

**OFFICE OF NAVAL RESEARCH
EDUCATION AND NON-PROFIT INSTITUTIONS
VISITING SCIENTIST GRANT
INTERIM TERMS AND CONDITIONS
(February 2015)**

Forms: <http://www.onr.navy.mil/Contracts-Grants/manage-grant/grants-forms-download.aspx>

Administering Grant Offices: <http://www.onr.navy.mil/Contracts-Grants/Regional-Contacts.aspx>

This award is governed by the guidance in 2 Code of Federal Regulations (CFR) part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," as modified and supplemented by the Department of Defense's (DoD) interim implementation found at 2 CFR part 1103, "Interim Grants and Cooperative Agreements Implementation of Guidance in 2 CFR part 200" (79 FR 76047, December 19, 2014), all of which are incorporated herein by reference and the articles below.

Provisions of Chapter I, Subchapter C of Title 32, CFR, "DoD Grant and Agreement Regulations," other than parts 21, 22, 32, 33 and 37, continue to be in effect and are incorporated herein by reference, with applicability as stated in those provisions.

ORDER OF PRECEDENCE

Any inconsistencies in the requirements of this award shall be resolved in the following order:

- a. Federal statutes
- b. Federal regulations
- c. 2 CFR part 200, as modified and supplemented by DoD's interim implementation found in 2 CFR part 1103
- d. Award-specific terms and conditions

In case of disagreement with any requirements of this award, the recipient shall contact the grants officer in order to resolve the issue. The recipient shall not assess any costs to the award or accept any payments until the issue is resolved.

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1. Allowable Costs

Unless noted otherwise in the terms and conditions of this grant, only those costs specifically set forth in the recipient's cost proposal(s) shall be deemed allowable costs in performance under this grant. Any deviation from the recipient's proposed cost estimates must be approved in writing by the Administrative Grants Officer (AGO) at the Administrative Office in Block 23a of the ONR Award Form (10/99) in order for such costs to be deemed allowable charges under this grant.

2. 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 ONR Award Form (10/99). No other communications, whether oral or in writing, shall modify this Grant.

3. Prior Approvals

Prior approval of the following deviations from budget and program plans is required:

- (a) The Grantee must consult the Program Officer in Block 21 of the ONR Award Form (10/99) through the AGO at the Administrative Office in Block 23a of the ONR Award Form (10/99) 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 ONR Award Form (10/99) through the AGO at the Administrative Office in Block 23a of the ONR Award Form (10/99), or

- (2) Relinquish the Grant, in which case the Grant shall be terminated in Accordance with 2 CFR 200.
- (c) Extension of the expiration period of this Grant – The AGO at the Administrative Office in Block 23a of the ONR Award Form (10/99) 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 ONR Award Form (10/99).

- (d) The need for additional Federal funding.

4. 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.

5. Payments

- (a) All payments shall be made by funds transfers to the bank account registered in System for Award Management (SAM) at <https://www.sam.gov/portal/SAM/>. The Grantee agrees to maintain its registration in SAM including information necessary to facilitate payment via Electronic Funds Transfer (EFT). Should a change in registry or other incident necessitate the payment to an account

other than that maintained in SAM, it is the Grantee's responsibility to notify the AGO and obtain a modification to this Grant reflecting the change. The Government shall not be held responsible for any misdirection or loss of payment which occurs as the result of a Grantee's failure to maintain correct/current EFT information within its SAM registration.

- (b) Any request for advance payments must be approved by the Administrative Grants Officer (AGO) at the Administrative Office shown in Block 23a of the award.
- (c) iRAPT (Invoicing, Receipt, Acceptance and Property Transfer formerly known as WAWF) has been designated as the Department of Defense standard for electronic invoicing and payment. To facilitate this effort for Universities and Nonprofit Organizations with awards administered by the Office of Naval Research (ONR) Regional Offices, DoD has established the ONR Electronic Payment System (PayWeb) (<https://payweb.onr.navy.mil>), as an initial entry point to iRAPT. If the Grantee participates in the PayWeb system, the Grantee shall submit an electronic request for payment to the Administrative Grants Officer (AGO) at the Administrative Office in Block 23a of the award, using the standard PayWeb processes.
- (d) Participation in the PayWeb system requires the Grantee to obtain an External Certificate Authority (ECA) certificate from an approved Certificate Authority for access. Operational Research Consultants (ORC) (<http://www.eca.orc.com>) and Symantec (<http://www.symantec.com/shared-service-pki/>) are approved ECA Authorities. If you have questions or require technical assistance in implementing your certificate, contact the Navy PKI Help Desk at 1-800-304-4636. The Grantee shall Contact the AGO at the Administrative Office in Block 23a of the award for instructions on how to register and use iRAPT and PayWeb.
- (e) Electronic submission of payment requests requires the Grantee to register in iRAPT and have the appropriate CAGE code activated. The Grantee's SAM Electronic Business Point of Contact (EBPOC) is responsible for activating the CAGE code in iRAPT by calling 1-866-618-5988. Once the Grantee's CAGE Code is activated, the SAM EBPOC will self-register in iRPAT and follow the instructions for a group administrator. The ONR Regional Offices will assist in this process. The ONR Regional Office is listed as the Administrative Office in Block 23a of the award.
- (f) If the Grantee is a For-Profit entity or does not participate in the ONR PayWeb System, the Grantee shall submit payment requests electronically via iRAPT. The Grantee shall Contact the AGO at the Administrative Office in Block 23a of the award for instructions on how to register and use iRAPT.

6. Overpayment and Earned Interest

- (a) 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 ONR Award Form (10/99), by check made payable to the US Treasury. An overpayment represents the difference between allowable actual expenditures and total disbursements received by the grantee.
- (b) Earned Interest. Grantees who meet the conditions in 2 CFR 200 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 2 CFR 200, 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.

7. Future Funding

The Government's legal obligation is limited to the amount shown as "Total Obligated on Award," Block 16 of the ONR Award Form (10/99).

8. Visit Results

- (a) If a visit report is requested in Block 31 of the ONR Award Form (10/99), the Grantee shall submit the visit 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/Contracts-Grants/manage-grant/grants-forms-download.aspx>. 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 ONR Award Form (10/99).

9. Financial Records and Reports

The Grantee shall maintain adequate records to account for all expenditures made under this Grant. The Grantee financial records are subject to audit and shall be maintained for three years after the completion date of this grant.

10. 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.

11. Military Recruiting On Campus

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

12. 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.

13. 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.

14. Debarment and Suspension

Recipients shall comply with all the requirements at 2 CFR 200. The recipient shall include a similar term or condition in lower-tier covered transactions as required.

15. Drug Free Workplace

By accepting funds under this Grant, the recipient agrees to comply with the “Government –Wide Drug-Free Workplace (Financial Assistance)” requirements specified in 2 CFR Part 182, or in 32 CFR Part 26, which implements sec.5151-5160 of Drug-Free Workplace Act of 1988 (41 U.S.C. 701,et seq.).

16. 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-recipient 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:
 - ii. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
 - iii. 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, or 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).

17. Financial Assistance Use of Universal Identifier and System for Award Management

Grantee and first-tier subrecipients shall have Dun and Bradstreet Data Universal Numbering System (DUNS) numbers and maintain current registrations in the System for Award Management.

18. Prohibition on Using FY 2015 Funds under Grants with Entities that Require Certain Internal Confidentiality Agreements

(a) The recipient shall not require employees, contractors or subrecipients seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

(b) The recipient must notify its employees, contractors, or subrecipients that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with paragraph (a) of this award provision are no longer in effect.

(c) The prohibition in paragraph (a) of this award provision does not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department of agency governing the nondisclosure of classified information.

(d) If the Government determines that the recipient is not in compliance with this award provision, it:

(1) Will prohibit the recipient's use of any FY 2015 funds under this award, in accordance with section 743 of Division E, Title VIII of the Consolidated and Further Continuing Resolution Appropriations Act, 2015, (Pub. L 113-235); and

(2) May pursue other remedies available for the recipient's material failure to comply with award terms and conditions.