

## **502-003-A: Pre-Award Proposal Review and Approval Procedure**

This procedure implements CSU systemwide policy for Sponsored Programs Administration: [Pre-Award Proposal Review and Approval](#) (ICSUAM 11002.03); and portions of University Corporation policy #502-000-A, Administration of Sponsored Programs.

### **Summary**

The Sponsored Programs Office (SPO) on behalf of University Corporation, shall ensure compliance with applicable government regulations, CSU policies and sponsor guidelines regarding proposal submission.

**100 Pre-Award Review and Approval of Proposal Submission.** Proposals for Sponsored Programs shall not be submitted to the Sponsor without prior approval of the University president or the president's designee for the technical proposal and support of the University mission and of the University chief financial officer or the chief financial officer's designee for the cost proposal and compliance with campus budget requirements. Other review and approvals shall include the appropriate Chair/Director, Dean/AVP, Sponsored Programs and others as needed.

### **100.1 – General Process**

In order to allow sufficient time for proposal development and campus review and approvals, the following timeline should be followed:

- Ten (10) business days (at a minimum) prior to the funding agency (“Sponsor”) deadline, contact SPO for assistance with eligibility requirements, proposal guidelines, compliance, proposal budget development and more
- Five (5) business days prior to the Sponsor deadline, proposals must be initiated in Quali. The minimum documents necessary for internal routing and approvals include: Final or near final draft Narrative and Budget with sponsor guidelines/RFP and other items as required by sponsor requirements or University Corporation.
  - Late Proposals: Proposals not submitted with sufficient time for SPO and campus review will be submitted at the discretion of the Provost. While every effort will be made to review and submit quality proposals, proposals with insufficient time for review may not be fully compliant with proposal guidelines (and could be at risk for denial) and may not be of the highest quality to appropriately represent CSUMB standards.
- If the above timeline is followed, or the Provost has approved a late proposal, the Sponsored Programs Director, or designee, will submit the proposal in accordance with Sponsor guidelines on or before the deadline.

### **100.2 Exceptions**

- Private Foundation Proposals: Director of Corporate and Foundation Relations submits grant proposals to private foundations.
- After-the-Fact: If an award is received without prior approval of the proposal, the proposal is subject to the campus review and approval process prior to acceptance of the award at the discretion of the Provost.
- F&A Cost: See F&A Cost Policy (503-003-A) for requirements.

**200 Compliance and Award Acceptance.** Compliance review and approval for additional requirements of the Sponsor or government, including, if applicable, IRB, IACUC, COI, RCR and/or other compliance requirements identified in the proposal routing process, will be done in collaboration with the appropriate Campus representative, either prior to award acceptance or before spending can begin on a particular segment of the award, whichever is applicable.

**300 Pre-Award Review to Determine Gift or Sponsored Program Designation.** University Development in collaboration with Sponsored Programs Office, University Corporation and others as needed, shall facilitate the appropriate classification of gifts and grants to ensure that external funding directed to the Campus receives the proper compliance review, administrative oversight, and monitoring.

**400 Notice.** The University Corporation shall act as the administrator and financial liaison for externally funded grants and contracts. Exceptions to this policy will require approval from the University's Chief Financial Officer/Vice President of Administration and Finance or the Provost/Vice President of Academic Affairs, or their designees.

The University Corporation is legally responsible and accountable to the Sponsor for the use of the funds provided and the performance of the grant or contract. In order to meet these obligations, the Director of Sponsored Programs Office is authorized by the University Corporation Board of Directors to act on behalf of the University Corporation to accept sponsored grants and contracts awarded by private agencies and federal, state, and local government agencies.

**500 Budget.** Proposal budgets are approved by Sponsored Programs Office and the designated Campus review/approvers prior to submission to the funding agency. At the discretion of the SPO Director, a change in the proposal budget or scope before proposal submission or prior to award acceptance requires re-routing for Campus review and approval if any of the following apply:

1. Budget increase of more than \$10,000;
2. Increase in cost-share obligation;
3. Increase in PI or other key personnel effort; or
4. Other changes that require additional review/approval, including, but not limited to international and/or restricted travel, equipment, space needed on campus, or determination if work will be performed off campus.

**501 Assignment.** If the agreement from the sponsoring agency is federally funded and/or contains language regarding ownership of intellectual property (IP) that is either copyrightable or patentable, the PI and other faculty contributors will be required to sign a document to assign title to any sponsored works to the University Corporation, but only to the extent required to comply with the terms and conditions of the sponsored agreement. This assignment will take place prior to accepting the award, if necessary, in compliance with Management of Sponsored Programs Policy 502-000-A, Sections 501-503, CSU system SP policy 11002.01 and US Patent Law (see Bayh-Dole Act requirements under guidelines).

### **Roles & Responsibilities**

**PI:** Collaborate with SPO throughout proposal development process.

- A. Notify SPO of intention to submit a proposal as early as possible to ensure eligibility and establish schedule.

- B. Begin proposal routing process with SPO as early as possible (but at least 10-business days prior to proposal submission deadline, with initiation in Kualu at least 5 business days prior to deadline); late proposals may require Provost authorization.
- C. Facilitate approvals of College when necessary, especially on cost share or effort.
- D. Acknowledge requirement to assign rights to IP created under the agreement, if the agreement contains language regarding ownership of IP.

**Dean (or other administrator):** Review/approve proposed project abstract and budget. Budget approval may include:

- A. Reimbursed Release (Assigned) Time for faculty PI and other key personnel on the project.
- B. Mandatory committed Cost-shared Release Time for the same.
- C. Facilitate approvals of College when necessary, especially on cost share or effort.
- D. Other approvals, as necessary, for international travel, space or equipment use (beyond ordinary use), IDC waiver, and other approvals depending on the type of proposal.

**Corporation, Post-Award Admin:** Available for guidance on budget development and post-award administration questions.

**SPO:** Review all proposals, in collaboration with PI.

- A. Collaborate with PI on timeline for proposal submission and ensuring eligibility prior to development of the proposal.
- B. Facilitate entry of proposal into Kualu.
- C. Review proposal submission guidelines and ensure compliance with requirements.
- D. Collaborate with PI on cost proposal, ensuring compliance with University Corporation procedure on Allowable Costs (503-005-A) and sponsor requirements on allowable costs and mandatory cost share, when necessary.
- E. Work with PI and subrecipient campuses on incorporation of subawards into proposal.
- F. Facilitate approval process and Provost approval, when necessary.
- G. Submit proposals to funding agencies.

## References

For definitions of key words in this procedure, refer to the CSU systemwide [Sponsored Programs Definitions Policy](#) (ICSUAM #11001.01).

## Guidelines

Refer to Sponsored Programs Proposal Costing Procedure (#503-004-A) and Budget Preparation Guidelines for additional information.

## **Bayh-Dole Act Compliance** (US Patent Law, [37 CFR 401](#))

**Obligations of Universities and Other Nonprofit Organizations:** By accepting federal funds in support of a research project, institutions assume responsibility for complying with the requirements of the Bayh-Dole Act and US Patent Law for federally funded inventions ([35 USC §200-212](#)). In general, the nonprofit organizations are required to:

1. Obtain written agreements from all employees (except clerical and non-technical personnel) recognizing their obligations to report inventions developed under federally-funded programs to the appropriate university office and assign them to the institution;
2. Disclose an invention to the federal agency supporting the applicable research program within 2 months after the inventor discloses an invention in writing to the institution;
3. Elect title to the invention within two years after disclosing the invention to the federal agency but no later than 60 days before the end of any statutory period in which valid patent protection can be obtained in the U.S.;
4. File a patent application within one year after election of title - or earlier if necessary to avoid forfeiture of patent rights - but no later than the end of any statutory period in which valid patent protection can be obtained in the U.S.;
5. Include at the beginning of the U.S. patent application and patent a statement that the U.S. Government has rights in the invention and identifying the sponsoring agency and the number of the funding award;
6. Submit to the funding agency a confirmatory license for each U.S. patent application providing the sponsoring agency with a nonexclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States any subject invention throughout the world;
7. Notify the funding agency within a reasonable amount of time after filing the initial patent application whether and in which countries corresponding foreign applications will be filed;
8. Submit periodic reports, no more frequently than once a year, regarding the utilization of the invention as requested by the funding agency;
9. Give preference to issuing licenses to small business firms if they show they have the resources and capability to bring the invention to practical application;
10. Except with permission of the funding agency, not assign rights to inventions to third parties (except to patent management firms), including to the inventor;
11. Require any exclusive licensee to substantially manufacture in the U.S. any products that will be sold in the U.S., unless this requirement is waived by the funding agency;
12. Share with the inventor(s) of the invention a portion of any income the institution receives from the licensing of the invention;
13. Use the balance of income received from the licensing of the invention (after costs associated with patenting and licensing are reimbursed) to support education and scientific research.

While all sections of the Bayh-Dole Act are pertinent, [Section 37 CFR 401.14\(f\)](#) *Standard Patent Rights Clauses* is particularly important in that it covers some of the more significant requirements of the Act.