

# NIH Policy Manual

## 6031 - Conference Support/Collection and Retention of Registration Fees under Contract

Issuing Office: OD/OM/OALM/OAMP/DAPE Phone: [\(301\) 496-6014](tel:3014966014)

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### Transmittal Notice

#### 1. Explanation of Material Transmitted:

Section 102(b) of the NIH Reform Act, P.L. 109-482, enacted January 15, 2007, added section 402(b)(13) of the Public Health Service Act and provided the NIH Director the authority to collect and retain registration fees obtained from third parties to defray expenses for scientific, educational, and research-related conferences. This new NIH Manual Chapter establishes the policies and procedures for the retention of registration fees when conference services are obtained through contract.

#### Partial Revision: 5/7/08\*

*\* Note: On 5/7/08, language has been changed in the Note under Section C.2 to clarify that under current HHS policy a non-Federal entity co-sponsoring a conference with an Institute/Center may charge and collect a registration/conference fee from ALL participants rather than limiting these charges to only Non-HHS Federal and Non-Federal participants.*

#### 2. Filing Instructions:

**Insert:** NIH Manual 6031 dated 1/28/08.

**PLEASE NOTE:** For information on:

- Content of this chapter, contact the issuing office listed above.
- NIH Manual System, contact the Division of Management Support, Office of Management Assessment, OM , on 301-496-2832.
- On-line information, enter this URL: <http://oma.od.nih.gov/manualchapters>

### A. Purpose

To provide guidance on collecting and retaining registration fees obtained from Non-HHS Federal and Non-Federal participants to defray NIH expenses for NIH sponsored scientific,

educational, and research-related conferences. This guidance only pertains to conference services obtained by NIH through contract.

## **B. Background**

The Comptroller General issued a decision on March 3, 2005 (B-300826) which provided that NIH could not charge a registration fee to defray expenses associated with hosting a conference absent statutory authority and that additional statutory authority would be required for NIH to retain any fees collected. Section 102(b) of the NIH Reform Act, P.L. 109-482, enacted January 15, 2007, added section 402(b)(13) of the Public Health Service Act and provided the NIH Director the authority to collect and retain registration fees obtained from third parties to defray expenses for scientific, educational, and research-related conferences. See Section D2 below.

## **C. Policy**

Under the terms of a contract, the NIH may authorize a contractor procured to assist in the development and implementation of a scientific, educational or research-related conference to collect and retain registration fees from Non-HHS Federal and Non-Federal participants to defray the costs of the contract. In the event the contractor collects registration fees in excess of the costs of the contract, any excess funds must be returned to NIH and deposited in the general fund of the Treasury.

**NOTE: The NIH contractor may only charge and collect a fee for the purpose of defraying the costs of the NIH conference contract.**

1. All conference planning regulations contained in Federal Travel Regulations 301-74 and policies and procedures in HHS Travel Manual Chapter 1-20 and NIH Manual Chapters [1500-04](#) and [26101-17-1](#) and any other applicable statutes, regulations, and policies shall be followed. This includes, as required, completion of [NIH Form 827-1](#), “Request for Off-Campus Conference Space”, and completion of the [NIH Form 2408-1](#) “Request for Use of Appropriated Funds/Gift Funds for Light Refreshments, Meals, and Other Entertainment Expenses” (See [NIH Manual Chapter 1160-1](#)).
2. If Federal or non-Federal entities will participate in the development of a conference, all statutes, regulations and policies related to the form of agreement between all entities (e.g., MOU, IAA, co-sponsorship, etc.) shall be followed. For example, an IC co-sponsoring a conference with a Non-Federal entity may authorize its contractor to charge and collect a registration fee from the Non-HHS Federal and Non-Federal participants for the purpose of defraying the expenses of the IC contract.

[**Note:** A non-Federal entity co-sponsoring a conference with an Institute/Center (IC) may charge and collect a registration/conference fee from **all** participants for the purpose of defraying its portion of the expenses for the conference. In this case, ICs should document that any fees associated with a conference are being charged, collected and used solely by the co-sponsor.]

## D. References

1. Section 402(b)(13) of the Public Health Service Act (42 U.S.C. 282(b)(13)), as added by section 102(b) of the NIH Reform Act of 2006, P.L. 109-482.
2. NIH Delegation of Authority, [Acquisition # 27](#): Conference Support/Collection and Retention of Registration Fees under Contract.

## E. Definitions

1. **Conference** – A meeting, symposium, seminar, or similar type of activity, where people assemble to coordinate, exchange, and disseminate information or to explore or clarify a defined subject, problem, or area of knowledge within the statutory mission of the sponsoring entity which:
  - Involves participation of multiple agencies and/or nongovernmental participants;
  - Includes registration, an agenda, and scheduled speakers or discussion panels; and
  - is scientific, educational, or research-related.

Note: Meetings discussing routine business matters internal to the sponsoring entity or other topics that have little relevance outside of the sponsoring entity do not constitute a “conference” for purposes of this Manual Chapter.

2. **Registration Fee** – Fees that are charged and collected from Non-HHS Federal and Non-Federal participants by the IC contractor for the purpose of defraying the contract costs of the conference. The fee may include legitimate, reasonable, allowable, and allocable costs for any services or items incident to the conference itself. Such services and items may include but are not limited to the following:
  - program materials, conference space, speakers’ fees/honoraria, stipends, signage, the production of a video or other form of presentation, transcriptions, recording, personnel costs, indirect costs to arrange for and administer the conference and conference registration, and light refreshments (LR) and meals *when* the conditions outlined in [NIH Manual Chapter 1160-1](#), Appendix 7, are met.
3. **Contract** - Includes (but is not limited to) orders placed under Indefinite-Delivery/Indefinite-Quantity contracts, orders placed under Federal Supply Schedule contracts, and orders placed under Simplified Acquisition Procedures.

## F. Procedures

1. As applicable, Project Officers shall complete the Pre-Conference Expense Offset Worksheet Transmittal and Approval Form (Appendix 1a) and Government Pre-Conference Expense Offset Worksheet (Appendix 1b) for approval by the IC delegated official as early as possible when planning to contract for conference support services.

- The information contained in the Pre-Conference Expense Worksheet Transmittal and Approval Form shall constitute the government's uniform assumptions.
2. Whenever possible, the NIH shall provide the uniform assumptions to the Offerors/Contractors based on the government's best estimate with regard to how much of a registration fee offset to include in the cost estimate for the conference. Offerors/Contractors shall reflect anticipated registration fee offset in conference estimate.
  3. The contractor shall submit an estimate of the conference costs on the Contractor Pre-Conference Expense Offset Worksheet (Appendix 1c) to the Project Officer and an information copy to the Contracting Officer. The Project Officer will then route the Contractor Pre-Conference Expense Offset Worksheet to the IC delegated official for approval. Registration fees may not be advertised or collected prior to receipt of approval.
  4. The contractor will collect and maintain current and accurate accounting of collected conference fees and conference expenses. The contractor shall immediately notify the Project Officer and the Contracting Officer, in writing, if it appears the total registration fees collected will exceed the estimated total cost of the conference.
  5. After the conference is held, the contractor shall submit a completed Post-Conference Expense Offset Worksheet (Appendix 2) to the Project Officer and an information copy to the Contracting Officer.
    - a. If the registration fees collected are in excess of the total actual conference expenditures, the contractor shall return the excess funds to the NIH to be deposited as miscellaneous receipts into the U.S. Treasury. Upon receipt of the checks made out to NIH, the Contracting Officer shall notify Richard Rhoads, Chief, General Ledger Branch, Office of Financial Management (OFM) at 301-496-1517 or [RhoadsR@od.nih.gov](mailto:RhoadsR@od.nih.gov), that these excess funds should be deposited as miscellaneous receipts.
    - b. If the registration fees collected are in excess of the NIH's uniform assumptions, but not in excess of the total conference costs, the Contracting Officer shall, as necessary, modify the contract price to reflect the decrease in conference costs.
    - c. If the registration fees collected are less than the NIH's uniform assumptions, the Contracting Officer shall, as necessary, modify the contract price to reflect the increase in conference costs.
  6. Although contractors may bill for allowable conference costs as they are incurred, they may not submit a final invoice for the total costs of the conference until the Post-Conference Expense Offset Worksheet has been approved by the Project Officer.

## **G. Records Retention and Disposal**

All records (e-mail and non-e-mail) pertaining to this chapter must be retained and disposed of under the authority of [NIH Manual Chapter 1743](#), "Keeping and Destroying Records, Appendix 1, *NIH Records Control Schedule*, Items 1900-A-6, General Fund Files, 1900-A-7, Accounting Administrative Files, and 2600-A-1, General Correspondence Files.

NIH e-mail messages. NIH e-mail messages (messages, including attachments, that are created on NIH computer systems or transmitted over NIH networks) that are evidence of the activities of the agency or have informational value are considered Federal records. *These records must be maintained in accordance with current NIH Records Management guidelines. If necessary, back-up file capability should be created for this purpose. Contact your IC Records Officer for additional information.*

All e-mail messages are considered Government property, and if requested for a legitimate Government purpose, must be provided to the requester. Employees' supervisors, NIH staff conducting official reviews or investigations, and the Office of the Inspector General may request access to or copies of the e-mail messages. E-mail messages must also be provided to Congressional Oversight Committees if requested and are subject to the Freedom of Information Act requests. Since most e-mail systems have back-up files that are retained for significant periods of time, e-mail messages and attachments are likely to be retrievable from a back-up file after they have been deleted from an individual's computer. The back-up files are subject to the same requests as the original messages.

## H. Management Controls

This Manual Issuance provides guidance and procedures for collecting and retaining registration fees to offset conference expenses when the conference services are obtained under contract.

1. **The Office Responsible for Reviewing Management Controls Relative to this Chapter:** The Division of Acquisition Policy and Evaluation (DAPE), Office of Acquisition Management and Policy (OAMP).
2. **Frequency of Reviews:** Ongoing
3. **Method of Review:** The Board conducts reviews and uses them to determine if acquisitions are in compliance with the law and regulations. The Board conducts reviews in accordance with the FAR, the HHSAR, the NIH Manual Chapters, and other applicable policies and guidance.
4. **Review Reports:** OAMP sends review of individual presolicitation or preaward files to the appropriate Director, Office of Acquisition and Logistics Management (OALM), for either immediate corrective action or remedial action within 30 days.

## Appendix 1: Pre-Conference Expenses

### Appendix 1a: Pre-Conference Expense Offset Worksheet Transmittal and Approval Form

1. Institute/Center (IC): \_\_\_\_\_
2. Project Officer: \_\_\_\_\_ Phone No: \_\_\_\_\_
3. Contracting Officer: \_\_\_\_\_ Phone No: \_\_\_\_\_
4. Contact person (if different than PO): \_\_\_\_\_ Phone No: \_\_\_\_\_

5. Contract Number: \_\_\_\_\_
6. Task Order/Work Assignment Number (if applicable): \_\_\_\_\_
7. Contractor: \_\_\_\_\_
8. Conference Title: \_\_\_\_\_
9. Date(s) of Conference: \_\_\_\_\_
10. Description of the number and type of attendees: \_\_\_\_\_
- a. Estimate of Federal Attendees \_\_\_\_\_
- b. Estimate of HHS Federal Attendees \_\_\_\_\_
- c. Estimate of Non-HHS Federal Attendees \_\_\_\_\_
- i. Estimate of Non-HHS Federal Attendees to be charged a registration fee  
\_\_\_\_\_ Rationale for charging registration fee: \_\_\_\_\_
- ii. Estimate of Non-HHS Federal Attendees not charged a registration fee  
\_\_\_\_\_ Rationale for not charging registration fee  
\_\_\_\_\_
- d. Estimate of Non-Federal Attendees \_\_\_\_\_
- i. Estimate of Non-Federal Attendees to be charged a registration fee  
Rationale for charging registration fee  
\_\_\_\_\_
- ii. Estimate of Non-Federal Attendees not charged a registration fee Rationale  
for not charging registration fee  
\_\_\_\_\_
- e. Total Estimate of Attendees ) \_\_\_\_\_ (lines 10a + 10d
- f. Total Estimate of Fee-Paying Attendees ) \_\_\_\_\_ (lines  
10.c.i + 10 d.i)
- g. Estimate of Total Registration Fees Collected (Offset): \_\_\_\_\_

11. Routing/Signatures/Approval

Project Officer: \_\_\_\_\_ Date: \_\_\_\_\_

Contracting Officer: \_\_\_\_\_ Date: \_\_\_\_\_

Program Division Director: \_\_\_\_\_ Date: \_\_\_\_\_

Approval: \_\_\_\_\_

IC Delegated Official: \_\_\_\_\_ Date: \_\_\_\_\_

**Appendix 1b: Government Pre-Conference Expense Offset Worksheet**

Contract Number: \_\_\_\_\_

Task Order/Work Assignment Number:

\_\_\_\_\_

Conference Title: \_\_\_\_\_

Government Pre-Conference Expense Offset Worksheet

	Estimated Conference Expense/Registration Information	Dollar Estimate
1.	Direct Labor (specify by labor category)	
2.	Materials	
3.	Reproduction Costs	
4.	Conference Space/Meeting Rooms (when appropriate, attach approved NIH form 827-1)	
5.	Travel and/or Per Diem (deduct meals that are provided)	
6.	Hotel/Accommodations/Lodging rooms	
7.	Speaker Fees/Honoraria/Stipend	
8.	Audio Visual or other presentation costs	
9.	Transcription or Recording services	
10.	Light Refreshments (when appropriate, attach approved NIH forms 827-1 and/or 2408-1)	
11.	Meals (when appropriate, attach approved NIH forms 827-1 and/or 2408-1)	
12.	Other Direct Costs (list all other expenses and the associated costs for each)	
13.	Indirect Expenses (Fringe, Overhead, G&A)	
14.	Fee (if applicable)	
15.	Total Estimated Conference Costs (Sum of lines 1 - 14)	
16.	Per Person Registration Fee	
17.	Estimate of Fee Paying Attendees	
18.	Estimate of Total Registration Fees Collected (line 16 x line 17) <b>*Must be less than Total Estimated Conference Costs (line 15)</b>	

<b>19.</b>	<b>Estimated Conference Costs Minus Registration Fee (line 15 – line 18)</b>	

### Appendix 1c: Contractor Pre-Conference Expense Offset Worksheet

Contract Number: \_\_\_\_\_

Task Order/Work Assignment Number:  
\_\_\_\_\_

Conference Title: \_\_\_\_\_

#### Contractor Pre-Conference Expense Offset Worksheet

	<b>Estimated Conference Expense/Registration Information</b>	<b>Dollar Estimate</b>
<b>1.</b>	Direct Labor (specify by labor category)	
<b>2.</b>	Materials	
<b>3.</b>	Reproduction Costs	
<b>4.</b>	Conference Space/Meeting Rooms	
<b>5.</b>	Travel and/or Per Diem (deduct meals that are provided)	
<b>6.</b>	Hotel/Accommodations/Lodging rooms	
<b>7.</b>	Speaker Fees/Honoraria/Stipend	
<b>8.</b>	Audio Visual or other presentation costs	
<b>9.</b>	Transcription or Recording services	
<b>10.</b>	Light Refreshments	
<b>11.</b>	Meals	
<b>12.</b>	Other Direct Costs (list all other expenses and the associated costs for each)	
<b>13.</b>	Indirect Expenses (Fringe, Overhead, G&A)	
<b>14.</b>	Fee (if applicable)	
<b>15.</b>	<b>Total Estimated Conference Costs (Sum of lines 1 - 14)</b>	
<b>16.</b>	<b>Per Person Registration Fee</b>	
<b>17.</b>	<b>Estimate of Fee Paying Attendees</b>	
<b>18.</b>	<b>Estimate of Total Registration Fees Collected (line 16 x line 17)</b>	



	<b>*Must be less than Total Estimated Conference Costs (line 15)</b>	
<b>19.</b>	<b>Estimated Conference Costs Minus Registration Fee (line 15 – line 18)</b>	

NIH estimates that it will take 180 minutes to complete this form. This includes time for reviewing the instructions, gathering needed information, and completing the form. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. If you have comments regarding this burden estimate or any other aspects of the collection of information, including suggestions for reducing this burden, send comments to NIH Project Clearance Office, 6705 Rockledge Drive MSC 7974, Bethesda, MD 20892-7974, Attention: PRA (0990-0115). Do not return the completed form to this address.

## Appendix 2: Post-Conference Expenses

### Appendix 2a: Post-Conference Expense Offset Worksheet

1. Institute/Center (IC): \_\_\_\_\_
2. Project Officer: Phone \_\_\_\_\_ No: \_\_\_\_\_
3. Contracting Officer: \_\_\_\_\_ Phone No: \_\_\_\_\_
4. Contact person (if different than PO): \_\_\_\_\_ Phone No: \_\_\_\_\_
5. Contract Number: \_\_\_\_\_
6. Task Order/Work Assignment Number (if applicable): \_\_\_\_\_
7. Contractor: \_\_\_\_\_
8. Conference Title: \_\_\_\_\_
9. Date(s) of Conference: \_\_\_\_\_
10. Description of the number and type of attendees: \_\_\_\_\_
  - a. No. of Federal Attendees: \_\_\_\_\_
  - b. No. of HHS Federal Attendees: \_\_\_\_\_
  - c. No. of Non -HHS Federal Attendees: \_\_\_\_\_
    - i. No. of Non-HHS Federal Attendees charged a registration fee \_\_\_\_\_ Rationale for charging registration fee: \_\_\_\_\_
    - ii. No. of Non-HHS Federal Attendees **not** charged a registration fee \_\_\_\_\_ Rationale for not charging registration fee: \_\_\_\_\_

d. No. of Non-Federal Attendees:

i. No. of Non-Federal Attendees to be charged a registration fee  
\_\_\_\_\_ Rationale for charging registration fee:  
\_\_\_\_\_

ii. Estimate of Non-Federal Attendees **not** charged a registration fee  
\_\_\_\_\_ Rationale for not charging registration fee:  
\_\_\_\_\_

e. Total No. of Attendees \_\_\_\_\_ (lines 10a + 10d)

f. Total No. of Fee-Paying Attendees \_\_\_\_\_ (lines 10.c.i + 10 d.i)

g. Total Registration Fees Collected (Offset): \_\_\_\_\_

Contract Number: \_\_\_\_\_

Task Order/Work Assignment Number: \_\_\_\_\_

Conference Title: \_\_\_\_\_

Post-Conference Expense Offset Worksheet

	Conference Expense/Registration Information	Actual Dollar Amt.
1.	Direct Labor (specify by labor category)	
2.	Materials	
3.	Reproduction Costs	
4.	Conference Space/Meeting Rooms	
5.	Travel and/or Per Diem (deduct meals that are provided)	
6.	Hotel/Accommodations/Lodging rooms	
7.	Speaker Fees/Honoraria/Stipend	
8.	Audio Visual or other presentation costs	
9.	Transcription or Recording services	
10.	Light Refreshments	
11.	Meals	
12.	Other Direct Costs (list all other expenses and the associated costs for each)	
13.	Indirect Expenses (Fringe, Overhead, G&A)	
14.	Fee (if applicable)	

15.	<b>Total Conference Costs (Sum of lines 1 - 14)</b>	
16.	<b>Per Person Registration Fee</b>	
17.	<b>No. of Fee Paying Attendees</b>	
18.	<b>Total Registration Fees Collected (line 16 x line 17) *Must be less than Total Conference Costs (line 15)</b>	
19.	<b>Conference Costs Minus Registration Fee (line 15 – line 18)</b>	

NIH estimates that it will take 180 minutes to complete this form. This includes time for reviewing the instructions, gathering needed information, and completing the form. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. If you have comments regarding this burden estimate or any other aspects of the collection of information, including suggestions for reducing this burden, send comments to NIH Project Clearance Office, 6705 Rockledge Drive MSC 7974, Bethesda, MD 20892-7974, Attention: PRA (0990-0115). Do not return the completed form to this address.