

Total Lab Solutions



Guidance on NIH Stimulus Funds for Instrumentation

Clarification of “Buy American”

Over the past couple weeks there has been a lot of coverage and press with regards to the Stimulus Plan and how it affects NIH Funding. As well, there is some confusion that there maybe a “Buy American” clause for NIH spending on equipment and instruments. This document is intended to provide education to customers on the real provisions of the stimulus bill and how it affects their decisions in purchasing.

- Analysis of the current Stimulus Bill and comments from several institutional presentations show that the “Buy American” clause is not in affect for equipment.
- The “Buy American” clause mainly affects the bill as provision requiring that all manufactured goods used in construction or renovation of public buildings under the act be produced in the U.S. This instruction is also clearly stated on the NIH website: <http://www.niaid.nih.gov/ncn/recovery/qa.htm>

Clarification of Section 1605 of the ARRA

Are equipment purchases through ARRA supplements subject to the Buy American Act ?

- No. If you want to learn more about the Buy American Act, see Title 41.1, Sections 10a to 10d, of the U.S. Code.
- The “Buy American” provision of ARRA applies to construction materials and should not be a factor when submitting proposals requesting funding for basic research.

ARRA document states the terms and conditions for the “buy american” clause and that it only applies to materials used in construction.

Standard Terms and Conditions American Recovery and Reinvestment Act of 2009 Division A Funds March 2, 2009

Buy American - Use of American Iron, Steel, and Manufactured Goods

Recipients may not use any funds obligated under this award for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States unless HHS waives the application of this provision. (ARRA Sec. 1605)

Clarification on High End and Shared Instrumentation

- Section 1605 of the ARRA (“Buy American” clause) will not apply to university projects selected for funding under the High-End Instrumentation (PAR-09-118) or Shared Instrumentation (PAR-09-028) grant mechanisms. Buy America/Buy American requirements have historically only applied to goods used in the construction (to include also renovation, expansion, modernization and repair) of facilities.
- Buy America/Buy American does not prohibit a university from buying research or diagnostic equipment that is not made in the US (e.g., specialized equipment that is only produced by a foreign company).

Breakdown of NIH Stimulus Dollars

NCRR intends to devote equipment funds provided under the Recovery Act to the Shared Instrument Grant Program and to the High End Instrument Program. These Recovery Act funds are in addition to the expected \$60M of program funding for fiscal years 2009 and 2010.

For shared instruments in the range of \$100,000 to \$500,000, eligible organizations should apply under PAR-09-028

The NCRR Shared Instrument Grant (SIG) program solicits applications from groups of NIH-supported investigators to purchase or upgrade commercially available instruments that cost at least \$100,000. The maximum award is \$500,000. Types of instruments supported include confocal and electron microscopes, biomedical imagers, mass spectrometers, DNA sequencers, biosensors, cell sorters, X-ray diffraction systems, and NMR spectrometers among others.

Title: Shared Instrumentation Grant Program (S10)
Program Announcement (PA) Number: PAR-09-028

\$300 Million	Competitive awards for instrumentation and other capital equipment for research
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- Allocated to National Center for Research Resources (NCRR) to support all NIH activities
- Large cost equipment purchases for shared purposes
- Response to RFA preferred
- Matching dollars likely not required-under legal review
- **“Buy American” not in effect for awards for instrumentation or equipment**