**Notice of Award (OSP CONTRACT NEGOTIATORS AND PREAWARD ADMINISTRATORS)** – These instructions are particularly relevant when the originating or immediate sponsor is the US Government (USG) and the mechanism being used to fund the work will be a contract (rather than a grant or cooperative agreement) or is unknown when the proposal is submitted. Similar steps are recommended when requesting permission to access/use Controlled Unclassified Information (CUI)\* from the USG or other sources that have adopted USG standards, regardless whether the contract is funded or unfunded.

*Background information on the topics below and related issues, as well as suggested proposal language, is available on UVA’s CUI website (*[*https://research.virginia.edu/controlled-unclassified-information-cui*](https://research.virginia.edu/controlled-unclassified-information-cui)*).*

1. Does the USG prime contract identify UVA’s statement of work (SOW) as fundamental research or, alternatively, as not being subject (i.e. through other exceptions in the FAR and FAR supplements) to any restrictions on publication/dissemination or foreign national participation?
   1. No.
      1. If USG originating or immediate sponsor is the Department of Defense, request approval to publish from USG contracting officer (CO) in accordance with DFARS 252.204-7000(a)(1-3); while (a)(3) is typically the most appropriate for University research results, there may be occasions where (a)(1) or (a)(2) will be more appropriate or palatable to the CO. This must be done through the prime contractor if UVA is receiving a subcontract.
         1. If verified and documented in writing from the CO as fundamental research or fall within other exemptions, go to Step #5.
         2. If not verified, go to Step #2.
      2. If USG sponsor is not the US Department of Defense, go to Step #2.
   2. Yes.
      1. If USG sponsor is the Department of Defense, this designation negates the publication approval requirement of DFARS 252.204-7000 and the CUI safeguarding requirements of DFARS 252.204-7012 (OCT 2016). Go to Step #5.
      2. If USG sponsor is not the Department of Defense, go to Step #2.
2. Does the USG prime contract or subcontract, including any incorporated or referenced documents, contain language indicating that CUI will be involved (i.e., collected, developed, received, transmitted, used, or stored by or on behalf of the contractor) in support of the performance of UVA’s SOW? *Reminder: Be sure to consider information that may have been provided under a prior NDA, e.g., to support proposal development.*
   1. If yes, work with PI and CO to clearly identify all CUI before work begins. This includes evaluation whether or not work involving CUI will be performed by subcontractors. Go to Step #3.
   2. If no, verify no CUI with PI and Sponsor/USG, and go to Step #5.
3. Does the USG prime contract or subcontract, including any incorporated or referenced documents, identify specific requirements for safeguarding CUI (e.g., NIST SP 800-171; FISMA low, moderate, or high; DFARS 252.204-7012; or NIST SP 800-53) that are applicable to UVA?
   1. If yes, is PI willing to comply with requirements?
      1. If no, explore possibility of re-scoping to explicitly exclude CUI, i.e., go back to Step #2.
      2. If yes, ask PI to consult with Unit (department/school) IT professionals or University Information Security office to assess best ways to fulfill requirements and inform them that they will need to complete a Technology Control Plan (TCP) with the Office of Export Controls to document compliance. Go to Step #4.
   2. If no, is any involved CUI export controlled? *Reminder: Please use the Export/Sanction Review Procedures document. You can always request assistance from the Office of Export Controls if you’re uncertain.*
      1. If no, go to Step #5.
      2. If yes, go to Step #4.
4. Request review and TCP processing by the Office of Export Controls (OEC).
5. Documentation, specific to above topics only:
   1. OEC Approval Letter, when required.\*\*
   2. The following should be reflected in the Contract Checklist with regard to the above topics:
      1. Nature of the research (e.g., fundamental or not)
      2. CUI safeguarding requirement, including whether or not applicable to UVA subcontractors
      3. Publication restriction, including whether or not applicable to UVA subcontractors
      4. Export control status, including whether or not applicable to UVA subcontractors
6. If CUI safeguarding and/or export control requirements will flow to UVA subcontractors, verify they can/will accept the requirements before finalizing the contract if their participation is necessary for UVA’s successful performance.
7. Finalize Negotiation & Execute contract

*\* Note: The Department of Defense (DoD) uses the similar but somewhat broader term covered defense information (CDI).*

\*\**Note: Any request to proceed, including at-risk account set ups, prior to OEC approval when required must be approved by the Director of Research Regulatory Affairs.*