When They Come and When They Go: Managing Grant Transfers and Terminations

Virginia (Gail) Smith (Pediatrics),
Diane Masters (Cognitive Neuroscience),
Cynthia Case (ORA), Keith Hurka-Owen (ORS), Patti Thompson (OSP)

Track: Post-Award
Audience: All
S11
Handouts / Supplemental Materials
Managing Grant Transfers and Terminations at Duke

Guidance from the NIH Grants Policy Statement (Rev. 12/03)

Prior approval from NIH is required to transfer legal and administrative responsibility from one legal entity to another before the expiration of the approved project period (e.g., during an active competitive segment). For most NIH grants, a change of grantee organization can be accomplished if the original grantee agrees to relinquish responsibility before the project end date. The project under the same PI may be supported at a new organization for a period up to the remainder of the previously approved project period in an amount not to exceed that previously recommended for direct costs (plus applicable F&A costs) for the remaining period.

Transfers to or between foreign institutions or international organizations must also be approved by the appropriate NIH Institute or Center's Advisory Council or Board.

- Grants to individuals may not be transferred. However, individual fellowships may be transferred to a new sponsoring organization. The transfer process is the same as the process for a change of grantee organization.

- Change of grantee organization must be made well in advance of the anticipated start date at the new organization. Failure to provide timely notification may result in disapproval or delay.

- Transfers are normally permitted only when all of the permanent benefits attributable to the original grant can be transferred, including equipment purchased in whole or in part with grant funds. NIH considers whether there is a continued need for the grant-supported activity and the impact of any proposed changes in the scope of the project. A change may be made without peer review, provided the PI plans no significant change in research objectives and the facilities and resources at the new organization allow for successful performance of the project.

Guidance from the NSF Award and Administration Guide (January 2010)

- When a PI/PD plans to leave an organization during the course of a grant, the organization has the prerogative to nominate a substitute PI/PD or request that the grant be terminated and closed out. In those cases where the PI/PD’s original and new organizations agree, NSF will facilitate a transfer of the grant and the assignment of remaining unobligated funds to the PI/PD’s new organization. This should normally be done with a tripartite agreement (involving NSF, the PI/PD’s original organization and new organization), or by a subaward arrangement (in certain circumstances) between the PI/PD’s original and new organizations, subject to NSF’s consent.
Notification – The PI/PD or the Sponsored Projects Office, or equivalent, shall notify the NSF Program Office. If the project is to continue with the original organization, the NSF Program Officer should advise the grantee to nominate a substitute PI/PD. If the project is to be continued at the PI/PD’s new organization, and if NSF and both organizations agree, formal notification of the impending transfer can be electronically initiated by either the PI/PD or the PI/PD’s organization. The most current Federal Cash Transaction Report must be posted to NSF’s financial accounting system prior to submitting the PI/PD transfer. The amount transferred has to be equal to or less than the unobligated balance.

Equipment Transfers – Equipment purchased with NSF funds for use in a specific project should remain available for use for the duration of the project. PI/PDs who are in the midst of projects that included funding for equipment and who will continue the project at a new organization with NSF support should be able to arrange with their original organization to have the equipment transferred with them. Shipping costs for such equipment may be charged to the original or transferred grant as an allowable cost. Budgets should not include funds to “buy” equipment that had been previously obtained with Federal funds.

Possible Alternatives to the Transfer Process – When the amount of time and funds remaining in a project are modest, and if both the original and new organizations are in agreement, the original organization may issue a subaward to the new organization for completion of the project. This and other possible alternatives should be discussed with the NSF Grants and Agreements Officer.
Elements of Request to NSF

- Brief summary of progress to date;
- Description of work yet to be accomplished;
- Completed on-line transfer request, including total estimated disbursements to date (transfer amount will be automatically calculated, based on the amount entered in total estimated disbursements). The original organization is responsible for including in the total estimated disbursements, any anticipated costs yet to be incurred against the original grant.

- Detailed line item budget for the transfer amount and any outstanding continuing grant increments.
- The original organization concurs with the transfer of the award by electronically forwarding the request to the new organization.
- The new organization completes the request by providing a detailed budget for the transfer amount agreed to by both organizations. The new organization must electronically sign the request when submitted to NSF. Submission of the request constitutes agreement by the new organization to assume responsibility for completion of the project effort and to administer the grant (as originally awarded) from the transfer date to completion in accordance with any special terms and conditions and the applicable general terms and conditions that normally govern NSF grants made to the new organization. Special terms and conditions, as appropriate, cited in the original award will convey to the new grantee organization.

- FastLane will assign at submission a proposal number. This proposal number will become the new grant number when the transfer is approved by an NSF Grants and Agreements Officer.

- Fund Transfer. Upon receipt of the above material, NSF will review the request and, if approved, deduct the specified transfer amount from the original grant and re-establish it under a new grant number at the new organization. Award notification by the NSF Grants and Agreements Officer will constitute NSF approval of the grant transfer. The award notification also will specify the applicable basic terms and conditions that govern the grant (i.e., RTC, NSF GC-1, FDP, or other Terms and Conditions).
- Upon transfer of the grant to the new organization, any monetary discrepancies must be resolved between the original and the new grantee. NSF will not intervene in any disputes between the two organizations regarding the transferred amount.
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<th>Departmental Research Administrators</th>
<th>Financial Analysis</th>
<th>Administrative Analysis</th>
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<tr>
<td>Chair</td>
<td>✓ Date of relinquishment ✓ Account balances ✓ Outstanding obligations ✓ Final Invoices from Subcontractors ✓ Anticipated expenditures prior to relinquishment ✓ Determination of unobligated balance ✓ Cost-share obligations ✓ Equipment disposition ✓ Completion and submission of PHS 3734 to OSP and ORA for authorization and submission to NIH ✓ Submission of ZF114 and Post-Award Checklist to OSP (prepare when Duke receives revised Notice of Grant Award reflecting revised end date)</td>
<td>✓ Decide if grant will be transferred or a new PI will be named. If new PI, prepare documents (letter, Biosketch, Other Support) for ORA to submit to NIH ✓ Will any portion of the study remain at Duke? If yes, determine Duke PI and prepare submission to new grantee ✓ Does the original PI need affiliation with Duke (e.g., Adjunct) to maintain active on grant ✓ Notify personnel supported by project, evaluate graduate student/Postdoc commitments ✓ Material Transfer Agreements ✓ Terminate Subaward Agreements ✓ Outside Service Agreements ✓ Standing orders, central lab charges, PCard, DLAR, recurring charges (maintenance contracts, etc.) ✓ Prepare Final Invention Statement and Certification for submission to ORA – must be reviewed and verified by the Office of Licensing and Ventures prior to submission to NIH ✓ Prepare Final Technical Report (if required)</td>
</tr>
</tbody>
</table>

Copy of authorized Relinquishing Statement goes to new grantee to begin their application process.
| Duke Office of Sponsored Programs | ✓ Verification and authorization of Official Statement Relinquishing Interests and Rights in a Public Health Service Research Grant (PHS 3734)  
✓ Submission of PHS 3734 to ORA for institutional endorsement and transmission to NIH  
✓ Preparation of final Financial Status Report (FSR) due 90 days from date of relinquishment |
| Duke Office of Research Administration | ✓ Authorization and submission of Official Statement Relinquishing Interests and Rights in a Public Health Service Research Grant (PHS 3734)  
✓ Terminate contractual relationships  
✓ Submit Final Invention Statement and Certification to NIH  
✓ Receive revised Notice of Award reflecting the revised budget/project period end dates, deletion of any future support, and de-obligation of remaining funds, if applicable. Update SPS, forward to OSP to enter into SAP, and department to close account |
New Grantee Organization

Principal Investigator
Departmental Research Administrators
Authorized Institutional Officials

If the original award was the result of a modular application, modular procedures apply to the request for change of grantee. If the original award was the result of a non-modular application, provide both Detailed Budget for the initial budget period and Budget for Entire Proposed Period of Support (remaining years). For awards using the PHS398, the application from the proposed grantee should include, at a minimum, the following:

- ✓ Face Page (PHS 398)
- ✓ Budget pages (current and future years)
- ✓ Narrative Budget justification: Awards resulting from modular applications should include narrative budget information, including total direct and F&A costs for the current budget period, and if future budget periods remain, information about the number of modules and the basis for computing F&A costs for all future years. For non-modular applications, provide narrative description for each category of costs for current and future project years.
- ✓ Updated Biographical Sketches for the PI and existing Key Personnel as well as any proposed new Key Personnel
- ✓ Statement indicating whether the overall research plans/aims have changed from the original submission, and, if so, provide updated information
- ✓ Updated “Other Support” for new research team members as necessary
- ✓ Resources – describe new facilities to support project
- ✓ Checklist
- ✓ Certification of IRB/IACUC approval, if applicable
- ✓ Detailed list of any equipment purchased with grant funds being transferred to the new organization (inclusion of this list in the transfer application from the new organization indicates its acceptance of title to that equipment.)
## REQUEST FOR RELINQUISHMENT (TRANSFER) OR TERMINATION

This form is required to relinquish (transfer) or terminate an active award from a federal or non-profit sponsor prior to the original end date of the project. For industry-funded awards, contact ORA at contracts.management@duke.edu.

### Principal Investigator: 

<table>
<thead>
<tr>
<th>Agency and Award No. (e.g. NIH R01 GM12345)</th>
</tr>
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### Administering Department: 

<table>
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<tr>
<th>Sponsored Projects System # (SPS):</th>
</tr>
</thead>
</table>

| WBS Element (Fund Code): |

### Name of Dept. Research Administrator: 

| Dept. Research Administrator’s Email and Phone Number: |

### New Institution: Name and DUNS# 

| New Institution: Contact Info, Email and Phone Number: |

### AWARD RELINQUISHMENT/TRANSFER INFORMATION

Attach sponsor documentation necessary to complete the questions below. If needed, ORA staff may contact the PI to discuss the details of the transfer.

(a) Date PI will leave Duke: 

**/**/** Date that award will be relinquished at Duke:

**/**/**

(b) Does this award involve the use of: Human Subjects? Protocol#___________________

Yes ☐ No ☐

Animal Subjects? Protocol#___________________

Yes ☐ No ☐

(c) Does this award involve cost-sharing?

Yes ☐ No ☐

(d) Does this award involve one or more subcontracts?

Yes ☐ No ☐

If yes, has the PI/dept notified the subcontractor(s) of the pending transfer?

Yes ☐ No ☐

Name of the subcontractor(s):

________________________

(e) Will equipment funded by this grant be transferred to the new institution?

Yes ☐ No ☐

If yes, please specify:

________________________

(f) Will any portion of this project need to be subcontracted back to Duke by the new institution (e.g, to fund graduate students completing degrees, to cover work that will not be transferred?)

Yes ☐ No ☐

(g) Has the PI discussed/notified the funding agency of the intended transfer?

Yes ☐ No ☐

If yes, please provide any relevant details in the Comments section below.

(h) Have any inventions been disclosed under the award, or does the award involve use of patented material or material made available to the University under a Material Transfer Agreement?

Yes ☐ No ☐

(i) Agency-Specific Transfer Forms attached (if applicable) (Download forms at http://research.som.duke.edu/modules/business/index.php?id=1)

<table>
<thead>
<tr>
<th>NIH: ☐ PHS 3474 (Relinquishment Form) and PHS 568 (Final Invention Statement)</th>
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<tr>
<th>NSF: ☐ FastLane Grant Transfer Request</th>
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Other: ☐ (specify): 

________________________

### Comments:

________________________
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<tr>
<th>PI Relinquishing or Transferring Award:</th>
<th>Director, Office of Research Administration:</th>
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<tr>
<td>Department Chair</td>
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<td>Dean</td>
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Department of Health and Human Services, Public Health Service

Official Statement Relinquishing Interests and Rights in a Public Health Service Research Grant

(Return original to awarding unit)

The PHS estimates that it will take 30 minutes to complete this form. This includes time for reviewing the instructions, gathering needed information and completing and reviewing the form. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

If you have comments regarding this burden estimate of any other aspects of this collection of information, including suggestions for reducing this burden, send comments to: NIH, Project Clearance Office, 6705 Rockledge Drive MSC 7974, Bethesda, MD 20892-7974, ATTN: PRA (0925-0001). Do not return the completed form this address.

_________________________ (date)

Name of Institution

________________________________________________________________________

Address (city and state)

________________________________________________________________________

Principal Investigator

________________________________________________________________________

Health Service grant number __________, will resign position at this Institution on or about ___________________________ (date)

and has expressed a desire to continue his/her research project at the

In view of the fact that we do not wish to nominate another principal investigator or continue the research project at this Institution, this is to signify our willingness to terminate this grant as of ______ (date) and to relinquish all claims to any unexpended and uncommitted funds remaining in the grant as of that date, as well as to all recommended future support of this project.

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<tr>
<th>Equipment Costing $5,000 or More</th>
<th>Unexpended Balance --- Estimated</th>
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<tr>
<td>Transferring with the Project (itemize)</td>
<td>The unexpended balance on termination date of</td>
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<td>1.</td>
<td>calculated on basis of total amount</td>
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<td>2.</td>
<td>awarded for the grant year, will be approximately</td>
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<td>3.</td>
<td>direct cost</td>
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<td>4.</td>
<td>$</td>
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<td>5.</td>
<td>indirect cost.</td>
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*Use separate page for additional items.*

That portion of the estimated unexpended balance which has been received will be returned to the Public Health Service, upon request, with a final adjustment, if required, to be made after the grant account has been audited.

Financial Officer

__________

Signature

_________________________ (print or type)

Name and Title

Official Authorized to Sign Application

__________

Signature

_________________________ (print or type)

Name and Title

PHS 3734 (Rev. 11/07)
Privacy Act Statement

The PHS maintains application and grant records as part of a system of records as defined by the Privacy Act: 09-25-0112, Grants and Cooperative Agreements: Research, Research Training, Fellowship, and Construction Applications and Related Awards." The Privacy Act of 1974 (5 USC 522a) allows disclosures for "routine uses" and permissible disclosures.

Some routine uses may be:

1. To the cognizant audit agency for auditing.
2. To a Congressional office from a record of an individual in response to an inquiry from the Congressional office made at the request of that individual.
3. To qualified experts, not within the definition of DHHS employees as prescribed in DHHS regulations (45 CFR 5b.2) for opinions as part of the application review process.
4. To a Federal agency, in response to its request, in connection with the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter;
5. To organizations in the private sector with whom PHS has contracted for the purpose of collating, analyzing, aggregating, or otherwise refining records in a system. Relevant records will be disclosed to such a contractor, who will be required to maintain Privacy Act safeguards with respect to such records.
6. To the sponsoring organization in connection with the review of an application or performance or administration under the terms and conditions of the award, or in connection with problems that might arise in performance or administration if an award is made.
7. To the Department of Justice, to a court or other tribunal, or to another party before such tribunal, when one of the following is a party to litigation or has any interest in such litigation, and the DHHS determines that the use of such records by the Department of Justice, the tribunal, or the other party is relevant and necessary to the litigation and would help in the effective representation of the governmental party.
   a. the DHHS, or any component thereof;
   b. any DHHS employee in his or her official capacity;
   c. any DHHS employee in his or her individual capacity where the Department of Justice (or the DHHS, where it is authorized to do so) has agreed to represent the employee; or
   d. the United States or any agency thereof, where the DHHS determines that the litigation is likely to affect the DHHS or any of its components.
8. A record may also be disclosed for a research purpose, when the DHHS:
   a. has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;
   b. has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;
   c. has secured a written statement attesting to the recipient's understanding of; and willingness to abide by, these provisions; and
   d. has required the recipient to:
      (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record;
      (2) destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information; and
      (3) make no further use or disclosure of the record, except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the DHHS, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law.

The Privacy Act also authorizes discretionary disclosures where determined appropriate by the PHS, including to law enforcement agencies, to the Congress acting within its legislative authority, to the Bureau of the Census, to the National Archives, to the General Accounting Office, pursuant to a court order, or as required to be disclosed by the Freedom of Information Act of 1974(5 USC 552) and the associated DHHS regulations (45 CFR Part 5).
Procedure for Submission of
Final Invention Statement and Certification (For Grant or Award)
Form HHS 568

A Final Invention Statement and Certification (Form HHS 568) shall be executed and submitted within 90 days following the expiration or termination of a grant or award. The Statement shall include all inventions which were conceived or first actually reduced to practice during the course of work under the grant or award, from the original effective date of support through the date of completion or termination. The Statement shall include any inventions reported previously for the grant or award as part of a non-competing application. This reporting requirement is applicable to grants and awards by Department of Health and Human Services in support of research.

The Final Invention Statement and Certification does not in any way relieve the person responsible for the grant or award, or the institution, of the obligation to assure that all inventions are promptly and fully reported directly to the National Institutes of Health, as required by terms of the grant or award. Information regarding the reporting of inventions, including the reporting form to be followed, may be obtained from the Office of Policy for Extramural Research Administration, Division of Extramural Inventions and Technology Resources, 6705 Rockledge Drive MSC 7980, Bethesda, Maryland 20892-7980, Telephone: (301) 435-1986.

The original of the completed Final Invention Statement and Certification is to be returned to the awarding component that funded the grant or award. The entire grant or award number must appear in the designated box on the form. The period covered by the Final Invention Statement is the project period of the grant or award at a particular grantee institution. If no inventions were involved, insert the word “None” in the first block under item Title of Invention. Each Statement requires the signature of an institution official authorized to sign on behalf of the institution.

The PHS estimates that it will take from 5 to 10 minutes to complete this form. This includes time for reviewing the instructions, gathering needed information, and completing and reviewing the form. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. If you have comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing this burden, send comments to: NIH, Project Clearance Office, 6701 Rockledge Drive MSC 7730, Bethesda, MD 20892-7730, ATTN: PRA (0925-0001). Do not send this form to these addresses; they are for comments only.

HHS 568 (Rev. 06/09) — Instructions
Department of Health and Human Services

Final Invention Statement and Certification
(For Grant or Award)

A. We hereby certify that, to the best of our knowledge and belief, all inventions are listed below which were conceived and/or first actually reduced to practice during the course of work under the above-referenced DHHS grant or award for the period

through

original effective date

date of termination

B. Inventions (Note: If no inventions have been made under the grant or award, insert the word "NONE" under Title below.)

<table>
<thead>
<tr>
<th>NAME OF INVENTOR</th>
<th>TITLE OF INVENTION</th>
<th>DATE REPORTED TO DHHS</th>
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(Use continuation sheet if necessary)

C. Signature — This block must be signed by an official authorized to sign on behalf of the institution.

Title

Typed Name

Signature

Date

HHS 568 (Rev. 06/09)
Privacy Act Statement

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Some routine uses may be:

1. To the cognizant audit agency for auditing.
2. To a Congressional office from a record of an individual in response to an inquiry from the Congressional office made at the request of that individual.
3. To qualified experts, not within the definition of DHHS employees as prescribed in DHHS regulations (45 CFR 5b.2) for opinions as part of the application review process.
4. To a Federal agency, in response to its request, in connection with the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency’s decision on the matter;
5. To organizations in the private sector with whom PHS has contracted for the purpose of collating, analyzing, aggregating, or otherwise refining records in a system. Relevant records will be disclosed to such a contractor, who will be required to maintain Privacy Act safeguards with respect to such records.
6. To the sponsoring organization in connection with the review of an application or performance or administration under the terms and conditions of the award, or in connection with problems that might arise in performance or administration if an award is made.
7. To the Department of Justice, to a court or other tribunal, or to another party before such tribunal, when one of the following is a party to litigation or has any interest in such litigation, and the DHHS determines that the use of such records by the Department of Justice, the tribunal, or the other party is relevant and necessary to the litigation and would help in the effective representation of the governmental party.
   a. the DHHS, or any component thereof;
   b. any DHHS employee in his or her official capacity;
   c. any DHHS employee in his or her individual capacity where the Department of Justice (or the DHHS, where it is authorized to do so) has agreed to represent the employee; or
   d. the United States or any agency thereof; where the DHHS determines that the litigation is likely to affect the DHHS or any of its components.
8. A record may also be disclosed for a research purpose, when the DHHS:
   a. has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;
   b. has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;
   c. has secured a written statement attesting to the recipient’s understanding of; and willingness to abide by, these provisions; and
   d. has required the recipient to:
      (1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record;
      (2) destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information; and
      (3) make no further use or disclosure of the record, except (a) in emergency circumstances affecting the health or safety of any individual, (b) for use in another research project, under these same conditions, and with written authorization of the DHHS, (c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (d) when required by law.

The Privacy Act also authorizes discretionary disclosures where determined appropriate by the PHS, including to law enforcement agencies, to the Congress acting within its legislative authority, to the Bureau of the Census, to the National Archives, to the General Accounting Office, pursuant to a court order, or as required to be disclosed by the Freedom of Information Act of 1974 (5 USC 552) and the associated DHHS regulations (45 CFR Part 5).
NIH Grants Policy Statement


Change of Grantee Organization. NIH prior approval is required for the transfer of the legal and administrative responsibility for a grant-supported project or activity from one legal entity to another before the expiration of the approved project period (competitive segment). A change of grantee organization may be accomplished under most NIH grants, including construction grants, if any of the following conditions are met:

- The grant to be transferred has been terminated in accordance with 45 CFR 74.61 or 92.43.
- A non-competing continuation award that is within an approved project period has been withheld because of the grantee's actions (see "Administrative Requirements—Enforcement Actions—Suspension, Termination, and Withholding of Support").
- The original grantee has agreed to relinquish responsibility for an active project before the expiration of the approved project period. This includes any proposed change of grantee as a result of a PI on a research project transferring from one organization to another organization. The project under the same PI may be supported at a new organization for a period up to the remainder of the previously approved project period in an amount not to exceed that previously recommended for direct costs (plus applicable F&A costs) for the remaining period.

A change of grantee that involves the transfer of a grant to or between foreign institutions or international organizations also must be approved by the IC's Advisory Council or Board.

A grant to an individual may not be transferred. However, an individual fellowship may be transferred to a new sponsoring organization. The transfer process will be the same as for a change of grantee organization. A change in an individual fellow's department or sponsor within the same organization is not considered a change of grantee organization. A successor-in-interest or a name change is not considered a change of grantee (see "Change in Grantee Organizational Status" in this section).

A change of grantee organization may involve the transfer of equipment purchased with grant funds. The transfer may be accomplished as part of the original grantee's relinquishment of the grant; otherwise, NIH reserves the right to transfer title to equipment to the new organization as indicated in "Administrative Requirements—Management Systems and Procedures—Property Management System Standards."

A change of grantee organization request must be made before the anticipated start date at the new organization and preferably several months in advance. Failure to provide timely notification may result in disapproval of the request or a delay in processing.

A change of grantee request normally will be permitted only when all of the permanent benefits attributable to the original grant can be transferred, including equipment purchased in whole or in part with grant funds. In reviewing a request to transfer a grant, NIH will consider whether there is a continued need for the grant-supported project or
activity and the impact of any proposed changes in the scope of the project. A change may be made without peer review, provided the PI plans no significant change in research objectives and the facilities and resources at the new organization will allow for successful performance of the project. If these conditions or other programmatic or administrative requirements are not met, the NIH awarding office may require peer review or may disapprove the request and, if appropriate, terminate the award.

A request for a change of grantee organization must be submitted to the GMO and must include an Official Statement Relinquishing Interests and Rights in a Public Health Service Research Grant (PHS 3734) (relinquishing statement) and a Final Invention Statement and Certification from the original grantee as well as an application (PHS 398 or 416-1) from the proposed grantee or sponsoring organization. (A final FSR is due to NIH from the relinquishing organization no later than 90 days after the end of NIH support of the project.) If the original award was the result of a modular application, modular procedures apply to the request for change of grantee. For awards using the PHS 398, the application from the proposed grantee should include, at a minimum, the following:

- Face page
- Budget pages (current and future years) (Under awards resulting from modular applications, the application should include narrative budget information, including total direct and F&A costs for the current budget period and, if future budget periods remain, information about the number of modules and the basis for computing F&A costs for all future years)
- Updated biographical sketches for the PI and existing key personnel and biographical sketches for any proposed new key personnel
- Statement indicating whether the overall research plans/aims have changed from the original submission, and, if so, providing updated information
- Updated “other support” page(s), if necessary
- Resources page
- Checklist page
- Certification of IRB/IACUC approval, if applicable
- Detailed list of any equipment purchased with grant funds being transferred to the new organization (inclusion of this list in the transfer application from the new organization indicates its acceptance of title to that equipment).

NIH may request additional information necessary to accomplish its review of the request. Acceptance of a relinquishing statement by NIH does not guarantee approval of a transfer application for the continued funding of a project.

NIH will accomplish a change of grantee organization by issuing a revised NGA to the original grantee reflecting the revised budget/project period end dates, deletion of any future-year support, and deobligation of remaining funds, if applicable. (A deobligation of funds will be based on the estimated grant expenditures through the relinquishment date, as determined from the relinquishing statement.) Concurrently, the new grantee
will receive an NGA reflecting the balance reported on the relinquishing statement or, if the change of grantee organization occurs on the anniversary date of the project, the NGA to the new grantee will reflect the previously committed direct cost level plus applicable F&A costs. This amount is subject to change as a result of the closeout of the original grant and may be adjusted downward.

**Change in Grantee Organizational Status.** Grantees must give NIH advance notice of the following types of change in organizational status (that are not considered to be a change of grantee organization as described in this subsection):

- **Merger.** Legal action resulting in the unification of two or more legal entities. When such an action involves the transfer of NIH grants, the procedures for recognizing a successor-in-interest will apply. When the action does not involve the transfer of NIH grants, the procedures for recognizing a name change normally will apply.

- **Successor-in-Interest.** Process whereby the rights to and obligations under an NIH grant(s) are acquired incidental to the transfer of all of the assets of the grantee or the transfer of that part of the assets involved in the performance of the grant(s). An SII may result from legislative or other legal action, such as a merger or other corporate change.

- **Name Change.** Action whereby the name of an organization is changed without otherwise affecting the rights and obligations of that organization as a grantee.

Advance notification is required to ensure that the grantee still is able to meet its legal and administrative obligations to NIH and payments are not interrupted.

Grantees are encouraged to contact the GMO of the lead awarding office to explain the nature of the change in organizational status and receive guidance on whether it will be treated as a name change or SII. The lead awarding office ordinarily will be the IC with which the organization has the most NIH grants. If there is no advance consultation, NIH reserves the right to review the material provided, seek clarification or additional information, and make an independent determination.

A grantee’s formal request for a change in organizational status should be submitted to NIH as soon as possible so that NIH can determine whether the organization will continue to meet the grant program’s eligibility requirements and take the necessary action to reflect the change in advance of the change in status.

For an SII, a letter signed by the AOOs of the current grantee (transferor) and the successor-in-interest (transferee) must be sent to the lead NIH awarding office, following consultation with the GMO of that awarding office. The letter must do the following:

- Stipulate that the transfer will be properly effected in accordance with applicable law.

- Indicate that the transferor relinquishes all rights and interests in all of the affected grants.

- Request that the NIH awarding office(s) modify its (their) records to reflect the transferee as the grantee of record.
• State the effective date of the transfer.
• Provide the transferee’s Entity Identification Number.
• Include verification of the transferee’s compliance with applicable requirements (e.g., research misconduct).
• Include a list of all affected NIH grants (active and pending) with the following information for each:
  ➢ Complete grant number (e.g., 5 R01 GM 12345-04).
  ➢ Name of PI.
  ➢ Current budget period and project period.
  ➢ The total direct costs (as originally recommended) plus applicable F&A costs for each remaining budget period. If the SII will occur during a budget period rather than on the anniversary date, the transferor also must provide estimated levels of current-year direct and F&A costs remaining as of the SII effective date. The estimate may be reported on the PHS 3734 (Official Statement Relinquishing Interests and Rights in a Public Health Service Research Grant) or an equivalent relinquishing statement for each affected grant or may be itemized by grant number as an attachment to the letter.
• Include a complete face page (PHS 398) for each affected grant showing the transferee as the applicant organization. Each face page must be signed by both the PI and the AOO at the transferee organization.
• Include a copy of the current negotiated F&A rate agreement for the transferee.

In order to be recognized as the SII, the “new” (transferee) organization must meet each grant program’s eligibility requirements. Upon review and acceptance of this information, NIH will revise the NGA(s) to show the transferee as the grantee of record.

For name changes, the grantee’s written notification to the lead NIH awarding office must include the effective date of the change. Revised face pages are not required for name changes because name changes are processed with the next award action (e.g., non-competing continuation award) and the organization will submit a face page with the new information as part of that action.
SAMPLE
Request for Pre-award Spending

MEMORANDUM

To: Mollie Sykes, Director, Office of Research Administration

From: [name of Chair/Director]

Subject: Pre-award Spending

Date: August 10, 2005

Re: SPS #
PI:
Agency:

We have received word that the above referenced application will be funded. The program officer [name and phone number, provide documentation if available], has assured us that the start date of this funding will be [date].

Therefore, on behalf of the faculty member, I am requesting pre-award spending beginning [date*]. It is critical that we have this ability due to [programmatic justification for why funds need to be spent prior to the receipt of the award]. I assure you that any costs incurred prior to final grant execution are allowable under the grant.

Although I have every indication to believe that the funding will come through, the department will take full responsibility for the expenses incurred in the event that it does not.

Thank you for your consideration of this request.

[* note – date must be within 90 days of the expected start date of the award; all costs incurred prior to 90 days are unallowable unless approved by agency in writing]
We have received word from our sponsor’s program officer that this project will be funded with the start date given above.

Therefore, on behalf of the Principal Investigator, I request that a WBS Element be established in advance of receipt of the official award notice. I assure you that any costs incurred prior to full grant execution will be allowable under the grant.

In addition, on behalf of Principal Investigator, I am requesting pre-award spending to begin on the date indicated above. It is critical that we have this ability to ensure a timely startup of the project.

Although I have every indication to believe that the funding will come through and with the start date indicated, the department will take full responsibility for the expenses incurred in the event that it does not.

Department Chair/Dean: ___________________________ Date: ________________

PI/PD: ___________________________ Date: ________________

Business Manager: ___________________________ Date: ________________

ORS Approval:

________________________________ WBS: 3_ _-xxxx F&A _____% Date: ________________

* See reverse

**A federal award can generally start up to 90 days prior to the award start date. Other sponsors may require approval for pre-award spending.

Please return completed form to ORS via email (ors-grant@duke.edu), fax (919-684-2418), or Campus Mail (Box 104010) - Attn: Pre-Award. Thank you.
PROVOST AREA PROGRAMMATIC ATTRIBUTES
(Questions regarding Programmatic Attributes should be addressed to the Provost’s Office.)

Reserves
RDF: Discretionary Reserve, Discretionary funds to support activities and to backstop operations (e.g. Dean's reserve, Provost's reserve)
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Cost Object Request
(Non Restricted, Endowment, Restricted)

ADD □ CHANGE □ BLOCK □

Cost Object*

Short Description* (20 CHAR)

Long Description* (40 CHAR)

Person Responsible* __________________________ Duke Unique Id* __________________________

Department Name*

Org Code (BFR)*

Group ______ Category ______ Class ______ Tier ______ Type ______ Unit ______

Auxiliary* □ Yes □ No

Programmatic Code ________________ (Sch of Med* and Provost* – See Addendum)

Departmental Attribute ________________ (Sch of Med Only*) □ Gift □ Unrestricted □ Restricted

SBR (Site Based Research) Name (if applicable)

Document Recipient* (Full Name)

Explanation (Why is a New Code Needed)*

For Allocated (4XX’S) Cost Centers Only*

Funding Source

Requested By __________________________ Date __________________________

Dept. Approval __________________________ Date __________________________

Budget Center Approval __________________________ Date __________________________

INSTRUCTIONS
To Add a new cost object, complete all information with "*".
To Change a cost object, fill in cost object and information to be changed only.
To Block a cost object, fill in cost object and description only.
Contact Accounting Systems and Procedures at 684-2752 if you have any questions.

*REQUIRED FIELDS
**MEDICAL CENTER COST OBJECT REQUEST ADDENDUM**

**SOURCE OF FUNDS** (indicate all that apply with "X")

- GIFTS FROM INDIVIDUALS
- GIFTS FROM INDUSTRY
- GIFTS FROM OTHER ORGANIZATIONS
- CONSULTATION PAYMENTS
- SALES OF SERVICES
- REGISTRATION FEES
- TRANSFERS FROM INTERNAL SOURCES
  
  (Identify):

- OTHER (Identify):

**PLEASE MARK THE PROGRAM AND DEPARTMENTAL ATTRIBUTE THAT BEST DESCRIBES THE FUNCTION PERFORMED WITHIN THE FUND CODE.** (REFER TO THE PROGRAM AND FUND CATEGORY DEFINITIONS)

<table>
<thead>
<tr>
<th>PROGRAM ATTRIBUTES</th>
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<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACO</td>
<td>A10</td>
<td>EDUC&amp;GEN-ALLOC (40-45X) OTHER FOR SOM DEFINITIONS</td>
</tr>
<tr>
<td>ADA</td>
<td>A11</td>
<td>EDUC&amp;GEN-ALLOC (40-45X) OTHER BACKSTOP RESERVES</td>
</tr>
<tr>
<td>ADM</td>
<td>A12</td>
<td>EDUC&amp;GEN-ALLOC (40-45X) FACULTY GEN SUPPORT</td>
</tr>
<tr>
<td>AGY</td>
<td>A13</td>
<td>EDUC&amp;GEN-ALLOC (40-45X) START UP</td>
</tr>
<tr>
<td>CAX</td>
<td>A14</td>
<td>EDUC&amp;GEN-ALLOC (40-45X) CHAIR CONTROLLABLE RESERVES</td>
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<tr>
<td>CME</td>
<td>A15</td>
<td>DEPARTMENTAL OPERATING FUNDS (40X-45X)</td>
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<tr>
<td>COX</td>
<td>A20</td>
<td>STUDENT AID-ALLOC=OTHER FOR SOM DEFINITIONS</td>
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<tr>
<td>SDC</td>
<td>A40</td>
<td>AUXILIARIES-ALLOC (48X)</td>
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<tr>
<td>CVA</td>
<td>A99</td>
<td>EXTERNAL FINANCIAL REPORTING</td>
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<td>DEV</td>
<td>R08</td>
<td>U. S. PUBLIC HEALTH (30X)</td>
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<td>DRD</td>
<td>R09</td>
<td>U.S. PUBLIC HEALTH (30X) K AWARDS</td>
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<td>DRF</td>
<td>R16</td>
<td>DEPT OF DEFENSE (31X)</td>
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<td>DRR</td>
<td>R24</td>
<td>DEPT OF ENERGY (32X)</td>
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<td>DRS</td>
<td>R32</td>
<td>NATL SCIENCE FNDTN (33X)</td>
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<td>ACR</td>
<td>R40</td>
<td>OTHER US GOVT AGCY (34X)</td>
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<tr>
<td>SCI</td>
<td>R48</td>
<td>STATE&amp;OTHER GOVT (35X)</td>
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<td>ICI</td>
<td>R49</td>
<td>STATE CAPITATION GRANTS (35X)</td>
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<td>SCE</td>
<td>R56</td>
<td>DUKE ENDOWMENT (36X)</td>
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<td>ICE</td>
<td>R72</td>
<td>NON-GOV'T REQ REPTS (38X)</td>
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<td>END</td>
<td>R80</td>
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<td>GME</td>
<td>R81</td>
<td>NON-GOV'T-NO REPTG (39X) OTHER BACKSTOP RESERVES</td>
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<td>LIB</td>
<td>R82</td>
<td>NON-GOV'T-NO REPTG (39X) FACULTY GEN SUPPORT</td>
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<td>NON-GOV'T-NO REPTG (39X) START UP</td>
</tr>
<tr>
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<td>NON-GOBT-NO REPTG (39X) CHAIR CONTROLLABLE RESERVES</td>
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<td>OME</td>
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<td>DEPARTMENT OPERATING FUNDS</td>
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<tr>
<td>OPX</td>
<td>R86</td>
<td>INDUSTRY CLINICAL TRIALS (39X)</td>
</tr>
<tr>
<td>PMO</td>
<td>R87</td>
<td>NON-GOV'T NO RPT (39X) CONTRACTS &amp; AGRMNT (EXCL. CLIN TRIALS)</td>
</tr>
<tr>
<td>PTF</td>
<td>U05</td>
<td>ASSETS, LIAB, &amp; EQUIT (100)</td>
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<tr>
<td>SCC</td>
<td>U10</td>
<td>EDUC&amp;GEN REVENUE (11X)</td>
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<tr>
<td>SCO</td>
<td>U40</td>
<td>AUXILIARY ENT-REV (14X)</td>
</tr>
<tr>
<td>SOO</td>
<td>U50</td>
<td>EDUC&amp;GEN EXP (15X)-MED SCH SUPPORT FOR SOM DEFINITIONS</td>
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<tr>
<td>SRF</td>
<td>U51</td>
<td>EDUC&amp;GEN EXP (15X)-SERVICE COMPONENTS</td>
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<td>SRN</td>
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<td>STUDENT AID (16X)</td>
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<td>SRO</td>
<td>U80</td>
<td>AUXILIARIES EXP (18X)</td>
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<tr>
<td>SRS</td>
<td>U90</td>
<td>APPROPRIAT &amp; TRANSF (19X)</td>
</tr>
<tr>
<td>UME</td>
<td></td>
<td>UNDERGRADUATE MEDICAL EDUCATION</td>
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*Identification of Programs is for internal use for the Medical School ONLY to help departments develop programmatic-based financial statements.

**DAAS - Duke as a Site**
# PROVOST AREA COST OBJECT REQUEST ADDENDUM

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PI/PD: _______________________________  Date: ________________

Business Manager: _______________________________  Date: ________________

ORS Approval:

_________________________________  WBS: 3_ _-xxxx  F&A _____%  Date: ________________

*See reverse

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EUA: UG Student Financial Aid/Scholarships, UG Student Financial Aid/Scholarships
EGA: Graduate Student Financial Aid/Scholarships, Graduate Student Financial Aid/Scholarships
ENR: Professional Student Financial Aid/Scholarships, Professional Student Financial Aid/Scholarships
ENU: Endowment Unrestricted, Endowment received in support of a program within a particular unit but without a predominate purpose.
ENL: Endowment Library, Endowment received for Library support/acquisitions.
ENO: Endowment Building/Programs, Endowment received in support of facilities and programs within a particular school or unit.
LIA: Life Income Assets, "This includes annuity funds, living trust gifts, and life insurance policy."
ENO: Other, Gifts that do not have a predominate purpose and for multi-purpose use.

Plant Funds
PFN: Non-Capital Projects, "Project cost of less than $100,000 or for budgeted use of capital betterments."
PF1: Tier I Capital Projects, "Project cost of $100,000 but less than $250,000"
PF2: Tier II Capital Projects, "Project cost of $250,000 but less than $2.5 million."
PF3: Tier III Capital Projects, Project cost of $2.5 million or greater.

Sponsored Grants and Contracts
SRF: Sponsored Research Federal, Research activities supported by federal grants and contracts.
SRS: Sponsored Research State, Research activities supported by state grants and contracts.
SRN: Sponsored Research Non-Government, Research activities supported by non-government grants and contracts.

Other
SCO: Service Components, "Operating units that provide goods or specific technical or administrative services within the University community."
AUX: Auxiliary, "Self supporting activities, primarily serving students, faculty, and staff by providing goods and services for a fee or sales price related to the cost of goods and services (e.g. Duke University Press)"
Case Studies
Relinquishment of NIH Award from Duke
R01AG123456-01  $750,000
Budget Period: January 1, 2010 – December 31, 2010
Project Period: January 1, 2010 – December 31, 2014

**Duke Budget:**  $371,000

**Consortium Costs:**

- University of North Carolina – Chapel Hill
  $100,000
  January 1, 2010 – December 31, 2010

- Johns Hopkins University
  $125,000
  January 1, 2010 – December 31, 2010

- Case Western Reserve University
  $154,000
  January 1, 2010 – December 31, 2010

Dr. Smith has accepted a position at Columbia University effective July 1, 2010. Duke University has agreed to relinquish Dr. Smith’s grant to his new institution effective June 30, 2010 as requested by the PI.

**Reconciliation**

- Estimate funding required for project performance at Duke through June 30, 2010 which includes payments to three subcontractors;
- Communicate with subcontractors regarding estimated funding for project performance through June 30, 2010;

**Documentation**

- Report unobligated balance using PHS 3734 – Official Statement Relinquishing Interests and Rights in a Public Health Service Research Grant;
- Amendments to terminate subcontracts effective June 30, 2010 and revise closeout requirements (Final Invention Statement, Final Invoice, etc.)
- ZF114 and Post-Award Checklist
- Final Invention Statement, Final Project Report (?)
- FSR submitted/accepted – any funds remaining are released to Columbia via the PMS not a revised NoA.
A PI is transferring into Duke. What documents are needed for this transfer? When the prior institution submits the Final FSR, how will our department know if and how much of the unobligated balance has been awarded to our institution?

OSP received a letter from NIH stating:

_The unobligated balance of $17,246.31 remaining and formerly awarded to prior institution is transferred to your organization’s account in the Department of Health and Human Services Payment Management System (PMS). **_

The letter was scanned and emailed to the Departmental Administrator assigned to this grant to inform them of these additional funds. The $17,246.31 was uploaded in R/3 as follows:

$11,055.33 to g/l account 0996 – Plan Pending Budget
$6,190.98 to g/l account 6946 – Indirect Costs (this grant had an IDC rate of 56%)

A request was made to the department to provide an approved detailed budget in order to reallocate the funds. All budgets and rebudgets must be approved by the pre-award office.

**Note: A new NGA incorporating this amount will not be generated.
September 24, 2009

Duke University
Office of Sponsored Programs
2200 West Main Street
Suite 300
Durham, NC 27705

Dear Sir or Madam:

The unobligated balance of $17,246.31 remaining Grant Number [redacted] formerly awarded to University of Utah is transferred to your organization's account in the Department of Health and Human Services Payment Management System (PMS). The document number listed on your PMS 272, Quarterly Federal Cash Transactions Report is [redacted].

Of the $17,246.31 transferred:

[X] B. $17,246.31 is available for expenditure under the Federal Demonstration Project or Expanded Authorities.

If the amount transferred is unavailable for expenditure, the awarding component may use the unobligated balance to partially fund succeeding budget periods within the project period.

SPECIAL NOTE:
Amounts restricted by the terms and conditions on the former award are not available for expenditure without approval from the awarding component.

If I may be of assistance, please call me on (301) 402-5477.

Sincerely,

Mary Dinh
Government Accounting Branch
Office of Financial Management
WHEN A PI LEAVES AND THE GRANT TRANSFERS TO A NEW INSTITUTION.

This grant was in year 01 with a budget period of 4/1/2009 – 3/31/2010 and a project period 4/01/2009 – 3/31/2014. The PI resigned her position at Duke and is transferring her grant to her new institution.

The Official Statement Relinquishing Interests (PHS 3734) was submitted to OSP on 2/9/2010 for review and signature. OSP checked R/3 to insure that the “estimated unexpended balance” indicated on the relinquishing statement was available. The Relinquishing Statement had to be revised to include the estimated unexpended balance for the supplemental subcode that was a part of this grant. Once the revised Relinquishing Statement was received, an OSP Associate Director signed the form and it was forwarded to the pre-award office.

This grant had purchased computer equipment and listed it on the Relinquishing Statement to transfer with the project. The department worked with Plant Accounting to get the transfer information completed.

The pre-award office will sign the Relinquishing Statement and submit it to NIH. The Final Invention Statement and the Final Progress Report must be processed either by the PI or SO and submitted to NIH. NIH will not terminate the grant or change the end dates until these three documents are received. The FSR cannot be submitted in eRA Commons until the end dates have been changed.

On 4/12/2010 NIH revised the NGA changing the budget period and project period end dates to 12/31/2009. The revised NGA reflected a decrease in funds in the amount of $350,000 which was the amount reported on the Relinquishment Statement in the section “Unexpended Balance-Estimated”. OSP received the revised NGA and changed the dates in Master Data & Plan and also changed the plan in R/3 to reflect the decrease of funds. The department submitted the ZF114 and the Post-Award Close-out Checklist to OSP for preparation of the final FSR. The FSR was completed and submitted in eRA Commons on 04/29/2010.

It took an estimate of three months from the signing of the Relinquishing Statement to the submission of the FSR.
Your department has two PI’s leaving Duke. One PI is leaving as of 5/31/2009 and is moving out of the country. She will not be taking the grant with her. The other PI is resigning from Duke as of 12/31/2009 and is transferring the grant to her new institution. What forms are needed? Who needs to sign and submit these forms? How is the equipment purchased on these two grants handled? How long does this process take?

WHEN A PI LEAVES AND THE GRANT IS TERMINATED.

This grant was in year 04 with a budget period of 7/01/2008 – 6/30/2009 and a project period 9/01/2005 – 6/30/2010. The PI moved as of 6/1/2009 and relinquished her grant and will not take it with her.

The Official Statement Relinquishing Interests (PHS 3734) was submitted to OSP on 7/22/2009 for review and signature. OSP checked R/3 to insure that the “estimated unexpended balance” indicated on the relinquishing statement was available. An OSP Associate Director signed the form and it was forwarded to the pre-award office.

This grant had purchased a piece of equipment. The grant was terminating so the equipment could stay within Duke since it was now titled to Duke. Plant accounting would need to be notified if the equipment is moved. If the grant had been ongoing, the equipment would follow the grant.

The pre-award office will sign the Relinquishing Statement and submit it to NIH. The Final Invention Statement and the Final Progress Report must be processed either by the PI or SO and submitted to NIH. NIH will not terminate the grant or change the end dates until these three documents are received. The FSR cannot be submitted in eRA Commons until the end dates have been changed.

On 09/03/2009 NIH revised the NGA changing the budget period and project period end dates to 5/31/2009. There was no change in the funding on the revised NGA. OSP received the revised NGA and changed the dates in Master Data & Plan. The ZF114’s can now be generated. The department submitted the ZF114 and the Post-Award Close-out Checklist to OSP on 9/25/2009 for preparation of the final FSR. The FSR was completed and submitted in eRA Commons on 10/09/2009.

It took an estimate of three months from the signing of the Relinquishing Statement to the submission of the FSR.
WHEN A PI LEAVES AND THE GRANT TRANSFERS TO A NEW INSTITUTION.

This grant was in year 01 with a budget period of 4/1/2009 – 3/31/2010 and a project period 4/01/2009 – 3/31/2014. The PI resigned her position at Duke and is transferring her grant to her new institution.

The Official Statement Relinquishing Interests (PHS 3734) was submitted to OSP on 2/9/2010 for review and signature. OSP checked R/3 to insure that the “estimated unexpended balance” indicated on the relinquishing statement was available. The Relinquishing Statement had to be revised to include the estimated unexpended balance for the supplemental subcode that was a part of this grant. Once the revised Relinquishing Statement was received, an OSP Associate Director signed the form and it was forwarded to the pre-award office.

This grant had purchased computer equipment and listed it on the Relinquishing Statement to transfer with the project. The department worked with Plant Accounting to get the transfer information completed.

The pre-award office will sign the Relinquishing Statement and submit it to NIH. The Final Invention Statement and the Final Progress Report must be processed either by the PI or SO and submitted to NIH. NIH will not terminate the grant or change the end dates until these three documents are received. The FSR cannot be submitted in eRA Commons until the end dates have been changed.

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