

From: Rotrosen, Daniel (NIH/NIAID) [E]
Sent: Fri, 8 Aug 2014 17:15:39 -0400
To: Lisle, David (NIH/NIAID) [E]
Cc: Hackett, Charles (NIH/NIAID) [E]; Quill, Helen (NIH/NIAID) [E]; Ferguson, Stacy (NIH/NIAID) [E]; White, Brandon (NIH/NIAID) [E]; Nguyen, Liem (NIH/NIAID) [E]; Bahrami, Tom (NIH/NIAID) [E]
Subject: Tulane contract summary (2)
Attachments: Tulane contract summary (2).docx

David,

Tony wanted something shorter and less bureaucratic to go to Francis and the secretary, so that's what's attached (he may make some additional edits but you get the idea). This means we need to contact Tulane and tell them to submit a request for a contract modification that we'll expedite.

Be clear that this is a mod to the existing contract, not an opportunity for them to negotiate their new offer. There's probably not \$1.8 M remaining in the contract, but if that was the amount at the end of May there should be plenty for support of critical staff efforts at Kenema Govt. Hospital. This can be our response to their letter of Aug 7th.

Let me know if any questions and please cc me for the immediate future on any communications with Tulane.

Dan

An August 7, 2014 Reuters article commented on NIAID's decision not to fund a proposal from Tulane University submitted in response to a NIAID contract solicitation with the objective of profiling the human antibody response to emerging and re-emerging pathogens. The Tulane proposal is to continue work on Lassa Fever Virus (LASV) being conducted under a \$16.2M FY09-13 contract (HHSN272200900049C). NIAID's decision not to renew the Tulane contract was based on technical merit, scientific priorities, and availability of funds.

Under the FY09-13 contract Tulane investigators have been analyzing samples obtained from patients at the Kenema Government Hospital in Sierra Leone, now at an epicenter of the Ebola outbreak. NIAID contract funds have supported staff at this site and are now critically needed for to maintain staff and infrastructure who are engaged in activities related to Ebola.

However, contracting law prohibits use of the NIAID funds for work on Ebola, which was not included in the scope of work under the existing contract or proposed in the Tulane renewal application. Tulane will need to request a contract modification to re-direct funds remaining in the FY09-13 contract for Ebola-related activities. NIAID program and acquisition staff will expedite approval of such a request from Tulane.

Looking ahead, NIAID plans to award five contracts from this competition (BAA-NIAID-DAIT-NIH AI 2013164) to offerors whose proposals include profiling the human antibody response to Ebola, malaria, influenza, and hepatitis C virus, among others. Information on these pending awards is procurement-sensitive and not to be released to the public.

From: Deckhut, Alison (NIH/NIAID) [E]
Sent: Fri, 8 Aug 2014 11:36:00 -0400
To: Lisle, David (NIH/NIAID) [E]; Ferguson, Stacy (NIH/NIAID) [E]; Rotrosen, Daniel (NIH/NIAID) [E]; Quill, Helen (NIH/NIAID) [E]; Nguyen, Liem (NIH/NIAID) [E]
Cc: Bahrami, Tom (NIH/NIAID) [E]; White, Brandon (NIH/NIAID) [E]
Subject: RE: media inquiries

I don't know if this matters, but we are planning to fund the Scripps T cell contract on Lassa (from the FY14 T cell epitope discovery renewal), which includes the Tulane/Sierra Leone work as major subcontractors

From: Lisle, David (NIH/NIAID) [E]
Sent: Friday, August 08, 2014 11:06 AM
To: Ferguson, Stacy (NIH/NIAID) [E]; Rotrosen, Daniel (NIH/NIAID) [E]; Quill, Helen (NIH/NIAID) [E]; Nguyen, Liem (NIH/NIAID) [E]
Cc: Deckhut, Alison (NIH/NIAID) [E]; Bahrami, Tom (NIH/NIAID) [E]; White, Brandon (NIH/NIAID) [E]
Subject: RE: media inquiries

Hi Stacy,

That response is perfectly acceptable. But... Given Dr. Rotrosen's latest e-mail regarding seeking a short-term solution, I think it might be best to wait until he gives the okay to send this response. Agree? Thanks.

David T. Lisle
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From: Ferguson, Stacy (NIH/NIAID) [E]
Sent: Friday, August 08, 2014 10:56 AM
To: Lisle, David (NIH/NIAID) [E]; Rotrosen, Daniel (NIH/NIAID) [E]; Quill, Helen (NIH/NIAID) [E]; Nguyen, Liem (NIH/NIAID) [E]
Cc: Deckhut, Alison (NIH/NIAID) [E]; Bahrami, Tom (NIH/NIAID) [E]; White, Brandon (NIH/NIAID) [E]
Subject: RE: media inquiries

Quick draft of my response to Pardis below.

David or Tom, please let me know if this is okay. I don't want to send it until it's been checked for potential issues.

Dear Pardis,

My understanding of Federal contract regulations is that use of contract funds for purposes not included in the Statement of Work is considered mis-use of Federal contract funds and that we cannot allow the Ebola work to be charged to the B cell epitope discovery contract. That said, my opinion on this type of question should not be considered official because I am not authorized to make decisions of this type. I have copied on this email the Contracting staff associated with contract, who will correct or clarify my response if necessary.

Any formal requests to charge Ebola-related expenses to the Lassa Fever B Cell Epitope Discovery contract should be sent to Tom Bahrami by either James Robinson or Bob Garry. Thank you for checking with me before charging these expenses to the contract.

Best,
Stacy

From: Lisle, David (NIH/NIAID) [E]
Sent: Friday, August 08, 2014 8:56 AM
To: Ferguson, Stacy (NIH/NIAID) [E]; Rotrosen, Daniel (NIH/NIAID) [E]; Quill, Helen (NIH/NIAID) [E]; Nguyen, Liem (NIH/NIAID) [E]
Cc: Deckhut, Alison (NIH/NIAID) [E]; Bahrami, Tom (NIH/NIAID) [E]; White, Brandon (NIH/NIAID) [E]
Subject: RE: media inquiries

Hi Stacy,

Your analysis is spot on! We can not allow these charges as they are well outside the bounds of the scope of our contracts.

I'd like to defer to you as to how best to respond. We can make an official OA response, but it would have to be to Tulane as the prime. As this seemed to be an informal inquiry from Pardis (as a sub), I also don't want to put her in an embarrassing position. Would you prefer to respond to Pardis and let her know you talked to us and we informed you that we can't allow the charges? We're happy to proceed either way with respect to ensuring a smooth working relationship – just let us know. Thanks.

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From: Ferguson, Stacy (NIH/NIAID) [E]
Sent: Thursday, August 07, 2014 8:42 PM
To: Lisle, David (NIH/NIAID) [E]; Rotrosen, Daniel (NIH/NIAID) [E]; Quill, Helen (NIH/NIAID) [E]; Nguyen, Liem (NIH/NIAID) [E]
Cc: Deckhut, Alison (NIH/NIAID) [E]; Bahrami, Tom (NIH/NIAID) [E]; White, Brandon (NIH/NIAID) [E]
Subject: RE: media inquiries

Dear David et al,

I now have additional issues that need to be addressed with Tulane since I just received an email from Pardis Sabeti this evening and need instructions from OA. Pardis is a sub-contractor on both the currently funded Tulane B cell epitope contract and the proposal currently in negotiation.

Her question is regarding the currently funded Tulane contract and normally, I would respond to her but would still be referring her to Tom Bahrami and Brandon White for a formal response. I have copied Tom and Brandon on this email since they are the CO and COS on the relevant contract. I will forward the email from Pardis after sending this one.

Pardis states that two people working under the Lassa Fever B cell epitope contract were working on Ebola instead of the Lassa Fever contract for a month and wants to know if it's okay to charge these costs to the Lassa Fever contract. She would acknowledge the contract on what will likely be a high profile paper with the Ebola sequences she generated.

I will defer to you because I don't believe that I have the authority to give a formal answer to her questions. Also, I have always been EXTREMELY cautious in the type of question I'm willing to respond to without directions from OA staff and this one is clearly one I'm unwilling to answer without OA guidance. These are my opinions, for what they are worth.

We should NOT allow these charges for those following reasons:

1. The work is outside the scope of the Lassa Fever contract. Last year another incumbent contractor asked me if it was okay to use unspent contract funds to work on another unrelated pathogen not included in her proposal. I told her I believed that this would be considered misuse of contract funds but stated that a formal response would need to come from Tom and Brandon. I copied them on the response, asking them to comment. Tom confirmed my response. I think that this situation is comparable except that we were not asked for prior approval.

(b)(5)

Please advise. While I have not responded to questions regarding the current competition, I think that I am clearly responsible for providing a response to questions about the active contract either directly or through OA.

Thanks,
Stacy

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From: Lisle, David (NIH/NIAID) [E]
Sent: Thursday, August 07, 2014 10:25 AM
To: Ferguson, Stacy (NIH/NIAID) [E]; Rotrosen, Daniel (NIH/NIAID) [E]; Quill, Helen (NIH/NIAID) [E]; Nguyen, Liem (NIH/NIAID) [E]
Cc: Deckhut, Alison (NIH/NIAID) [E]
Subject: RE: media inquiries

We did indeed receive the letter. We (OA) will respond as appropriate. Tulane was indeed informed of their exclusion from the competition and offered the opportunity for a debriefing – and the below mentioned letter was their response. We will clarify with Tulane as to their intent to request a debriefing.

Stacy, in the interim, please begin preparing the technical debriefing reasons we did not select Tulane for an award. I know that these reasons are provided in your recommendation memo which is being routed for Dr. McGowan's approval (attached), but I want to give you the opportunity to draft those reasons (and any other technical issues not resolved) in a format which can be provided to Tulane. Thanks.

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