

United States Department of Agriculture
Research, Education, and Economics

ARS □ CSREES □ ERS □ NASS

Policies and Procedures

Title: Selection, Appointment, and Responsibilities of the Authorized Departmental Officer's Designated Representative (ADODR)

Number: 702.0

Date: July 1, 2008

Originating Office: Extramural Agreements Division, AFM

Distribution: Economic Research Service (ERS) Employees

This P&P prescribes ERS policy with regard to the selection, appointment, and responsibilities of ADODRs in the performance of extramural agreements.

Table of Contents

1. Background	2
2. Abbreviations and Definitions	3
3. Authorities	4
4. Other Applicable Statutes, Regulations, Policies and Procedures	4
5. Delegation of Authority	4
6. Policy.....	5
a. Selection and Appointment of the ADODR.....	5
7. ADODR Responsibilities	6
a. Pre-Award.....	6
b. Post-Award Administration.....	7
c. Closeout.....	8
8. Prohibitions	9
9. Research Misconduct	10
10. Suspension/Revocation of ADODR Authority	10
a. Suspension.....	11
b. Revocation.....	12
c. Other Legal Remedies for Misconduct.....	12
Exhibit 1, Letter of Appointment to the ADODR.....	13

1. Background

ERS has statutory authority to enter into a number of different types of extramural agreements. With these statutory authorities comes the delegated authority for Authorized Departmental Officers (ADO) to sign these agreements on behalf of the Administrator, ERS.

The titles “ADO” and “Authorized Departmental Officer’s Designated Representative” (ADODR) are basically synonymous with the more commonly known titles “Contracting Officer” (CO) and “Contracting Officer’s Technical Representative” (COTR) which are terms used in the procurement arena. The titles ADO and ADODR were developed in the United States Department of Agriculture (USDA) a number of years ago to differentiate between agreements involving grants and cooperative agreements from procurement-type actions normally handled under procurement procedures. The ADODR is an integral part of the extramural agreements program and is responsible to the ADO for directing technical performance, providing oversight of the project, and assuring fiscal accountability for all extramural agreements to which they have been delegated ADODR authority.

2. Abbreviations and Definitions

ADO	Authorized Departmental Officer (Division Director or Administrator, ERS)
ADODR	Authorized Departmental Officer's Designated Representatives
AFS	Administrative and Financial Services
AFM	Administrative and Financial Management
CFR	Code of Federal Regulations
DD	Division Director
EAD	Extramural Agreements Division
FFIS	Federal Financial Information System
HQ	ARS Headquarters
OTT	Office of Technology Transfer
PI	Principle Investigator
REE	Research, Education, and Economics (Mission Area within USDA)
SEB	Science Ethics Branch
U.S.C.	United States Code
USDA	United States Department of Agriculture

Administrative and Financial Services - Assists ADODRs with preparation of agreement documentation to ensure accuracy and completeness of award documentation. Processes approved payment requests. Maintains the "official" agreement file and provides a status report for each agreement (Agreement Record) to the ADODR.

Administrator - The Administrator of ERS.

Agency - The Economic Research Service.

Authorized Departmental Officer - The Agency's official delegated signature authority to commit authorized funding. Reviews and approves/disapproves proposed agreements submitted by the ADODR. **The ADO is the only person that can obligate funds or commit the resources of the Agency with regard to extramural agreements.**

Note: The DD is the ADO on awards under \$100K, and the Administrator serves on awards \$100K+.

Authorized Departmental Officers Designated Representative - The Agency's technical representative, acting on behalf of the Authorized Departmental Officer (ADO), who is responsible for ensuring that all pre- and post-award requirements are met, including termination of the agreements. The ADO approves/disapproves payment requests based on the Cooperator's performance. **The ADODR has no authority to obligate funds or commit the resources of the Agency.**

Budget Staff - Obligates appropriated funds in the Federal Financial Information System to support extramural agreements approved by the ADO.

Cooperator - Any State cooperative institution, State department of agriculture, college, university, other research or educational institution or organization, Federal or private agency or organization, individual, or any other party identified by ERS to participate in extramural projects.

Extramural Agreement - Any grant, cooperative agreement, funded or unfunded (including incoming grants or cooperative agreements), or memoranda of understanding entered into by ERS and any other organization.

i-Edison - An electronic database used by external partners to report inventions funded by Federal agencies.

Principle Investigator - The Cooperator's technical representative or Project Director who is responsible for collaborating and/or participating with the ADODR to successfully accomplish the objectives of an extramural project.

3. Authorities

7 U.S.C. 3318c; 7 U.S.C. 3318(b); 7 U.S.C. 3319a.

4. Other Applicable Statutes, Regulations, Policies and Procedures

18 U.S.C. 201-209; 5 CFR part 2635; 7 CFR part 2.15; 7 CFR part 2.21; 7CFR part 2.67; and Dept. Reg. 5200-3.

5. Delegation of Authority

The authority to commit the resources of the Agency on behalf of the Administrator, known as Delegation of Authority, flows from the Secretary of Agriculture through the Under Secretary for Research, Education, and Economics (REE) to the Administrator, ERS (Administrator). ERS personnel acting under a Delegation of Authority are known as ADOs. When an ADO further delegates authority to other personnel to provide technical oversight of extramural projects, those employees are referred to as ADODRs. Employees acting under a Delegation of Authority are acting as an agent of the Administrator. Delegating the signature authority of the Administrator accomplishes numerous program objectives and efficiencies. Aside from relieving the Administrator of the burden of personally signing individual agreements, the Delegation of Authority allows for closer monitoring and administration of extramural agreements by ERS personnel. **NOTE: ADODRs are not authorized to sign extramural agreements on behalf of ERS.**

6. Policy

- The ADODR represents the ADO in the management and technical oversight of extramural agreements. The ADODR must have a written delegation of authority from the ADO to act as the technical representative for ERS in the extramural project (Exhibit 1).
- The ADODR shall not delegate any responsibility or duty as the ADO's representative to any other person. If it is necessary for another ERS employee to assume the duties and responsibilities of the appointed ADODR, the current ADODR shall advise the ADO who will appoint a new ADODR.
- The ADODR must submit the Conflict of Interest Certification, SEB-102, to the SEB within 30 days of each ADODR appointment (Contact SEB for additional guidance).
- The ERS ADODR Training Program must be completed in advance of receiving a delegation of authority from the ADO, and annually thereafter.
- All current ADODRs are required to complete the ERS ADODR Training Program within 90 days from the issue date of this P&P.
- The ADODR must complete annual ethics training requirements as specified by SEB.
- The authorities delegated to the ADODR can be suspended or revoked at any time for a variety of reasons (See Part 10 of this P&P).

a. Selection and Appointment of the ADODR:

(1) Selection of the ADODR

The ERS employee who identifies the need to initiate an extramural agreement will be selected and/or approved by the Division Director (DD) or Administrator, ERS to serve as the ADODR.

(2) Appointment of the ADODR

Following selection of the ADODR, AFS officially appoints the ADODR. AFS ensures eligibility of the proposed ADODR by verifying completion of ADODR training, and ensuring that the proposed ADODR is not currently under suspension or revocation action. In accordance with this P&P, the ADO issues written notification appointing the employee as ADODR for the project or program (Exhibit 1).

7. ADODR Responsibilities

Program stewardship, oversight and accountability for extramural projects or programs provide the foundation for the ADODRs responsibilities. ADODRs are responsible for ensuring effective and efficient management of public funds obligated to support the ERS Extramural Agreements Program. AFM-EAD ensures that ERS' extramural agreements are executed consistent with laws, regulations, and Agency policies. The ADODR in his/her role as the Agency's technical expert for the extramural and in-house performance of the project or program must be fully cognizant of the status of the project during the life of the agreement.

Oversight responsibilities require ADODRs to be actively involved with the Cooperator in directing and monitoring the performance of the extramural research project to ensure that agreements are truly cooperative in nature; mission relevant; properly budgeted; appropriately monitored, administered, and completed in accordance with the terms and conditions of the agreement. In addition, ADODRs are accountable for in-house performance of research objectives and proper use of financial and other Agency resources, in accordance with the terms and conditions of the agreement.

The ADODR is directly accountable to and represents the ADO in managing the technical aspects of the extramural agreement throughout the agreement cycle. The agreement cycle consists of three stages: (1) Pre-award, (2) Post-award Administration, and (3) Closeout. Following are specific responsibilities delegated to the ADODR for each of these stages of the agreement cycle.

a. Pre-Award

The ADODR is delegated authority to:

- Discuss proposed projects with and obtain permission from line management regarding project objectives, approach, costs, scientific merit, and mission relevance.
- Conduct preliminary discussions with the Cooperator which includes:
 - Identifying project goals and objectives.
 - Discussing funding arrangements, i.e., developing budgets that accurately reflect the amount to be reimbursed by ERS, ERS' in-house performance costs, and the Cooperators contribution to the project (as may be required).
 - Defining the period of performance.
 - Identifying the potential for inventions and advising the ADO appropriately.
 - Defining requirements for interim and final performance and financial status reports.
- Ensure line management approval of all extramural agreement documents, i.e., Cooperator contact information; Statement of Work (SOW); and Budget as applicable to each agreement type.

- Develop SOW or proposals that accurately reflect the proposed work plan, ensuring the proposed project is consistent with the goals and objectives of the project.
- Develop budgets that are consistent with the performance requirements identified in the extramural agreement. The budget must accurately reflect the entire cost of the project, i.e., total amount to be reimbursed to the Cooperator (direct and indirect costs, as applicable); total in-house cost to the Cooperator (direct and indirect costs as applicable).

NOTE: The ADODR must guard against making commitments to the Cooperator that could result in the ADODR becoming personally liable for any expenditures incurred by the Cooperator that were not authorized by the ADO.

b. Post-Award Administration

The ADODR is delegated authority to:

- Monitor the Cooperator's performance on each extramural agreement to ensure that the project is progressing in accordance with the objectives of the agreement.
- Methods of monitoring may include discussing project plans, reviewing program goals and accomplishments with the Cooperator's PI at ERS facilities; stakeholders meetings (off-site meetings); by teleconference, e-mail or other types of written correspondence; validating the adequacy of financial control systems (where deemed necessary by the ADO); and/or, providing technical advice to Cooperator's personnel. The ADODR may also conduct site visits at Cooperator's facilities as determined by regulations applicable to the extramural agreement, or if the ADODR determines the Cooperator is not in compliance with the terms and conditions of the extramural agreement.

NOTE: Cooperators are responsible for monitoring the day-to-day operations of ERS' extramural agreements using their established financial controls and policies, as long as they are consistent with ERS requirements. It is the responsibility of the Cooperator to ensure that the project is being performed in compliance with the terms and conditions of the award.

- The ADODR shall document his/her monitoring activities in addition to obtaining, reviewing, and approving the Cooperator's progress report on an annual basis. Copies of progress reports shall be provided to AFS for inclusion in the official agreement file."
- Ensure that payments made to the Cooperator are justified by demonstrable performance accomplishments, and that the Agency receives project deliverables in accordance with the terms and conditions of the agreement.

- Notify AFS promptly of any modifications necessary to assure successful completion of the project, i.e., budget modifications, extensions of time, funding increases, change in PI, etc.
- Obtain and review interim and final financial status reports from the Cooperator as specified in the terms and conditions of the agreement.
- Provide approved financial status reports to AFS for inclusion in the official agreement file.
- Ensure Cooperator reports invention disclosures via i-Edison at www.iEdison.gov
- Approve or disapprove all requests for payment and reimbursements and forward them to AFS for appropriate action assuring that all expenditures are accounted for as budgeted in the agreement.
- Report any failure of the Cooperator to meet the objectives of the agreement or failure to submit required reports as specified in the terms and conditions of the agreement to AFS.
- AFS will maintain a complete copy of the “Official” file for each agreement. Typically, a complete file consists of copies of the M1/AD700 obligation document, fully executed agreement (REE-451, SOW, Budget/Proposal, signed certifications, if applicable), ADODR delegation letter (formally the ADODR certificate), including all amendments, as appropriate; correspondence including enclosures; copies of Quarterly and final performance, financial and/or invention reports and site visit reports, as appropriate for each type of agreement; copies of all invoices and payment vouchers (PV). (Original documents received from the Cooperator are to be sent to AFS).

c. Closeout

Responsibility for promptly closing extramural agreements rests primarily with AFS. The Cooperator, in compliance with the terms and conditions of the agreement, is responsible for submitting all project reports and or deliverables to the ADODR within 90 days of project completion or termination. To facilitate official closeout of an agreement, the ADODR is responsible to AFS for:

- Obtaining final performance and financial status reports from the Cooperator and forwarding approved reports to AFS.
- Obtaining final payment requests as applicable, and forwarding approved requests to AFS for payment processing.
- Verifying Cooperators invention disclosures are reported via i-Edison.

- Preparing and forwarding equipment and property disposition reports to AFS.
- Notifying AFS that the agreement is complete and all reports have been received and forwarded.

8. Prohibitions

The ADODR is prohibited from engaging in the following actions:

- Signing an extramural agreement or otherwise obligating funds or ERS resources for the performance of extramural projects.
- Negotiating indirect cost rates, intellectual property provisions or liability/indemnification clauses (Refer to AFS or AFM-EAD for guidance.).
- Starting work on any project, or authorizing the Cooperator to start work on a project, prior to being notified that a fully executed agreement has been signed and accepted by the ADO.
- Engaging in the employee/employer relationship of the cooperating organization, including making recommendations on hiring, conducting performance evaluations of Cooperator personnel, approving leave, providing bonus awards, etc. These types of administrative supervision must remain the sole responsibility of the Cooperator.
- Using an extramural agreement for the principle purpose of circumventing the Federal hiring process.
- Using an extramural agreement to “bank” funding which could not otherwise be legally obligated or are not directly supportive of an established bona fide need.
- Using an extramural agreement to acquire resources for the direct support of ERS employees.
- Using ERS funds provided to a Cooperator via an extramural agreement to pay for ERS employees’ travel expenses. **NOTE:** ERS employees may accept funding for travel from non-federal sources. Refer to REE P&P 341.2, Acceptance of Travel Funds from Non-Federal Sources for details.
- Using ERS funds provided to a Cooperator via an extramural agreement to purchase equipment intended solely for ERS ownership.

9. Research Misconduct

ERS and research institutions that conduct ERS-funded research projects are partners who share responsibility for the research process. ERS has ultimate oversight authority for ERS-funded research, but research institutions bear primary responsibility for prevention and detection of research misconduct and for the inquiry, investigation, and adjudication of research misconduct alleged to have occurred in association with their institution.

Research misconduct is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results or other practices that significantly deviate from those that are commonly accepted within the research community.

- *Fabrication* - making up results and recording or reporting them.
- *Falsification* - manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- *Plagiarism* - the appropriation of another person's ideas, processes, results, or words without giving appropriate credit, including those obtained through confidential review of others research proposals or manuscripts.

ADODRs who receive or learn of an allegation of economic research misconduct should immediately report the allegation to the appropriate Ethics in Science representative.

10. Suspension/Revocation of ADODR Authority

An ERS employee within line management of the ADODR, including the ADO, can initiate a suspension or revocation action against the ADODR. Some of the grounds for which suspension and/or revocation actions may be initiated include (but are not limited to):

- Failure to follow established agency policies and procedures
- Exceeding delegated authority
- Misuse of delegated authority
- Violating Federal Ethics laws and regulations
- Misappropriation of funds
- Research misconduct
- Misrepresentation of research results

- Criminal acts related to extramural agreement activity
- Convictions in a criminal or civil court that seriously and directly affect the business integrity or business honesty of an employee

Suspension is the first step in initiating any revocation action regarding a delegation of authority under these provisions. Suspension is not a permanent action. It is used by ERS officials to: (1) investigate grounds for permanent revocation of authority, and/or (2) hold in abeyance the delegated authority of an individual until any temporary situations causing suspension may be remedied.

Any ERS official initiating such a suspension or revocation action will immediately communicate the circumstances or grounds for the suspension, in writing, to the Administrator ERS. A dated copy of that communication will also be sent to the individual for whom suspension is being recommended. The individual will be provided 10 working days (from the date of the letter initiating the action) to submit a written rebuttal of the circumstances surrounding the proposed suspension.

After receiving correspondence from both parties, the Administrator, ERS will respond in writing within 10 working days with directions to uphold or deny the proposed suspension or revocation of delegated authorities of the ADODR in question.

a. **Suspension:**

(1) Suspension - Temporary

ADODRs placed under temporary suspension shall be made aware that the suspension is temporary in nature and will also be advised as to what actions are necessary to reinstate their delegation of authority. The ADODRs suspension of authority can be imposed for any length of time deemed necessary to remedy the cause for suspension.

(2) Suspension - Proposed Revocation

During the period of suspension, the ADODR will no longer have authority to perform any of the duties delegated to him/her under their original delegation of authority. Suspensions leading to revocation are for serious violations or willful misconduct. The ADODRs suspension of delegated authority can be put in place for any length of time deemed necessary to investigate the reasons for the proposed revocation. The length of time for which the authority has been suspended shall be communicated to the individual in writing and may be extended, for purposes of investigation, for any additional period of time deemed necessary. The ADODR under suspension will be: (1) notified in writing of any extensions of the period of suspension, (2) notified in writing that the suspension may lead to permanent

revocation of delegated authority, and (3) granted an opportunity to submit a rebuttal to the circumstances of the proposed revocation, if no rebuttal had been previously submitted under prior suspension procedures.

b. Revocation

Revocation is a final action taken by the Agency to permanently remove the ADODR's delegation of authority. No revocation is to be considered final without the concurrence of the DD or the Administrator, ERS.

To revoke the delegation of authority of an ADODR, the Administrator, ERS will notify the employee in writing of the revocation. The letter will include, at a minimum, the reason for the revocation and the effective date of the revocation.

c. Other Legal Remedies for Misconduct

The revocation procedures referenced in this P&P are limited only to the delegation of authority granted by the ADO under these provisions. It does not supersede other Federal governmental or institutional policies or procedures for addressing the same issue of misconduct or other forms and instances of misconduct. Additionally, it does not supersede criminal or other civil law applicable to instances of misconduct. ERS may address these other issues as authorized by statutes, regulations or ERS policies and procedures.

/s/ KATHERINE R. SMITH

KATHERINE R. SMITH
Administrator

Enclosure
Exhibit 1, ADODR Letter of Appointment

Exhibit 1

SUBJECT: Appointment of Authorized Departmental
Officer's Designated Representative

TO: [Name Here]
Authorized Departmental Officer's Designated Representative

FROM: [Name Here]
[Title]
Administrative and Financial Services

In accordance with ERS Policies and Procedures (P&P) 702.0 "Selection, Appointment, and Responsibilities of the Authorized Departmental Officer's Representative (ADODR)," effective _____ to _____, you are hereby delegated ADODR authority with responsibilities for all types of extramural agreements including the following:

1. Research Grants, unlimited amount (7 U.S.C. 3318(c)).
2. Cooperative Agreements, all classes, unlimited amount, funded and unfunded (7 U.S.C. 3291 and 3318(b)).
3. Memorandum of Understanding, no obligation of funds.
4. Research Support Agreement, unlimited amount (7 U.S.C. 3319a).

You are directly accountable to and represent the Authorized Departmental Officer in managing the technical aspects of the extramural agreement throughout the agreement cycle. This delegation does not give you signature authority to sign extramural agreements on behalf of ERS. This delegated authority may not be re-delegated and cancels and/or supersedes all previous delegations of research agreement authority. To maintain this delegation of authority you are required to meet all training and other requirements delineated in ERS P&P 702.0.

Notification of this appointment will be submitted to the USDA Office of Ethics, Science Ethics Branch (SEB). As the ADODR and in accordance with the Ethics in Government Act, you are required to complete and submit the SEB-102, Conflict of Interest Certification, within 30 days of the start date of each new extramural agreement. Failure to complete this certification as required will preclude you from serving as an ADODR. Questions concerning this matter should be directed to SEB.

cc:
Division Director
AFS File
SEB