

**OFFICE OF NAVAL RESEARCH
FOREIGN SYMPOSIUM 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.

ARTICLES

- 1. Allowable Costs**
- 2. Modification of Grant**
- 3. Prior Approvals**
- 4. Preaward Costs**
- 5. Payments**
- 6. Overpayment**
- 7. Future Funding**
- 8. Performance Results**

9. **Financial Records and Reports**
10. **Copyrights**
11. **Publications and Acknowledgment of Sponsorship**
12. **Officials Not to Benefit**
13. **Nondiscrimination**
14. **Preference for U. S. Flag Air Carriers**
15. **Drug Free Workplace**
16. **Trafficking In Persons**
17. **Reporting Requirements for Subaward and Executive Compensation**
18. **Financial Assistance Use of Universal Identifier and Central Contractor Registration**
19. **Food and Beverage**
20. **Prohibition on Using FY 2015 Funds under Grants with Entities that Require Certain Internal Confidentiality Agreements**

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 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 research objectives defined in the grant proposal.

- (b) Support for the project may not continue without the active direction of the Symposium 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.
- (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 in Block 21 of the ONR Award Form (10/99). For any 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) In order to receive electronic payments, the foreign Grantee must have a U.S. Bank Account and sign up for electronic payments at System for Award Management (SAM) <https://www.sam.gov/portal/SAM/>. The Grantee agrees to maintain its registration in SAM including information necessary to facilitate payment via 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 Administrative Grants Officer (AGO) Officer 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) If the foreign Grantee is registered in SAM, 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 for electronic invoice submission.
- (d) Participation in the PayWeb system requires the Grantee to register the appropriate CAGE Code in Wide Area Work Flow (WAWF) and 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 WAWF and PayWeb.
- (e) If the foreign Grantee is registered in SAM, but does not participate in the ONR PayWeb System or cannot obtain an ECA certificate, 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.

- (f) If the foreign Grantee does not have a U. S. Bank Account, payment requests shall be submitted by the Grantee using the SF 270. The signed SF 270 shall be faxed to the AGO at the Administrative Office in Block 23a of the award for certification and transmittal to the disbursing office. Payments will be sent by U.S. Treasury check to the address cited on the Standard Form (SF) 270.

(Forms and instructions available at <http://www.onr.navy.mil/Contracts-Grants/manage-grant/grants-forms-download.aspx>)

6. Overpayment

Within ninety (90) days after the end date of the Grant, any overpayment of grant funds 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.

7. Future Funding

The U. S. 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. Performance Results

- (a) If reports are requested in Block 31 of the ONR Award Form (10/99), 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" (SF 298) as the last page of the performance result 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 program income, and all expenditures, including cost sharing, made under this Grant. The Grantees financial records are subject to audit and shall be maintained for three years after the completion date of this grant. Upon completion or revocation of this Grant, whichever occurs earlier, the Grantee shall furnish to the AGO at the Administrative Office in Block 23a of the ONR Award Form (10/99), within 90 days a copy of the Federal Financial Report (FFR) SF - 425 indicating actual expenditures broken down by the same cost categories proposed in the Grant cost proposal, or as amended by grant modification, and the appropriate FFR portions if advance payments were received.

(The Federal Financial Form SF 425 and instructions for its use are available at http://www.whitehouse.gov/omb/grants/grants_forms.html)

10. Copyrights

The Grantee hereby grants to the U. S. Government a nonexclusive, paid-up license throughout the world under any copyright owned by the Grantee, in any work of authorship prepared for or acquired by the U. S. Government under this Grant, to reproduce copies, distribute copies or display the work publicly and to have others do so for U. S. Government purposes.

11. Publications and Acknowledgment of Sponsorship

- (a) Publication of results of the research project in appropriate professional journals is encouraged as an important method of recording and reporting scientific information. One copy of each paper planned for publication will be submitted to the Program Officer in Block 21 of the ONR Award Form (10/99) simultaneously with its submission for publication. Following publication, copies of published papers shall be submitted to the Program Officer.
- (b) The Grantee agrees that when releasing information relating to this Grant, the release shall include a statement to the effect that the project or effort undertaken was or is sponsored by the Department of the Navy, Office of Naval Research.
- (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.

12. 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.

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 handicap, in:
 - i. 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

U.S flag air carriers shall be used for international air travel, to the extent that such service is available. Written documentation must be provided to the AGO at the Administrative Office in Block 23a of the ONR Award Form (10/99) for each incident of international air travel on a non-U.S. airline.

15. Drug Free Workplace

By accepting funds under this Grant, the recipient agrees to comply with the “Government –Wide Drug-Free Workplace (Grants)” requirements specified in Subpart B of 2 CFR part 26, which is the DoD implementation of 41 U.S. C. chapters 81, “Drug-Free Workplace.”

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.

(1) We as the Federal awarding agency may unilaterally terminate this award, without penalty if a subrecipient that is a private entity:

i. Is determined to have violated an applicable 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 an applicable 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 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.

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.

(c) 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, 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. Reporting Requirements for Subaward and Executive Compensation

The Grantee shall report on first –tier subawards and executive compensation in accordance with the Federal Funding Accountability and Transparency Act (FFATA) of 2006 and associated 2008 amendments. Reporting is required for grants equal to or over \$25,000. If the initial award is below \$25,000 but subsequent grant modifications result in a total award equal to or over \$25,000, the award will be subject to the reporting requirements, as of the date the award exceeds \$25,000. If the initial award equals or exceeds \$25,000 but funding is subsequently deobligated such that the total award amount falls below \$25,000, the award continues to be subject to the reporting requirements of the Transparency Act.

18. 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.

19. Food and Beverage

ONR funds shall not be used to pay for food or beverages

20. 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.