

**OFFICE OF NAVAL RESEARCH
EDUCATIONAL AND NONPROFIT INSTITUTIONS
SYMPOSIUM GRANT TERMS AND CONDITIONS
(DECEMBER 2008)**

Office of Naval Research Home Page www.onr.navy.mil

DoDGARS Part 32 <http://web7.whs.osd.mil/pdf/32106r/part32.pdf>

2CFR Part 220: http://www.whitehouse.gov/omb/fedreg/2005/083105_a21.pdf

2CFR Part 230: http://www.whitehouse.gov/omb/fedreg/2005/083105_a122.pdf

Forms <http://www.onr.navy.mil/02/024/forms>

Administering Grant Offices <http://www.onr.navy.mil/02/024/offices.htm>

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1. Order of Precedence

This Grant is subject to the laws and regulations of the United States. Any inconsistency or conflict in the terms and conditions specified in this Grant shall be resolved according to the following order of precedence:

- (a) The Federal statute authorizing this award, or any other Federal statutes directly affecting performance of this Grant.
- (b) Department of Defense Grant and Assistance Regulations (DoDGARS) Part 32 and Appendix A thereto.
- (c) These General Terms and Conditions.
- (d) Other terms and conditions contained within the Grant and any attached schedules.

2. Cost Principles and Audit

Applicable to this Grant, and incorporated herein by reference, are the requirements, standards, and provisions of the DoDGARS and the appropriate OMB Circulars and attachments thereto, as revised as of the effective date of this Grant. For purposes of this paragraph, the term "appropriate" is determined by the organizational nature of the Grantee. The OMB Circulars below apply specifically to educational institutions or nonprofit organizations.

- (a) A-21 "Cost Principles for Educational Institutions"
- (b) A-122 "Cost Principles for Nonprofit Organizations"
- (c) A-133 "Audits of Institutions of Higher Learning and Other Non-Profit Institutions"

3. Modification of Grant

The only method by which this Grant can be modified is by a formal, written modification signed by the Administrative Grants Officer (AGO) at the Administrative Office in Block 23a or the Awarding Office in Block 22 of the Award/Modification document. No other communications, whether oral or in writing, shall modify this Grant.

4. Prior Approvals

In accordance with DoDGARS Part 32.25 prior approval of the following deviations from budget and program plans are required:

(a) The Grantee must consult the Program Officer in Block 21 of the Award/Modification document through the AGO at the Administrative Office in Block 23a of the Award/Modification document before deviating from the objectives of the proposal.

(b) Support for the project may not continue without the active direction of the Symposium Recipient Technical Manager approved for, and identified in, this Grant. If the approved Symposium Recipient Technical Manager severs his or her connection with the Grantee or otherwise relinquishes active direction of the project either permanently or for a significant length of time (three months or more), the Grantee must either:

(1) Appoint a replacement Symposium Recipient Technical Manager with the approval of the Program Officer in Block 21 of the Award/Modification document through the AGO at the Administrative Office in Block 23a of the Award/Modification document, or

(2) Relinquish the Grant, in which case the Grant shall be terminated in accordance with DoDGARS, Part 32.61, entitled "Termination."

(c) Extension of the expiration period of this Grant – The AGO at the Administrative Office in Block 23a of the Award/Modification document has authority to approve no funds extension requests meeting all of the following parameters:

- (1) a one-time basis only; and

- (2) for a period not to exceed 90 days; and
- (3) where \$50,000.00 or less of obligated funds remain to be expended

In other cases, where a request is outside of one or more of the parameters, a no funds extension can only be approved with the concurrence of the ONR Program Officer. For the no funds extension to be effective, a written grant modification must be issued and signed by the AGO at the Administrative Office in Block 23a or the Awarding Office in Block 22 of the Award/Modification document.

- (d) The need for additional Federal funding.

5. Preaward Costs

(a) Grantees may incur preaward costs for up to ninety (90) days prior to the effective date of the Grant award.

(b) Preaward costs as incurred by the Grantee must be necessary for the effective and economical conduct of the project, and the costs must be otherwise allowable in accordance with the appropriate cost principles.

(c) Any preaward costs are incurred at the Grantee's risk. The incurring of preaward costs by the Grantee does not impose any obligation on the Office of Naval Research (1) in the absence of appropriations, (2) if an award is not subsequently made, or (3) if an award is made for a lesser amount than the Grantee expected.

6. Payments (Forms and instructions available at <http://www.onr.navy.mil/02/024/forms>)

(a) If the Grantee participates in the ONR Electronic Payment System (PayWeb) (<https://services.onr.navy.mil>), the Grantee shall submit an electronic request for payment to the AGO at the Administrative Office in Block 23a of the Award/Modification document using PayWeb. All payments shall be made via funds transfers per the Automated Clearing House (ACH) Vendor/Miscellaneous Payment Enrollment Form (SF 3881) recorded under the EDI/EFT Vendor Number in Block 13c of the Award/Modification document.

(b) Payment requests hereunder shall be submitted by the Grantee using the Standard Form (SF) 270. The signed SF 270 shall be faxed to the AGO at the Administrative Office in Block 23a of the Award/Modification document for certification and transmittal to the disbursing office.

(c) For commercial entities, any request for advance payments must be approved by the Administrative Grants Officer (AGO) at the Administrative Office shown in Block 23a.

7. Overpayment and Earned Interest

Overpayment. Within ninety (90) days after the end date of the Grant, any overpayment of funds provided by the Grant shall be remitted to the AGO at the Administrative Office in Block 23a of the Award/Modification document, by check made payable to the US Treasury. An overpayment represents the difference between allowable actual expenditures and total disbursements received by the grantee.

Earned Interest. Grantees who meet the conditions in DoDGARS Part 32.22(k) are required to deposit funds advanced under this Grant in an interest bearing account. Interest earned on such account, and otherwise meeting the criteria in DoDGARS Part 32.22(l), shall be remitted annually to the Department of Health and Human Services, Payment Management System, P.O. Box 6021, Rockville, MD 20852, by check made payable to the Treasury of the United States.

8. Future Funding

The Government's legal obligation is limited to the amount shown as "Total Obligated on Award," Block 16 of the Award/Modification document.

9. Performance Results

(a) If reports are requested in Block 31 of the Award/Modification document, the Grantee shall submit the performance results within ninety (90) days after the end date of the Grant.

(b) The Grantee shall include a completed "Report Documentation Page" Standard Form (SF) 298 as the last page of the performance results prepared under this Grant. The form and instructions are available on the Office of Naval Research Home Page at <http://www.onr.navy.mil/02/024/forms>. However, Block 12a of the SF 298 should be completed with the following distribution/availability statement: APPROVED FOR PUBLIC RELEASE. If the Grantee does not agree with that distribution/availability, the Grantee should contact the cognizant AGO at the Administrative Office in Block 23a of the Award/Modification document.

10. Publications and Acknowledgment of Sponsorship

(a) Any publication resulting from work under this Grant shall contain the following on the title page or on the page immediately following the title page:

“This work relates to Department of Navy grant (insert grant number) issued by the Office of Naval Research. The United States Government has a royalty-free license throughout the world in all copyrightable material contained herein.”

(b) Any transfer of copyright ownership in such publication will provide that the transfer of copyright ownership is subject to the United States Government’s royalty-free license throughout the world in all copyrightable material contained in the publications.

(c) Disclaimer: The Grantee is responsible for assuring that every publication of material (including World Wide Web pages) based on or developed under this award, except scientific articles or papers appearing in scientific, technical or professional journals, contains the following disclaimer: “Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the Office of Naval Research.”

(d) For the purpose of this clause, information includes news releases, articles, manuscripts, brochures, advertisements, still and motion pictures, speeches, trade association proceedings, symposia, etc.

11. Officials Not to Benefit

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this Grant, or to any benefit arising from it, in accordance with 41 U.S.C. 22.

12. Military Recruiting On Campus

Military Recruiting on Campus (DoDGARS Part 22.520) applies to domestic U. S. colleges and universities. In such cases, the Military Recruiting regulations are incorporated herein by reference.

13. Nondiscrimination

By accepting funds under this Grant, the recipient assures that it will comply with applicable provisions of the following national policies prohibiting discrimination:

(a) On the basis of race, color, or national origin, in Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d, et seq.), as implemented by DoD regulations at 32 CFR Part 195.

(b) On the basis of sex or blindness, in Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.).

(c) On the basis of age, in the Age Discrimination Act of 1975 (42 U.S.C. 6101, et seq.), as implemented by Department of Health and Human Services regulations at 45 CFR Part 90.

(d) On the basis of handicap, in:

(1) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as implemented by Department of Justice regulations at 28 CFR Part 41 and DoD regulations at 32 CFR Part 56.

14. Preference for U. S. Flag Air Carriers

Travel supported by U.S. Government funds under this Grant shall use U.S.-flag air carriers (air carriers holding certificates under 49 U.S.C. 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B138942.

15. Debarment and Suspension

Recipients shall comply with all the requirements of DoDGARs Part 25, Subpart C, “Government-Wide Suspension and Debarment (Nonprocurement)”, 32 CFR Part 25, Subpart C. The recipient shall include a similar term or condition in lower-tier covered transactions as required by DoDGARs Part 25, Subpart B, 32 CFR Part 25 (2004).

16. Drug Free Workplace

By accepting funds under this Grant, the recipient agrees to comply with the “Government –Wide Drug-Free Workplace (Grants)” requirements specified by DoDGARS Part 26, Subpart B (or Subpart C, if the recipient is an individual) of 32 CFR Part 26 (2004), which implements sec.5151-5160 of Drug-Free Workplace Act of 1988 (41 U.S.C. 701,et seq.).

17. Trafficking In Persons

a. Provisions applicable to a recipient that is a private entity.

1. You as the recipient, your employees, subrecipients under this award, and subrecipients’ employees may not—

- i. Engage in severe form of trafficking in persons during the period of time that the award is in effect;
- ii. Procure a commercial sex act during the period of time that the award is in effect; or
- iii. Use forced labor in the performance of the award or sub-awards under the award.

2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity-

- i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
- ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either-
 - A. Associated with the performance under this award; or
 - B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 CFR 1125.

b. Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty if a subrecipient that is a private entity-

1. Is determined to have violated an applicable prohibition in paragraph a. 1 of this award term; or

2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either-

i. Associated with the performance under this award; or

ii. Imputed to the sub-receipt using standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Government Debarment and Suspension (Non-procurement)”, as implemented by our agency at 2 CFR part 1125.

c. Provisions applicable to any recipient.

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term

2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:

i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104 (g)), and

ii. Is in addition to all other remedies for non-compliance that are available to us under this award.

3. You must include the requirements of paragraph a.1 of this award term in any sub-award you make to a private entity.

d. Definitions. For purposes of this award term:

1.” Employee” means either:

i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or

ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

2. “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

3. “Private entity”

i. Means any entity other than a State, local government, Indian tribe, of foreign public entity, as those terms are defined in 2 CFR 175.25.

ii. Includes:

A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b)

B. A for-profit organization.

4. “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).