

**COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE
U.S. DEPARTMENT OF AGRICULTURE**

**FEDERAL DEMONSTRATION PARTNERSHIP (FDP) III
AGENCY-SPECIFIC TERMS AND CONDITIONS
(July 2000)**

Agency Home Page: <http://www.reeusda.gov/>

Forms Website: <http://www.reeusda.gov/1700/funding/ourfund.htm>

Administering Grant Offices Website: <http://www.reeusda.gov/crgam/oe/>

ARTICLE 1. AWARDS COVERED BY THE FDP TERMS AND CONDITIONS

All research and research-related grants issued to FDP members. These terms and conditions will not apply to building and facilities awards or cooperative agreements.

ARTICLE 2. PRIOR APPROVAL REQUIREMENTS NOT INCLUDED IN THE GENERAL T&CS

Subcontracts

No more than 50 percent of the total dollars of this award may be subcontracted to another party(ies) without prior written approval of the Authorized Departmental Officer (ADO) except subcontracts to Federal agencies. **Any subcontract awarded to a Federal agency under this award must have prior written approval of the ADO.** To request approval a justification for the proposed subcontractual arrangements, a performance statement, and a detailed budget for the subcontract must be submitted to the ADO.

No-cost Extension of Time

Where more than one no-cost extension or an extension of more than 12 months is required, the extension(s) **must be approved in writing by the ADO.** The awardee shall prepare and submit a **written request (which must be received by the Grants Management Branch (GMB) or the Agreements and Special Projects Branch (ASPB), as appropriate, no later than 30 days prior to the expiration date of the award) to the ADO** identified in Block 1 of the Agreement Face Sheet, Form CSREES-2009. ADO information is as follows:

Grants Management Branch
Office of Extramural Programs
Cooperative State Research, Education,
and Extension Service
U.S. Department of Agriculture
STOP 2246
1400 Independence Avenue, S.W.
Washington, D.C. 20250-2246
Telephone: (202) 401-5050
Facsimile: (202) 401-3237

Agreements and Special Projects Branch
Office of Extramural Programs
Cooperative State Research, Education,
and Extension Service
U.S. Department of Agriculture
STOP 2295
1400 Independence Avenue, S.W.
Washington, D.C. 20250-2295
Telephone: (202) 401-4342
Facsimile: (202) 401-6271

The request must contain, at a minimum, the following information:

- a. The length of additional time required to complete project objectives and a

- justification for the extension (see last paragraph of this article);
- b. A summary of progress to date (a copy of the most recent Research Work Unit/Project Description Progress Report, Form AD-421, and, where applicable, the attachment is acceptable provided the information is current);
 - c. An estimate of funds expected to remain unobligated on the scheduled expiration date;
 - d. A projected timetable to complete the portion(s) of the project for which the extension is being requested; and
 - e. Signature of the Authorized Organizational Representative and the Principal Investigator. Any request received by the agency that does not meet this requirement will be returned for the necessary signature(s).

Funding Period

Statutory language or agency policy may limit the maximum potential funding period (including any awards transferred from another institution or organization). The funding period will commence on the effective date cited in the award instrument. Any such limitation also applies to subcontracts made under awards subject to a funding period limitation.

ARTICLE 3. UNALLOWABLE DIRECT CHARGES ASIDE FROM THOSE IN A-21/A-122

Fixed Equipment and Real Property

No funds awarded under the authorities of Sec. 2(b), 2(c)(1)(A), and 2(c)(1)(B) of Pub. L. No. 89-106, as amended, may be used for the renovation or refurbishment of research spaces; the purchase or installation of fixed equipment in such spaces; or for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

Indirect Costs and Tuition Remission

Statutory language may limit or prohibit the amount of allowable indirect costs. If such language applies to this award, the limit is identified on the budget as appropriate. When indirect costs are limited, the indirect costs allowable will be the lesser of the following amounts: (1) the Federally approved negotiated indirect cost rate and base, or (2) the limit identified in the statutory language.

Note: Any limitation or prohibition of indirect costs on the awardee also applies to subcontracts under the funded awards.

Indirect costs and tuition remission costs are unallowable if this award is issued under the authority of Sec. 2(c)(1)(B) of the Act of August 4, 1965, Pub. L. No. 89-106; Sec. 1472, Sec. 1475(d), and Sec. 1480 of the National Agricultural Research, Extension and Teaching Policy Act of 1977 (NARETPA), as amended, Pub. L. No. 95-113); and the Smith-Lever Act of May 8, 1914, as amended. This limitation also applies to subcontracts made under awards subject to any of these authorities.

Meals

Business meals may not be charged as project costs when individuals decide to go to breakfast, lunch, or dinner together when no need exists for continuity of a meeting. Such activity is considered to be an entertainment cost. In contrast, it is CSREES policy that a formal group meeting being conducted in a business atmosphere may charge meals to the project if such activity maintains the continuity of the meeting and to do otherwise will impose arduous conditions on the meeting participants. Note: Meals consumed while in official travel status do not fall in this category. They are considered to be per diem expenses and should be reimbursed in accordance with the organization's established travel policies.

Fixed Equipment

Expenditures for the acquisition or improvement of general and special purpose equipment is allowable, without prior agency approval, if the cost of the equipment is appropriately prorated among the activities to be benefitted.

Personal Injuries

Grant funds cannot be used for compensation for injuries to persons or loss, theft, or damage to property during project activities.

ARTICLE 4. CONTACT INFORMATION FOR TECHNICAL MATTERS

Questions regarding technical matters should be referred to: the programmatic contact person identified in Block 4 of the Agreement Face Sheet (Form CSREES-2009).

ARTICLE 5. CONTACT INFORMATION FOR ADMINISTRATIVE MATTERS

Questions regarding administrative matters should be referred to: the administrative contact person identified in Block 4 of the Agreement Face Sheet (Form CSREES-2009).

ARTICLE 6. CONTACT INFORMATION FOR INTELLECTUAL PROPERTY MATTERS

Questions regarding intellectual property matters (this does **not** include questions and issues regarding Interagency Edison) should be referred to:

Deputy Assistant General Counsel for Patents
Research and Operations Division
Office of the General Counsel, USDA
STOP 1415
1400 Independence Avenue, S.W.
Washington, D.C. 20250-1415

Requests for detailed instructions or other questions regarding Interagency Edison should be directed to:

Division of Extramural Inventions and Technology Resources
National Institutes of Health
6701 Rockledge Drive, Room 3175, MSC 7750
Bethesda, Maryland 20892-7750
Telephone: (301) 435-1986
Facsimile: (301) 480-0272
E-mail: edison@nih.gov

ARTICLE 7. REVISED BUDGETS REQUIREMENTS

Revised budgets must be submitted on agency forms and must be signed accordingly. A budget narrative must accompany the budget.

ARTICLE 8. TECHNICAL REPORTING

Invention Disclosure and Related Information Requirements

Invention disclosure statements pursuant to 37 CFR Part 401.14(c) shall be made in accordance with the following instructions by (1) electronic submission to Interagency Edison, or (2) paper submission via facsimile or U.S. Mail:

Invention Disclosure

Electronic Submission Via Interagency Edison Web Interface: To access Interagency Edison for the purpose of electronically reporting patents and inventions: Get into Netscape or any SSL (secure socket layer) web browser. Once in an SSL browser, go to the URL:

<http://www.iedison.gov> (Interagency Edison Home Page) and access the instructions component. Requests for detailed instructions or other questions regarding Interagency Edison should be directed to:

Division of Extramural Inventions and Technology Resources
National Institutes of Health
6701 Rockledge Drive, Room 3175, MSC 7750
Bethesda, Maryland 20892-7750
Telephone: (301) 435-1986
Facsimile: (301) 480-0272
E-mail: edison@nih.gov

After the disclosure of the invention is reported electronically through the Interagency Edison Web interface, a signed copy of the invention disclosure must be submitted to the Division of Extramural Inventions and Technology Resources (DEITR), National Institutes of Health (NIH) within 2 months of the electronic submission. The signed disclosure should contain a brief description of the original invention including the Title, Inventor(s) Name(s), and source of Federal support used (e.g., Agency Award Number). The awardee may fax the signed disclosure to the facsimile number identified above (it is not necessary to mail the original to DEITR). After the disclosure is received by DEITR and acknowledged in the Interagency Edison System, a copy of the disclosure will be sent to CSREES.

Paper Submission Via U.S. Mail: If access to Interagency Edison is unavailable, the invention disclosure should be sent directly to the DEITR at the above address. After the disclosure is received by DEITR, it will be entered into the Interagency Edison database prior to being sent to CSREES.

Other Invention, Patent, and Utilization Reporting Information

Electronic Submission Via Interagency Edison Web Interface: The Interagency Edison is to be used to exact any changes to the disposition of the invention, including title election or non-election, assignment of rights to third parties, patent application(s), domestic manufacturing waiver and invention utilization reports.

Even if information is submitted via Interagency Edison, hard copies of several documents must be submitted to DEITR.

- (1) Once a patent is applied for and an application serial number is available, a confirmatory license to the Government must be submitted. Such a license must also be submitted in instances where the invention has been licensed but not patented (as is the case of biological materials).

- (2) Commensurate with patent application or patent issue the awardee must submit a copy of the portion of the patent that contains the "Government Support Clause," offering proof of formal acknowledgment of Government support of the patent's underlying invention.
- (3) Requests for assignment of rights to third parties (e.g., the inventor) must include certification of the inventor. The certification process is defined and can be carried out through the Interagency Edison web site. The signed certification must be submitted to DEITR via facsimile (preferable) or U.S. Mail.
- (4) Requests for waiver of domestic manufacturing must be received in hard copy including a detailed justification. Once the relevant information is received by DEITR and entered into the Interagency Edison system, copies of the correspondence will be forwarded to CSREES.

Paper Submission Via U.S. Mail: If access to Interagency Edison is unavailable, any changes to the disposition of the invention, including title election or non-election, assignment of rights to third parties, patent application(s), domestic manufacturing waiver and invention utilization reports should be sent directly to the DEITR at the above address. After such actions are received by DEITR, they will be entered into the Interagency Edison database prior to being sent to CSREES.

Current Research Information System (CRIS)

All **research** projects supported by CSREES-USDA **must** be documented in the Current Research Information System (CRIS). Forms AD-416, "Research Work Unit/Project Description-Research Resume," and AD-417, "Research Work Unit/Project Description-Classification of Research," are required to establish this project in CRIS. Except as noted below, the USDA contact for all CRIS documentation is:

Current Research Information System
Cooperative State Research, Education, and
Extension Service
U.S. Department of Agriculture
5th Floor, NAL Building
Beltsville, Maryland 20705
Telephone: (301) 504-6846
Fax: (301) 504-6272
E-mail: CRIS@CRIS.NAL.USDA.gov

CSREES WILL NOT RELEASE FUNDS FOR THIS PROJECT UNTIL THE REQUIRED FORMS HAVE BEEN RECEIVED BY GMB OR ASPB.

a. Initial Documentation in the CRIS Database

CSREES requires CRIS documentation for all **NEW** research awards in CRIS. These forms (Forms AD-416 and AD-417) are either requested by the appropriate CSREES Program Manager, GMB, or ASPB. The forms should be faxed to GMB at (202) 401-3237 or ASPB at (202) 401-6271, as appropriate.

Questions relating to the technical (i.e., scientific) portions of Forms AD-416 and AD-417 should be referred to the technical contact person.

b. Annual CRIS Reports

Each year that the project is active, the CRIS office will forward to the awardee Forms AD-419, "Research Work Unit/Project Description-Research Funds and Staff Support," and AD-421, "Research Work Unit/Project Description-Progress Report." Form AD-419 should be completed in accordance with instructions that accompany the form and should be returned to the CRIS office by December 15. Form AD-421 will be forwarded annually to the awardee for completion and submission. Electronically transmitted reports are acceptable where such capability is available. Otherwise, the form must be returned directly to the CRIS office at the address shown above.

Normally, **annual** performance reports are due 90 days after the award=s anniversary date.

Where the requested due date for submission of Form AD-421 does not correspond to the usual 90-day schedule for performance reporting (due to the fixed nature of the CRIS reporting cycle and the variable nature of the award reporting schedule), the awardee may use the CRIS cycle instead of the 90-day requirement. The awardee has the option of returning the completed Form AD-421 by January 1 of each year (covering the prior Federal fiscal year of October 1 through September 30) or by April 1 of each year (covering the prior calendar year).

Form AD-421 must include appropriate identifying data (the awardee=s name, the award number assigned to the project by CSREES, and the title of the project) as well as a summary of research results and conclusions. **In addition, the following information, when applicable, must be submitted on a separate page attached to Form AD-421:**

- (1) A comparison of actual accomplishments with the goals established for the reporting period (where the output of the project can be expressed readily in numbers, a computation of the cost per unit of output should be submitted if the information is considered useful);
- (2) The reasons for slippage if established goals were not met; and
- (3) Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or unexpectedly high unit costs.

c. Final CRIS Reports

In the month that an award is due to terminate, a request for the final technical report will be forwarded to the award recipient. The report should encompass progress made during the entire timeframe of the project instead of covering accomplishments made only during the final reporting segment of the project. In addition to supplying the information required under section b., (1) through (3) of this article, the final report must include the following when applicable:

- (1) A disclosure of any inventions not previously reported that were conceived or first actually reduced to practice during the performance of work under this award; and
- (2) A written statement on whether or not the awardee elects (or plans to elect) to obtain patent(s) on any such invention.

d. CRIS Web Site Via Internet

Please note the importance of preparing well written progress and technical reports. The CRIS database is used extensively by Federal and State scientists and administrators and is available to the public on the worldwide web. CRIS project information is available via the Internet CRIS web site at: <http://cristel.nal.usda.gov:8080>

Other sites providing links to the CRIS database include the CRIS Forms web site and the National Agricultural Library Home page at: <http://ctr.uvm.edu/cris/intro.htm>) **and** <http://www.nal.usda.gov>, respectively.

CRIS theme reports, highlighting USDA and State research on topics of national or special interest, are compiled periodically and are available over the Internet at: <http://ctr.uvm.edu/cris/theme/theme.htm>

Genome Map and Sequence Data Disclosure

If genome sequence data has been obtained, the sequence **must** be submitted to GenBank. The date of submission to GenBank shall be on the same date as the Government's right to publish. Submission of data to GenBank is without charge. Information concerning GenBank protocols may be obtained via the worldwide web, <http://www.ncbi.nlm.nih.gov/>, or by contacting the National Center for Biotechnology Information at the following address:

National Center for Biotechnology Information
National Library of Medicine
Building 38A, Room 8N805
Bethesda, MD 20894
Telephone: (301) 496-2475
Facsimile: (301) 480-9241

Recipients who submit genome sequencing data information to GenBank must report this fact as part of the final reporting requirements.

Dissemination of Project Results

The recipient must notify the technical contact, via a listing clearly labeled with the award number, of any Worldwide Web-based materials resulting from the work.

ARTICLE 9. FINANCIAL REPORTING

All questions relating to financial reports should be submitted to:

Funds Management Branch
Office of Extramural Programs, CSREES
U.S. Department of Agriculture
STOP 2298
1400 Independence Avenue, S.W.
Washington, D.C. 20250-2298
Telephone: (202) 401-4527

Financial Status Report

A Financial Status Report, **Form SF-269**, is due 90 days after the expiration date of this award. An

original and two copies must be submitted to the Funds Management Branch (FMB) at the address shown above.

- (1) The awardee shall report program outlays and program income on the same accounting basis (i.e., cash or accrual) that it uses in its normal accounting system.
- (2) When submitting a final financial report, the total matching contribution, if required, should be shown in Item 12., Remarks.
- (3) The SF-269 report must not show any unpaid obligations. If the awardee still has valid obligations that remain unpaid when the SF-269 is due, it shall submit a provisional report (showing the unpaid obligations) by the due date and a true report when all obligations have been liquidated. When submitting a provisional report, the awardee shall inform FMB when it expects to submit a true report. If the FMB waives provisional reports, the awardee will be so notified.

Awards that Require the Awardee to Provide Cost Participation

It may be necessary to submit an annual Financial Status Report, Form SF-269, to CSREES. If an annual SF-269 is required, it will be indicated on the Agreement Face Sheet, Form CSREES-2009 in which case it must be submitted no later than 90 days following the end of the Federal fiscal year, September 30.

ARTICLE 10. INCREMENTAL FUNDING ACTIONS

Competitive Renewals

The request for continued support should contain all the required elements of a proposal as described in the applicable request for proposals including a progress report. The application cover page should indicate, along with the prior CSREES award number, that the proposal is a renewal. The renewal proposal will proceed through the competitive review process in the same manner as other proposals.

Noncompetitive Renewals and Continuations

For noncompetitive renewal grants, the request should contain all the required elements of a proposal as described in the applicable request for a proposal including a progress report. The application cover page should indicate, along with the prior CSREES award number, that the proposal is a renewal. For continuation grants, the request.

The request for continued support should contain an Application for Funding, an Assurance Statement if applicable, a proposed budget and narrative for the ensuing period, and an interim progress report detailing all work performed to date.

ARTICLE 11. AGENCY SPECIFIC REQUIREMENTS RELATED TO ARTICLES IN THE GENERAL TERMS AND CONDITIONS

Real Property

References in the General Terms and Conditions to recipient and awarding agency compliance with the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151 et seq.) and Sec. 502 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Sec. 792) do not apply to this award.