

Amendment 0001
ONR BAA Announcement Number 10-024

National Oceanographic Partnership Program (NOPP) and Interagency Committee on
Ocean Science and Resource Management Integration (ICOSRMI)

The purpose of this amendment is amend the BAA and respond to questions.

1. Questions and Responses are provided as follows:

Question 1: Regarding the submission deadline of 23 November and the requirement that the proposal be submitted in hard copy and on CD/DVD media and the security warning issued on page 20 of the BAA, is your intention that all proposals be completed and mailed by, at latest, 15 November?

Response 1: The offeror is responsible for submitting proposals for Grants and Contracts by the time specified. Paragraph 4, page 21 (Submission of Late Proposals) provides information. In addition, Paragraph 5 provides information for proposal submission via Grants.gov. Proposals are due 23 November @ 2:00 p.m. Eastern Standard Time.

Question 2: Referring to Section III, page 7, of the BAA states “Foreign institutions are eligible to apply for support as a partner under this BAA. However, the National Science Foundation (NSF) rarely provides support to foreign organizations. However, elsewhere, on the Federal Business Opportunities (FEDBIZOPPS) Webpage for example, opportunity synopses include statements such as: Any NOPP member may fund research in response to this solicitation.

I interpret this to mean that a foreign commercial institution collaborating with appropriate US academic institutions could receive funding under this BAA from NOPP member agencies, but not from NSF. Can you confirm if this is true, or if the statement should be interpreted as foreign agencies are not likely to receive funding at all?

Response 2: Your interpretation is correct that a company such as yours collaborating with the appropriate academic institutions (foreign or domestic) could receive funding under the BAA from NOPP member agencies, but not from NSF if the academic institution is foreign.

Question 3: Is there a website where I can post my company's strengths and ask for potential interested partners to contact me with regards to this BAA?

Response 3: There is no website for potential partners to compare notes. Historically, NOPP collaborations are derived via personal interactions among individuals.

Question 4: Regarding ONR BAA 10-024, Marine Mammal Detection and Monitoring, would I be correct in assuming that collaboration between a Navy UARC and a private, nonprofit organization would satisfy the eligibility requirements described in Section III of the BAA?

Response 4: Section III on page 7 states that team efforts are required among at least two of the following three sectors:

- academia,
- industry (including Non-Governmental Organizations - NGOs), and
- government (including State and Local)

Question 5: I am putting together a proposal under the recent funding call ONR BAA 10-024. This will be a partnership between a university and US Industrial and Government organizations. A specific question I have though, which does not seem to be covered within the announcement is whether or not you would potentially be able to fund a PhD student at a UK institution under this call.

Response 5: Graduate student support is a common and acceptable part of university support in NOPP and ONR awards. However, see response to question 2 regarding NSF and foreign support.

Question 6: My faculty would like to include subcontractors to multiple NOAA national marine fisheries centers in our budget. Are there any restrictions on having these national fisheries as subcontractors in our budget?

Response 6: There are no restrictions on NOAA subcontracts.

2. Under Section I, page 6, the paragraph entitled, "General Information", Paragraph 11, entitled, "Other Information", is hereby deleted in its entirety and replaced with the following:

11. Other Information

FAR Part 35 restricts the use of the Broad Agency Announcements (BAAs), such as this, to the acquisition of basic and applied research and that portion of advanced technology development not related to the development of a specific system or hardware procurement. Contracts and grants and other assistance agreements made under this BAA are for scientific study and experimentation directed towards advancing the state of the art and increasing knowledge or understanding.

Work funded under this BAA may include basic research, applied research and some advanced research. With regard to any restrictions on the conduct or outcome of work funded under this BAA, ONR will follow the guidance on and definition of “contracted fundamental research” as provided in the Under Secretary of Defense (Acquisition, Technology and Logistics) Memorandum of 24 May 2010.

As defined therein the definition of “contracted fundamental research,” in a DoD contractual context, includes [research performed under] grants and contracts that are (a) funded by Research, Development, Test and Evaluation Budget Category 1 (Basic Research), whether performed by universities or industry or (b) funded by Budget Category 2 (Applied Research) and performed on campus at a university. The research shall not be considered fundamental in those rare and exceptional circumstances where the applied research effort presents a high likelihood of disclosing performance characteristics of military systems or manufacturing technologies that are unique and critical to defense, and where agreement on restrictions have been recorded in the contract or grant.

Pursuant to DoD policy, research performed under grants and contracts that are a) funded by Budget Category 6.2 (Applied Research) and NOT performed on-campus at a university or b) funded by Budget Category 6.3 (Advanced Research) does not meet the definition of “contracted fundamental research.” In conformance with the USD(AT&L) guidance and National Security Decision Direction 189, ONR will place no restriction on the conduct or reporting of unclassified “contracted fundamental research,” except as otherwise required by statute, regulation or Executive Order. For certain research projects, it may be possible that although the research being performed by the prime contractor is restricted research, a subcontractor may be conducting “contracted fundamental research.” In those cases, it is the *prime contractor’s responsibility* in the proposal to identify and describe the subcontracted unclassified research and include a statement confirming that the work has been scoped, negotiated, and determined to be fundamental research according to the prime contractor and research performer.

Normally, fundamental research is awarded under grants with universities and under contracts with industry. Non-fundamental research is normally awarded

under contracts and may require restrictions during the conduct of the research and DoD pre-publication review of such research results due to subject matter sensitivity. *Potential Offerors should consult with the appropriate ONR POCs to determine whether the proposed effort would constitute basic research, applied research or advanced research.*

3. Section III, starting on page 7 entitled, “Eligibility Information”, is hereby deleted in its entirety and replaced with the following:

III. ELIGIBILITY INFORMATION

Team efforts are required among at least two of the following three sectors:

- academia,
- industry (including Non-Governmental Organizations - NGOs), and
- government (including State and Local)

All responsible sources from academia and industry may submit proposals under this BAA. Historically Black Colleges and Universities (HBCUs) and Minority Institutions (MIs) are encouraged to submit proposals and join others in submitting proposals. However, no portion of this BAA will be set aside for HBCU and MI participation.

Federally Funded Research & Development Centers (FFRDCs), including Department of Energy National Laboratories, are not eligible to receive awards under this BAA. However, teaming arrangements between FFRDCs and eligible principal bidders are allowed so long as they are permitted under the sponsoring agreement between the Government and the specific FFRDC. Federally Funded Research and Development Centers (FFRDCs), Federal Laboratories and other Federal Entities may not be the Principal Investigators on proposals

Navy laboratories and warfare centers as well as other Department of Defense and civilian agency laboratories are also not eligible to receive awards under this BAA and should not directly submit either white papers or full proposals in response to this BAA. If any such organization is interested in one or more of the programs described herein, the organization should contact an appropriate ONR POC to discuss its area of interest. The various scientific divisions of ONR are identified at <http://www.onr.navy.mil/>. As with FFRDCs, these types of federal organizations may team with other responsible sources from academia and industry that are submitting proposals under this BAA.

Foreign institutions are eligible to apply for support as a partner under this BAA. However, the National Science Foundation (NSF) rarely provides support to foreign organizations. For proposals to be funded by NSF, NSF will consider proposals for

cooperative projects involving U.S. and foreign organizations, provided support is requested only for the U.S. portion of the collaborative effort.

Teams are encouraged to submit proposals in any and all areas. However, Offerors must be willing to cooperate and exchange software, data and other information in an integrated program with other contractors, as well as with system integrators, selected by ONR.

Topics under this BAA are not expected to cover export controlled technologies.

For Grant, Cooperative Agreement, and Other Transaction Agreement applications:

The Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), as amended by Section 6202 of Public Law 110-252, requires that all agencies establish requirements for recipients reporting information on subawards and executive total compensation as codified in 2 CFR 170.110. Any company, non-profit agency or university that applies for financial assistance (either grants, cooperative agreements or other transaction agreements) as either a prime or sub-recipient under this BAA must provide information in its proposal that describes the necessary processes and systems in place to comply with the reporting requirements identified in 2 CFR 170.220. An entity is exempt from this requirement UNLESS in the preceding fiscal year it received: a) 80 percent or more of its annual gross revenue in Federal contracts (and subcontracts), loans, grants (and subgrants), and cooperative agreements; b) \$25 million or more in annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants), and cooperative agreements; and c) the public does not have access to information about the compensation of the senior executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 or section 6104 of the Internal Revenue Code of 1986.

4. Under Section VI, entitled “Award Administration Information”, Paragraph 1, entitled, “Administrative Requirements” is hereby deleted in its entirety and replaced with the following:

VI. AWARD ADMINISTRATION INFORMATION

1. Administrative Requirements –

- **North American Industry Classification System (NAICS) code – The NAICS code for this announcement is “541712” with a small business size standard of “500 employees”.**

- **Central Contractor Registration:** All Offerors submitting proposals or applications must:

(a) be registered in the Central Contractor Registration (CCR) prior to submission;

(b) maintain an active CCR registration with current information at all times during which it has an active Federal award or an application under consideration by any agency; and

(c) provide its DUNS number in each application or proposal it submits to the agency

Subcontracting Plans – Successful contract proposals that exceed \$650,000, submitted by all but small business concerns will be required to submit a Small Business Subcontracting Plan in accordance with FAR 52.219-9 prior to award.

NOTE: Central Contractor Registry (CCR), Subcontracting Plan requirements and Certification requirements are all set forth in the ONR Technical and Cost Proposal Template.

- Certifications –

Contracts and Section 845 Other Transaction Agreement Proposals:

For contracts, in accordance with FAR 4.1201, prospective contractors shall complete and submit electronic annual representations and certifications at <https://orca.bpn.gov>. In addition to completing the Online Representations and Certifications Application (ORCA), proposals must be accompanied with a completed DFARS and contract specific representations and certifications. These "DFARS and Contract Specific Representations and Certifications", i.e., Section K, may be accessed under the Contracts and Grants Section of the ONR Home Page at <http://www.onr.navy.mil/en/Contracts-Grants/submit-proposal/~media/DEBFC3AD40D54FCBA3312A380D3795A7.ashx>. This certification requirement is also applicable for Other Transaction Agreement proposals involving prototypes (Section 845 agreements).

Grants, Cooperative Agreements and Normal Other Transaction Agreements (OTAs):

Grant and Cooperative Agreement awards greater than \$100,000, as well as OTAs not under Section 845, require a certification of compliance with a national policy

mandate concerning lobbying. Grant, Cooperative Agreement and OTA applicants shall provide this certification by electronic submission of SF424 (R&R) as a part of the electronic proposal submitted via Grants.gov (complete Block 17). The following certification applies to each applicant seeking federal assistance funds exceeding \$100,000:

CERTIFICATION REGARDING LOBBYING ACTIVITIES

(1) No Federal appropriated funds have been paid or will be paid by or on behalf of the applicant, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the Federal contract, grant, loan, or cooperative agreement, the applicant shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The applicant shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Grants and Other Assistance Agreements not through Grants.gov:

Proposers seeking grants or cooperative agreements who have received Grants.gov waiver approval for awards greater than \$100,000 shall complete and submit electronic representations and certifications at the Contracts and Grants Section of the ONR Home Page at <http://www.onr.navy.mil/Contracts-Grants/submit-proposal/~media/BDBA1ACF9F534C10BE2A9C9AD9AA7F12.ashx>.

