

Federal Demonstration Partnership IV OPERATING PROCEDURES

General Information [posted and maintained at http://www.nsf.gov/home/grants/grants_fdp.htm]

Use of FDP Terms and Conditions by Awarding Agencies. Agency research and research-related grants to the participating institutions or organizations are governed by the following, in order of precedence: the Federal statute that authorized the award, a special condition of the award, the FDP Agency-Specific Requirements, and the FDP General Terms and Conditions. Other participating agency grant administrative requirements do not apply to awards made under FDP Terms and Conditions unless incorporated as an Agency Specific Requirement or a special condition of the award. To the extent not otherwise treated in these general terms and conditions or the agency-specific requirements, the awarding agency shall be bound by any of its published rules applicable to this award (whether or not in the form of codified regulations) which:

- Limit the awarding agency's right to take unilateral actions,
 - Establish a right for the recipient, and/or
 - Establish due process requirements (including, but not limited to, any rules providing an administrative process for hearing appeals by the recipient from decisions of the awarding agency).
1. **Authority.** These General Terms and Conditions implement and are consistent with OMB Circulars A-21, A-110, A-122, and A-133, and Appendix E to 45 CFR 74.
 2. **Definitions Used in the FDP Operating Procedures.**
 - (a) *Grant* means the legal instrument reflecting a relationship between the awarding agency and a recipient when the principal purpose of the relationship is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States and substantial involvement is not expected between the awarding agency and the recipient when carrying out the activity contemplated in the agreement.
 - (b) *Research* means a systematic study directed toward fuller scientific knowledge or understanding of the subject studied.
 - (c) *Research-related* means activities involving the training of individuals in research techniques where such activities utilize the same facilities as other research activities.
 - (d) *Federal awarding agency* means any of the Federal agency parties to the Federal Demonstration Partnership Phase IV Agreement
 - (e) *Participating institutions or organizations* means the any awardees who are parties to the Federal Demonstration Partnership Phase IV Agreement
 - (f) *Recipient* means the organization that receives an award
 - (g) *Subaward* means an award of financial assistance in the form of money, or property in lieu of money, made under an award by a recipient to an eligible subrecipient or by a subrecipient to a lower tier subrecipient. The term includes financial assistance when provided by any legal agreement, even if the agreement is called a contract, but does not include procurement of goods and services nor does it include: technical assistance, which provides services instead of money; other assistance in the form of loans, loan guarantees, interest subsidies, or insurance; direct payments of any kind to individuals; and, contracts which are required to be entered into and administered under procurement laws and regulations
 - (h) *Subrecipient* means the legal entity to which a subaward is made and which is accountable to the recipient for the use of the funds provided.
 3. **Agency-Specific Requirements.** Awarding agencies may specify requirements in addition to those in the General Terms and Conditions, provided these requirements are permissible under OMB Circulars A-21, A-110, or A-122. These Agency-Specific Requirements are found with the General

Terms and Conditions at the following website: http://www.nsf.gov/home/grants/grants_fdp.htm
In their Agency-Specific Requirements, agencies:

- (a) State which awards are covered by FDP terms and conditions. (If an agency wants to make a point of the fact that a particular class of awards is not covered, it should state these, too.)
- (b) State any additional prior approval requirements not included in the general T&C's
- (c) State which categories of costs aside from those in A-21 are unallowable as direct charges
- (d) Provide contact information for technical matters (probably titles, not individuals)
- (e) Provide contact information for administrative matters (probably titles, not individuals).
- (f) Provide contact information for intellectual property (titles, not individuals).
- (g) State other agency-specific requirements, with reference to general requirements if possible.
- (h) State whether revised budgets must be submitted on agency forms
- (i) Specify format, content, and timing of technical reporting.
- (j) Specify form and timing of final financial reporting
- (k) State any additional documentation besides progress reports needed to trigger incremental funding

4. Revisions to Federal Demonstration Partnership General Terms and Conditions and Agency-Specific Requirements.

- (a) **Standard Procedure (FDP General Terms and Conditions).** Any FDP member (federal or non-federal) wishing to propose a change in the FDP General Terms and Conditions will present the proposal to the FDP Executive Committee at a regularly scheduled FDP meeting. The Executive Committee may approve the proposed change, reject it, or refer it to the Standing Committee on Terms and Conditions for review and recommendation. While the Executive Committee can reject specific recommendations, any terms or conditions that are mandated by law or Executive Order will be subject the procedure in Section 5.(c) below if agreement cannot be reached in time to meet legal requirements. If approved, either immediately or at a later meeting on the advice of the Standing Committee on Terms and Conditions, the FDP membership will be notified (either in writing or electronically) by the Standing Committee on Terms and Conditions and the change will be incorporated into the official FDP General Terms and Conditions located on the National Science Foundation website (http://www.nsf.gov/home/grants/grants_fdp.htm)
- (b) **Standard Procedure (Agency-Specific Requirements).** Any federal agency FDP member planning to make a change in their Agency-Specific Requirements will present the change to the FDP Executive Committee at a regularly scheduled FDP meeting. The FDP Executive Committee may concur with the proposed change or refer it to the Standing Committee on Terms and Conditions for review and recommendation. Federal agencies will accept for consideration all suggestions and recommendations and answer all questions from FDP participants concerning their proposal. The federal agency involved, however, retains the right to make the change if it determines it is in the best interest of the government. Immediately upon finalization of the change, the FDP membership will be notified (either in writing or electronically) by the federal agency and the change will be incorporated into the official Agency-Specific Requirements for that federal agency located on the National Science Foundation website.
- (c) **Expedited Procedure.** If an Executive Order, statutory change, or similar action urgently requires a change in the FDP General Terms and Conditions or Agency-Specific Requirements, that cannot reasonably be accomplished in the time available using the standard procedures (see Sections 5.(a) and 5.(b) above), the federal agency requiring the change will notify the FDP Executive Committee as well as disseminate the change (either in writing or electronically) to the FDP membership. The change will be incorporated into the official FDP or Agency-Specific Requirements located on the NSF website.

5. Subrecipient Provisions. Subawards from FDP participating institutions or organizations to other FDP participating institutions are governed by FDP Terms and Conditions (both general and agency-

specific). Subawards from FDP participating institutions or organizations to non-FDP participating institutions or organizations are subject to the terms and conditions of Appendix A to these FDP Operating Procedures, entitled “**Provisions Related to Subgrants Made Under FDP Awards.**” The Subrecipient is to seek any prior approvals from the FDP Recipient, and not the Federal Awarding Agency. The authority of the Recipient to approve requests from Subrecipients without submitting the requests to the Awarding Agency for approval is limited to changes the Recipient has the authority to make on its own behalf.

6. **National Policy Requirements.** Recipients and subrecipients of FDP grants are responsible for compliance with applicable requirements shown in Appendix B to these FDP Operating Procedures, entitled “**National Policy Requirements.**”
 7. **Electronic Research Administration.** FDP IV has as its primary focus the demonstration of reengineered processes and systems for federal support of research and education, with emphasis on electronic research administration (ERA) demonstrations that provide administrative relief for faculty researchers. Participating agencies and institutions are encouraged to work together to implement a common format for proposal submission. Elements of the common format include a set of information about awardees to be agreed upon by participating Agencies, representations and certifications from the Institutions, and a common data set for submission of professional data by principal investigators and other senior project personnel. The goal of these ERA activities is a one-time submission of data with annual confirmations or updates to reduce the burden on the submitting Institutions and their investigators. Agencies and institutions are also encouraged to focus ERA activities on post-award activities. Such activities should include but not be limited to the development of an electronic award notification process and electronic technical report templates.
 8. **Information Contact.** Further information concerning these general terms and conditions may be obtained by contacting the federal awarding agency.
- **Effective Date.** The general terms and conditions are effective with new and continuation awards made on or **July 1, 2004.**