

Business Rules for Coordinating CESU and CI Activities

Research Council Cooperative Institute Committee

Last Revised: November 2016

The NOAA Research Council tasked the Cooperative Institutes Program Office and the Cooperative Institutes Committee (CIC) to develop “business rules” for coordinating Cooperative Ecosystem Studies Units (CESUs) and Cooperative Institutes (CI) activities. While the guidance provided in the “[NOAA CESU Guidance](#)” document prepared by Jen Lechuga for Dr. Richard Merrick on 01/28/2016 is extensive and discusses the CESU-CI relationship, including a CESU-CI decision tree to determine the appropriate mechanism, the CIC identified additional topics and gaps that would benefit from further clarification.

- 1. Identified Issue:** There are universities that are both a CI and a CESU member. For NOAA-sponsored Federal Funding Opportunities that are not specific to CESUs, NOAA has been taking the approach that if an applicant is a member of CESU, the applicant may choose to invoke CESU status. However, NOAA may not *encourage or require* the applicant to invoke CESU status.

Proposed Business Rule: Given that this approach was approved by GMD and FALD, the CI Committee (in partnership with the CESU Program Manager) can begin tracking the percentage of awards not originally cast as CESU opportunities that are awarded to CESU partners. With this tracking, we can determine if there is a changing trend that needs to be discussed with the Research Council.

- 2. Identified Issue:** For CI re-competitions, the prospectus must consider whether other funding mechanisms could be used to meet NOAA’s research needs. NOAA’s default is that if a CI has done work in a particular area, the CI should continue to be used for that work. How should this situation be handled when considering the appropriateness of a CESU in the context of a CI competition (e.g., if a CESU *could* do the work, should NOAA re-compete the CI or should NOAA sunset the CI and start using the CESU)?

Proposed Business Rule: In scoping available funding instruments and the need for a CI, all resources should be considered. CESUs are one of many mechanisms that may be considered, as are Cooperative Science Centers, Sea Grant, Regional Integrated Sciences and Assessments (RISA), competitive grant programs, etc. In scoping the viability for using these types of instruments, unique CI capabilities and flexibilities should be considered including:

- Ability to manage the volume and breadth of work previously provided by the CI
- Infrastructure: ships, supercomputers, specialized laboratory facilities, etc.
- Institutional Award Status
 - NOAA considers CI cooperative agreements and all amendment to be competitive awards
 - Expedited processing and reporting procedures

- CI Special Authority 118 STAT 71 (language below adapted from 12/2003 FALD Memo)
 - This authority is unique because it expands the purposes for which the funds may be used under a cooperative agreement to include the use of personnel, services and facilities of universities and other organization without the need to execute a separate procurement contract or other funding instrument. Where CIs are heavily co-located with NOAA, this may be of particular importance.
 - This authority also permits NOAA to accept funds from other federal agencies under an Economy Act agreement even if the originating agency did not have financial assistance authority to award a cooperative institute for such activities and award them under a CI cooperative agreement.

- 3. Identified Issue:** The NOAA CESU Guidance states that, “the research proposed must not fit within the scope of a Cooperative Institute (CI) whereby a similar project has been completed by the CI in the past.” The CIC identified the need to further define the period of time should be considered in CIs performance of similar work.

Proposed Business Rule: When deciding whether a CI has completed a similar project in the past, the “past” will refer to the preceding 5 years.

- 4. Identified Issue:** In a situation where a project fits with the scope of a CI and the CI has done similar work in the previous 5 years, however the CI does not wish to conduct the work, what will be the process to document this and allow the CESU to take the action?

Proposed Business Rule: If a CI does not wish to conduct a proposed project, then the CI should communicate that to the NOAA FPO who is coordinating the Federal Funding Opportunity/Request For Applications (FFO/RFA).

Once approved, these business rules will be uploaded to the CI website alongside the NOAA CESU guidance to ensure that both Cooperative Institutes and NOAA offices looking to sponsor work at a CI or a CESU have easy access to them. The CIC will review and revise the business rules as necessary.