

Amendment 0002
BAA 09-012
National Oceanographic Partnership Program (NOPP) and
Interagency Committee on Ocean Science and Resource Management
Integration (ICOSRMI)

1. The purpose of Amendment 0002 to BAA 09-012 is to answer questions submitted prior to 3 February 09. Questions received after that time and before the deadline for submissions of questions will be addressed in a subsequent amendment.

QUESTION 1: Please clarify the nature of the team structure for this BAA NOPP call. Our team involves (Federal Laboratories and Universities). Who is allowed to be PI, is it still restricted to non-Federal researchers?

RESPONSE 1: Federally Funded Research & Development Centers (FFRDCs) cannot be the Principal Investigator (PI) on the proposals. The Universities listed can be PI's on the proposal. If more than 70 percent of the work will be done by the sub-contractor, pay attention to BAA requirements in "*note, Part 1, VOLUME 2: Cost Proposal", page 16.

Q2: How do I obtain the waiver from the use of Grants.gov ? (is there any form or other thing to be filled in?) Also: Working at a foreign institution I can apparently obtain a waiver from using grants.gov, it is not very clear how.

R2: ONR policy requires the use of Grants.gov. For entities such as foreign firms that cannot comply with this requirement, guidance regarding waiver requests is provided in Section IV, paragraph 5 "Process to Obtain a Waiver from the Use of Grants.Gov for Submission of Full Grant Proposals" of the BAA. There is no required format for requesting a waiver.

Q3: I would also like to know if there are restrictions on the institutions that can receive such funding, and how the grants work.

R3: Foreign institutions are eligible to apply for support under this BAA.

Q4: Are foreign companies or their agents allowed to be co-investigators or subawardees?

R4: See response to Q3 above.

Q5: Can foreign academic institutions take part in this program?

R5: See response to Q3 above

Q6: ONR-BAA-09-012 calls for a team composed of academic and industry partners. Can the industry partner be a non-US business?

R6: Yes.

Q7: May I move or not with this funding from one institution to another before submitting the proposal or during the course of the work?

R7: Awards are made to universities or institutions, not to individuals. Therefore, submission of proposals when the principal is shifting to another institution is not advisable. It is possible for PIs to shift to other institutions during the course of work, however, there is no guarantee that the effort will be accepted by the acquiring institution and released by the awarded institution, or that the Government will concur in cancelling the original grant and issuing a revised one.

Q8: What is the procedure for submitting the proposal outside of Grants.gov?

R8: Submit a hardcopy (in accordance with the content and format requirements of the BAA), to the point of contact designated on page 20, Section V, paragraph 6.

Q9: It's my understanding that in the past the NOPP BAAs have been posted in the Federal Register. Is this something you would be able to help me with?

R9: ONR BAAs are publicized in GRANTS.gov and, if the potential for contract awards exists, in Federal Business Opportunities (FedBizOps.gov).

Q10: Can you please tell me if [Government entity] laboratories are eligible to receive funding through the ONR BAA Announcement #ONR-BAA-09-012.

R10: Yes, they are eligible to receive funding but they cannot be the Principal Investigator on the proposal. Note instructions regarding cost proposals for Federal Entities on Page 14 of the BAA; Federal entities will be funded separately via an Economy Act Order.

Q11: The [Private Research Institution] will be submitting a response to ONR-BAA-09-012 for the development of optical instrumentation. We have an Industrial partner, but also expect to work with [Federal entities]. Will they be allowed to be a subcontract on this grant to cover minor material costs and labor charges?

R11: Yes. See response to question 10.

Q12: Is it ok to make [Federal entity] a subcontract?

R12: Yes. See response to question 10.

Q13: I am in the process of writing proposal to NOPP program (ONR-BAA-09-012). I am not sure on program guideline if we can request salary support for [Federal Entity] federal employees such as PI, myself and my technician. We are looking forward to your advice.

R13: See response to question 10. Note that federal entities may not be proposed as Principal Investigators, although "Co-Investigators" are acceptable.

Q14: We at the [University] are teaming with [Federal Entity]. If we understand correctly, the [Federal entity] cannot lead a proposal, right? If [University] is the lead organization for a proposal, and we want have some funds to support work at [Federal entity], is it allowed and how should be done?

R14: See response to question 10.

Q15: The eligibility information (Item III) states that FFRDCs are not eligible to bid but 'teaming arrangements are allowed'. Am I (FFRDC) allowed, as part of the team, to request funds under the BAA? If so, are team proposals straightforwardly handled in Grants.gov?

R15: See response to question 10.

Widder Q16: Our organization would like to know if it's possible to put in two submissions in response to ONRBAA09-012.

R16: Yes

Q17: We will partner with [Government Center]. Is this an eligible government partnership?

R17: Yes.

Q18: Can a Canadian company obtain support via the BAA announcement? If so, would this be possible by having the company as a contractor to my institution? Or are other mechanisms possible?

R18: As lead institution, you may obtain support via a subcontract with a Canadian corporation.

Q19: How does this BAA deal with possible patentable developments? Is the U.S. government party to possible patents or are all rights retained by the developers?

R19: Offerors are urged to consult in-house counsel in matters relating to intellectual property. If the proposal is selected for a grant award, the terms and conditions specified in the OFFICE OF NAVAL RESEARCH GOVERNMENT-WIDE CORE AGENCY SPECIFIC REQUIREMENTS apply. Specific information regarding patents can be accessed at the link to the DoDGARS Part 32 <http://www.dtic.mil/whs/directives/corres/pdf/321006r32p.pdf>, under subpart 32.36 "Intangible property". If the proposal is selected for a contract award, appropriate terms and conditions

will be incorporated in the contract. Sample contract clauses related to patent filing, rights, and reporting can be found on the ONR website (<http://www.onr.navy.mil>) under "Model Award", which can be reached through the "Acquisition" section under "Contracts and Grants", however representative clauses (accessible at <http://farsite.hill.af.mil/>) include:

FAR 52.227-10 Filing of Patent Applications - Classified Subject Matter

FAR 52.227-11 Patent Rights - Retention by the Contractor (Short Form)

DFARS 252.227-7038 Patent Rights - Ownership By The Contractor (Large Business)

DFARS 252.227-7039 Patents - Reporting of Subject Inventions

Q20: The described proposal format includes a statement of work which does not include proprietary information. Which section includes the meat of the proposal with a detailed description of current technology/problems and a more in depth description of the proposed efforts and our current capabilities?

R20: Follow guidance provided in the BAA under "Full Proposal Content / VOLUME 1: Technical Proposal", starting at page 12.

Q21: I am at the [University] and I plan to collaborate with [Federal entity]. Should my proposal be a contract or a grant?

R21: Recommend that this be proposed as a grant.

Q22: Would you be able to point us toward information regarding the rules or procedures of the question period? Also, could you advise whether questions posed, and answers provided them, will be posted publicly or distributed for all to see?

R22: Submit questions in accordance with paragraph VII.7 ("Submission of Questions"). Questions and responses will be provided via amendments that are posted publically. Questions are sanitized to remove business-specific information, where appropriate.

Q23. Concerning the NOPP BAA - is it a requirement that the budget be shared amongst at least two of the three sectors (academia, industry, government)? It looks as if the team must

consist of two of three, but in many proposals one can have an "in-kind" kind of participation. So do 2 out of 3 groups
Need representation in the budget as an item?

R23. The BAA requires team efforts among at least two of three sections (academia, industry, and government). The BAA contemplates a sharing of effort and resources in the partnership, as shown by the requirement for cost proposals to provide costs separated by "Other Than Federal Government" and "Federal Government". The Government will evaluate proposals, including costs and in-kind contributions, to determine if they meet the BAA's requirement for team efforts.