

**DEPARTMENT OF ENERGY
FEDERAL DEMONSTRATION PARTNERSHIP (FDP) IV
AGENCY SPECIFIC REQUIREMENTS
OCTOBER 2002**

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 to FDP participating institutions or organizations. The FDP T&Cs do not apply to cooperative agreements, contracts, or any other kind of transaction.

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

a. If the award instrument provides a notice that the funds obligated to the award are restricted year funds (e.g. one year money), Recipients must obtain the Contracting Officer's approval prior to initiating a one-time extension or carrying forward unobligated balances to subsequent funding periods (See FDP General T&Cs 25(c)(2) and (4)).

b. Recipients are required to notify the Contracting Officer of the transfer of a significant part of the research or substantive programmatic effort only when the transfer represents more than 25 percent of the effort or a change of scope (See FDP General T&C 25(b)(4)).

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

Interest penalties for late payment under a contract are not allowable costs under this award.

4. Contact Information for Technical Matters

Questions regarding technical matters should be referred to the DOE Project Officer identified in Block 11, A 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, AADMINISTERED FOR DOE BY@, 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 by the Contracting Officer.

7. Revised Budget Requirements

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

8. Reporting

Failure to comply with the reporting requirements contained in this award will be 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.

9. Technical Reporting

- a. Technical Reporting Requirements: Required technical reports are identified on the Federal Assistance Reporting Checklist in the award instrument.
- b. Electronic Submission: Scientific/technical reports must be submitted electronically via the DOE Energy Link System (E-Link) with the appropriate DOE Form 241 (See Federal Assistance Reporting Checklist, DOE F 4600.2). E-Link will allow you to complete the DOE F 241 online and then upload your report. It can be accessed at <http://www.osti.gov/mlink-2413>.
- c. DOE Form 241.3, A.U.S. Department of Energy (DOE), Announcement of Scientific and Technical Information (STI)@: This form and instructions are available on E-Link. If there is any patentable material or protected data in the report, the recipient must, consistent with the data protection provisions of the grant, clearly identify patentable or protected data on each page of the report, identify such material on the cover of the report, and mark the appropriate blocks in Section K of the DOE F 241.3. Other than patentable material or protected data, reports must not contain any proprietary data (limited rights data), classified information, information subject to export control classification, or other information not subject to release. Protected data is specific technical data, first produced in the performance of the award, that is protected from public release for a period of time by the terms of the award agreement.
- d. Electronic Format: Reports must be submitted in the ADOBE PORTABLE DOCUMENT FORMAT (PDF) and be one integrated PDF file that contains all text, tables, diagrams, photographs, schematic, graphs, and charts. E-Link can provide more details about converting a file to PDF. Materials, such as prints, videos, and books, that are essential to the report but cannot be submitted electronically, should be sent to the Contracting Officer at the address listed in Block 12 of the Notice of Financial Assistance Award.

10. Financial Reporting

Financial reporting requirements are identified on the Federal Assistance Reporting Checklist in the award instrument. Financial reports must be submitted to the individuals identified on the Reporting Checklist.

11. Continuation Funding Actions

An informal Continuation Progress Report must be submitted electronically to the DOE Project Officer (E-mail address identified in Block 11 on the Notice of Financial Assistance Award) and the Contracting Officer (E-mail address identified in Block 12 on the Notice of Financial Assistance Award) 90 days prior to the end of the budget period in order to receive a continuation award for the remainder of the project period. This informal report must provide a brief summary of the progress, a comparison of actual accomplishment with the goals established for the reporting period, reasons for slippage if goals were not met, an estimate of unobligated balances at the end of the budget period, and when applicable, an explanation of cost overruns or underruns. Revised budget information must be submitted if there are any significant changes in the size or scope of the project or in the originally negotiated total estimated cost of the project.

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

12. Maximum Obligation

13. Collection of Amounts Due

OTHER DOE REQUIREMENTS

14. Recipient Acknowledgment of Award

15. Amendment of the Award

16. Disputes and Appeals

17. Debarment and Suspension

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

12. Maximum Obligation

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

The maximum DOE obligation to the recipient is limited to the amount shown on the Notice of Financial Assistance award in Block 16. b, ACUMULATIVE DOE OBLIGATIONS@.

13. 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

14. 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.

15. 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 will be unilaterally issued at the discretion of the Contracting Officer.

16. 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.

17. Debarment and Suspension

Applicants, recipients, subrecipients, and contractors under DOE financial assistance awards may be debarred and suspended for the causes and in accordance with the procedures set forth in 10 CFR Part 1036.