I. PURPOSE
The purpose of this policy is to establish responsibility for compliance with OMB Circular A-133, and effective December 26, 2014, Uniform Guidance, Sections 200.326 (Contract Provisions), 330 (Subrecipient and Contractor Determinations), 331 (Requirements for Pass-through Entities), and 332 (Fixed Amount Subawards).

II. SCOPE
This policy and related procedures apply to Villanova faculty and staff and all its Subrecipients funded from Sponsored Projects, including those funded from both federal and non-federal sources.

This policy applies to and incorporates the following Roles:

Principal Investigator (PI);

Office of Research Administration (ORA); and

Department/Center/Local Grants Staff

III. DEFINITIONS

Sponsored Project means an externally funded activity subject to terms and conditions of the awarding organization. Funding is normally received from an external sponsor in the form of a grant, contract or cooperative agreement.

Subagreement (subcontract or subaward) means a formal, written, legally-binding agreement between the duly-authorized representative of Villanova and a duly-authorized representative of a subrecipient that includes the statement of work, budget, and reference to the laws and regulations to which the subrecipient must adhere. Villanova issues subagreements using the appropriate contractual terms and conditions to address deliverables, risk and financial/payment considerations and required flow-down provisions from the sponsor. For the purposes of this policy and related procedures, subagreements do not include engaging vendors to provide services to Villanova under professional services agreements or vendors to provide standard goods or services to Villanova.

Subrecipient means a legal entity (other than the award recipient) that expends funds received from the award recipient to carry out a portion of the programmatic effort under a Sponsored Project. As such, the entity is a collaborator in carrying out the research program of the Sponsored Project. Subrecipients are typically not individuals, but may be another educational institution, an independent laboratory, a foundation, a for-profit corporation, a non-profit corporation or other organization, and may be a domestic or foreign entity.
IV. POLICY STATEMENT
Sponsored research and other sponsored endeavors often depend on collaborative activities among faculty from different institutions. When a Villanova PI determines that collaborations with investigators from other institutions are necessary to complete the scope of work, such collaborations are specified in the proposal.

When a proposal that includes other institutions is funded, Villanova, through ORA, issues and requires execution of Subagreements by and among Villanova and each of the institution(s) of the collaborating investigator(s). Note that subagreements and any necessary amendments must be executed by ORA; faculty are not authorized to execute such agreements and amendments. Villanova and its PIs are expected to take steps to provide reasonable assurance that the collaborating investigators and their institutions accomplish the work specified in the Subagreement and comply with the terms and conditions of the award.

When Villanova assigns responsibility through a Subagreement to a Subrecipient for conducting a portion of the work under a Sponsored Project agreement, Villanova is responsible for determining the level of risk and the extent of monitoring required during the term of the Subagreement.

V. PROCEDURE

1. ORA shall make an appropriate determination regarding whether any component of a Sponsored Project that is to be carried out by a legal entity other than the award recipient should be documented in a Subagreement or other type of agreement.

2. ORA shall provide all required information to Subrecipient(s) in the Subagreement(s), and shall convey via the Subagreement all relevant terms and conditions of the prime award. The Subagreement shall allow Villanova to perform audits, require documentation, and impose special terms and conditions, as determined by ORA.

3. ORA shall assess risk with respect to the Subrecipient in relation to the specific Sponsored Project.

4. The PI, ORA, and Department/Center/Local Grants Staff shall provide reasonable assurance that the Subrecipients satisfactorily meet the programmatic and financial activities involved in the Subagreement in order to ensure that:
   • Sponsored Project programmatic goals are achieved;
   • Sponsored Project costs incurred by Subrecipients are reasonable, allowable, allocable, and consistently applied, and within budget guidelines; and
   • Work conducted by the Subrecipient is conducted in compliance with laws, regulations and terms of the award.

5. The PI, ORA, and Department/Center/Local Grants Staff shall assure that payments made are commensurate with the Subrecipient(s)’ performance under the Subagreement. If issues related to performance arise, the PI and Department/Center/Local Grants Staff shall inform ORA so that ORA may impose sanctions up to and including non-payment, amendment, or termination, as determined by ORA.
6. ORA shall perform selective and ongoing monitoring activities with regard to Subrecipients of its Sponsored Projects to provide reasonable assurance that Villanova’s Subrecipients administer the Subagreements in compliance with laws, regulations and the provisions of the prime and Subagreement agreements and that programmatic performance goals are achieved. The frequency, type and degree of activities which monitor the Subrecipient's compliance with the Subagreement will be based on risk assessments performed periodically during the term of the Subagreement. Adjustments may be made if there are changes in status.

VI. RELATED INFORMATION/FORMS

VII. HISTORY

VIII. RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT
Office of the Provost

IX. RESPONSIBLE ADMINISTRATIVE OVERSIGHT
Administrative Oversight Office:
   Office of Research Administration
   Middleton Hall Rm 1st
   800 Lancaster Avenue
   Villanova, PA 19085

   General Telephone Number: 610-519-4220