

FDP CONTRACTS TASK FORCE

September 23, 2003

MEETING MINUTES

Attendees: John Bain, Diane Barrett, Lee Boozer, Deb Carmel, Robin Cyr, Renee deGuenery, Judith Dillon, Kathy Doy, Tom Egan, Connie Galanis, Rosemary Hamill, Kathleen Harris, Norm Herbert, Erica Kropp, Lucille Marino, Dillard Marshon, Kevin McKoskey, Julie Norris, Paul Powell, Susan Sedwick, Karen Seward, Barbara Siegel, and Dave Winters

Paul Powell opened the meeting with introductions of the Task Force Co-Chairs in attendance: Rosemary Hamill, Erica Kropp, and Paul. He explained the purpose of the Task Force – discussion of problematic contract clauses and issues in contracting including publication restrictions, foreign nationals, select agents, ITAR, etc. He proceeded to lead the discussion and displayed documents including the May 12th memo from the Secretary of Energy regarding “fundamental research”.

The group was encouraged to use the Contracts Listserv [FDP-Contracts-L@cornell.edu] throughout the year and not just prior to or after the national meetings. The Contracts Task Force wants to keep this active throughout the year for discussion of problem award clauses and other negotiation issues.

Topics of discussion among attendees included:

- Difficulties in dealing with DARPA as its numerous offices pursue different practices and policies;
- The AAU survey of universities dealing with problematic contract clauses and its Task Force formed with COGR to deal with these issues. The group developed a template to collect information on the outcomes and delays that result from contract restrictions.
- Foreign national restrictions presenting more problems in contracts. Generally, notice of foreign nationals is acceptable, but approval is not. The lack of a uniformed policies among universities, similar to that on publications, is creating more difficulties. Different university positions sometimes based on history, culture and structure (e.g., use of FFRDCs) make it clear that a consensus on the issue is not likely;
- A new issue – restriction on the dissemination of Final Reports (not publications); and
- Two recent NIH awards involving multi-center clinical trials required approval of the Contracting Officer (along with the governing board) for publications and IRB actions.