Congratulations!

DRAFT FY2004 Competition
PROJECT KICKOFF MEETING

Date of Kickoff goes here

Company(ies) Name(s) go here
Award Number 70NANBxxxxxx

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Project Management Team (PMT)

Project Manager
Name
Phone Number
Email address

Business Specialist or Technical Specialist
Name
Phone Number
Email address

Grants/Cooperative Agreement Specialist
Name
Phone Number
Email address

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Today's Goals

- Meet team and establish communications

- Discuss key factors for success
  - ➢ ATP project management process
  - ➢ Grants processes and requirements
  - ➢ Project plans and objectives
  - ➢ Year 1 technical milestones
  - ➢ Commercialization plans and business goals

- Understand how ATP project fits with long-term goals of company

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ATP's Comments

- **Background**
  - ➢ NIST and ATP: who we are
  - ➢ Understanding ATP's perspective
  - ➢ Intellectual property
  - ➢ FY2004 competition status and results to date

- Establishing Expectations
  - ➢ Project management and planning
  - ➢ Managing change
  - ➢ Reporting requirements
  - ➢ Human and animal subjects research
  - ➢ Closeout procedures

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NIST's Mission …

Develop and promote measurement, standards, and technology to enhance productivity, facilitate trade, and improve the quality of life.

NIST assets include:

- $771 million FY 2004 operating budget
- 3,000 employees
- 1,800 associates
- **NIST laboratories**: National measurement standards
- **Advanced Technology Program**: $2,269 million co-funding with industry since 1990
- **Manufacturing Extension Partnership**: 400 centers nationwide to help small manufacturers
- **Baldrige National Quality Award**

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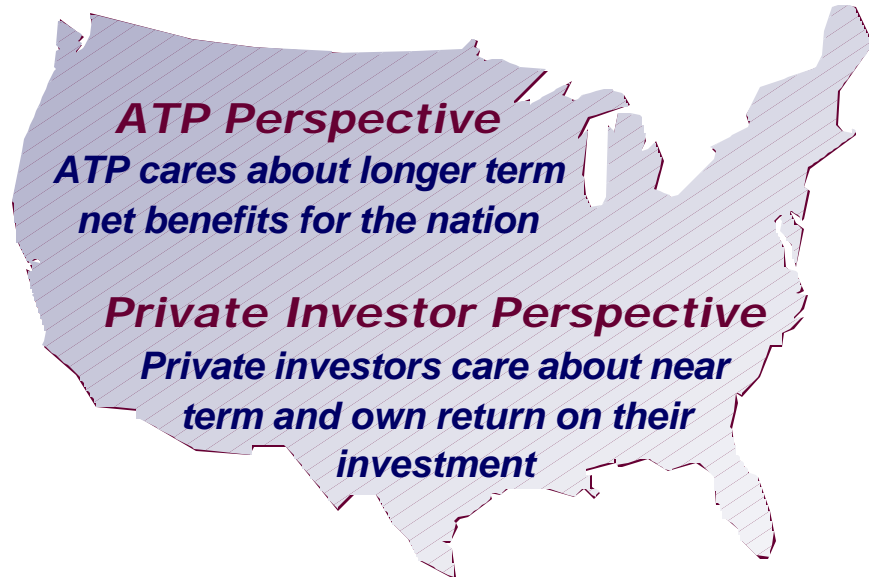

ATP's Mission

*To accelerate the development of **innovative technologies** for **broad national benefit** through **partnerships** with the private sector.*

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ATP Perspective
ATP cares about longer term net benefits for the nation

Private Investor Perspective
Private investors care about near term and own return on their investment

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Two Major Criteria

- Scientific and Technological Merit (*50%)*
  - ➤ Technical innovation
  - ➤ High technical risk with evidence of feasibility
  - ➤ Detailed technical plan
- Potential for Broad-Based Economic Benefits (*50%*)
  - ➤ National economic benefits
  - ➤ Need for ATP funding
  - ➤ Pathway to economic benefits

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Intellectual Property: Protection

- ATP protects your intellectual property

- Proprietary technical and business reports/information is exempt from FOIA

- Mark **all** documents "proprietary"

- E-mail may not be secure

Intellectual Property Provisions

- U.S. for-profits may retain title to inventions
- Companies may license inventions
- Universities/non-profits:
  - may receive royalties
  - cannot own title
  - cannot be granted exclusive license to inventions
- Any recipient may hold copyright or trademark
- Government reserves right to paid up, royalty-free non-exclusive license for government use
  - not exercised to date

Since 1990 …

- Since 1990, 44 competitions
  - 6,924 proposals, $14,708 M requested from ATP
- 768 projects awarded
  - 1,511 participants with an equal number of subcontractors
- 218 joint ventures and 550 single applicants
- $4,371 M of high-risk research funded
  - ATP Share = $2,269 M
  - Industry Share = $2,102 M

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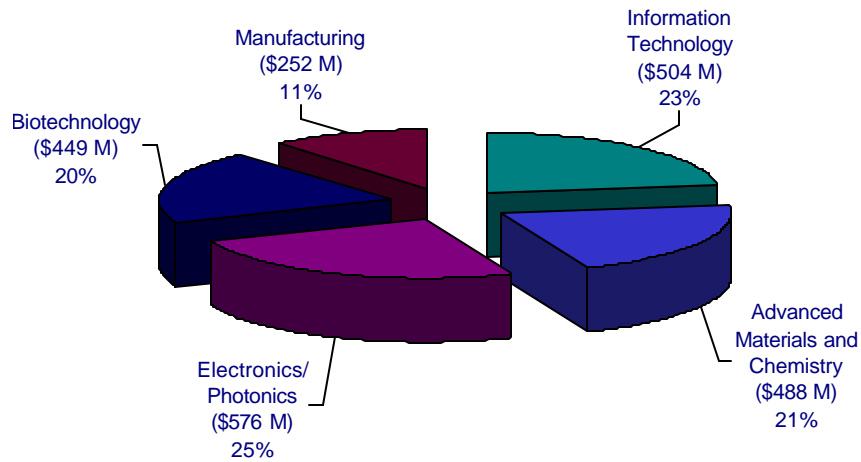
Since 1990 … (cont'd)

- Small businesses are thriving
  - 66% of projects led by small businesses
    - 443 single company applicants, 75 joint ventures
    - $1,202 M in ATP funding
- Over 170 universities represented
  - >649 participation instances, ~$201 M received
- 30 national laboratories participate
- Over 1,171 patents

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768 ATP Awards
by Technology Area
(As a Percent of $2,269 M Awarded)

Manufacturing
($252 M)
11%

Biotechnology
($449 M)
20%

Information
Technology
($504 M)
23%

Electronics/
Photonics
($576 M)
25%

Advanced
Materials and
Chemistry
($488 M)
21%

Forty Four Competitions (1990 – September 2004)

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FY2004 Competition Results (Announced September 2004)

- *870 proposals submitted*

- *32 awards*

  - *7 joint ventures*

  - *25 single companies*

  - *$137 M total funding*

    - *$ 80 M ATP funds*

    - *$ 57 M industry cost share*

  - *$2.5 M average award size*

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ATP's Comments

- Getting Started
  - NIST and ATP: who we are
  - Understanding ATP's perspective
  - Intellectual property
  - FY2004 competition status and results to date
- **Establishing Expectations**
  - Project management and planning
  - Managing change
  - Reporting requirements
  - Human and animal subjects research
  - Closeout procedures

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Project Management and Planning

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Project Management Objectives

- Maintain fidelity to original proposal and cooperative agreement governing the award
- Continued fidelity of project to its original merit against ATP selection criteria
- Monitor progress through reports and other communications
- Monitor technological and business environments
- Company makes all business decisions

ATP Project Management Team Roles

- Project Manager (may be technical or business specialist)
  - Provides general oversight and PM functions
  - Ensures that the project is executed in accordance with the proposal, approved milestones and the award
  - Recommends appropriate actions to NIST Grants Officer

- Technical Specialist
  - Reviews technical reports and progress against milestones
- Business Specialist
  - Reviews business and commercialization issues
  - Follows diffusion strategy of results beyond commercialization path

- NIST Grants/Cooperative Agreement Specialist
  - Performs cooperative agreement administration
  - Issues final prior approval for changes (Grants Officer)

Recipient Project Team

- Needs to be well integrated team

- Ensures technical and business personnel work together to accomplish long term commercialization goals

- PI must be familiar with terms and conditions of award, not just the contract administrator

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Project Management Tools

- Site visits
  - ➢ Kickoff, annual, and close-out meetings
  - ➢ Additional meetings, as needed or requested
- Technical and business reports
- Audits
- Open communications
  - ➢ phone, email, etc.
- Long-term evaluation

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Project Milestones

- Essential element for measuring progress:
  - ➤ Define qualitatively and quantitatively what it means to overcome technical barriers
  - ➤ Integrate efforts of project tasks
  - ➤ Advance state of the technology
  - ➤ Describe project's achievements
  - ➤ Provide foundation for reporting project activities and accomplishments

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Project Milestones (cont'd)

- How ATP uses milestones:
  - ➤ Encapsulates scope and merit of original goals
  - ➤ Helps in assessment and comparison of alternative pathways
  - ➤ Supports flexibility in project by defining critical project decision points
  - ➤ Provides foundation for decision point analysis

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Annual Meetings

- Comparison of previous year's accomplishments to milestones
- Comparison of budget *vs.* progress
- Problems/challenges/opportunities
- Review of technology in light of domestic and global advances in technology and market changes
- Commercialization and market developments
- Establish and achieve mutual understanding of technical milestones and business plans for upcoming year

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Project Continuations

- Processing may occur 1 - 2 quarters before continuation effective date
- Prompt submission of complete technical and business reports, and budget changes
- Approval of revision of any project elements that may change (i.e., tasks, budget)

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Managing Change

Change Happens!

- Change is to be expected in conducting innovative, high risk research
- Keep ATP Project Manager and Grants Specialist informed of possible changes
- ATP encourages change that strengthens the project against the ATP selection criteria and makes project success more likely, without unduly diminishing technical risk

What Kind of Change Matters and Why Does Reporting it Matter?

- Any change in the project that can significantly impact the relationship between the project and ATP's criteria and/or the terms and conditions of the award

- Costs may be disallowed if prior written approval is not obtained

- Eligibility may be affected

- Recipient proceeds "*at your own risk*" prior to approval

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We Need to Talk When a Change Could Impact…

- Milestones, decision points, plans, and task timeline
- Risk profile (increases/decreases too much)
- Commercialization plan and national economic benefits
- Budget
- Human and/or animal subjects protocols
- Changes to joint venture participants
- Company ownership, control, or name

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Change in Name or Ownership

- Report any change in name or ownership to your Grants Specialist in writing within 15 days after the change becomes legally effective
- Grants Specialist will provide samples of documents needed
- If you are no longer majority U.S.-*owned* or *controlled*, a foreign eligibility finding will be required by ATP
- Refer to "ATP Eligibility Criteria for U.S. Subsidiaries of Foreign-Owned Companies: Legislation, Implementation, and Results"

    <www.atp.nist.gov/eao/ir-6099contents.htm>

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Written Prior Approval Required for…

- Changes that could impact fidelity with original merit of approved proposal against ATP selection criteria or award terms:
  - Major change in technical plan/tasks/approach
  - Major change in pathway to economic benefits
- Involvement of human and/or animal subjects
- Key personnel changes
- Transfer of funds among direct cost categories >10% of total (ATP plus cost share) annual approved budget
- Sole source subcontracts over $100K

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Written Prior Approval Required for… (cont'd)

- Addition, withdrawal, or substitution of:
  - ➤ Subcontractors
  - ➤ Joint venture participants
- Change in organizational structure, mergers, acquisitions, new foreign ownership or control, bankruptcy protection*
- Changes to JV agreements*
- Name change*

   (Require IMMEDIATE written notification.)*

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Managing Change

- Identify potential or actual change and notify ATP and the NIST Grants Specialist early and in writing
- Pursue consistent and auditable decision making
  - ➤ simplifies project audits re: prior approval/appropriateness
  - ➤ protects award recipient from being at risk for costs
  - ➤ maintains peer-reviewed merit of projects
  - ➤ enables ATP to correctly track all project benefits
- Change should result in a project that is equivalent or stronger against ATP's criteria

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Reporting Requirements

Reporting During Award

- Technical Reports
  - Quarterly reports
  - Final technical report
- Financial Reports
- Formatted Business Reports

Reports Are Used for …

- Project monitoring

- Continuations

- Documenting project changes

- Short- and long-term evaluation

Quarterly Technical Report

- Due within 30 days after end of each *calendar* quarter
  - ➢ reports due NLT: April 30, July 31, October 31, January 31
  - ➢ reporting periods: Jan - Mar, Apr - June, Jul - Sept and Oct - Dec
- Prepared by PI with input from R&D team
- Submit original report to Grants Specialist
- Submit two copies of report to ATP Project Manager
  - ➢ ATP PM will make further distribution to ATP Business Specialist
- Last quarterly report due 30 days following award end date

Technical Report Content

- Executive Summary
  - ➤ Brief statement of project and its end objectives
  - ➤ Significant accomplishments during reporting quarter
  - ➤ Perspective on status of project in terms of final technical and business objectives
- Project Objectives
- Project Baseline
  - ➤ Assess technology at start of project to current state of art
  - ➤ Status of technology at large; within team
    - ▪ Allows for future assessment of project progress
- Technical Milestones
  - ➤ Key remaining ones for the year

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Technical Report Content (cont'd)

- Technical progress and impact
  - ➤ Report against milestones and metrics
  - ➤ Technical findings in reporting quarter and implications for future progress
  - ➤ Gantt chart helpful
  - ➤ Identify work and progress of each participant (including subcontractors)
- Problems or opportunities
- Potential project changes (technical or business)
- Highlight any business developments of interest
  - ➤ Include this info in business quarterly short-form report

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Business Reporting System (BRS)

- ATP's Economic Assessment Office (EAO) notifies project participants of reporting requirements
- EAO explains on-line reporting system
- Each project participant receives a unique password for on-line submission

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BRS (cont'd)

- Timing of on-line reporting requirements
  - ➢ Baseline (30 days after end of first calendar quarter)
  - ➢ Annual (30 days after end of previous year)
  - ➢ Quarterly short-form updates (currently by FAX)
  - ➢ Close-out (90 days after project end)
  - ➢ Post-project (currently telephone survey; i.e., 2, 4, and 6 years after project completion)

BRS Content

- Administrative information
- Key Personnel and Staffing
- Subcontractors
- Company Characteristics
- ATP Project Characteristics
- Research Effort
- Project Management (Annual and Closeout only)
- Research Outputs (Annual and Closeout only)
- Technology Commercialization

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Human and Animal Subjects Research

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General Information

- Carefully read the ATP publication entitled

  "*Guidelines and Documentation*

  Requirements for Research Involving

  Human and Animal Subjects"

    <www.atp.nist.gov/atp/kit-04/has_guide/contents.htm>

- To request copy, call 1-800-ATP-FUND

Human Subjects Research Examples

- **Bodily materials** such as cells, blood, urine, tissues, hair, organs, even if you did not collect the materials
- **Humans to test research output** such as products, software usability, human-machine interfaces or materials
- **Data collected** through intervention or interaction with individuals, including data from voice, video, digital or image recordings made for research purposes
- **Private information or data** that can be readily identified with an individual, including genetic information, medical records, worker surveillance studies, even if you did not collect the information
- **Human studies** involving categories or classes of subjects such as certain types of workers in an organization

Human Subjects Regulations

- NIST requires full compliance with all Presidential Orders, Federal guidelines, regulations and policies
- Human Subject Protection regulations for DOC are found at *15 CFR Part 27*
- Regulations for the protected classes are found at *45 CFR 46 Subpart B, C and D*

Human Subjects Approvals

- <u>All</u> research involving human subjects must be approved by NIST <u>prior</u> to beginning
- <u>All</u> non-exempt research must be reviewed and approved by an Institutional Review Board (IRB)

Human Subjects Exemptions

- NIST may grant exemptions for research involving human subjects
- Exemptions typically fall into three categories:
  - Normal educational practices in an established or commonly accepted educational setting
    - 15 CFR 27.101(b)(1)
  - Surveys, interviews, observation of ***public behaviors*** (unless people can be identified *and* information disclosure poses risk to the individual)
    - 15 CFR 27.101(b)(2)
  - ***Pre-Existing*** sources of data or specimens (if publicly available or subjects are not identifiable)
    - 15 CFR 27.101(b)(4)

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Human Subjects
Non-exempt Research

- NIST is required to review requests for non-exempt research prior to beginning use of human subjects
- An Institutional Review Board (IRB) must review and approve research
  - NIST IRB cannot perform review
  - NIST cannot provide or recommend IRB services
- The IRB reviewing the research must have an assurance on file with OHRP
  - Multiple Project Assurance (MPA)
  - Federal-wide Assurance (FWA)

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Human Subjects Deferred

- Previously deferred research involving human subjects is allowed to begin only <u>after</u> NIST has reviewed and approved the research
- Depending on the type of research, follow the guidelines and documentation requirements

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Animal Subjects Assurances/Certifications

- Each institution housing and caring for live animals must have and maintain at least one of the following:
  - ➢ USDA Certification
  - ➢ Animal Welfare Assurance (OLAW/AWA)
  - ➢ AAALAC Accreditation

Animal Subjects Approvals

- <u>All</u> Animal Study Protocols (ASP's) must have IACUC review and approval prior to beginning research involving animals

- A copy of the approved ASP, the IACUC approval letter and assurance/certification documentation must be submitted to ATP and approved by NIST in advance of using live animals

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Human and Animal Subjects Modifications

- Notify ATP well in advance if changes are made to your project that involves the use of human or animal subjects

- Contact Human and Animal Subjects Advisor at (301) 975-8779 with any questions

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Closeout Procedures

Closeout Meeting

- Closeout meeting held within last 30 days of award end date
  - ➢ if 30 days before, can be charged to project
  - ➢ if 30 days after, cannot be charged to project
- Review requirements for completing closeout
- Recipient project team and ATP PMT meet to review entire ATP project
- Recipient project team compares technical accomplishments against milestones
- Discuss any technical activities or remaining barriers for project success
- Discuss current business activities and keys to move project through to commercialization

Final Technical Performance Report

- Due within 90 days following award end date
- Summarize work performed during entire ATP project
- Discuss technical barriers overcome and milestones achieved
- Discuss plans to achieve any remaining technical milestones
- Review commercialization plans and partnering activities

**Last quarterly technical report
is not the same as the
final technical performance report!**

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NIST Grants and Agreements Management Division (GAMD)
Administrative Highlights for a XXX Recipient

xxxxxx, Grants Specialist

National Institute of Standards and Technology

Grants and Agreements Management Division

100 Bureau Drive, Stop 1650

Building 411, Room A-143

Gaithersburg, MD 20899-1650

(301) 975-xxxx

xxxxxxxxxx@nist.gov

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NIST GAMD

- ***Division Chief***
    - **Angela McNerney**

- ***Grants Officer***
    - **Marilyn Goldstein**

- ***Grants Officer***
    - **Shamim Shaikh**
        - ➤ Audit Resolution
        - ➤ Policy and Procedures

Grants Officer's Core Responsibilities

- Issue and Administer Cooperative Agreements
- Issue Amendments
    - ➤ Continuations
    - ➤ No-cost extensions
    - ➤ Key personnel changes
        - ▪ financial officer, administrator, principal investigator and/or project manager
    - ➤ Revised technical plans
    - ➤ Revised budgets, etc.
    - ➤ Approve revisions to joint ventures
    - ➤ Authorize human and animal subject research

Grants Officer's Core Responsibilities (cont'd)

- Monitor and enforce Recipient Compliance with award terms & conditions
- <u>Only</u> Grants Officer Binds the Government and Approves Changes to the Award

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Recipient Responsibilities

- Adhere to Award Terms and Conditions and Related Award Regulations
  - ➤ Special Award Conditions (SACs)
  - ➤ ATP General Terms & Conditions
  - ➤ DoC Financial Assistance Standard Terms and Conditions
  - ➤ 15 CFR Part 14
  - ➤ Cost Principles
  - ➤ ATP Program-Specific Audit Guidelines

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Recipient Responsibilities (cont'd)

- Written **PRIOR** Approval Requirements needed for:
  - Changes that could impact fidelity with original merit of approved proposal against ATP selection criteria or award terms:
    - Major change in technical plan/tasks/approach
    - Major change in pathway to economic benefits
  - Involvement of human and/or animal subjects
  - Key personnel changes
  - Transfer of funds among direct cost categories >10% of total (ATP plus cost share) annual approved budget
  - Sole source subcontracts over $100K

Recipient Responsibilities (cont'd)

- Written **IMMEDIATE NOTIFICATION** For Approval of:
  - Addition, withdrawal, or substitution of:
    - Subcontractors
    - Joint venture participants
  - Change in organizational structure, mergers, acquisitions, new foreign ownership or control, bankruptcy protection
  - Changes to JV agreements
  - Name change

Recipient Responsibilities (cont'd)

- Report Intellectual Property
- Report Changes in Use of Equipment
- Timely Submission of:
  - ➤ All requests needing <u>PRIOR</u> approval
  - ➤ Quarterly technical, business and financial reports
  - ➤ Final technical, business and financial reports
  - ➤ Final patent reports
  - ➤ Final equipment inventory
  - ➤ Audits

  Note: Extensions to due dates require written justification for review and advance approval.

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Recipient Responsibilities (cont'd)

- Standards for Financial Management (15 CFR 14.21)

  - ➤ Time tracking system
    - employee time records
    - cost center(s) for project

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Recipient Responsibilities (cont'd)

- Procurement Standards
  (15 CFR 14.40)
  - ➢ Written procedures
  - ➢ Competitive procurements
  - ➢ Sole source justification
  - ➢ Document each procurement or contract
- Keep all Records for Audit Purposes

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Recipient Responsibilities (cont'd)

- Budgets
  - ➢ Review costs before end of each budget period
  - ➢ Ensure that cost share is met
  - ➢ Submit revised line item budget and Budget Narrative
  - ➢ Conduct audit using approved budget

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Recipient Responsibilities (cont'd)

- Audits
  - Frequency based upon length of project
    - ✓ For most projects 24 months or longer,
      Year 1 audit is due 90 days after the end of Year 1
  - Who gets audited? (15 CFR 14.26)
    - ✓ Recipient
    - ✓ R&D subcontracts (excluding those that provide goods and services) receiving > $500K over entire award

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Recipient Responsibilities (cont'd)

- **Responsibilities of Administrator**
  - *Central Point of Contact*
  - *Request PRIOR approval for changes*
  - *Administer* budget revisions, 10% rule, continuations
  - *Withdraw funds using ASAP*
  - *Submit* accounting certifications, as appropriate
  - *Submit* timely audits
  - *Ensure* cost-share is met, if applicable
  - *Resolve* special award contingencies in timely manner, if applicable
  - *Submit* close-out documentation

Common Audit Problems

- Inadequate documentation
- Failure to obtain **PRIOR** approval at all, or starting action before approval is obtained
- Late notice of changes
- Activities outside scope of work
- Varying interpretation of rules
- Lack of written policies and procedures in accordance with 15 CFR 14.21(financial management system)

Common Audit Problems (cont'd)

- Estimated costs billed vs. actual
- Issues with valuation of in-kind cost-sharing
- Lack of proper accounting for equipment and depreciation
- Lack of timely reporting
- Failure to comply with award terms and conditions
- Indirect costs (estimates vs. actual)

How to Avoid Audit Problems

- Be familiar with applicable cost principles

- Be familiar with ATP Proposal Preparation Kit

- Be familiar with award terms and conditions

- Expend funds in accordance with approved budget

- Seek written **PRIOR** approval, when necessary

- Account and report for <u>actual</u> project expenses

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How to Avoid Audit Problems (cont'd)

- Maintain required documentation
- ATP project managers make recommendations to Grants Officer
- Grants Officer is the only Authorizing Official
- Avoid last minute budget changes
- Obtain independent CPA advice
- Prepare financial statement in accordance with GAAP

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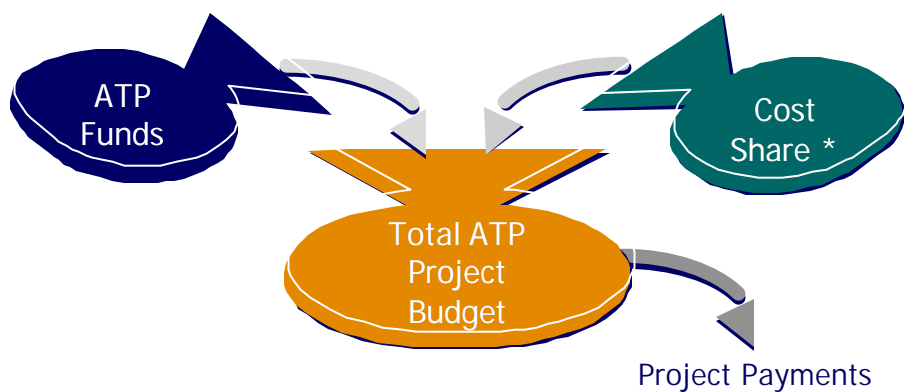## Grants/Cooperative Agreements (An Honors Process)

- Most recipients accomplish project goals with no problems
- Most problems are honest mistakes
- Non-intentional or intentional wrong-doing is discovered
- Enforcement
  - ➢ 15 CFR 14.61 and 15 CFR 14.62
  - ➢ 15 CFR 24.43 and 15 CFR 24.44

Relationship Between Cost Share and ATP Funds

ATP Funds

Cost Share *

Total ATP Project Budget

Project Payments

Cost Sharing or matching means that portion of project or program costs not borne by the Federal Government

Method of Payment to Recipient

- Withdrawals through ASAP to meet immediate needs

  ➢ *note*: name change with new EIN and changes to the banking institutions will affect ASAP withdrawals.

- Financial Reports

  ➢ SF-269 submitted on calendar quarter

APPLICABLE REGULATIONS/ GUIDELINES SPECIFIC TO ORGANIZATION TYPE

Organization Type	Administrative Regulations	Cost Principles	Audit Guidelines
For Profit	15 CFR Part 14 http://oam.ocs.doc.gov/docs/GRANTS/15cfr14.pdf	48 CFR Part 31.2 (The FAR) http://www.arnet.gov/far/97-03/html/31.html	Government Auditing Standards (The Yellow Book) http://www.gao.gov/govaud/ybk01.htm
Institutions of Higher Education	15 CFR Part 14 http://oam.ocs.doc.gov/docs/GRANTS/15cfr14.pdf	OMB Circular A-21 http://www.whitehouse.gov/omb/circulars/a021/a021.html	OMB Circular A-133 http://www.whitehouse.gov/omb/circulars/a133/a133.html
Non Profit	15 CFR Part http://oam.ocs.doc.gov/docs/GRANTS/15cfr14.pdf	OMB Circular A-122 http://www.whitehouse.gov/omb/circulars/a122/a122.html	OMB Circular A-133 http://www.whitehouse.gov/omb/circulars/a133/a133.html
Hospitals	15 CFR Part http://oam.ocs.doc.gov/docs/GRANTS/15cfr14.pdf	45 CFR Part 74(E) http://www.access.gpo.gov/nara/cfr/waisidx_01/45cfr74_01.html	OMB Circular A-133 http://www.whitehouse.gov/omb/circulars/a133/a133.html

ADTP

ADDITIONAL REQUIREMENTS

NOTE: In conjunction with the previously referenced regulations, all recipients must also follow:

- Department of Commerce Financial Assistance Standard Terms and Conditions
  http://oamweb.osec.doc.gov/docs/GRANTS/pdf/ST&C-rev-1002.pdf

- ATP General Terms and Conditions
  http://www.atp.nist.gov/alliance/04-gtc.htm

- ATP Special Award Conditions
  http://www.atp.nist.gov/alliance/sac-0804.htm

- Program-Specific Audit Guidelines for ATP Cooperative Agreements with Single Companies
  http://www.atp.nist.gov/atp/psag-co.htm

- Program-Specific Audit Guidelines for ATP Cooperative Agreements with Joint Ventures
  http://www.atp.nist.gov/atp/psag-jv.htm

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