



Federal Publications Seminars

An intensive two-day course on the essentials of federal grant practice, from issues affecting agency funding decisions, to the award and administration of grants.

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**CLE 11\* / CPE 13\*\***

# Federal Grants

This seminar is a comprehensive primer on the complicated, diverse, and often agency - and program - specific field of federal grant practice, with emphasis on:

- The laws and regulations governing grants, agency authorities, and programs
- The interpretation, types, and legal nature of grants and cooperative agreements in comparison to other instruments
- The competitive environment, to include finding grant opportunities; strategies on submitting competing applications; and insight into how agencies evaluate applications and select recipients
- Grant management fundamentals, to include the essential compliance requirements
- Key subjects such as fiscal and intellectual property considerations

**May 13-14, 2009 • Las Vegas, NV**

**October 6-7, 2009 • Washington, DC**

**December 2-3, 2009 • Las Vegas, NV**

Presented by Federal Publications Seminars [www.fedpubseminars.com](http://www.fedpubseminars.com)

# Federal Grants

Each year the Federal Government awards millions of dollars to state and local governments, universities, hospitals, non-profits, and corporations. The funding is for a wide variety of purposes: from law enforcement, homeland security and disaster recovery initiatives; infrastructure and housing projects; medical, engineering, energy, agricultural and environmental research; to health care, education and training, and more.

The Government's selection of programs and recipients is not governed by the rules of government contracting. Its authority is from a combination of legislation and regulations that either prescribe or create assistance initiatives or give federal agencies the discretion to enter into assistance relationships. The administration of assistance awards is controlled by unique requirements also. They vary based on the program and recipient, but share common features and requirements with other assistance relationships and contracts.

The course is designed for those who are seeking federal assistance as well as for those in government who are recently assigned to the field. This seminar is a useful primer, refresher, and update for both new and experienced federal grants professionals.

The insight and experience of the exceptional *Course Faculty*, together with the materials in the *Course Manual*, will provide attendees with a background in Federal Grants and resources for future reference.

# Course Faculty

**Jay Winchester** is Senior Counsel and patent counsel for the United States Army Medical Research and Materiel Command. Mr. Winchester has been directly involved in negotiating and drafting thousands of cooperative research and development and patent license agreements. He drafted a model cooperative research and development agreement for material transfer that has been widely accepted by the pharmaceutical industry. Mr. Winchester has extensive experience with all legal mechanisms for formalizing relationships between federal and non-federal entities, such as grants, cooperative agreements, educational partnerships, cooperative research and development agreements, patent licenses and the various forms of contracts.

Mr. Winchester has been a speaker at The Judge Advocate General's School for the Army, the annual meeting of the national and international Biotechnology Industry Organization, various federal acquisition conference, and numerous workshops on technology transfer sponsored by U.S. Government agencies, the American Bar Association, universities and local associations. He is a former chairperson for the Legal Committee of the Federal Laboratory Consortium.

Mr. Winchester graduated from the University of Minnesota with a Bachelor of Arts Degree in English Literature and received his Juris Doctor from the Hamline University School of Law, St. Paul, Minnesota. He served on active duty as a Captain in the United States Army in the Judge Advocate General's Corps and received the Meritorious Service Medal.

**Robert L. Charles** is an attorney at the Office of the Staff Judge Advocate (OSJA), U.S. Army Medical Research and Materiel Command, at Fort Detrick, Maryland, where he is primarily responsible for issues involving Technology Transfer, Assistance Agreements, and Patent Licensing. He currently serves on the Executive Board and as Chairperson for the Legal Issues Committee of the Federal Laboratory Consortium for Technology Transfer.

Mr. Charles came to the OSJA after an active duty career as a judge advocate with the U.S. Army. Most of his tours were served at Army Medical Department assignments. He was the initial editor and contributed numerous articles over the years to the Army's Medical-Legal Deskbook.

Mr. Charles earned his undergraduate degree from the U.C. Berkeley (Economics), and then attended law school at the University of Utah. While in the military, he graduated from the Army JAG resident basic and advanced courses. Mr. Charles was also selected by the Army for advanced civilian schooling and earned a Masters in Public Health from the Program in Health and Law for Lawyers, at Harvard University. He is a member of the Utah and Texas State Bars.

# Federal Grants Course Curriculum

## PART ONE – THE ESSENTIALS

1. Background
2. The History of Federal Assistance
3. The Constitutional Basis for Federal Assistance
  - a. Congressional Power to Define the "General Welfare"
  - b. Conditions on Federal Assistance
4. The Federal Grant and Cooperative Agreement Act
  - a. The Commission on Government Procurement
  - b. The Federal Grant and Cooperative Agreement Act
5. The Requirement for Specific Statutory Assistance Authority
  - a. Procurement vs. Assistance Authority
  - b. Permanent and Annual Legislative Authority
  - c. Mandatory vs. Discretionary Assistance Authority
6. Fiscal Issues Affecting Assistance
  - a. Purpose, Time, and Amount
  - b. Restrictions and Earmarks in Appropriations
7. Types of Contractual Relationships with the Government
  - a. Procurement Contracts
  - b. Grants and Cooperative Agreements
  - c. Cooperative Research and Development Agreements
  - d. Other Transactions (Technology Investment Agreements)
8. Selecting Procurement vs Assistance
  - a. The Principal Purpose of the Transaction
  - b. Selecting Grants vs Cooperative Agreements
9. The Legal Nature of Grants and Cooperative Agreements
  - a. Primer on Government Contract Law
  - b. The Grant as Contract View
  - c. The Non-Contract View
10. Types of Grants
  - a. Formula or Block Grants
  - b. Project or Categorical Grants

11. Intellectual Property Rights in Assistance
  - a. Legal Primer on Intellectual Property
  - b. Grantee and Government Rights
  - c. The Bayh-Dole Act and 37 CFR 401

## PART TWO- GETTING ASSISTANCE AWARDS

12. Competition Requirements
13. Finding Assistance Opportunities
  - a. Federal Information Program Act
  - b. OMB Circular A-89
  - c. The Catalogue of Federal Domestic Assistance
  - d. Other Government Sources
  - e. Broad Agency Announcements
  - f. Forecasting Assistance Opportunities
  - g. Enlisting Support For Assistance
14. Strategies for Successful Applications
  - a. Focuses On:
    - Legislation and Programs
    - Agency Missions
    - Applicant Vision
    - Evaluation Criteria
  - b. Focuses On Instructions and Content
  - c. Budget Proposals
15. Evaluation
  - a. Evaluation and Award Criteria
  - b. Peer and Program Review
16. Certifications and Representations
17. Award
  - a. The Award and Issues
  - b. Typical Award Instruments
18. Rights of Non-Selectees

## PART THREE - AWARD ADMINISTRATION ISSUES

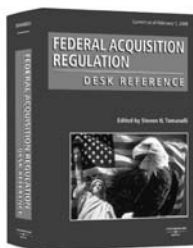
19. Regulations Affecting Assistance
  - a. The "Common Rule"
  - b. Government-Wide Regulations and their Applicability
    - Administrative Requirements (OMB Cir. A-102 and A-110)

- Cost Principles (OMB Cir. A-21, A-87, A-122)
  - Audit Requirements (OMB Cir. A-133)
  - c. Agency Regulations
  - d. Treasury Circulars
  - e. The Federal Acquisition Regulation
20. Typical Agreement Administration Functions
    - a. Cognizant Agency Functions
    - b. Financial Processes
    - c. Program Reporting
    - d. Property Administration
    - e. System Reviews
    - f. Audit Resolution
    - g. Closeout
  21. Sub-Recipients
  22. Contracting By Grantees
  23. Government Liability for Acts of Grantees
    - a. Contract Liability
    - b. Tort Liability
  24. Assistance Funding
    - a. Advance Funding
    - b. Interest on Grant Advances
    - c. Program Income
  25. Cost Sharing
    - a. Local or Matching Shares
    - b. Hard and Soft Matches
    - c. Two Grant Sources
  26. Changes
    - a. The Right to Change
    - b. Changes in Amount
    - c. "Scope" Changes
    - d. Substituting Grantees
  27. Costs
    - a. Criteria
    - b. Selected Cost Items
  28. Disputes
    - a. Resolution Within the Agency
    - b. Litigation
  29. Government Remedies
    - a. Recovery
    - b. Withholding
  30. Compliance Issues
  31. Conflicts of Interest
  32. Indicators of Fraud
  33. Terminations
    - a. For Noncompliance
    - b. Mutual and Unilateral
  34. Suspension and Debarment
  35. Extensions
  36. Close-Outs
    - a. Costing Adjustments
    - b. Residual Funds
    - c. Property
    - d. Final Reports
  37. Audits and Record Retention
  38. Freedom of Information Act (FOIA) Issues
  39. Interpretation
    - a. Agreement Interpretation
    - b. Statutory Interpretation

## Federal Acquisition Regulation Desk Reference, 2008 ed

Edited by Steven N. Tomanelli

Provides a detailed working knowledge of FAR — edited by one of the nation's most experienced and highly regarded federal procurement attorneys, Steven N. Tomanelli.



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# Federal Grants

## REGISTRATION APPLICATION

Registration Fee \$695. The registration fee of \$695 includes the price of a course manual which is valued at \$235 plus applicable taxes. Applicable taxes include sales, use, gross receipts, excise, value added tax (VAT) or equivalent, ad valorem and other taxes.

- May 13-14, 2009  
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- December 2-3, 2009  
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## DATES AND LOCATIONS • 2009

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## DAILY SCHEDULE

**Registration:** 8:45 am on the First Day

**Meetings:** 9:00 am – 12:00 pm and 1:00 pm – 4:00 pm

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**COURSE MANUAL** — An extensive *Manual* of original materials (available from no other source) has been specially prepared for distribution to attendees at this program. Its purpose: to relieve you of the burden of taking voluminous notes and to provide you with a source book of continuing value.

**TEAM DISCOUNT** — A discount is available for three or more registrations from the same organization for this seminar. The discount – a \$200 per person reduction in the seminar fee – can be taken when three (or more) registrations are sent together. The discount cannot be transferred to other sessions of this program or to other seminars. To receive the team discount, please phone, fax or mail your registration.

**\*CLE: Continuing Education Credit** — This course is eligible for 11 continuing education credit hours. States have widely varying regulations regarding CLE Credit. Please contact us with inquiries about the availability of CLE credit in your state. West Legalworks is an approved CLE provider in New York, California and Illinois. Financial assistance is available for hardship. Call 800-308-1700 for details.

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