liable by the University and/or the State of Texas for any unauthorized expenditures.

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Once an award has been properly signed by all parties, the OSP will forward copies of the documents to Accounting Services, including the sponsor's initial Request for Proposal (RFP) documents or other application guidelines provided by the sponsor. Accounting Services will request a new fund number to be established in the University's accounting system. The PI/PD **cannot** begin work prior to final signatures without the express written approval of Accounting Services.

If a program includes activities to be carried-out by a subawardee, the OSP will prepare subaward documents for signature as soon as possible after receiving a notification of award from the sponsor.

In addition to the normal disciplinary actions available, violations of any policies relating to externally sponsored programs by the PI/PD may result in the PI/PD being prohibited from applying for or participating in any future externally sponsored programs.

Please see Administrative Policy Manual, "Externally Sponsored Programs: Post-Award Policies and Procedures" for policy covering a program after an award is received from the sponsor.