

**NOVA SOUTHEASTERN UNIVERSITY  
OFFICE OF SPONSORED PROGRAMS  
POLICIES AND PROCEDURES**

**PROPOSAL PREPARATION**

**NEGOTIATIONS**

**EFFECTIVE 12-01-08, REVISED 12-26-2014**

**POLICY #9**

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**PURPOSE:**

To establish the policy and procedure for offices and individuals responsible for negotiating with the sponsoring agencies.

**DEFINITIONS:**

Negotiation: The process through which two or more parties reach an agreement on a proposed project, including the cost of the project and the scope of work to be performed.

Negotiator: An individual who has the authority to represent the university in negotiations regarding the estimated cost of a project, scope of work to be performed, and the administrative requirements.

Protocol: The methodology or approach used to achieve the stated objectives of a project.

Contract Manager: The university official designated as the individual authorized to negotiate on behalf of the university, who will be a representative in the OSP, unless that office has delegated the function to another person for a particular grant, cooperative agreement or contract.

**POLICY:**

Prior to accepting a sponsored award, the university may need to negotiate the terms and conditions of the award with the sponsor. Negotiations are a way of ensuring the terms and conditions of the award can be adhered to by the university.

The negotiation of sponsored awards is important in that it allows the university to continue providing quality research without placing undue demands on university funds. The following areas should be carefully negotiated, as applicable: the scope of work, the protocol to be followed, the report or product to be delivered, the budget, the amount to be awarded by the sponsor, and the administrative requirements.

The university will ensure all negotiations are conducted by individuals with appropriate authority to represent the university. The Principal Investigator/Project Director (PI/PD) will be involved in negotiations regarding the scope of work, the protocol to be utilized, and the report or product to be developed. For negotiations in regard to the budget or all administrative and financial issues, the university will be represented by the Contract Manager, who is normally a representative of the Office of Sponsored Programs (OSP).

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**REFERENCES:**

- OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200, <https://federalregister.gov/a/2013-30465>
- OMB Federal Awarding Agency Regulatory Implementation of Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, <https://www.federalregister.gov/articles/2014/12/19/2014-28697/federal-awarding-agency-regulatory-implementation-of-office-of-management-and-budgets-uniform>
- NIH Grants Policy Statement, <http://grants.nih.gov/grants/policy/policy.htm#gps>
- NSF Proposal and Award Policies and Procedures Guide, <http://www.nsf.gov/bfa/dias/policy/>
- HHS Grants Policy Statement, <http://www.hhs.gov/grants/grants/policies-regulations/index.html>

**PROCEDURES:**

*Negotiation Process*

1. The PI/PD prepares the proposal for submission to the sponsor.
2. The sponsor expresses interest in funding the proposed project and contacts either the OSP or the PI/PD. The office or individual receiving this notification from the sponsor must contact the other. Upon receipt of a sponsored award, the OSP will complete a thorough review of the document. If changes are warranted, OSP works with the PI/PD, the Assistant Vice President for Research and Technology Transfer, or other university offices as appropriate to develop the university issues to be negotiated with the sponsor.
3. The OSP sends the sponsor in writing (typically, via email communication) the points for negotiation. Negotiations may vary in terms of time depending on the complexity of the issues to be negotiated.
4. As a general rule, the PI/PD will maintain contact with the sponsor's Program Official while the OSP will maintain contact with the authorized official of the sponsor (Grants Management Officer, etc.). Close and continuing coordination must be maintained between the PI/PD and the OSP during this stage of the awarding process (refer to OSP Policy No. 8 – *Sponsor Contact*).
5. The negotiation process often results in changes to the proposed budget. If adjustments are made, the revised budget will be submitted for approval following the same procedures as outlined in OSP Policy 4 - *Proposal Budget Preparation and Review*. The OSP will work

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with the PI in accomplishing these changes. The PI/PD will ensure review and approval of the revised budget by the appropriate individual(s) in the College/Center (i.e., the department head, Dean, director)

6. The negotiation process related to industry-sponsored research agreements or clinical trial agreements should, in addition to the above, include a review of provisions regarding public rights, confidentiality, intellectual property, indemnification, and insurance requirements. Negotiation and execution of industry sponsored clinical trial agreements is managed through the Office of Clinical Research.
7. Once negotiations have been completed, the final awarding document will be received/executed by the university via the Office of Sponsored Programs, who will notify the PI/PD (refer to OSP Policy No. 23 – *Notification and Acceptance of Award*).