

# **Non-Profit Corporation (NPC) Reimbursement to the Office of General Counsel (OGC) Specialty Team Advising Research (STAR) for Legal Review of Research and Education Agreements<sup>1</sup>**

## **Standard Operating Procedure (SOP)**

### **I Agreement Types**

OGC STAR will bill NPCs for review of agreements such as the following: Cooperative Research and Development Agreements (CRADAs), grants, subgrants, subawards, subcontracts, education agreements, and other agreements.

### **II Agreement Rate**

a) Basic Review: \$480

Includes reviews for Master CRADAs, Model CRADAs with non-substantive changes, and non-lead Multisite CRADAs. Other agreements such as subawards, contracts, and education agreements which require minimal edits will also be invoiced at the Basic rate.

b) Advanced Review: \$1320

Includes reviews for CRADAs with extensive non-substantive changes; substantive changes, such as those requiring consultation, referral, or negotiation to resolve; significant drafting of CRADA terms; considerable edits to the appendices and Statement of Work; and case facts that require a combination of two or more model CRADAs (Hybrid CRADAs). Other agreements such as subawards, contracts, and education agreements that meet the same criteria will also be billed at the Advanced Review rate.

### **III Collection of Agreement Funds**

a) Upon completion of legal review and approval, OGC will provide the NPC a concurrence memo for the Medical Center Director.

b) The OGC attorney handling the matter will be responsible for submitting notice of the completed legal review in preparation for generating invoices in accordance with item c of this Section.

c) Six months<sup>2</sup> from the date that OGC provides the concurrence memo to the NPC, OGC will notify VA Financial Services Center (FSC) in Austin, TX of the charge.

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<sup>1</sup> 38 U.S.C. § 7364(a)(1)(D)

<sup>2</sup> STAR waits six months before sending bills to VA FSC to ensure the NPC has had some time to receive reimbursement from the sponsor/collaborator and to allow time for any additional administrative processes to be completed towards agreement execution.

- d) FSC will then generate an invoice requesting reimbursement and send, via hardcopy or email, to the NPC. An OGC bill that identifies the GCLaws case number will accompany the FSC invoice.
- e) The NPC must send reimbursement to FSC within thirty (30) days of receipt of the invoice.
  - 1) Reimbursement can be made by credit card, check, or money order payable to VA Office of General Counsel.
  - 2) The NPC must identify the GCLaws case number when making payment.
  - 3) Checks and money orders should be sent to the following:

US Department of Veterans Affairs  
Financial Services Center  
Attn: Agent Cashier Office (0474C) PO  
Box 149975  
Austin, Texas 78714-9975
- f) FSC will make two attempts to collect payment from the NPC. If payment is not made within the prescribed time in the final notice, FSC will refer the invoice to the U.S. Treasury Offset Program for collection.<sup>3</sup>

#### **IV Cancellation Policy**

- a) The NPC may request an invoice cancellation within six (6) months from when the OGC attorney issued the concurrence memo. Cancellations may only be requested if the study does not go forward or when funding is canceled. After the six-month period, no cancellations will be granted.
- b) The NPC should email its request for cancellation to the OGC STAR Attorney and Deputy Chief Counsel via the cancellation form provided below and provide supporting documentation such as communications with the study sponsor or contract research organization as soon as possible.

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<sup>3</sup> Interest & Late Payment Charges: In accordance with 31 U.S.C. 3717, 31 CFR 901.9, and 38 CFR 1.915, debts being repaid by installments will be charged interest at an annual rate of 1.00%. A monthly administrative cost of collection fee of \$1.94 (subject to change annually) may also be charged. A monthly penalty charge will be assessed at 6 percent per annum if a debt is delinquent more than 90 days. If full payment of the debt is received with 30 days, no interest or administrative cost of collection fees will be charged. Note: VA must refer all eligible debts greater than 120 days delinquent to the Treasury for collection via the Treasury Offset Program (TOP) or Cross-Servicing Program. VA will forward debt to TOP for failure to pay the debt or contact the FSC office to establish a repayment plan. The full amount of the debt could be collected from any federal payment.

- c) STAR's Deputy Chief Counsel will render a decision based on the information received and communicate the decision to the NPC with documentation for the NPC's records. The decision of the Deputy Chief Counsel is final.

## **Click Here for Request for Cancellation Form**

### **V Use of Agreement Funds**

- a) Per 38 U.S.C. § 7364(a)(3), amounts reimbursed to OGC under this subchapter for OGC expenses for providing legal services for research and education agreements ("Agreement Funds") shall be available for use by OGC only for:
  - 1) Staff;
  - 2) Training related to the provision of such legal services; and
  - 3) Travel related to such training.<sup>4</sup>
- b) Expenses covered by the "staff" category include:
  - 1) Costs of attorneys and other staff;
  - 2) Awards or bonuses to attorneys and staff for achievements in this area; and
  - 3) Educational materials related to VA non-profits, research, and education.
- c) Agreement Funds remain available to OGC for these purposes **without fiscal year limitation**.

### **VI Distribution of Agreement Funds**

- a) OGC Management, Planning, and Analysis Office (MPA) administers the Agreement Funds and records their receipt and disbursement.
- b) MPA may use any Agreement Funds collected for purposes consistent with the law and in a manner that will enhance OGC's ability to provide these services.

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<sup>4</sup> Congress intended OGC to use this money to help relieve the workload as well as to provide training related to CRADAs and related agreements. "This would enable OGC to accommodate the substantial workload associated with CRADAs and provide training to VA attorneys on CRADA requirements." House Report to Accompany H.R. 2770, Veterans Nonprofit Research and Education Corporations Enhancement Act of 2009, 111–225, at 6.

## **VII Contact Information**

- a) Questions about billing/issues with a specific case
  - i. [OGCSTAR@va.gov](mailto:OGCSTAR@va.gov)
- b) Questions about payments that were sent FSC Section 101 -
  - ii. [VAFSCFiscalSection101@va.gov](mailto:VAFSCFiscalSection101@va.gov)

**Note: Ensure that the GCLaws case and bill numbers are referenced.**

## **VIII Miscellaneous**

- a) This SOP will become effective on January 1, 2023 (Effective Date). These rates will remain for two (2) years after the Effective Date.
- b) STAR will not bill the NPCs for review of agreements with no funding attached.

Office of General Counsel Department  
of Veterans Affairs

September 22, 2022