California State University SAN MARCOS
OFFICE OF GRADUATE STUDIES AND RESEARCH

Created: 6/1/21
Revised: 11/7/21; 9/9/26

Pre-Award Proposal Review and Approval Procedure

This procedure implements CSU systemwide policy for Sponsored Programs Administration.

Summary

The Office of Graduate Studies and Research (OGSR) Grants and Contracts Development (GCD) staff, on behalf of the campus, shall ensure compliance with applicable government regulations, CSU policies, and sponsor guidelines regarding proposal submission. This procedure pertains to the following mechanisms: grants, contracts, cooperative agreements, subawards, and letters of intent.

Pre-Award Review and Approval of Proposal Submission

Proposals for Sponsored Programs should not be submitted to the Sponsor without prior written approval of the President of the University or the President's designee (the Dean of Graduate Studies and Research), the Chief Financial Officer or their designee, and the CSUSM Corporation Executive Director or their designee. Approvals shall be obtained through the circulation of the *Proposal Form* in Cayuse. Other review and approvals shall include the appropriate Chair/Director, Dean/AVP/MPP, and others as needed for various compliance aspects or additional approvals (e.g., Integrated Risk Management, Safety, Health, Sustainability). Principal Investigators/Project Directors (PI/PDs) are strongly encouraged to discuss with their chairs/unit leads and deans their plans to submit a proposal to an external sponsor in advance of the *Proposal Form* circulating for approval.

100.1 – General Process

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

1. Twenty (20) business days (at a minimum) prior to the funding agency ("Sponsor") deadline, contact OGSR for assistance with eligibility requirements, proposal guidelines, compliance, proposal budget development, and other proposal preparation tasks. Some proposals, such as those involving subawards, those involving space requests, those that include cost-sharing requirements, those with extensive data needs, or those with more complex compliance aspects (i.e., involving the disclosure of potential conflicts of interest, involving industry partnership and intellectual property) require greater than twenty (20) business days for notification regarding submission.
2. Ten (10) business days prior to the Sponsor deadline, a final budget, project summary, and subrecipient budget/s (if relevant) should be completed and uploaded into Cayuse for internal routing. These are the minimum documents necessary for internal routing and approvals. Other items required in the RFP or by the Corporation may also be required prior to internal routing.
3. Seventy-two (72) hours prior to the Sponsor deadline, all final documents required for the proposal will be shared by the PI with Grants and Contracts Development for administrative review.
    - If the above timeline is followed, or the Provost or designee has approved a late proposal, OGSR will submit the proposal in accordance with Sponsor guidelines on or before the deadline.

- Late Proposals: Proposals without sufficient time for OGSR and campus review will be submitted at the discretion of OGSR. 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 CSUSM standards.

100.2 – Exceptions

1. After-the-Fact: If an award or contract is received without prior approval of the proposal, the proposal is subject to the *Pre-Award Review and Approval Procedure* prior to acceptance of the award at the discretion of the Provost or designee.
2. Proposals routing on Cayuse occasionally become stuck with a signatory. Grants and Contracts Development will not hold up the submission of a proposal if the Cayuse Proposal Form has not been approved. Grants and Contracts Development expects records to complete within two weeks of proposal submission.
3. F&A Costs: The *Facilities and Administrative (F&A)/Indirect Costs (IDC) Procedure* includes procedures for exceptions to the on- or off-campus indirect cost rates.
4. Letters of Interest that are merely a statement of interest and do not involve a budget may be submitted prior to circulating the *Proposal Form*, but they should be submitted by Grants and Contracts Development following the review of requirements.

100.3 – Special Cases

1. Grants offered through the Chancellor's Office or through one of the CSU Affinity groups (i.e., COAST, CSU BIOTECH, ARI, CDSC, OSI, SSRIC, STEM NET, CSU Shiley Haynes Institute for Palliative Care, WRPI) may also need to follow the *Pre-Award Review and Approval Procedure*. While funds will likely be dispersed through an interagency financial transaction and not set up as a sponsored project with CSUSM Corporation, these affinity groups sometimes request that proposals follow the campus approval process.
2. Fellowships and other grants that are intended to be or required to be awarded to an individual rather than an institution should be discussed with Grants and Contracts Development and may be subject to the *Pre-Award Review and Approval Proce*dure. Reimbursed time, including partial year sabbatical buyout through Fellowships, must follow established University procedures and calculations.

200 Compliance and Award Acceptance

Compliance review and approval for additional requirements of the Sponsor or government, including, if applicable, requirements such as Institutional Review Board (IRB), Institutional Animal Care and Use Committee (IACUC), Conflict of Interest/Commitment (COI), Responsible Conduct of Research (RCR), Research Security, or review by Safety, Health, and Sustainability, Global Programs and Services, or other units, 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.

Created: 6/1/21
Revised: 11/7/21; 9/9/26

300 Pre-Award Review to Determine Gift or Grant Designation

Grants and Contracts Development, in collaboration with University Advancement, the Office of Sponsored Projects, 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 post-award monitoring.

When University Advancement is aware that an application or proposal is being submitted for a grant, they will collaborate with OGSR to ensure proper classification and administration. If the application or proposal appears to be a gift, but the award comes in the form of a grant, the funding cannot be accepted unless the *Pre-Award Review and Approval Procedure* is followed to obtain approval on the *Proposal Form* in Cayuse.

400 Notice

The Corporation shall act as the administrator and financial liaison for externally funded grants and contracts. Exceptions to this requirement must be approved by the University's Chief Financial Officer and Vice President, Finance and Administrative Services and the Provost and Vice President of Academic Affairs, or their designees.

The 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 Executive Director or designee is authorized by the Corporation Board of Directors to act on behalf of the Corporation to accept sponsored grants and contracts awarded to the Corporation by private entities and federal, state, and local government agencies.

500 Budget

Proposal budgets are approved by OGSR and the designated campus reviewers prior to submission to the funding agency. At the discretion of the Director of Grants and Contracts Development, 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. Increase in cost-share obligation;
2. A change in PI/PD or other key personnel effort when it impacts reimbursed time or overload; or
3. Other changes that require additional review/approval, including, but not limited to international and/or restricted travel, equipment, space needs, or determination if work will be performed off campus.

600 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, 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 *Sponsored Programs General Policy Standards and Requirements* (ICSUAM 11002.01) and US Patent Law (see Bayh-Dole Act requirements at the end of this document).

Created: 6/1/21
Revised: 11/7/21; 9/9/26

700 Roles & Responsibilities in the Proposal Development Process

The following are some of the roles and responsibilities for the proposal development process (not exhaustive).

PI Roles

- Meet proposal milestones including notifying Grants and Contracts Development regarding submission 20 business days prior to the deadline; completing a final budget and Cayuse record 10 business days prior to the deadline; submitting final proposal documents 72 hours prior to the proposal deadline.
- Review and certify PI Assurances
- Read *CSUSM Corporation Conflict of Interest Policy and Procedure*, complete training in CITI (highly encouraged), and complete Financial Conflict of Interest Disclosure (where relevant)
- Initiate Cayuse *Proposal Form* and coordinate with appropriate departments as needed for specific issues related to the proposal (e.g. Safety, Health and Sustainability, Risk Management; IRB; IACUC; Global Programs and Services)
- Develop proposal content according to sponsor guidance and RFA requirements
- Secure sources of cost-sharing, approval for space, and other considerations by consulting chair and dean
- Ensure approval of reduced indirect cost exception (where relevant)
- Confirm accuracy and completeness of assembled package and approve submission

Grants and Contracts Development Roles

- Review sponsor guidelines and ensure PI follows guidance
- Serve as point of contact for collaborating institutions
- Provide timeline for proposal development, templates, and checklist of documents required for submission
- Support PI with budget development to ensure compliance with institutional and sponsor policies/guidance
- Consult with other appropriate departments as needed for specific issues related to the proposal (e.g. Safety, Health and Sustainability; IRB; IACUC; Global Programs and Services)
- Communicate Conflict of Interest and Responsible Conduct of Research requirements and collect and review COI forms
- Ensure indirect cost recovery exceptions have been approved (where relevant)
- Monitor circulation of Cayuse record
- Assemble proposals in sponsor's platform (e.g., grants.gov, Research.gov)
- Serve in the capacity of CSUSM's Authorizing Official (Authorized Organizational Representative or AOR) for providing contracting and granting agencies assurances
- Submit proposal

With sufficient time, Grants and Contracts Development can assist in additional proposal tasks such as drafting language for facilities documents and providing other boilerplate text, drafting budget justifications, reviewing the narrative and summary and providing comments/suggestions.

Office of Sponsored Projects Roles

- Where relevant, provide guidance on budget development and post-award administration questions

800.1 Review and Approval in Cayuse Proposal Form – Signatories on All Proposals

When the *Proposal Form* is ready to be circulated in Cayuse for approvals, the PI/PD will be the first to sign. The following signatories are included on all proposals. Section 800.2 describes campus representatives who additional signatories on proposals when certain criteria are met.

As the certifications for Principal Investigators/Project Directors and Co-Principal Investigators/Co-Investigators/Co-Project Directors are lengthy, please follow the links for the full list. These certifications are listed in the *Proposal Form* in Cayuse. By signing and submitting the *Proposal Form* in Cayuse, the PI/PD and Co-PI/Co-I/Co-PDs certify they have read and understand the assurances.

Principal Investigator/Project Director – See PI/PD Certifications
See the end of this Procedure for Bayh-Dole Act compliance (included as one item in the list of certifications)

Co-Principal Investigator/Co-Investigator/Co-Project Director – See Co-PI/Co-I/Co-PD Certifications
See the end of this Procedure for Bayh-Dole Act compliance (included as one item in the list of certifications)

Grants and Contracts Development Specialist

- Assure that proposal meets sponsor requirements
- Assure that budget is compliant with CSUSM Corporation and sponsor requirements
- Assure that sources of committed cost-sharing are documented and follow campus policies and procedures
- Assure that relevant compliance areas have been addressed (e.g., debarred/suspended search, COIs complete and reviewed, RCR indicated)
- Confirm that *Facilities and Administrative (F/A)/Indirect Cost (IDC) Exception Request Form* is uploaded (where relevant)

Director, Grants and Contracts Development

- Assure that budget is compliant with CSUSM Corporation and sponsor requirements
- Assure that sources of committed cost-sharing are documented and follow campus policies and procedures
- Assure that relevant compliance areas have been addressed (e.g., debarred/suspended search, COIs complete and reviewed, RCR indicated)
- Assure that project implications for campus units are attended to (see Section 800.2)

Chair/Program Director/Center Director/Unit-level Manager/MPP

- Awareness of proposed course releases and implications for department
- Awareness of IDC exceptions and IDC sharing agreements
- Approve of the proposal's academic, financial, compliance, and facilities impact on the department
- Assure that the Dean/Appropriate Administrator has been informed of the proposal's academic, financial, compliance, and facilities impact on the department

Dean/Appropriate Administrator

- Assure the use of identified resources, including space and utilities, required to meet project deliverables and assumes all obligations for providing identified resources
- Awareness of IDC exceptions and IDC sharing agreements
- Approve faculty and staff time commitments (including additional employment/overload) detailed in the proposal
- Review and approve institutionalization of project activities (if relevant, noted on *Proposal Form*)
- Assure that the proposal, including narrative, budget and cost share commitment(s), where applicable, are consistent with the University's mission and goals

Dean OGSR (as delegated by Provost and Vice President for Academic Affairs)

- Assure that the proposal's technical content aligns with the University's mission
- Acknowledge the implications for the proposal's compliance areas (IRB, IACUC, Export Controls, Intellectual Property, RCR)
- Approve security clearance, publication rights, or intellectual property rights (where applicable)

Executive Director, CSUSM Corporation

- Assure that the proposal budget follows Corporation policies, including HR and OSP policies

Vice President, Finance and Administrative Services

- Assure that the proposal budget, including committed cost-sharing and F&A rate, follows University policies

800.2 Proposal Form Notifications and Signatures – selected proposals, where relevant

The following individuals will be notified when the project meets criteria defined under each area:

Chief Information Officer will be notified on submissions regarding the technology needs of the project.

Director Safety, Health, and Sustainability will sign when:

- There is any use of animals or their waste products on campus
- There are Permits/Licenses Approvals needed prior to conducting research
- There is significant (other than the usual) usage of SH&S consult time
- There is any significant volume of hazardous waste created from the grants processes
- There is use of recombinant DNA, infectious agents, bio-hazardous material, human or non-human primate cell lines
- There is any significant amount hazardous chemicals procured for this project
  There are unusual hazardous materials that will need to be procured (e.g., extremely hazardous substances, reactive materials, or those listed under the Patriot Act as select agents.

Dean of Extended Learning will be notified when:

- EL undergraduate or graduate programs are involved
- Space allocated to EL is involved
- Professional certificates/non-credit courses are involved

Executive Director of Global Programs and Services will be notified:

- There is international travel including conference attendance (please note in the event of an award, travel must follow CSUSM Travel Policy, including travel authorization)
- There are international activities

Vice President University Advancement or designee will be notified when the proposal is submitted to a private foundation or corporation.

References

For definitions of key words in this procedure, refer to the CSU systemwide Sponsored Programs Definitions Policy.

Created: 6/1/21
Revised: 11/7/21; 9/9/26

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.