Beyond Grants and Contracts: Other Transactions

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Office for Extramural Research (OER)
Office of Policy for Extramural Research Administration (OPERA)

Presented by OER/OPERA Staff
Welcome to our Conversation about NIH Other Transactions

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- Kristin Ta, Senior Advisor
- Cory Upmeyer, Other Transactions Policy Analyst
- Kristin Wegner, Lead Other Transactions Policy Analyst
By the end of our session, you will be able to:

1. Characterize Other Transactions (OTs)
2. Identify Research Opportunity Announcements (ROAs)
3. Discuss OT policy implementation
4. Locate NIH’s contacts for Other Transactions
Other Transactions Authority (OTA)

Allows for Federal Government agencies to enter into Other Transactions (OTs)
Other Transactions

- Special type of legal instrument other than a contract, grant, or cooperative agreement
- Not subject to the FAR, nor grant regulations
- Subject to OT Authority that governs the initiative and to applicable legislative mandates
1958: National Aeronautics and Space Administration
Congress has authorized many Federal Departments & Agencies to use Other Transactions Authorities, including:

- 1958 – NASA (National Aeronautics and Space Administration)
- 1972 – NIH (National Institutes of Health)
- 1989 – DOD (Department of Defense)
- 1996 – FAA (Federal Aviation Administration)
- 1998 – DOT (Department of Transportation)
- 2002 – TSA (Transportation Security Administration)
- 2002 – DHS (Department of Homeland Security)
- 2005 – DOE (Department of Energy)
- 2006 – HHS (Department of Health and Human Services)
NIH currently has three active OTAs:

- **PHSA sec. 402(n), 42 U.S.C. sec. 282(n)**
  - NIH OTA for NIH Director’s unique research initiatives

- **PHSA sec. 421(b)(3) 42 U.S.C. sec. 285b–3(b)(3)**
  - NHLBI OTA for NHLBI Director’s functions

- **PHSA sec. 480(e)(3)(C), 42 U.S.C. sec. 287a(e)(3)(C)**
  - NCATS OTA for Cures Acceleration Flexible Research Awards

*PHSA = Public Health Service Act*
NIH Initiatives under OTAs, include:

- *All of Us* Research Program
- Cancer Grand Challenges
- Common Fund Data Ecosystem
- Cure Sickle Cell Initiative (CureSCi)
- Early Phase Pain Investigation Clinical Network (EPPIC-Net)
- Helping to End Addiction Long-Term (HEAL) Initiative
- Human BioMolecular Atlas Program (HuBMAP)
- NHLBI BioData Catalyst
- Science and Technology Research Infrastructure for Discovery, Experimentation, and Sustainability Initiative (STRIDES)
- Stimulating Peripheral Activity to Relieve Conditions (SPARC) Program
NIH Awarding Instruments

- Grant Agreements
- Cooperative Agreements
- FAR-based Procurement Contracts
- Other Transactions Agreements
Reasons to use OTs may include a combination of the following, among others:

- Other Transactions Authority
- Need for flexibility to negotiate terms and conditions appropriate for the specific program requiring fluid implementation
- Science expected to be highly evolving, with requirements for additional aims or expertise added to, or removed from, the project throughout the term of execution
- Intellectual property rights
- Nontraditional research recipients
Research Opportunity Announcements (ROAs)

- ROAs may be located on NIH institutes, centers, or initiatives’ websites; NIH Guide for Grants and Contracts; sam.gov; and other locations known to industry for specific research initiatives.

- NIH may reach potential applicants via other means, including but not limited to oral presentations, panel pitches, and targeted solicitations.
OT Applications

- Specific instructions in ROAs
- Apply through eRA ASSIST (Application Submission System & Interface for Submission Tracking)
OT Applications Reviewed/Evaluated

- Scientific evaluation or Objective review
- Contents outlined in ROA
- Performed by persons expert in field of endeavor for support requested
- Financial capability review, risk analysis and budget analysis
Many staff from all parties may work OT

At minimum:

- Recipient Business Official and Principal Investigator/Principal
- NIH OT Agreements Officer, Agreements Specialist, and Program Official
Negotiations: Process that involve discussing and reaching agreement on the terms and conditions for an Other Transaction or OT modification between NIH and applicant/recipient
OT Agreement Terms & Conditions

At minimum, OT sections include:

1. OT Identification Number
2. Parties
3. Other Transactions Authority
4. Description
5. Term of Execution
6. Termination
7. Modification
8. Accounting and Management
9. Funding
10. Obligation and Payment
11. Cost Sharing
12. Audits
13. Disputes
14. Statutes and Regulations
15. Flow Down
16. Reporting
17. Restrictions
18. Closeout
Lessons Learned

- Agency
- Institute/Center/Office
Other Transactions

Learn about Other Transactions and NIH’s Other Transactions Authorities (OTAs).

On This Page:
- What is an Other Transactions Authority?
- What are Other Transactions?
- What are NIH’s Other Transactions Authorities?
- Why are Other Transactions used instead of traditional funding mechanisms?
- Where are NIH’s OT Research Opportunity Announcements located?
- How to submit an NIH OT Application?
- How are NIH OT applications evaluated?
- Who to contact for NIH Other Transactions?

What is an Other Transactions Authority?
An Other Transactions Authority (OTA) allows for Federal Government agencies to enter into Other Transactions (OTs).

What is an Other Transaction?
An Other Transaction (OT) is a special type of legal instrument other than a contract, grant, or cooperative agreement. Generally, this awarding instrument is not subject to the FAR, nor grant regulations unless otherwise noted for certain provisions in the terms and conditions of award. It is, however, subject to the OT authority that governs the initiative as well as applicable legislative mandates.

What are NIH’s Other Transactions Authorities?
Identified below are statutes that provide authority for one or more components of the National Institutes of Health (NIH) to use Other Transactions. These authorities are subject to change and are also subject to
For general OT information, contact OER/OPERA Other Transactions Mailbox at NIHODOTA@nih.gov

For specific initiative information, contact NIH staff listed on the OT initiative ROA(s) or OT initiative websites
Recapitulation

Beyond Grants and Contracts: Other Transactions

- Other Transactions Authorities (OTAs)
- Other Transactions (OT)
- Research Opportunity Announcements (ROAs)
- Organization, Collaboration and Communication
Visit:
NIH Other Transactions Web Page
https://grants.nih.gov/funding/other-transactions.htm

Contact:
OER/OPERA OT Staff
NIHODOTA@nih.gov