



THE UNIVERSITY OF
NEW MEXICO®

UNM MAIN CAMPUS
CONTRACT PROCESSES

ROSA GONZALEZ-ROSENBLATT –

DIRECTOR

OFFICE OF SPONSORED PROJECTS

MELISSA SANCHEZ –

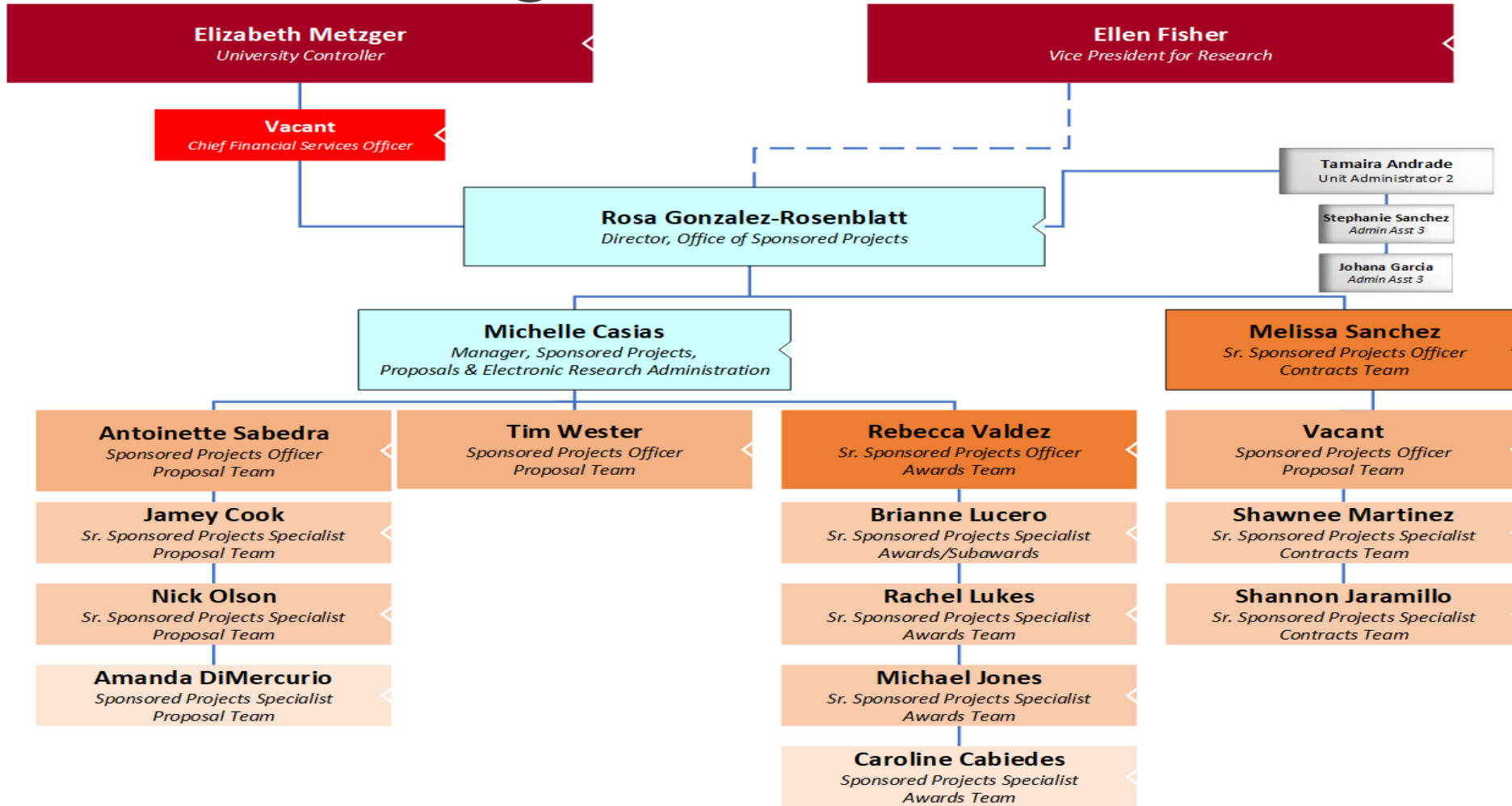
SR. SPONSORED PROJECTS OFFICER

SUPERVISOR CONTRACTS TEAM

Agenda

- OSP Organizational Chart
- Award Instrument Definitions
- Grants Vs. Contracts (UG Vs FARs)
- Types of Contracts (Funded/Unfunded, Cost reimbursable vs Fixed Price, UNM templates)
- Contract Process Overview
 1. Contract Receipt & Allocation
 2. Contract Review
 3. Contract Negotiation
 4. Contract Execution
- Contracts Team Tips and Contact Information

OSP Organizational Chart



April 2021



Award Instrument Definitions

Grant Agreement & Cooperative Agreement

- ❖ The purpose of a grant is to provide assistance; there is generally little involvement by the sponsor, and the award instrument refers to general terms and conditions.
- ❖ Cooperative agreements also provide assistance, but with substantial sponsor involvement, typically described in a set of specific terms.

Contract

- ❖ A legal instrument for the purpose of procuring goods or services for the direct benefit or use by the Federal awarding agency or Pass-Through Entity.
- ❖ The involvement by the sponsor may be extensive and the award instrument will contain detailed specifications, clauses, regulations, and expected results and deliverables.

Grants Vs. Contracts

Federal assistance awards are:

- ❖ Announced in the [Catalog of Federal Domestic Assistance](#) (CFDA),
- ❖ Administered under the [Uniform Guidance](#),
- ❖ Usually require a scope of work and budget,
- ❖ Often have deliverables in the form of a technical report, and
- ❖ Have fiscal accountability/reporting requirements.

Grants Vs Contracts, cont....

Federal procurement contracts are:

- ❖ Found on state procurement websites or in FedBizOpps,
- ❖ Do not have [CFDA](#) numbers,
- ❖ Administered under the [Federal Acquisition Regulation](#) (FAR),
- ❖ Directly benefit the U.S. government, and
- ❖ Can be awarded as fixed-price or cost-reimbursable

Types of Contracts

Funded Agreements

❖ Research & Development

- Most common with Industry sponsors and the Federal Government

❖ Professional Services

- Most common with City and State agencies as well as Non-profit and/or Foundation sponsors

Unfunded (Ancillary) Agreements

❖ Non-Disclosure Agreements

❖ Material Transfer Agreements

❖ Data Use Agreements

❖ Software Licensing Agreements

❖ Teaming Agreements

Types of Contracts, Cont....

Fixed Price

- ❖ Firm price for delivery of a product or service
- ❖ May result from sealed bids or negotiations
- ❖ Puts the risk on the side of the vendor

Cost Reimbursement

- ❖ Contract contains a negotiated estimate
- ❖ May or may not have a fixed fee
- ❖ Used when
 - Uncertainties involved in contract performance do not permit costs to be estimated with sufficient accuracy to use any type of fixed-price contract
 - Used when costs cannot be estimated with sufficient accuracy to use any type of fixed-price contract
- ❖ Most Research and Development (R&D) contracts are cost-reimbursement



The University of New Mexico

The University of New Mexico
Contract & Grant Acctg - Main
MSC01 1245
1 University Of New Mexico
Albuquerque, NM 87131-0001
(505) 277-4721

RENSSELAER POLYTECHNIC INSTITUTE
RESEARCH ADMIN. & FINANCE
110 8TH ST 3RD FLOOR RM 311
TROY, NY 12180-3522

UNM Grant Code:
Agency Ref No: A18-0125-S002
Terms: NET 30

Cost Reimbursable Invoice

Invoice Date: 05-APR-2021
Bill Invoice No: 31

Expenditures for the Period: 01-MAR-2021 to 31-MAR-2021

Table with columns: Code, Description, Budget Amount, Current Bill Amount, Cumulative Bill Amount. Rows include Faculty Salary Detail Gen, Faculty Temp Part Time, Technician Salary Detail Gen, etc.



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RESEARCH ADMIN. & FINANCE
110 8TH ST 3RD FLOOR RM 311
TROY, NY 12180-3522

UNM Grant Code: [REDACTED]
Agency Ref No: A18-0125-S002
Terms: NET 30

Invoice Date: 05-APR-2021
Bill Invoice No: 31

Expenditures for the Period: 01-MAR-2021 to 31-MAR-2021

Code	Description	Budget Amount	Current Bill Amount	Cumulative Bill Amount
2002	Faculty Summer Research	\$46,990.00	\$0.00	\$9,251.13
2040	Technician Salary Detail Gen	\$22,229.00	\$0.00	\$15,616.03
20A0	Ga Ta Ra Pa Salaries Gen	\$76,500.00	\$1,300.00	\$30,640.17
20A1	RA PA Tuition Compensation	\$31,524.00	\$2,866.16	\$12,497.20
21J0	Other Staff Benefits Gen	\$26,515.00	\$0.91	\$7,408.21
31S0	Lab Supplies Gen	\$29,984.00	\$0.00	\$5,206.77
3820	Out Of State Travel Gen	\$9,000.00	\$0.00	\$984.66
63X0	Technical Services Gen	\$32,000.00	\$0.00	\$2,489.15
89Z0	F and A Expense Gen	\$125,259.00	\$689.97	\$36,872.10
Total		\$400,001.00	\$4,837.04	\$120,965.42
Retainage			\$0.00	\$0.00
Fund Total			\$4,837.04	\$120,965.42

Cost Reimbursable Invoice



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Cost Reimbursable Invoice

Invoice Date: 05-APR-2021
Bill Invoice No: 31

Expenditures for the Period: 01-MAR-2021 to 31-MAR-2021

	Budget Amount	Current Bill Amount	Cumulative Bill Amount
GRANT TOTAL:	\$900,000.00		\$461,906.19
AMOUNT DUE:		\$23,452.15	
Unexpended Balance	\$338,093.81		

TOTAL CUMULATIVE COST REPRESENTS 58% OF THE AWARDED AMOUNT.

By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812).

Signature: _____ Date: _____

UNM Contact: Anthony Gallegos, Sr. Financial Accountant, 277-6087

Make all checks payable to: THE UNIVERSITY OF NEW MEXICO
Please reference UNM Account No. [REDACTED]



The University of New Mexico
 Contract & Grant Accounting
 MSC01 1245
 1 University of New Mexico
 Albuquerque, NM 87131-0001
 (505) 277-4721

Fixed Price Invoice

KBR Wyle Services, LLC
 PO Box 11640
 AP Department
 Huntsville, AL 35814
 KBR Contact: Greg Pace

UNM Grant Code: 2RNG8
 Agency Ref No: T725280010
 Terms: NET 30

Invoice Date: 11-Sep-2020
 Bill Invoice No: 1018
 Award Period: 20-FEB-2019 to 14-AUG-2020

Fund: 2RNG8-Wyle Task Order 10			
Description	Award Amount	Current Bill Amount	Cumulative Bill Amount
Award Amount	\$300,055.98		
Previously Invoiced			\$292,897.98
Per Award:			
Line 4: H-MN&C Labor cost for Eric Litwiller-August 1-14, 2020		\$7,158.00	
Cumulative Amount Invoiced			<u>\$300,055.98</u>
AMOUNT DUE		<u>\$7,158.00</u>	
Unexpended Balance	<u>\$0.00</u>		

I certify that amounts invoiced herein are correct and just and that payment therefore has not been received.

Signature: **Denise Vigil** Digitally signed by Denise Vigil
 Date: 2020.09.11 09:43:25 -08'00' Date: 09/11/2020

UNM Contact: Denise Vigil, Sr. Financial Accountant (505) 277-4642

Make all checks payable to: THE UNIVERSITY OF NEW MEXICO
 Please reference UNM Account No. 2RNG8

Office of University Counsel Approved Contract Templates

❖ For Funded Contracts

- Sponsored Research Agreement (SRA)
- Subcontract Template (when UNM is the subrecipient) – standard, SBIR, STTR
- Allocation of Rights Agreement (AOR) for STTR funding
- Professional Services Agreement (PSA)

❖ For Unfunded Agreements

- Non-Disclosure Agreement (NDA)
- Material Transfer Agreement (MTA) – inbound and outbound materials

Contracts Process Overview



Contracts Process Overview

Contract Receipt and Allocation

- **Receive from:**

- Sponsor (mail or email) ➡ OSP
- Sponsor ➡ PI ➡ OSP

- **Cayuse**

- Competitive Awards

- Direct result of a proposal submission
- New Cayuse record not needed

- Non-Competitive Awards

- Not a direct result of a proposal submission
- New Cayuse record is needed; houses documentation, correspondence and the contract
 - Funded
 - Budget, Justification, SOW, Contract, Add'l documentation/correspondence
 - Unfunded
 - Contract, Add'l documentation/correspondence

- **Allocation**

- Contracts are assigned to a contract specialist within 24-72 hours from receipt by the Contracts Team

Contracts Process Overview

Contract Review

- **To ensure compliance with:**

- Federal, State and sponsor regulations and/or laws
- UNM's Policies, Procedures and standard practices

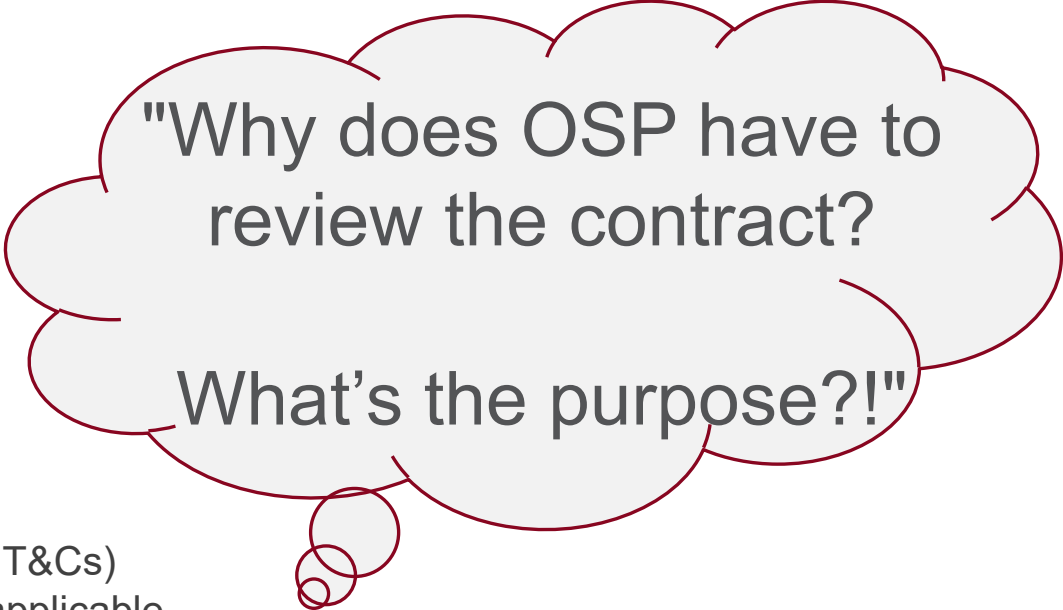
- **To maintain protection of rights for:**

- the University
- faculty and staff involved in the work

- **We review:**

- All terms and conditions in contracts/subcontracts
- Any applicable attachments (ie exhibits, appendices, add'l T&Cs)
- FAR, DFARS, etc. for federal procurement funding, when applicable
- Prime Contracts for all subcontracts when UNM is the subrecipient

- As necessary, OSP works with other internal compliance offices – IRB, IACUC, Export Control, OUC, IT, etc. – to meet compliance measures as they pertain to the agreement



"Why does OSP have to review the contract?"

What's the purpose?!"

Contracts Process Overview

Contract Negotiation

Time Frame:

- varies depending on many factors:
 - Terms and Conditions in the contract
 - Internal Compliance Reviews
 - How quickly the Parties can reach a mutual agreement on the Terms and Conditions
 - Processes of the Sponsoring Agency and/or UNM

OUC-Approved Templates:

- can cut down on negotiation time **if** the sponsoring agency has no changes, or only minimal changes that don't require OUC approval, to the Terms and Conditions
- Some sponsors, such as State departments, do not allow the use of UNM's templates which means we must negotiate the template the sponsor provides
 - In this case, we attempt to verify against what has been negotiated in the past if possible, although at times changes must be addressed based on changing regulations or procedures

Challenging Terms and Conditions

- **Warranty language:**

- provides an absolute guarantee to some particular action or result
- per NM law, UNM, as a state governmental entity, is prohibited from providing any warranties

- **Indemnification:**

- assuming all liability and any associated costs in the instance of a legal issue arising
- per NM law, UNM, as a state governmental entity, is prohibited from indemnifying another party

- **Governing Law of another State or Country:**

- agreement to the laws and jurisdiction of another state or country
- can result in UNM forfeiting the rights afforded to it as a state governmental entity under the laws of NM

Challenging Terms and Conditions cont'd...

- **Publication Restrictions:**

- does not align with UNM's mission to disseminate information as a public institution
- can result in a potential export control matter

- **Relinquishing IP Rights:**

- does not align with UNM's mission- research changes from public benefit to private benefit
- could negatively impact our status as a tax-exempt institution
- does not align with UNM's IP Policy E.70 in the Faculty Handbook

- **Indefinite Confidentiality:**

- not advised as it puts a huge responsibility on the PI
- does not align with UNM's mission- our focus is on dissemination of information, rather than indefinite protection of other entities' information

Contracts Process Overview

Contract Execution

Once negotiations are finalized, each Party's signature authority signs the agreement.

- Most contracts are routed by OSP to the University Controller's Office for signature

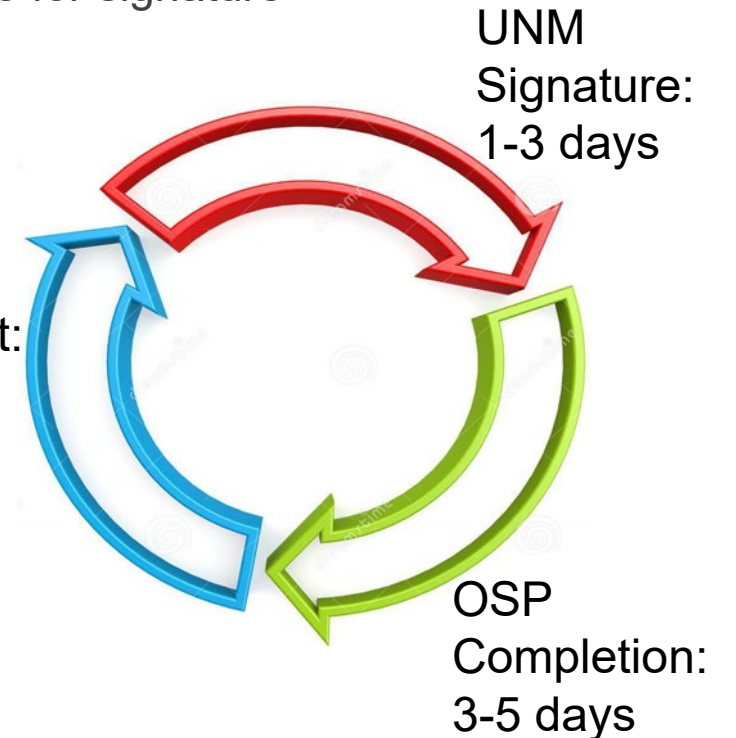
UNM Policy 2010:

delegates signature authority for different actions

<http://policy.unm.edu/university-policies/2000/2010.html>

Per this policy, Faculty and Staff do not have signature authority to sign on behalf of the University. Any contractual agreements signed by Faculty or Staff are not considered legally binding on UNM.

CGA Index
Assignment:
2 days



Action Routing Guide

Contracts Team – ospcontracts@unm.edu

- Unfunded Agreements- NDAs, MTAs, DUAs, Collaboration Agreements, Equipment Loan/Donation Agreements, Software Agreements, Teaming Agreements, Master Agreements
- Funded Agreements- research and service contracts from Private Industry, State of NM, Federal sponsors, subcontracts incoming (when UNM is the subrecipient)
- Reqs and Certs required as part of Contract execution

Awards Team – awards@unm.edu

- New Grants and Cooperative Agreements, Modifications/Amendments to existing agreements, Task Orders under Master Agreements, Subawards/subcontracts outgoing (when UNM is the Pass-Through Entity)
- No Cost Extensions (NCEs), PI changes, Award Transfers, Internal Budget Revisions (IBR), Requests to Spend Funds (RTSFs)

Proposal Team – ospappointment@unm.edu

- Proposal Submissions
- Budget Revisions
- Reqs and Certs required as part of a proposal submission



Contracts Team

Tips & Contact Information

Earlier is Better!

- When you receive a contract, please get it to OSP sooner than later.
- It can be really challenging and stressful for the department, the faculty, at times the sponsors, and the OSP contract specialist when we don't receive contracts with enough time to do the necessary reviews.

Use Cayuse!!

- The Cayuse record is very important even for the Contracts Team. We rely on the record to tell us a story- Prime Sponsor if applicable, EC compliance, Regulatory Compliance, Subcontractors, etc. Please ensure the information in the record provides these details in order to avoid additional delays.
- Please include the Contractual POC in the Cayuse notes section and information regarding the action needed

Contact Us!!!

- For contract-related matters, please reach out to ospcontracts@unm.edu



Questions?
