



# Sponsored Projects Office Policy Manual

## WFO Non-Federal Sponsors

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July 28, 2009

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## Work for Others - Non-Federal Sponsors

### Proposals

The SPO Contracts Officers (CO) has the institutional review responsibility for submitting all proposals to non-DOE entities.

For proposals being submitted to non-federal sponsors, SPO Contracts Officers should give special attention to the following:

#### 1. Sponsor solicitation, if any:

The SPO CO shall review the solicitation to ensure that the LBNL is not responding to a request that is similar to a Federal Request for Proposal (RFP) but is instead responding to a solicitation similar to a Broad Agency Announcement (BAA) as allowed by DOE (including Requests for Applications, Program Announcements, etc.). Once a determination has been made, the SPO CO needs to ensure that LBNL meets sponsors eligibility requirements and that there are no sponsor requirements identified in the solicitation which would prevent LBNL from responding.

The SPO CO ensures that a website for the solicitation is included in the DOE Review Factor for BAAs so it can be transmitted to DOE/BSO

If LBNL's immediate sponsor is responding to a federal solicitation, the SPO CO shall review the federal solicitation to ensure that LBNL and its immediate sponsor is not responding to a Request for Proposal (RFP) type solicitation but is instead responding to a Broad Agency Announcement (BAA) type solicitation as allowed by DOE (including Requests for Applications, Program Announcements, etc.). [There is guidance on responding to solicitations.](#)

Once that determination has been made, the SPO CO needs to ensure that LBNL meets the federal agency's eligibility requirements and that there are no requirements identified in the solicitation which would prevent LBNL from participating.

#### 2. LBNL Unique Capabilities

LBNL's explanation regarding its special expertise, unique capability or unique facilities for the performance of work is a key element because it provides DOE the basis to make

its determination that LBNL is not directly competing with the private sector.

**3. SPO Intellectual Property Review**

The CO determines whether the class waiver is applicable. [See the Non Federal Work for Others Process for Review and Approval of Sponsored Research Proposals.](#)

**4. Publication Restriction or Sponsor is a foreign entity**

If the sponsor has any restriction on publication, there will need to be an Export Control review, along with Director's approval. Foreign entities also need an export control review [See the Non Federal Work for Others Process for Review and Approval of Sponsored Research Proposals](#)

**5. Advance Payment**

All non federal entities must pay an [advance](#) prior to start or work. The only exceptions are state and local governments which are precluded by law from making advance payments ([WN](#)).

**6. EHS & Human and Animal Use Approvals**

A new award requires EHS approval which will be in the form of an email. If Human/Animal subjects are used, follow the process [here](#).

**7. COI Review**

COI policies are found in the RPM at [10.1](#) [General] and [RPM 10.5](#) [Research-related]. The Research and Institutional Integrity Office (RIIO) is the office of record for the original conflict of interest forms for both positive and negative disclosures. SPO receives copies of both positive and negative disclosures.

If there is a positive response to a disclosure, then the SPO CO should follow up with the Division to remind them to work with the LBNL Conflict of Interest Coordinator to resolve the issue.

Awards cannot be authorized until a positive Conflict of Interest has been resolved.

**8. SPO Proposal Approval and WFO Agreement:**

The SPO CO should determine which Non-Federal WFO Agreement is most appropriate for the proposal. [See the Non Federal Work for Others Process for Review and Approval of Sponsored Research Proposals](#) for the process to follow and what exhibit to use

Also, the SPO CO should determine from the PI if materials, samples, equipment or people will be received from the Sponsor and sent to LBNL. If not, then the SPO CO will know the General Indemnity can be reserved if the Sponsor will not accept the standard General Indemnity Clause.

Once the CO has decided what Agreement they believe is appropriate for the project, they review the RAPID/Proposal Review/Intellectual Property to assure it is completed correctly and the SPO CO prints the Allocation of Patent Rights Under Non-Federal Work for Others (Exhibit F) [See the Non Federal Work for Others Process for Review and Approval of Sponsored Research Proposals](#) for the process to follow for DOE approval of the proposal and correct Exhibit. There is also a copy to TTMD if Exhibit A is to be used [See the Non Federal Work for Others Process for Review and Approval of Sponsored Research Proposals](#).

DOE approvals will be via an update to RAPID

## 9. Submission to Sponsor

The SPO CO prepares the [proposal transmittal letter](#) and the selected non-federal [WFO contract](#). The transmittal letter, proposed non-federal WFO contract, the proposed scope of work and budget and other sponsor application forms, if required, are then transmitted to the non-federal sponsor contact identified by the scientific division. (Sponsor contact information is entered by the Division Analyst in RAPID/Proposal Submission Panel and is printed on the WFO SPPF.)

The RAPID Submission Panel is updated with the dates the proposal was received from the Division and sent to the Sponsor.

## DOE Review

The SPO CO must ensure DOE approval for all proposals prior to authorization of an award. Follow the [Non Federal Work for Others Process for Review and Approval of Sponsored Research Proposals](#).

In accordance with the [DOE/BSO Memorandum of 6/11/2002](#), proposals in response to solicitations for which funding is uncertain are not submitted to DOE until the Sponsor notifies LBNL that funding is pending. Examples of these types of proposals include those submitted to the [National Institutes of Health](#), the [University of California](#)

[Special Research Program](#), and the [DOD Congressionally Mandated and Directed Research Program](#)

## Awards

### 1. SPO Award Negotiations

The SPO CO contacts the sponsor's contracts office to determine if the sponsor has any questions or issues on the proposed contract.

If the proposed contract terms are acceptable, the SPO CO should request that the sponsor sign the contract and return it to the SPO CO for signature. The SPO CO signs the contracts and prepares a transmittal letter sending the executed contract back to the sponsor and reminds the sponsor to make the advance payment, if applicable. This can be done with electronic copies if acceptable by the Sponsor.

If negotiations on contract terms are necessary, the SPO CO should not agree to changes to terms and conditions that DOE would be unlikely to approve. The SPO CO should only agree to changes that they feel have a reasonable chance of obtaining DOE approval.

In addition, if the sponsor requests to restrict LBNL's ability to publish to an extent that it violates the [Laboratory Policy on the Dissemination of Research Results](#), then the Laboratory Director's approval must be obtained prior to agreeing to the requested change. Also see the [Non Federal Work for Others Process for Review and Approval of Sponsored Research](#) Proposals for internal reviews and notifications. The SPO CO prepares the [Publication Restriction Memorandum](#) and obtains Laboratory Director for approval.

Once contract negotiations are complete, the SPO CO should prepare an e-mail explaining the basis for each change and submit the changes to the DOE/BSO Contracting Officer for approval. The SPO CO should follow-up with the DOE /BSO CO to determine if the negotiated contract terms are acceptable. If not, then the DOE changes to the negotiated contract are re-negotiated with the sponsor until both sponsor, DOE, and LBNL are in agreement on the negotiated contract terms. Signatures are then obtained from the sponsor on the negotiated contract and sponsor advance payment obtained, if required.

**2. Advance Invoice**

When it appears an agreement will be signed, an Advance Invoice is requested by Accounts Receivable. See the [Non-federal Advance Invoice and AR Review Process](#).

**3. Award Authorization**

Once all the required LBNL and DOE approvals have been obtained for the award, the SPO CO follows the Procedures found [here](#) to enter the needed information into the Enterprise Research Administration System. A SPAA is sent to the Principal Investigator, Division Analyst, Accounts Receivable and Budget Offices. Any special terms or restrictions are noted on the SPAA.