CITY OF SAN ANTONIO SAN ANTONIO METROPOLITAN HEALTH DISTRICT CITY COUNCIL AGENDA MEMORANDUM

TO:

Mayor and City Council

FROM:

Fernando A. Guerra, MD, MPH, Director of Health

SUBJECT:

ORDINANCE ACCEPTING FUNDS FROM THE UNIVERSITY OF TEXAS

CONSENT AGEI

HEALTH SCIENCE CENTER FOR THE STUDY OF STILLBIRTH PROJECT

DATE:

November 3, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes the City Manager to accept and execute a subaward agreement totaling \$37,672.00 from the University of Texas Health Science Center at San Antonio (UTHSCSA) for the San Antonio Metropolitan Health District (SAMHD) to continue its participation in the San Antonio Center for the Study of Stillbirth Project for the period August 1, 2005 through July 31, 2006. This ordinance will also adopt the project budget, and approve the personnel complement.

Staff recommends approval.

BACKGROUND INFORMATION

In 2003 the University of Texas Health Science Center at San Antonio (UTHSCSA) was granted a five year award through a Cooperative Clinical Research Agreement from the National Institutes of Health (NIH) for a project entitled "San Antonio Center for the Study of Stillbirth". The objective of the study is to (1) develop a standard stillbirth postmortem protocol, to include review of clinical history, protocols for autopsies and pathologic examinations of the fetus and placenta, other postmortem tests to illuminate genetic, maternal, and other environmental influences, and (2) obtain a geographic population-based determination of the incidence of fetal deaths at 20 weeks gestation or greater, their causes, and risk factors. This involves a geographic population-based study of stillbirths enrolled at the time of demise.

SAMHD has collaborated in this effort since its inception, helping to develop study protocols and piloting the participant enrollment process. In this year of the study, the staff person from SAMHD will be responsible for enrolling new patients beginning in November. Women who have experienced a stillbirth will be interviewed, have lab work done, medical records reviewed, and placentas collected for diagnostic data.

The personnel complement for this program will continue to be one Special Projects Coordinator working half-time (See Attachment I). This person, currently employed in the SAMHD, will coordinate all aspects of the project, sharing epidemiologic data pertinent to the project and providing appropriate support as needed.

POLICY ANALYSIS

This ordinance follows past City policy of fostering the development and maintenance of cooperative relationships with academic institutions that can yield insight and interventions for the benefit of the community.

FISCAL IMPACT

This UTHSCSA subaward agreement provides \$37,672.00 in funding for the SAMHD to participate in the project. The SAMHD has coordinated with the Office of Management and Budget.

COORDINATION

The City Attorney's Office and the Human Resources Department, Risk Management Division have reviewed the contract with UTHSCSA. The SAMHD has coordinated with the Finance Department for accurate accounting of the grant.

SUPPLEMENTARY COMMENTS

Provisions of the Ethics Ordinance do not apply.

Attachments:

Attachment I:

UTHSCSA San Antonio Center for the Study of Stillbirth

Budget and Personnel Complement

Attachment II:

: Subaward Agreement

Fernando A. Guerra, MD, MPH

Director of Health

Frances A. Gonzalez

Assistant City Manager

J. Rolando Bono

City Manager

Attachment I UTHSCSA San Antonio Center for the Study of Stillbirth Fund 26012000

Funds Center 3606800000 Functional Area 3600500000020013

Budget for Period: 08/01/2005 to 07/31/2006

ESTIMATED REVENUES	\mathbf{GL}	CURRENT AMOUNT
UTHSCSA Subaward Agreement	4501160	37,672
Total Estimated Revenues	\$	37,672

APPROPRIATIONS

UTHSCSA San Antonio Center for the Study of Stillbirth

Cost Center: 3606800003

Internal Order: 136000000282

Regular Salaries & Wages	5101010	24,305
Retirement Benefits - Soc. Sec.	5103005	1,859
Retirement Benefits - TMRS	5105010	2,827
Group Health Insurance	5405040	3,900
Life Insurance	5103010	44
Travel - Official	5207010	1,378
Indirect Cost	5406530	3,359
Total Appropriations		\$ 37,672

		CURRENT
	PERSONNEL COMPLEMENT	POSITIONS
	Cost Center: 3606800003	
	Internal Order: 136000000282	
Class No.		
	Title	
0870	Special Project Coordinator (.50 FTE)	1
	Total Personnel:	1

Subaward Agreement

ATTACHMENT II

Institution/Organization ("UNIVERSITY")	Institution/Organization ("COL	LABORATOR")
Name: The University of Texas Health Science Center at San Antonio Address: 7703 Floyd Curl Drive, MC 7828 San Antonio, TX 78229-3900	Name: The City of San Antonio on behalf of the San Antonio Metropolitan Health District Address: 332 W. Commerce, Suite 307 San Antonio, TX 78205	
	EIN No. 1-740662070	
Prime Award No. 5 U10 HD045955-02	Subaward No. 121313/121312	
Awarding Agency US DHHS/National Institutes of Health	CFDA No. 93.865	
Subaward Period of Performance 8/1/05 – 7/31/06	Amount Funded This Action \$ 37,672.00	Est. Total (if incrementally funded)
Project Title	1 .	
San Antonio Center for the Study of Stillbirt Reporting Requirements [Check here if applicable ☑ See		
Reporting Requirements [oneck here ii applicable 22 occ		
Те	rms and Conditions	
1) University hereby awards a cost reimbursable Subaward, Subaward are (check one): as specified in Collaborator's put the Subaward work, Collaborator shall be an independent er 2) University shall reimburse Collaborator not more often the Collaborator's standard invoice, but at a minimum shall includent certification as to truth and accuracy of invoice. Invoices that Collaborator. Invoices and questions concerning invoice recast shown in Attachment 3. 3) A final statement of cumulative costs incurred, including a Contact NOT LATER THAN sixty (60) days after Subaward financial report. 4) All payments shall be considered provisional and subject necessary as a result of an adverse audit finding against the 5) Matters concerning the technical performance of this Sub Attachment 3. Technical reports are required as shown abo 6) Matters concerning the request or negotiation of any chashould be directed to the appropriate party's Administrative agreement require the written approval of each party's Author 7) Each party shall be responsible for its negligent acts or odirectors, to the extent allowed by law. 8) Either party may terminate this Agreement with thirty day Attachment 3. University shall pay Collaborator for terminating 9) No-cost extensions require the approval of the University the Administrative Contact as shown in Attachment 3, not let 10) The Subaward is subject to the terms and conditions of Attachment 2. 11) By signing below Collaborator makes the certifications as By an Authorized Official of UNIVERSITY:	proposal dated; or 🗵 as a nitity and not an employee or agent of an monthly for allocable costs. All indecurrent and cumulative costs (included current and cumulative costs (included to not reference University's Subactive of the payment should be directed cost sharing, marked "FINAL" must be end date. The final statement of costs to adjustment within the total estimate collaborator. December 1997 and the properties of the properties of the properties of the properties of the costs as shown in Attachment 3. Orized Official, as shown in Attachment of the properties of the other party's final costs as allowable under OMB Costs. Any requests for a no-cost extension should be propertied to the desired the Prime Award and other special than assurances shown in Attachment and assurances and contact	shown in Attachment 5. In its performance of of University. Notices shall be submitted using cluding cost sharing), Subaward number, and ward number shall be returned to to the appropriate party's Financial Contact, we submitted to University's Financial constitute Collaborator's final atted cost in the event such adjustment is propriate party's Project Director, as shown in counts cited in this Subaward agreement Any such changes made to this Subaward ent 3. Administrative Contact, as shown in circular A-21or A-122, as applicable. In should be addressed to and received by the deflective date of the requested change.
By an Authorized Official of UNIVERSITY:	By an Authorized Officia	ai of COLLABORATOR:
Jane A. Youngers, Director (date) Office of Grants Management	Frances A. Gonzalez Assistant City Manager	(date)
	ATTEST:	
	Leticia M. Vacek City Clerk	
	APPROVED AS TO FO	PRM:
	Martha G. Sepeda Acting City Attorney	

Attachment 1 Subaward Agreement

By signing the Subaward Agreement, the authorized official of COLLABORATOR certifies, to the best of his/her knowledge and belief, that:

Certification Regarding Lobbying

- 1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Collaborator, to any person for influencing or attempting to influence an officer or employee of any agency, A Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- 2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or intending to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Collaborator shall complete and submit Standard Form –LLL, "Disclosure Form to Report Lobbying," to the University.
- 3) The Collaborator shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 13.52, title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Debarment, Suspension, and Other Responsibility Matters

Collaborator certifies by signing this Subaward Agreement that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency

OMB Circular A-133 Assurance

Collaborator assures University that it complies with A-133 and that it will notify University of completion of required audits and of any adverse findings which impact this subaward.

Attachment 2 Subaward Agreement NIH

Agency-Specific Certifications/Assurances

1. The following assurances/certifications are made and verified by Collaborator's Authorized Official on the face page of this Subaward. Descriptions of individual assurances/certifications are provided in Section III of the PHS 398. 1) Human Subjects; 2) Research Using Human Embryonic Stem Cells; 3) Research on Transportation of Human Fetal Tissue; 4) Women and Minority Inclusion Policy; 5) Inclusion of Children Policy; 6) Vertebrate Animals; 7) Debarment and Suspension; 8) Drug-Free Workplace; 9) Lobbying; 10) Non-Delinquency on Federal Debt; 11)Research Misconduct; 12) Civil Rights (Form HHS 441 or HHS 690); 13) Handicapped Individuals (Form HHS 641 or HHS 690); 14) Sex Discrimination (Form HHS 639-A or HHS 690); 15) Age Discrimination (Form HHS 680 or HHS 690); 16) Recombinant DNA and Human Gene Transfer Research; 17) Financial Conflict of Interest.

General terms and conditions:

- 1. The restrictions on the expenditure of federal funds in appropriations acts are applicable to this subaward to the extent those restrictions are pertinent.
- 2. 45 CFR Part 74 or 45 CFR Part 92 as applicable. [This is the CFR governing NIH.]
- 3. The NIH Grants Policy Statement, including addenda, in effect as of the beginning date of the period of performance and found at http://grants.nih.gov/grants/policy/policy.htm, except for the payment mechanism and final reporting requirements are replaced with Reporting Requirements and Terms and Conditions on the front page of this agreement.
- 4. The Terms and Conditions of the prime aware attached to the Subaward Agreement as Attachment 6.
- 5. Collaborator assures, by signing this Subaward Agreement, that all Collaborator's personnel who are responsible for the design and conduct of projects involving human research participants have successfully completed their institutional training in accordance with the NIH Guide, Notice OD-00-039.

Special terms and conditions: [Institutions may include the following optional clauses.]

1. Copyrights

Collaborator \square grants / \boxtimes shall grant (check one) to University an irrevocable, royalty-free, non-transferable, non-exclusive right and license to use, reproduce, make derivative works, display, and perform publicly any copyrights or copyrighted material (including any computer software and its documentation and/or databases) first developed and delivered under this Subaward Agreement solely for the purpose of and only to the extent required to meet University's obligations to the Federal Government under its Prime Award.

2. Data Rights

Collaborator grants to University the right to use data created in the performance of this Subaward Agreement solely for the purpose of and only to the extent required to meet University's obligations to the Federal Government under its Prime Award.

Attachment 3 Subaward Agreement

	University Contacts	Collaborator Contacts	
Administrativ	ve Contact	Administrative Contact	
Name: Address:	Jane A. Youngers Director, Office of Grants Management The University of Texas Health Science Center at San Antonio 7703 Floyd Curl Drive, MC 7828 San Antonio, TX 78229-3900	Name: Address:	Kathleen Shields Acting Healthy Start Program Manager 1325 N. Flores Street, Suite 104 San Antonio, TX 78212
Telephone: Fax: Email:	210.567.2340 210.567.2344 grants@uthscsa.edu	Telephone: Fax: Email:	210.299.5035 210.299.5051 kshields@sanantonio.gov
Principal Inv	estigator	Project Director	
Name: Address:	Donald J. Dudley, M.D. Department of Obstetrics/Gynecology The University of Texas Health Science Center at San Antonio 7703 Floyd Curl Drive San Antonio, TX 78229-3900	Name: Address:	Fernando A. Guerra, MD, MPH, FAAP Director of Health San Antonio Metropolitan Health District 332 W. Commerce, Suite 307 San Antonio, TX 78205
Telephone: Fax: Email:	210.567.5035 210.567.3013 dudleyd@uthscsa.edu	Telephone: Fax: Email:	210.207.8731 210.207.8999 fguerra@sanantonio.gov
Financial Co	ontact	Financial Contact	
Name: Address:	Accounting Group Supervisor Office of Accounting The University of Texas Health Science Center at San Antonio 7703 Floyd Curl Drive, MC 7966 San Antonio, TX 78229-3900	Name: Address:	Ramon Sanchez Administrative Services Manager San Antonio Metropolitan Health District 332 W. Commerce, Suite 307 San Antonio, TX 78205
Telephone: Fax: Email:	210.567.6085 210.567.2566 not available	Telephone: Fax: Email:	210.207.8721 210.207.6359 raymonds@sananatonio.gov
Authorized (Official:	Authorized	Official:
Name: Address:	Jane A. Youngers Director, Office of Grants Management The University of Texas Health Science Center at San Antonio 7703 Floyd Curl Drive, MC 7828 San Antonio, TX 78229-3900	Name: Address:	Frances A. Gonzalez Assistant City Manager City of San Antonio 100 Military Plaza San Antonio, TX 78207
Telephone: Fax: Email:	210.567.2340 210.567.2344 grants@uthscsa.edu	Telephone: Fax: Email:	210.207.2200 210.207.4122 francesg@sanantonio.gov

ATTACHMENT 4 SUBAWARD AGREEMENT

Reporting Requirements

(as modified by The University of Texas Health Science Center at San Antonio)

- 1. Subawardee shall submit reports to University's Project Director, as stated in Attachment 3, in such form and content as University's Project Director may reasonably request.
- 2. Final Statement of Cumulative Costs. Pursuant to Item 3 of Terms and Conditions, a final statement of cumulative costs incurred, including cost sharing, marked "FINAL," must be submitted to University's Financial Contact NOT LATER THAN sixty (60) days after subaward end date. The final statement of costs shall constitute Collaborator's final financial report.

University reserves the right to reject any final statement of cumulative costs incurred received after sixty (60) days after subaward end date.

ATTACHMENT 5 STATEMENT OF WORK AND BUDGET

This is a continuation of the project begun under previous Agreements, most recently Subaward No. 119856/119249. Paola Tovar-Kurth, Research Nurse Study Coordinator (50% effort) will coordinate all aspects of the study. She will share Epidemiologic data pertinent to the study and provide appropriate support as needed by Dr. Donald Dudley when the study protocol is complete. Because the Study Protocol has not yet been finalized, other reports or requirements may be required as may be reasonably requested by Dr. Dudley and appropriate within the scope of the budget.

This budget is a reasonable effort of anticipated costs; budget category adjustments are allowable as long as the total amount is not exceeded.

Salary, Paola Tovar-Kurth, 50% effort Employee Benefits	\$22,903 6,902
Total Salary-related Costs	\$29,805
Travel	<u>4,508</u>
Total Direct Costs	\$34,313
Indirect Costs @9.79%	3,359
TOTAL	\$37,672

ATTACHMENT 6 PRIME AWARD

Grant Number: 5 U10 HD045955-03

Principal Investigator: DUDLEY, DONALD J MD

Project Title: San Antonio Center for the Study of Stillbirth

DIRECTOR OF GRANTS MANAGEMENT UNIVERSITY OF TEXAS HLTH SCIENCE CTR AT SAN ANTONIO 7703 FLOYD CURL DR/MSC 7828 SAN ANTONIO, TX 782293900 UNITED STATES

Award e-mailed to: nihgrants@uthscsa.edu

Budget Period: 08/01/2005 - 07/31/2006 Project Period: 09/26/2003 - 07/31/2008

Dear Business Official:

The National Institutes of Health hereby awards a grant in the amount of \$ (see "Award Calculation" in Section I) to UNIVERSITY OF TEXAS HLTH SCI CTR SAN ANT in support of the above referenced project. This award is pursuant to the authority of 42 USC 241 31 USC 6305 & 6306 and is subject to terms and conditions referenced below. Acceptance of this award including the Terms and Conditions is acknowledged by the grantee when funds are drawn down or otherwise obtained from the grant payment system.

Award recipients are responsible for reporting inventions derived or reduced to practice in the performance of work under this grant. Rights to inventions vest with the grantee organization provided certain requirements are met and there is acknowledgement of NIH support. In addition, recipients must ensure that patent and license activities are consistent with their responsibility to make unique research resources developed under this award available to the scientific community, in accordance with NIH policy. For additional information, please visit http://www.iedison.gov.

If you have any questions about this award, please contact the individual(s) referenced in the information below.

Sincerely yours,
CHRIS ROBEY
Grants Management Officer
NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

See additional information below

SECTION I - AWARD DATA - 5 U10 HD045955-03

AWARD CALCULATION (U.S. Dollars):

Salaries and Wages
Fringe Benefits
Personnel Costs
Supplies
Travel Costs
Other Costs
Consortium/Contractual Cost
Federal Direct Costs
Federal F&A Costs
APPROVED BUDGET
TOTAL FEDERAL AWARD AMOUNT

Recommended future year total cost support, subject to the availability of funds and satisfactory progress of the project, is as follows.

04 05

FISCAL INFORMATION: CFDA Number: 93.865

EIN: 1741586031A3

Document Number: UHD045955A

IC/ CAN / FY2005 / FY2006 / FY2007 HD/8421368/ 407,862/ 420,097/ 432,700

NIH ADMINISTRATIVE DATA:

PCC: PP -MW / OC: 41.4P /Processed: ROBEYC 050801 1041

SECTION II - PAYMENT/HOTLINE INFORMATION - 5 U10 HD045955-03

For Payment and HHS Office of Inspector General Hotline Information, see the NIH Home Page at http://grants.nih.gov/grants/policy/awardconditions.htm

SECTION III - TERMS AND CONDITIONS - 5 U10 HD045955-03

This award is based on the application submitted to, and as approved by, the NIH on the above-titled project and is subject to the terms and conditions incorporated either directly or by reference in the following:

- a. The grant program legislation and program regulation cited in this Notice of Grant Award. b. The restrictions on the expenditure of federal funds in appropriations acts, to the extent those restrictions are pertinent to the award. c. 45 CFR Part 74 or 45 CFR Part 92 as applicable. d. The NIH Grants Policy Statement, including addenda in effect as of the beginning date of the budget period.
- e. This award notice, INCLUDING THE TERMS AND CONDITIONS CITED BELOW. (see NIH Home Page at http://grants.nih.gov/grants/policy/awardconditions.htm for certain references cited above.)

This grant is awarded under the terms and conditions of the Federal Demonstration Partnership Phase IV.

Carry over of an unobligated balance into the next budget period requires Grants Management Officer prior approval.

Treatment of Program Income: Additional Costs

SECTION IV- ADDITIONAL TERMS AND CONDITIONS - 5 U10 HD045955-03

The requested budget was considered and did not raise any concerns regarding a potential change in scope. Therefore, categorical amounts reflect the direct and facilities and administrative cost levels previously recommended for the current year.

The grantee institution bears ultimate responsibility for protecting human subjects under this award, including human subjects at all participating and consortium sites, and for ensuring that a Federal-wide assurance approved by OHRP and certification of IRB review and approval have been obtained before human subjects research can be conducted at each site. The documentation of these assurances should be kept on file at the grantee institution. If requested, this documentation should be submitted to the awarding component.

RESTRICTION: The present award is being made without a currently valid certification of Institutional Review Board (IRB) approval for this project with the following restriction: Only activities that are clearly severable and independent from activities that involve human subjects may be conducted under this award until the project has received IRB approval consistent with 45 CFR Part 46 and certification of IRB approval has been submitted to and accepted by NICHD.

No funds may be drawn down from the payment system and no obligations may be made against Federal funds for research involving human subjects by the grantee or any other site engaged in such research for any period not covered by an OHRP-approved Assurance and IRB approval consistent with 45 CFR Part 46.

Failure to comply with the above requirements may result in suspension and/or termination of this award, withholding of support, audit disallowances, and/or other appropriate action.

See the NIH Grants Policy Statement, December 2003,

(http://grants2.nih.gov/grants/policy/nihgps_2003/NIHGPS_Part5.htm) for specific requirements related to the protection of human subjects, which are applicable to and a term and condition of this award.

This award includes funds awarded for consortium activity with San Antonio Metropolitan Health District in the amount of \$37,672 (\$34,313 direct costs + \$3,359 facilities and administrative costs). Consortiums are to be established and administered as described in the NIH Grants Policy Statement (NIH GPS). The referenced section of the NIH Grants Policy Statement is available at http://grants1.nih.gov/grants/policy/nihgps_2003/NIHGPS_Part12.htm#_Toc5 4600251.

Funds associated with capitation costs are awarded in the "other expenses" category. Therefore, costs requested in the "other expenses" category have been rebudgeted to the "supplies" category.

For all non-competing progress reports due on/after October 1, 2004, NIH is centralizing receipt and initial processing of all NIH non-competing progress reports.

The new centralized mailing address for all NIH Institutes/Centers (IC) is now:

Division of Extramural Activities Support, OER
National Institutes of Health
6705 Rockledge Drive, Room 2207, MSC 7987
Bethesda, MD 20892-7987 (for regular or US Postal Service Express mail) Bethesda, MD 20817 (for other courier/express mail delivery only)

Phone Number: (301) 594-6584

For additional information concerning this change see NIH Guide Notice OD-04-054.

Human Subjects: The National Institute of Child Health and Human Development (NICHD) recognizes that investigators are submitting applications to conduct exciting and important research of interest to NICHD. NICHD has oversight responsibilities to ensure compliance with government regulations and to ensure the safety of human subjects in research. The following web site contains information regarding your institutional responsibilities and compliance issues that should be reviewed throughout the duration of your NIH-supported project. DHHS Web Site for Human Subjects: http://ohrp.osophs.dhhs.gov/index.htm.

All publications, posters, oral presentations at scientific meetings, seminars, and any other forum in which results of this NICHD-supported research are presented must include a formal acknowledgement of NICHD support, citing the NIH grant number as identified on this award document.

Grantees may submit prior approval requests for NIH grants and cooperative agreements via e-mail as detailed in the NIH Guide announcement OD-00-009. The announcement can be found at http://grants.nih.gov/grants/guide/notice-files/NOT-OD-00-009.html.

Prior approval requests for this grant should be directed to the Grants Management Specialist listed below.

Direct inquiries regarding scientific programmatic issues to the program official listed below. Direct inquiries regarding fiscal and administrative matters to the grants management specialist listed below.

MARIAN WILLINGER, Program Official

Phone: (301) 496-5575 Email: willingm@mail.nih.gov Fax: (301) 496-3790

Cheryl A Nathaniel, Grants Specialist

Phone: (301) 435-7006 Email: cn15b@nih.gov Fax: (301) 451-5510