

Amendment 0003
BAA 09-012
National Oceanographic Partnership Program (NOPP) and
Interagency Committee on Ocean Science and Resource Management
Integration (ICOSRMI)

The purpose of Amendment 0003 to BAA 09-012 is to amend the BAA and respond to questions.

1. BAA 09-012 is hereby amended as follows:

(a) Page limitations are revised to exclude severable statements of work and associated cost proposals under linked or coordinated proposals from the page limitation. Accordingly, the section entitled "Number of Pages" in Section IV; paragraph 2(a) is revised as follows:

"• Number of Pages - The Technical Proposal (Volume 1) is limited to no more than 15 pages. The cover page, table of contents, severable statements of work and cost proposals for proposed Federal entities or for participants in coordinated or linked proposals (if applicable), data rights assertions, other agencies, list of references and resumes are excluded from the page limitations. Full Proposals exceeding the page limit specified for Volume 1 may not be evaluated. The Cost Proposal (Volume 2) has no page limitation."

(b) Instructions regarding submission of coordinated or linked proposals are added to the BAA. Accordingly, a new final bulleted paragraph is added to Section IV, paragraph 2(a) as follows:

"• Coordinated or Linked Proposals - It is strongly preferred that a single award be issued to the lead institution with subawards to other non-Federal participants. However, in the event coordinated or linked proposals are deemed necessary by the members of the team, each submission must contain an identical proposal body, with unique cover pages, statement of work, and cost proposal. The full proposal must clearly and explicitly identify the roles and responsibilities, and other linkages of team members."

2. Questions and Responses are provided as follows:

QUESTION 1: I am the Director of the [University] that is submitting to your ONR BAA 09-012. The subcontractor we are talking with is requesting a fee in their budget. The announcement states that no fee is allowed on direct costs for facilities or in cost-sharing contracts. The question I am being asked is where can they list a fee since they are "for profit" corporation.

RESPONSE 1: In accordance with 32 CFR 22.205(b), grants shall not provide for the payment of fee or profit to the recipient or be used to carry out programs where fee or profit is necessary to achieving program objectives. While the general practice at ONR is to exclude fee at all levels (prime and subcontract) in grant awards, the Grants Officer may allow fee on subcontracts in special circumstances. The NOPP BAA requires team efforts among at least two of three sectors (academia, industry, and government). In order to facilitate this teaming, proposals with fee on subcontracts will be accepted provided that the lead institution performs the major part of the effort, subject to the Government reserving the right to negotiate the fee.

QUESTION 2A: [Firm] is working with [University] to participate in a response to ONR BAA-09-012. The submission will be provided, anticipating that a grant will be the vehicle type, with [University] as the lead on this effort.

As a for-profit corporation, [Firm] does not fall under the same cost accounting standards as a university or not-for-profit organization, and as such we believe that fee is potentially allowable under a grant, as a subcontract or perhaps as a vendor. It is not clear from the referenced BAA whether [Firm] would be entitled to a fee under any subsequent grant to [University].

RESPONSE 2A: See response to Question 1 above.

QUESTION 2B: We are planning a joint proposal with a [Firm], [University], and [University] to develop [description]. We're discussing whether we [Non-profit] or [Firm] should be the lead institution. [Firm] requires its funding through a Cost Plus Fixed Fee contract mechanism. [Non-Profit] and our University partners conduct unclassified fundamental research on a cost-reimbursement basis, and customarily receive funding under grants or cooperative agreements.

If [Non-profit] were the lead institution and [Firm] a subrecipient under a grant award, it would preclude [Firm] from receiving a fee. Please confirm.

RESPONSE 2B: See response to Question 1 above. It is recommended that the entity providing the greatest portion of effort/cost associated with the proposal would serve as the lead institution.

QUESTION 3A: We are planning a joint proposal with [Firm], [University] and [University] develop [description]. The bulk of the work will be done at [Firm]. At this point we're discussing whether [Non-profit] or [Firm] should be the lead institution. Because [Firm] will be deeply involved in the work, our initial plan was for them to be lead institution. However, in their other work with ONR or DARPA, they have worked on Cost Plus Fixed Fee contracts, rather than under a grant award as indicated in the BAA. If [Firm] is lead, can the award be made as CPFF contract?

RESPONSE 3A: See response to question 1.

QUESTION 3B: Is it acceptable for [Non-Profit] to be lead on the project with a grant award and to have [Firm] as a CPFF sub-contractor?

RESPONSE 3B: See response to question 1.

QUESTION 4: May we submit two separate proposals, one for a contract from our industry partner and one for a grant from the university/non profit team?

RESPONSE 4: See response to question 1. Separate proposals may be submitted. It is strongly preferred that a single award be issued to the lead institution with subawards to other non-Federal participants, however the Government recognizes that there may be circumstances (e.g., the lead institution is not performing the major part of the effort in a collaboration between a university and a for-profit firm) where separate proposals are more efficient or cost effective. See paragraph 1(b) above.

QUESTION 5: Under Topic 2 on pg 4 of the BAA it states: "Coordinated or linked projects should be proposed separately. Individual efforts may be linked with other proposals and these linkages must clearly and explicitly be identified by all involved proposals and investigators". This is somewhat

contradicted later in the BAA, on page 9 it states: "It is strongly preferred that one institution act as the lead for each project and that single award be issued to the lead which would then issue subawards to the other non Federal participants".

RESPONSE 5: See response to question 4 above.

QUESTION 6A: In the BAA it is mentioned that "It is strongly preferred that one institution act as the lead institution for each project and that a single award be issued to the lead institution which would then issue sub-awards to the other non-Federal participants."

Now, as a foreign institution (my case), there is a considerable extra cost (related to exchange rates and non-refundable VAT) in handing over money to a foreign lead institution that will redistribute some of it back to a U.S. university. For this case it would appear economical to have a grant to this university and a contract with my institution... So, the question is: How strong is that preference?

RESPONSE 6A: The intent of the BAA is to award one grant or contract to a team (lead and subcontractors) for an integrated proposal, however, see response to Question 4.

QUESTION 6B: Further, in case of a sub-award or in case of the separate award, does the (15 page) page limit also apply to the total proposal?

RESPONSE 6B: No. See paragraph 1 above.

QUESTION 7A: When using the UNOLS form online concerning ship time requests, how best can we represent this in the proposal? Should we include the whole form as an appendix to the proposal? Should we represent the information in an efficient manner within the proposal, via our own formatted table? If the full form is required, does this count against page limits?

RESPONSE 7A: Go to UNOLS web site (<http://www.gso.uri.edu/unols/ship/shiptime.html>) and follow the instructions in the section "CREATE A PDF FILE FOR FASTLANE". Attach the file (it must be a PDF file) to your proposal. The file doesn't count towards the page limits.

QUESTION 7B: Within the proposal, it is stated that larger amounts of proposed money use over the expected amount per year should be addressed with the Technical Point of Contact. We

were looking to establish some form of a threshold, i.e. does 5-10% more than the rough figure qualify as significant - requiring additional communication?

RESPONSE 7B: With respect to proposals submitted under this BAA, the values quoted are approximate; 5-10% over the expected budget does not need authorization from the S&T Point of Contact.

QUESTION 8: It appears that the thrust Sub-Topic 1 is platform preparation and optimization to ensure its ready acceptance of emerging sensors; with the secondary and continued goal of utilizing this system to advance science. Is this a proper interpretation of the expectations of the BAA?

RESPONSE 8: The ultimate goal of the BAA is to advance science. The objective of Topic 2, Sub-topic 1 is to adapt or develop sensors that can be deployed in mobile platforms, like AUVs, gliders, floats, that are not ships.

QUESTION 9A: In the BAA, it states, "severable statements of work for proposed Federal entities (if applicable)...are excluded from the page limitations." We plan on including a SOW, but have no Federal entities on our team. Can our SOW count also be excluded from the 15 page limit?

RESPONSE 9A: No, however see question 6A and response.

QUESTION 9B: Does the scope of work under this BAA fall within the FAR definitions for "Basic research" or "Applied Research"? (Basic Research means that research directed toward increasing knowledge in science). The primary aim of basic research is a fuller knowledge or understanding of the subject under study, rather than any practical application of that knowledge). Our concerns are with the indirect cost limitations for basic research funded procurements. Can we classify our scope of work as "Applied Research" for this BAA?

RESPONSE 9B: ONR funding supporting this BAA is for applied research. Other NOPP agencies may have different sources of funds.

QUESTION 10: We are planning to answer to the BAA opportunity in particular for Topic 2 (sub 2C). The main question is: Can [National Research Organization] be Primary Investigator?

RESPONSE 10: Yes.

QUESTION 11: The announcement refers applicants to <http://www.grants.gov/> in order to submit for grants. When doing Step 1 in the "APPLY" function, it requests an Opportunity Number which I submit as ONR-BAA-09-012. The response we receive is, "Funding Opportunity ONR-BAA-09-012 has not been posted by the for submission through Grants.gov." Has the BAA been withdrawn? Is there another site we should use to submit our application?

RESPONSE 11: The BAA has not been withdrawn. Input Opportunity Number ONRBAA09-012 or CFDA 12.300.

QUESTION 12: Is the proposal due date February 11th or do you need a white paper describing the proposal to be submitted by that date?

RESPONSE 12: See Amendment 0001 to the BAA, paragraph 1, which extends the due date for full proposals to 10 April 2009, 4:00 p.m. (Washington D.C. Local Time).

QUESTION 13: I would like to know if foreign investigators are eligible to apply to this program, either alone, or as co-investigators or sub-contractors.

RESPONSE 13: Yes. See Amendment 0002 to the BAA, response to Questions 3 and 6.

QUESTION 14: Could you clarify whether the Interagency Working Group on Ocean Partnerships announcement ONR-BAA-09-012 is open to institutions outside the US?

RESPONSE 14: ONR-BAA-09-012 is open to institutions outside the US. See Amendment 0002 to the BAA, response to Questions 3 and 6.

QUESTION 15: I assume that although an academic institution, [Name] is considered a "Federal Entity," so would have to be paid through a separate Economy Act Order to submit the grant the way it is. Does that generally mean a completely separate grant proposal? We definitely need to collaborate with [Firm] to do the work, so we could not submit a proposal entirely on our own. Could we be subcontracted to [Firm] or does our likely status as a "Federal Entity" make that impossible?

RESPONSE 15: See Section IV, paragraph 2a under Volume 1 ("Technical Proposal", "Statement of Work") and Volume 2 ("Cost Proposal", Table of Partners and Costs"). These areas provide specific information about submission of proposals that include Federal Entities as participants.

QUESTION 16: In reference to the subject BAA, will applications for contracts be evaluated on an equal footing with grants and cooperative agreements? In other words, does one form of agreement have priority over another?

RESPONSE 16: Yes, applications for contracts will be evaluated on an equal footing with grants and cooperative agreements.

QUESTION 17A: My first question is with regard to graduate student and post-doc funding. If we request funding for graduate students but eventually decide that a post-doc would be better-suited to the project, is it possible to apply the graduate student salary towards the post-doc's salary? Or are we committed one way or another once we've proposed how those specific salary funds are to be spent?

RESPONSE 17A: This type of question would be addressed during contract/grant administration, where changes can be negotiated, with Program Officer and Contracting Officer approval.

QUESTION 17B: Do unspent funds carry-over from one year to the next?

RESPONSE 17B: Navy Research, Development, Test and Evaluation funding can be obligated for two years, with the appropriation available for additional five years for upward obligation adjustments and payments.

QUESTION 17C: Does it make a difference if we list this [description] person as a Consultant rather than a Subcontractor?

RESPONSE 17C: Consultants are acceptable. Note requirements on page 16 of the BAA under the section entitled "Volume 2: Cost Proposal" under Part 1, "Consultants".