

**DEPARTMENT OF ENERGY
FEDERAL DEMONSTRATION PARTNERSHIP (FDP) IV
AGENCY SPECIFIC REQUIREMENTS
JUNE 2005**

The FDP General Terms and Conditions (T&Cs) are modified as follows:

1. Awards Covered by FDP T&Cs

These terms and conditions are applicable to new and renewal research and research-related grants and cooperative agreements to FDP participating institutions and organizations.

2. Prior Approval Requirements Not Included in the General T&Cs

Unless specified in the award, no additional prior approvals are required.

3. Unallowable Direct Costs in Addition to Those in OMB Circulars A-21/A-122

Interest penalties for late payment to a subawardee are not allowable costs under the award.

4. Contact Information for Technical Matters

Questions regarding technical matters should be referred to the DOE Project Officer identified in Block 11, "DOE PROJECT OFFICER", on the Notice of Financial Assistance Award.

5. Contact Information for Administrative Matters

Questions regarding administrative matters should be referred to the Contracting Officer or other individual identified in Block 12, "DOE AWARD ADMINISTRATOR," on the Notice of Financial Assistance Award.

6. Contact Information for Intellectual Property Matters

Questions regarding intellectual property matters should be referred to the Patent Counsel designated as the service provider for the DOE office that issued the award. The List of IP Service Providers is found at <http://www.gc.doe.gov/gcmain.html>, click on Intellectual Property and Laboratory Partnering, and then click on List of IP Service Providers.

7. Revised Budget Requirements

Revised budgets should be submitted in the same format as the original budget submission.

8. Reporting Requirements

a. Requirement. The reporting requirements for the award are identified on the Federal Assistance Reporting Checklist, DOE F 4600.2, attached to the award. Failure to comply with the reporting requirements is considered a material noncompliance with the terms of the award. Noncompliance

may result in a withholding of future payments, suspension or termination of the current award, and withholding of future awards. A willful failure to perform or a history of failure to perform or of unsatisfactory performance of this and/or other financial assistance awards may also result in a debarment action to preclude future awards by Federal agencies.

b. Dissemination of scientific/technical reports. Scientific/technical reports submitted under this award will be disseminated on the Internet via the DOE Information Bridge (<http://www.osti.gov/bridge>), unless the report contains patentable material, protected data or SBIR/STTR data. In addition, these reports must not contain any limited rights data (proprietary data), classified information, information subject to export control classification, or other information not subject to release. Citations for journal articles produced under the award will appear on the DOE Energy Citations Database (<http://www.osti.gov/energycitations>).

9. Continuation Application and Funding

a. Continuation Application. A continuation application is a non-competitive application for an additional budget period within a previously approved project period. A continuation application is required if the Budget Period (Block 6) and the Project Period (Block 7) on the Notice of Financial Assistance Award are not the same. At least 90 days before the end of each budget period, the recipient must submit to the DOE Project Officer identified in Block 11 and the DOE Award Administrator identified in Block 12 of the Notice of Financial Assistance Award a continuation application, which includes the following information:

1. A report on progress towards meeting the objectives of the project, including any significant findings, conclusions, or developments, and an estimate of any unobligated balances remaining at the end of the budget period. If the remaining unobligated balance is estimated to exceed 20 percent of the funds available for the budget period, explain why the excess funds have not been obligated and how they will be used in the next budget period.
2. A detailed budget and supporting justification for the upcoming budget period if additional funds are requested, a reduction of funds is anticipated, or a budget for the upcoming budget period was not approved at the time of award.
3. A description of the recipient's plans for the conduct of the project during the upcoming budget period, if there are changes from the DOE approved application.

b. Continuation Funding. Continuation funding is contingent on (1) availability of funds; (2) satisfactory progress towards meeting the objectives of the approved application; (3) submittal of required reports; and (4) compliance with the terms and conditions of the award.

DOE AGENCY SPECIFIC REQUIREMENTS RELATED TO ARTICLES IN THE GENERAL TERMS AND CONDITIONS

10. Payments

REFERENCE: FDP ARTICLE 22 (a)

a. Method of Payment. Unless otherwise specified in the award document, payments will be made by advances through the Department of Treasury's AUTOMATED STANDARD APPLICATION FOR PAYMENTS (ASAP) SYSTEM.

b. Requesting Advances. Requests for advances must be made through the ASAP system. The recipient may submit requests as frequently as required to meet its needs to disburse funds for the Federal share of project costs. If feasible, the recipient should time each request so that it receives payment on the same day that it disburses funds for direct project costs and the proportionate share of any allowable indirect costs. If same-day transfers are not feasible, advance payments must be as close as is administratively feasible to actual disbursements.

c. Adjusting payment requests for available cash. The recipient must disburse any funds that are available from repayments to and interest earned on a revolving fund, program income, rebates, refunds, contract settlements, audit recoveries, credits, discounts, and interest earned on any of those funds before requesting additional cash payments from DOE/NNSA.

d. Payments. All payments are made by electronic funds transfer to the bank account identified on the ASAP Bank Information Form that the recipient filed with the U.S. Department of Treasury.

13. Maximum Obligations

REFERENCE: FDP ARTICLE 25, SECTION (b)(3)

The maximum DOE obligation to the recipient is limited to the amount shown in Block 16. b, "CUMULATIVE DOE OBLIGATIONS" on the Notice of Financial Assistance Award. The recipient is not obligated to continue performance of the project beyond the total amount shown in Block 16.b.(3) and the recipient's pro rata share of the project costs, if cost sharing is required. Subject to the availability of additional funds, DOE anticipates obligating the total amount shown in Block 16.a.(4) for the current budget period.

14. Revision of budget and program plans

REFERENCE: FDP ARTICLE 25

As specified in FDP 25(b)(4), the recipient is required to obtain the Contracting Officer's written approval if it transfers a significant part of the research or substantive programmatic effort. The recipient must obtain this approval only if the transfer represents more than 25 percent of the effort.

15. Reporting Potentially Classifiable Information

REFERENCE: FDP ARTICLE 54

Article 54 is revised as follows:

a. Paragraphs (b)(1) and (2) are revised to read:

(1) Notify the DOE Project Officer identified in Block 11 and the DOE Award Administrator identified in Block 12 of the Notice of Financial Assistance Award;

(2) Submit the information by registered mail directly to the Director, Office of Classification and Information Control, SO-10.2; U.S. Department of Energy; P.O. Box A; Germantown, MD 20875-0963, for classification review.

b. The following paragraph is added as paragraph (c) and the identifiers for the current paragraphs (c) and (d) are changed to “(d)” and “(e).”

(c) If the recipient originates information concerning the production or utilization of special nuclear material (i.e., plutonium, uranium enriched in the isotope 233 or 235, and any other material so determined under section 51 of the Atomic Energy Act) or nuclear energy, it must:

(1) Notify the DOE Project Officer identified in Block 11 and the DOE Award Administrator identified in Block 12 of the Notice of Financial Assistance Award.

(2) Submit the information by registered mail directly to the Director, Office of Classification and Information Control, SO-10.2; U.S. Department of Energy; P. O. Box A; Germantown, MD 20875-0963 for classification review within 180 days of the date the recipient first discovers or first has reason to believe that the information is useful in such production or utilization.

(3) Restrict access to the information to the maximum extent possible until the recipient is informed that the information is not classified, but no longer than 90 days after receipt by the Director, Office of Classification and Information Control.

14. Collection of Amounts Due

REFERENCE: FDP ARTICLE 73

In the absence of a mutual agreement between the recipient and DOE, the Contracting Officer will 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 Contracting Officer's determination, the recipient must either pay the amount owed or inform the Contracting Officer of the recipient's intent to appeal the determination to the DOE Financial Assistance Appeals Board. If the recipient elects not to appeal or in those instances where no right of appeal exists, any amounts not paid within 30 calendar days of the Contracting Officer's determination will be considered a delinquent debt. The recipient and Contracting Officer will attempt to resolve all issues at the Contracting Officer level.

OTHER DOE REQUIREMENTS

15. Recipient Acknowledgment of Award

DOE systems require that certain DOE originated awards be signed by a DOE Contracting Officer and acknowledged by the recipient in order for DOE to make or authorize payment (if the amendment involves the obligation of funds). Except for awards funded solely by the Office of Science, recipients must acknowledge acceptance by returning the signed award/amendment document to the Contracting Officer. Awards funded by the DOE Office of Science will be issued unilaterally by the Contracting Officer.

16. Amendment of the Award

Requests by Recipients to amend an award must be in writing to the DOE Contracting Officer. An award amendment incorporating the request may be unilaterally issued at the discretion of the Contracting Officer.

17. Disputes and Appeals

The recipient must submit claims arising out of or relating to this award in writing to the Contracting Officer and must specify the nature and basis for the relief requested and include all data that supports the claim. DOE will attempt to resolve such claims informally at the Contracting Officer level. All disputes and appeals will be resolved in accordance with the procedures set forth in 10 CFR Part 600.22.

18. Debarment and Suspension

Applicants, recipients, subrecipients, and contractors under DOE financial assistance awards may be debarred and suspended in accordance with the procedures set forth in 10 CFR Part 606.

19. Federal, State, and Municipal Requirements

The recipient must obtain any required permits and comply with applicable federal, state, and municipal laws, codes, and regulations for work performed under this award.

20. Cost Sharing

Cost sharing requirements, if applicable, are specified in the award document.

21. Statement of Federal Stewardship

DOE/NNSA will exercise normal Federal stewardship in overseeing the project activities performed under this award. Stewardship activities include, but are not limited to, conducting site visits; reviewing performance and financial reports; providing technical assistance and/or temporary intervention in unusual circumstances to correct deficiencies which develop during the project; assuring compliance with terms and conditions; and reviewing technical performance after project completion to insure that the award objectives have been accomplished.

22. Statement of Substantial Involvement

The statement of DOE's substantial involvement in the project is specified in the award if the award is a cooperative agreement.

22. Research Misconduct

The recipient must comply with the Department's research misconduct requirements found at 10 CFR 600.31 and 10 CFR part 733.