

**OFFICE OF NAVAL RESEARCH
RESEARCH GRANT AGENCY SPECIFIC REQUIREMENTS
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. Prior Approval Requirements not included in the General T&Cs.

Prior written approval is required to extend the period of performance, without additional funds, beyond the expiration date of this grant. The Administrative Grant Officer (AGO) at the Administrative Office in Block 23.a. of the ONR Award Form (10/99) has authority to approve no funds extension requests meeting all of the following parameters:

- (a) a one-time basis only; and
- (b) for a period not to exceed 90 days; and
- (c) 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 above parameters, a no funds extension can only be approved with the concurrence of the Technical Representative cited in Block 21.a. 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 23.a. of the ONR Award Form (10/99) or the Awarding Office in Block 22 of the ONR Award Form (10/99).

2. Contact Information for Technical Matters

Questions regarding technical matters should be referred to the Technical Representative cited in Block 21a. of the grant.

3. Contact Information for Administrative Matters

Questions regarding administrative matters should be referred to the Administrative Grants Officer (AGO) at the Administrative Office cited in Block 23a. of the grant.

4. Contact Information for Intellectual Property Matters

Questions regarding intellectual property matters should be referred to the ONR Patent Office cited in Block 26a. of the grant.

5. Revised Budget Requirements

Revised budgets, when required, must be submitted on the SF 424 Research and Related Budget.

6. Technical Reporting

- (a) Technical reporting requirements are cited in Block 31 of the Award/Modification.
- (b) If reports are requested in Block 31 of the Award/Modification, the Grantee shall submit the performance results within ninety (90) days after the end date of the Grant.
- (c) 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; Distribution is Unlimited." 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).

7. Financial Reporting

Financial reporting requirements are cited in Block 31 of the grant.

8. Incremental Funding Actions

No additional documentation is required to trigger an increment. However, recipients should note that low expenditure rates reported on payment requests might be cause for deferral of future funding increments.

9. 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 iRPAT. The Grantee shall Contact the AGO at the Administrative Office in Block 23a of the award for instructions on how to register and use iRPAT.

10. The Need for Additional Federal Funding

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

11. Equipment

Title to all equipment purchased or fabricated with ONR funds provided under this grant or recipient cost sharing funds, as direct costs of the project or program, shall unconditionally vest in the recipient upon acquisition without further obligation to the Federal Government unless other conditions are imposed in the award.

12. Supplies

Title to supplies and other expendable property shall vest in the recipient providing the residual inventory of unused supplies does not exceed \$5,000 in total aggregate value upon termination or completion of the project or program. If the value of residual supplies exceeds \$5,000, the provisions of 2 CFR 200 applies.

13. Reporting Potentially Classifiable Information

Report potentially classifiable information to the Technical Representative listed in Block 21 of ONR Award Form (10/99).

14. Termination

In case of a partial or full termination by the recipient, the recipient shall provide the required written termination notice to the ONR Grants Officer and AGO at least 30 calendar days prior to the effective date of termination.

15. Enforcement

The recipient shall submit claims arising out of or relating to this grant in writing to the ONR Grants Officer or AGO, as appropriate, and shall specify the nature and basis for the relief requested and include all data that supports the claim. The recipient and ONR Grants Officer/AGO shall attempt to resolve all issues at the ONR Grants Officer/AGO level.

16. Overpayments

Within ninety (90) days after the end date of the Grant, any overpayment of funds provided by the Grant shall be remitted to the Office of Naval Research AGO at the Administrative Office in Block 23.a. of the ONR Award Form (10/99), by check made payable to the US Treasury, DFAS, or Dept of Navy.

17. Collection of Amounts Due

In absence of mutual agreement between the recipient and ONR, the ONR Grants Officer/AGO shall make a determination regarding any recipient indebtedness and submit a written notice of such a decision to the recipient. Within 30 calendar days of the ONR Grants Officer's/AGO's determination, the recipient shall either pay the amount owed or inform the ONR Grants Officer/AGO of the recipient's intent to appeal the determination. If the recipient elects not to appeal, any amounts not paid within 30 calendar days of the ONR Grants Officer's/AGO's determination will be considered a delinquent debt. The recipient and ONR Grants Officer/AGO shall attempt to resolve all issues at the ONR Grants Officer/AGO level.

18. Option to Renew

If an option is indicated in Block 30 of the ONR Award Form (10/99), the Government may require the continuation of the research as detailed in Block 15 of the ONR Award Form (10/99). The option must be exercised by a modification to the Grant.

19. Amendment of the Grant

Requests by the Grantee to amend a grant must be in writing to the AGO at the Administrative Office cited in Block 23.a. of the grant. Such requests only become official when incorporated by modification issued by an AGO or ONR Procuring Grants Officer.

20. Activities Abroad

The Grantee shall assure that project activities carried on outside the United States are coordinated as necessary with appropriate Government authorities and that appropriate licenses, permits, or approvals are obtained prior to undertaking proposed activities. The awarding agency does not assume responsibility for Grantee compliance with the laws and regulations of the country in which the activities are to be conducted.

21. Cargo Preference

The recipient agrees that it will comply with the Cargo Preference Act of 1954 (46 U.S.C. 1241), as implemented by Department of Transportation regulations at 46 CFR 381.7, which require that at least 50 percent of equipment, materials or commodities procured or otherwise obtained with U.S. Government funds under this Grant, and which may be transported by ocean vessel, shall be transported on privately owned U.S.-flag commercial vessels, if available.

22. Controlled Unclassified Information

The parties understand that information and materials provided pursuant to or resulting from this Grant may be export controlled, sensitive, for official use only or otherwise protected by law, executive order or regulation. The Grantee is responsible for compliance with all applicable laws and regulations. Nothing in this Grant shall be construed to permit any disclosure in violation of those restrictions.

23. 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.

24. 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 System for Award Management (SAM).

25. Food and Beverage

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

26. Publications and Acknowledgement 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/Technical Representative 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/Technical Representative.
- (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 and symposia.
- (e) Nothing in the foregoing shall affect compliance with the requirements of the article entitled "Security".

27. Live Organisms

By accepting funds under this Grant, the recipient assures that it will comply with applicable provisions of the following national policies concerning live organisms:

- (a) For human subjects, the Common Federal Policy for the Protection of Human Subjects codified by the Department of Health and Human Services at 45 CFR Part 46 and implemented by the Department of Defense at 32 CFR Part 219.
- (b) For animals:
 - (1) Rules on animal acquisition, transport, care, handling, and use in (i) 9 CFR Parts 1-4, Department of Agriculture rules that implement the Laboratory Animal Welfare Act of 1966 (7 U.S.C. 2131-2159, as amended); and (ii) the “Guide for the Care and Use of Laboratory Animals,” National Institutes of Health Publication No. 86-23.
 - (2) Prohibitions on the purchase or use of dogs and cats for certain medical training purposes, in Section 8019 (10 U.S.C. 2241 note) of the Department of Defense Appropriations Act, 1991 (Pub. Law 101-511).
 - (3) Rules of the Departments of Interior (50 CFR Parts 10-24) and Commerce (50 CFR Parts 217-227) implementing laws and conventions on the taking possession, transport, purchase, sale, export or import of wildlife and plants, including the Endangered Species Act of 1973 (16 U.S.C. 1531-1543); Marine Mammal Protection Act (16 U.S.C. 1361-1384); Lacey Act (18 U.S.C. 42); and Convention on International Trade in Endangered Species of Wild Fauna and Flora.

28. Research Involving Recombinant DNA Molecules

Any recipient performing research involving recombinant DNA molecules and/or organisms and viruses containing recombinant DNA molecules agrees by acceptance of this award to comply with the National Institutes of Health "Guidelines for Research Involving Recombinant DNA Molecules", of July 5, 1994 (59 FR 34496), amended August 5, 1994 (59 FR 40170), amended April 27, 1995 (60 FR 20726), and such later revision of those guidelines as may be published in the Federal Register.

29. Environmental Standards

By accepting funds under this Grant, the recipient assures that it will, to the extent required by U. S. law:

- (a) Comply with applicable provisions of the Clean Air Act (42 U.S.C. 7401, et seq.) and Clean Water Act (33 U.S.C. 1251, et. seq.), as implemented by Executive Order 11738 [3 CFR, 1971-1975 comp., p. 799] and Environmental Protection Agency (EPA) rules at 40 CFR Part 15. In accordance with the EPA rules, the recipient further agrees that it will:
 - (1) Not use any facility on the EPA's List of Violating Facilities in performing any award that is nonexempt under 40 CFR 15.5 (awards of less than \$100,000, and certain other awards, exempt from the EPA regulations), as long as the facility remains on the list.
 - (2) Notify the awarding agency if it intends to use a facility in performing this award that is on the List of Violating Facilities or that the recipient knows has been recommended to be placed on the List of Violating Facilities.
- (b) Identify to the awarding agency any impact this award may have on:
 - (1) The quality of the human environment, and provide any help the agency may need to comply with the National Environmental Policy Act (NEPA, at 42 U.S.C. 4321, et seq.) and to prepare Environmental Impact Statements or other required environmental documentation. In such cases, the recipient agrees to take no action that will have an adverse environmental impact (e.g., physical disturbance of a site such as breaking of ground) until the agency provides written notification of compliance with the environmental impact analysis process.
 - (2) Coastal barriers, and provide any help the agency may need to comply with the Coastal Barriers Resource Act (16 U.S.C. 3501, et seq.), concerning preservation of barrier resources.
 - (3) Any existing or proposed component of the National Wild and Scenic Rivers system, and provide any help the agency may need to comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271, et seq.).

30. 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 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.

31. 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.