

**EFFECTIVE MAY 2001**

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

**TERMS AND CONDITIONS  
SMALL BUSINESS INNOVATION RESEARCH GRANTS PROGRAM  
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## **1. APPLICABLE REGULATIONS**

**a. Administrative Provisions** - This award, and subawards at any tier under this award, shall be governed to the extent applicable by the provisions of 7 CFR 3015, “Uniform Federal Assistance Regulations,” 7 CFR Part 3016, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” 7 CFR Part 3019, “Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Non-profit Organizations,” 7 CFR Part 3052, “Audit of States, Local Governments, and Non-profit Organizations,” and 7 CFR 3403, “Small Business Innovation Research Grants Program.”

**b. Federal Cost Principles** - Allowable costs will be determined in accordance with the applicable program legislation, the purpose of the grant award, the terms and conditions for the grant award as contained herein, and by the following Federal cost principles that are applicable to the type of organization receiving the award, regardless of the type of award or tier (i.e., prime awardee, subaward) as are in effect at the time of the award:

- (1) **OMB Circular No. A-21**, “Cost Principles for Institutions of Higher Education.”
- (2) **OMB Circular No. A-87**, “Cost Principles for State and Local Governments (including certain Indian tribal governments).”
- (3) **OMB Circular No. A-122**, “Cost Principles for Nonprofit Organizations” other than institutions of higher education (nonprofit organizations excluded from coverage are listed in Attachment C of OMB Circular No. A-122).
- (4) **Federal Acquisition Regulations** (48 CFR Subpart 31.2), “Principles for determining costs with profitmaking firms and those nonprofit organizations that are specifically excluded from the provisions of OMB Circular No. A-122.”
- (5) **45 CFR Part 74, Appendix E**, “Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals.”

## **2. DEFINITIONS**

**a. Authorized Departmental Officer (ADO)** - the individual, acting within the scope of delegated authority, who is responsible for executing and administering awards on behalf of the U.S. Department of Agriculture. ADO address, telephone, and facsimile numbers are 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
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**b. Authorized Organizational Representative (AOR)** - the individual who is authorized to commit the awardee's time and other resources to the project, to commit the awardee to comply with the terms and conditions of the award instrument including those

set out herein, and to otherwise act for or on behalf of the awardee institution, organization, or other entity.

- c. **Awardee** - the small business receiving financial assistance directly from Federal awarding agencies to carry out a project or program.
- d. **Principal Investigator (PI)/Project Director (PD)** - the individual designated by the awardee in the award application and approved by the Cooperative State Research, Education, and Extension Service (CSREES) who is responsible for the direction and management of the project.
- e. **Programmatic Contact** - a CSREES individual who is responsible for the technical oversight of the award on behalf of the USDA.

### **3. PRIOR APPROVAL REQUIREMENTS**

The following are the most common situations requiring prior approval. However, the awardee is bound by any other prior approval requirements of the applicable administrative provisions and Federal cost principles (see Article 1.)

#### **Scope or Objectives**

When it is necessary to modify the scope or objectives of the award, the AOR shall submit to the ADO a justification for the change along with the revised scope or objectives of the award. The request should be submitted to the applicable ADO address or facsimile number identified in Article 2.a.

#### **Change Key Personnel**

When it is necessary to change key personnel, the AOR shall submit a written request to the ADO to replace the key personnel. The request should contain a copy of the new individual's curriculum vita and a signature of the proposed replacement signifying his/her willingness to serve on the project. The request should be submitted to the applicable ADO address or facsimile number identified in Article 2.a.

#### **Subcontractual Arrangements**

To obtain authorization from the ADO, the AOR shall submit to the ADO a justification for the proposed subcontractual arrangements, a statement of the work to be performed, a detailed budget, and a budget narrative for the subcontract. Subcontractual arrangements that are disclosed in the proposal or modifications thereto do not require additional post-award approval unless language in the award specifically states otherwise.

The awardee is responsible, without recourse to CSREES, regarding the settlement and satisfaction of all contractual and legal issues arising out of contracts, grants, or other instruments entered into between the awardee and third parties to carry out approved project activities. Matters concerning violation of law should be referred to the Federal, State, or local authority having proper jurisdiction.

**NOTE: Subcontracting/consulting fees may not exceed one-third of the research or analytical effort during a Phase I project and one-half of the research or analytical effort during a Phase II project.** Subcontractors/consultants must obtain prior written university approval to use or work on university property as a subcontractor/consultant under a SBIR award. In addition, subcontractors/consultants are required to perform their portion of the work in the United States.

#### **Consulting Services**

If the use of consultant services becomes necessary during project performance, the awardee may enter into appropriate arrangements as needed to obtain such services provided that:

- a. The use of a consultant or consultants does not constitute the transfer of substantive programmatic work requiring prior approval; or
- b. The awardee does not propose to pay a consulting fee to one of its own employees.

Where one of these conditions exists and the consulting services are not a part of the approved budget, the awardee shall request written approval from the ADO prior to entering into the consulting arrangement(s) or agreeing to pay costs associated with the rendering of such services. The request shall include a justification, performance statement, rate of pay and a vitae. Any request of this nature must be signed or countersigned by the AOR.

Federal employees may provide consulting services to the awardee or to a subrecipient as required to achieve project objectives and may be compensated for their services provided that such services are performed outside of their official duty hours or while they are in leave status and provided also that they receive approval from their respective agencies prior to rendering these services. Under no circumstances may employees of CSREES receive compensation under a CSREES-supported project, regardless of tier.

#### Post-Award Budget Changes

The awardee may not revise the approved budget (Form CSREES-55) without prior written approval from the ADO. Requests for approval of budget changes must be initiated as soon as it becomes apparent that approved costs in any budget category will be exceeded or when a change in the composition or amount of previously approved items (e.g., equipment, consultant fees, subcontracts) within a budget category is anticipated. Note that only items of equipment identified in the approved budget may be purchased; no change in items of equipment is allowed without prior written approval. Under Phase I projects, the amount budgeted for equipment (including any increases made subsequent to award) shall not exceed 10% of the award unless the recipient has been granted written approval by CSREES. **Failure to obtain prior approval of budget changes may result in the disallowance of costs and in award funds being returned to the Federal government by the awardee.** All requests for approval must be signed by the AOR and the PI/PD. No budget change will be authorized that is inconsistent with statutory requirements and/or restrictions, the purpose of the award, or these terms and conditions.

#### Travel

All travel performed under this award must be approved in writing by the ADO prior to departure. If travel is authorized under this project, the approved budget will so state. Where travel is contemplated subsequent to the effective date of the project, a written request must be submitted to the ADO outlining the purpose of the proposed trip, the inclusive dates of travel, the destination, and estimated costs involved. The request must be signed or countersigned by the AOR and PI/PD.

#### Changes of Name or Legal Status

NOTE: If an awardee is contemplating any type of transaction involving the entity (i.e., merger, spin-off, or sale), it is advised that the awardee contact the Director of the SBIR program for knowledge of how the transaction may affect the award. The awardee shall notify the ADO promptly of any pending change in its name or address, its principal operating officers, or the legal status of the awardee institution, organization, or entity, including, but not limited to, change brought about through merger, divestiture, or bankruptcy. Any such notification must be signed or countersigned by the AOR. Upon notification, the ADO shall provide appropriate instructions to the awardee through the AOR.

#### Absence of or Change in Project Leadership

When a PI/PD plans to:

- relinquish active direction of the project for a period of more than three consecutive months,
- have a 25 percent or more reduction in the time devoted to the project, or
- sever his or her connection with the awardee,

the awardee has several options and responsibilities.

**a.** If the PI/PD's absence is temporary, the AOR must notify the ADO in writing of arrangements for the continuing conduct of the project (i.e., identify who will be in charge during the PI/PD's absence, including his/her curriculum vita and his/her written concurrence).

**b.** If the PI/PD severs his/her affiliation with the awardee, the awardee's options include:

1) Replacing the PI/PD on the Project - The AOR must request, in writing, ADO approval of the replacement PI/PD and must include a copy of his/her curriculum vita. The request must also contain the signature of the proposed replacement PI/PD signifying his/her willingness to assume leadership of the project.

2) Relinquish the Award - If neither of the previous options is viable and the awardee wishes to relinquish the award, the following procedures should be followed: the awardee should send a letter, signed by the AOR and PI/PD, to the ADO which indicates the awardee is relinquishing the award. The letter should include the date the PI/PD is leaving and a summary of progress to date (the progress report can be accomplished by attaching a final Current Research Information System (CRIS) Form AD-421 (see Article 9). A final Form SF-269, "Financial Status Report" (see Article 19.), which reflects the total amount of funds spent by the awardee, should be attached to the letter.

### No-Cost Extensions of Time

Where a no-cost extension of time is required, the extension(s) must be approved in writing by the ADO. The AOR shall prepare and submit a written request to the applicable ADO address or facsimile number identified in Article 2.a. **The request must be received by the Office of Extramural Programs, CSREES, no later than 30 days prior to the expiration date of the award** and must contain 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 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 (see last paragraph of this article);
- d. A projected timetable to complete the portion(s) of the project for which the extension is being requested; and
- e. Signature of the AOR and PI/PD. Any request received in CSREES that does not meet this requirement will be returned for the necessary signature(s).

The fact that funds are expected to remain unobligated at the expiration of the award is not in itself sufficient justification to receive an extension of time unless otherwise authorized in the program legislation. Normally, no single extension may exceed 12 months and only in exceptional cases will more than one extension be considered. A Phase I project will not be extended for a period of time that would result in the grantee being ineligible to apply for a Phase II award.

**NOTE: Requests for no-cost extensions of time received after the expiration date of the award normally will NOT BE HONORED. Only in extremely rare instances where there are exceptional extenuating circumstances will such requests be considered.**

### Pre-award Costs

Where pre-award costs are incurred, such costs must be approved in writing by the ADO. The AOR shall prepare and submit a written request to the applicable ADO address or facsimile number identified in Article 2.a. The request must be received and approved by the CSREES Office of Extramural Programs prior to charging such costs to the award. The request must include a justification for the incurrence of the pre-award costs and, if the costs are not reflected in the CSREES approved budget, a general breakdown of how the funds were used along with the dollar amounts. The request must contain the signature of the AOR and the PI/PD.

## **4. UNALLOWABLE COSTS**

The following costs are unallowable under this grant unless otherwise permitted by law or approved in writing by the ADO:

- a. Costs above the amount authorized for the project;
- b. Costs incurred before the effective date of the award (see Article 3, Pre-award Costs);
- c. Costs incurred after the expiration of the award including any no-cost extensions of time;
- d. Costs which lie outside the scope of the approved project and any amendments thereto;
- e. Entertainment costs regardless of their apparent relationship to project objectives;
- f. 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.

- g.** Independent research and development costs;
- h.** Compensation for injuries to persons or damage to property arising out of project activities;
- i.** Consulting services performed by a Federal employee during official duty hours when such consulting services result in the payment of additional compensation to the employee;
- j.** None of the funds under this award may be used towards travel costs for CSREES employees.

This list is not exhaustive. Questions regarding the allowability of particular items of cost should be directed to the ADO address or facsimile number identified in Article 2.a.

**NOTE:** Costs which have been determined to be unallowable, whether by statutory or regulatory mechanism, may not be used to meet any required non-Federal share of costs.

## **5. LIMIT OF FEDERAL LIABILITY**

The maximum obligation of CSREES to the awardee is the amount indicated in the award as obligated by CSREES. Nothing in this article or in the other requirements of this award requires CSREES to make any additional award of funds or limits its discretion with respect to the amount of funding to be provided for the same or any other purpose. However, in the event that an erroneous amount is stated in the award, the approved budget, or any supporting documentation relating to the award, CSREES shall have the unilateral right to make the correction and to make an appropriate adjustment in the CSREES share of the award to align with the Federal amount authorized.

## **6. PAYMENTS**

Payments will be made by electronic funds transfer through the Department of Health and Human Services' Payment Management System (DHHS-PMS). Requests for payment should be in accordance with DHHS-PMS instructions. All questions relating to payments should be submitted to:

Funds Management Branch  
Office of Extramural Programs  
Cooperative State Research, Education,  
and Extension Service  
U.S. Department of Agriculture  
STOP 2298  
1400 Independence Avenue, S.W.  
Washington, D.C. 20250-2298  
Telephone: (202) 401-4527  
Facsimile: (202) 401-3481

Drawdown instructions will be sent to you under separate cover. Payments shall be made according to the following schedule:

- a.** Aggregate payment requests of up to 50% of total award dollars will be honored during the first half of the project.
- b.** A mid-project payment request should accompany the progress report required by Article 8. Upon acceptance of the performance report, up to an additional 35% of total award dollars will be paid to the awardee.
- c.** The final 15% of total award dollars will be paid upon receipt and acceptance of the comprehensive final technical report required under Article 19.b.

If an awardee is a sole proprietorship, funds awarded shall be deposited in a separate bank account and CSREES, through the ADO, shall be informed of the name and location of the bank. In addition, arrangements must be reached between the awardee and the bank of deposit of the award funds in accordance with the following: the account must be of a nature that permit the bank of deposit to

return unused funds remaining in that account to CSREES in the event of the awardee's demise. However, CSREES shall not be named a joint owner of such an account, but rather as beneficiary. These arrangements also must be reported to CSREES through the ADO.

## **7. FINANCIAL REPORTING**

**a. Report of Federal Cash Transactions** - Awardees must complete a SF-272, Report of Federal Cash Transactions and, when necessary, the continuation sheet, SF-272-A no later than 15 working days following the end of each quarter. These reports are used to monitor cash advanced to awardees and to obtain disbursement and outlay information for each award. The Funds Management Branch (FMB) sends a SF-272 to awardees with a DHHS-PMS Payee Identification Number (PIN) ending with a "B." Awardees receiving the SF-272 from FMB should complete the report and send it to FMB at the address identified in Article 6. DHHS-PMS sends the SF-272 to awardees with a DHHS-PMS PIN ending with a "P." Awardees receiving the SF-272 from DHHS-PMS should follow the DHHS-PMS instructions.

**b. Financial Status Report** - See Article 19.

## **8. PERFORMANCE MONITORING**

**a.** The awardee is responsible for monitoring day-to-day project performance and for reporting progress to CSREES. If this project involves subcontractual arrangements, the awardee also is responsible for monitoring the performance of project activities under those arrangements to ensure that approved goals and schedules are met.

**b. Phase I Awardees.** The awardee is responsible for submitting an original and two copies of a brief statement of progress. The brief statement is due at approximately the mid-point in the project and should cover all work performed to date. This performance report is to be submitted to the programmatic contact identified in the award.

**Phase II Awardees.** In addition to the requirements of Article 9.b., the awardee is responsible for submitting an original and two copies of a brief statement of progress. The brief statement is due at approximately the mid-point in the project and should cover all work performed to date. This performance report is to be submitted to the programmatic contact identified in the award.

## **9. CURRENT RESEARCH INFORMATION SYSTEM (CRIS) REQUIREMENTS FOR PHASE II AWARDS**

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 main USDA contact for all CRIS documentation is:

Current Research Information System  
Cooperative State Research, Education, and  
Extension Service  
U.S. Department of Agriculture  
STOP 2270  
1400 Independence Avenue, S.W.  
Washington, D.C. 20250-2270  
Telephone: (202) 690-0119  
Facsimile: (202) 690-0634  
E-mail: CRIS@CRIS.NAL.USDA.GOV

**CSREES WILL NOT RELEASE FUNDS FOR THIS PROJECT UNTIL THE REQUIRED FORMS HAVE BEEN RECEIVED BY OEP.**

**a. Initial Documentation in the CRIS Data Base.** CSREES requires documentation for all new research projects in CRIS. These forms (Forms AD-416 and AD-417) for Phase I projects are prepared by the CSREES Program Manager. The CSREES Program Manager will ask the Phase II awardees to complete Forms AD-416 and AD-417 at the appropriate time.

Phase II awardees are encouraged to submit forms electronically. To submit forms electronically, see item **d.** of this section for access

information. For first-time users of the CRIS electronic submission system, please contact the CRIS office for further instructions. If access to the web is unavailable, the forms may be faxed to the CRIS office at (202) 690-0634. Questions relating to the technical (i.e., scientific) portions of Forms AD-416 and AD-417 should be referred to the programmatic contact person identified in the award.

**b. Annual CRIS Reports.** Each year that a project is active, the CRIS office will forward to the Phase II 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 February 1. 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. The awardee has the option of returning the completed Form AD-421 by February 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 with the 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 cost per unit 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 termination report will be forwarded to the Phase II awardee; the report is due within 90 days of the expiration. 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://cris.csrees.usda.gov>.

To submit forms electronically, the CRIS forms web site can be accessed through the CRIS web site or accessed directly at: <http://cwf.uvm.edu/cris/intro.htm>.

## **10. ACKNOWLEDGMENT OF SUPPORT AND DISCLAIMER**

The following acknowledgment of CSREES support must appear in the publication of any material, whether copyrighted or not, and any products produced in electronic formats (e.g. World Wide Web pages, computer programs, etc.) which is substantially based upon or developed under this award:

"This material is based upon work supported by the Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, under Agreement No. [the awardee should enter the applicable award number here]."

In addition, all publications and other materials, except scientific articles or papers published in scientific journals, must contain the following statement:

"Any opinions, findings, conclusions, or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the view of the U.S. Department of Agriculture."



The awardee is responsible for assuring that an acknowledgment of [agency] support is made during new media interviews, including popular media such as radio, television and new magazines, that discuss in a substantial way work funded by this award.

### **11. NONEXPENDABLE EQUIPMENT**

Title to nonexpendable equipment purchased with award funds shall vest in the awardee upon completion of the award project and acceptance by USDA of required reports in accordance with Article 19. Such equipment shall be subject to the provisions of 7 CFR 3015.165 through 3015.174.

If the approved award involves the acquisition of equipment to be maintained in a foreign country, the awardee is legally responsible for such equipment. The AOR should obtain a receipt from the cooperator in the foreign country and should send a copy of it to the programmatic contact. At the conclusion of the project, disposition instructions should be requested from the ADO.

### **12. DATA COLLECTION**

The provisions of 5 CFR Part 1320 apply if this award involves the collection of identical information from ten or more non-Federal persons or organizations and the collection of information is sponsored by USDA. A collection of information undertaken by an awardee is considered to be conducted or sponsored by the department if: (1) the awardee is conducting the collection of information at the specific request of the Department; or (2) the terms and conditions of the award require specific approval by the agency of the collection of information or collection procedures.

Any data collection activities performed under this award are the responsibility of the awardee, and USDA support of the project does not constitute USDA approval of the survey design, questionnaire content, or data collection procedures. The awardee shall not represent to respondents that such data are being collected for or in association with USDA or any other Federal Government agencies unless such data are sponsored by the Department. However, this requirement is not intended to preclude mention of USDA support of the project in response to an inquiry or acknowledgment of such support in any publication of this data.

### **13. PROJECT-RELATED INCOME**

**a. Program Income.** If the award recipient or subrecipient is other than a Federal agency, royalties or equivalent income earned on patents, inventions, and copyrighted works may be retained by the awardee. General program income earned during the period of CSREES support of this project may be added to total project funds and used to further the objectives of this award or the legislation under which this award is made. Disposition of program income earned by subawardees shall be determined in accordance with the awardee's own policies.

**b. Interest Income.** Unless the grantee (or subrecipient) is a State or local government, interest or investment income earned on Federal advances deposited in interest bearing accounts shall be remitted annually to the Department of Health and Human Services, Payment Management System, Rockville, MD 20852. Interest amounts up to \$250 per year may be retained by the recipient for administrative expenses.

### **14. RELEASE OF INFORMATION**

The Freedom of Information Act of 1966 (5 U.S.C. 552) and the Privacy Act of 1974 (5 U.S.C. 552a), as implemented by USDA's regulations (7 CFR Part 1.1) and supplemented by CSREES regulations found at 7 CFR Part 3404, shall govern the release or withholding of information to the public in connection with this award. The release of information under these laws and regulations applies only to records held by CSREES and imposes no requirement on the awardee or on any subrecipient to permit or deny public access to their records. Requests for records or the release of information relating to this award should be directed to:

FOIA Coordinator  
Information Staff, ARS  
U.S. Department of Agriculture  
Mail Stop 5128  
5601 Sunnyside Avenue  
Beltsville, Maryland 20705-5128  
Telephone: (301) 504-1640

The regulations cited herein do not affect the retention period for project-related records or rights of access to such records or

documents by CSREES, the Comptroller General, or their authorized representatives.

## **15. SHARING OF FINDINGS, DATA, AND OTHER PROJECT PRODUCTS**

- a. The PI/PD is expected to publish or otherwise make publicly available the results of work conducted under this award.
- b. At such time as any article resulting from research work under this award is published in a scientific, technical, or professional journal or publication, two reprints of the publication clearly labeled with the award number and other appropriate identifying information should be sent to the programmatic contact identified in the award. This includes notifying the programmatic contact, via a listing clearly labeled with the award number, any World Wide Web-based materials resulting from the work.
- c. Copies of educational materials produced with project funds must be submitted as soon as they are available to the programmatic contact identified in the award. Five copies of educational publications and two copies of each audio-visual production are required. This includes notifying the programmatic contact, via a listing clearly labeled with the award number, of any World Wide Web-based materials resulting from the work.

## **16. PATENTS, INVENTIONS AND COPYRIGHTS**

The central point of contact within the U.S. Department of Agriculture for communications regarding patents and inventions (this does **not** include questions and issues regarding Interagency Edison) is:

Director, Planning and Accountability  
Cooperative State Research, Education, and Extension Service, USDA  
1400 Independence Avenue, S.W., STOP 2213  
Washington, D.C. 20250-2213  
Telephone: (202) 720-5623 Fax: (202) 720-7714  
E-mail: rmacdonald@csrees.usda.gov

**a. Invention Disclosure and Related Information Requirements.** 37 CFR Part 401.14 requires the disclosure of each subject invention to the Federal Agency within two months after the inventor discloses it in writing to contractor personnel responsible for patent matters. 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 purposes of reporting patents and inventions electronically: 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 Disclosure 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 organization 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 fax (preferable) or U.S. Mail.

4. Requests for waiver of domestic manufacturing must be received in hard copy including a detailed justification.

**Paper Disclosure 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. Once such actions are received by DEITR it will be entered into the Interagency Edison database prior to being sent to CSREES.

**b.** Within two years of an invention disclosure, a recipient may elect to file for a patent(s). After the two-year election period, the recipient must either file for a patent(s) within one year, or notify this agency of its intentions pursuant to 37 CFR Part 401.14(c)(2) and (3). If the recipient fails to either 1) notify the Government of its intentions or 2) exercise its option to file for a patent within the specified time periods, then the Government may exercise its right of ownership pursuant of 37 CFR Part 401.14(d)(1) and (2).

**c.** The Government shall not be entitled to publicly disclose or publish research results except under any one of the following circumstances:

- (1) The award recipient publicly discloses or gives permission for publication; or
- (2) The award recipient does not elect to file for a U.S. patent on such results, pursuant to 37 CFR Part 401.14(c)(2) and (3); or
- (3) After the award recipient files for a U. S. patent pursuant to 37 CFR Part 401.14(c)(3).

“Publications” include publicly accessible data bases such as Genbank; and “research results” include genome maps and sequences.

**d. Copyrights.** The awardee may copyright any work that is subject to copyright and was developed, or for which ownership was purchased, under this award.

CSREES reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, for Federal Government purposes:

- (1) The copyright in any work developed under the award, subaward, or contract under the award or subaward; and
- (2) Any rights of copyright to which the awardee, subawardee or a contractor purchases ownership with award support.

## **17. GENOME MAP AND SEQUENCE DATA DISCLOSURE**

**a.** See Article 16 for patent and invention requirements.

**b.** If genome sequence data has been obtained, the sequence must be submitted to GenBank. The date of submission to GenBank shall be the same date as the Government’s right to publish as indicated in Article 16.c. 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

**c.** Recipients who submit genome sequencing data information to GenBank must report this fact as part of the final reporting requirements identified in Article 19.

## **18. RECORDKEEPING**

Accounting records for all costs incurred under this award must be supported by source documentation. Such documentation includes, but is not limited to, time and effort reports, job orders, canceled checks, invoices, paid bills, payroll records, and subcontract award documents if applicable. Labor costs charged to this project must be based upon salaries actually earned and the time actually worked on the project. Time and effort records must be maintained for any salary expenditures charged to this award. Furthermore, all project costs must be incurred within the approved project period of this award, including any no-cost extensions of time approved by the ADO. **Costs which cannot be supported by source documentation or which are incurred outside of the approved project period may be disallowed and may result in award funds being returned to the Federal government by the awardee.**

## **19. AWARD CLOSEOUT**

Award closeout is the process by which CSREES determines that all required project activities have been performed satisfactorily and all necessary administrative actions have been completed. This award and any subawards hereunder shall be closed out as soon as possible after expiration or termination of the project. While the awardee may use its own policies and procedures in closing out awards made to its recipients, the following shall govern the closeout of the prime award:

**a. Financial Status Report.** A "Financial Status Report," **Form SF-269, is due within 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 in Article 6.

- (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) The final SF-269 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 SF-269 (showing the unpaid obligations) by the due date and a final SF-269 when all obligations have been liquidated. When submitting a provisional SF-269, the awardee shall inform FMB when it expects to submit a final SF-269. If FMB waives provisional SF-269s, the awardee will be so notified.

**b. Final Technical Report.**

- (1) Comprehensive final technical reports (an original and two copies) for both Phase I and Phase II grants should be submitted to the programmatic contact person identified in the award. **Phase I final reports are due within 30 days after the expiration date. Phase II final reports are due within 90 days of expiration.** The first page of the final report should contain proper identifying data and a project summary that includes the purpose of the research, a brief description of the research carried out, the research findings or results, and, in a final paragraph, potential applications (commercial or other) of the research. The balance of the report should include a comparison of actual accomplishments with the goals established for the award; the reasons for slippage if established goals were not met; estimates of technical feasibility; and additional pertinent information such as an explanation of cost over-runs or unexpectedly high unit costs. In addition, all other recipients (public and private) of the research results documented in this report should be identified.
- (2) If genome sequence data is developed under this award, special additional reporting requirements are applicable. See Article 17., "Genome Map and Sequence Data Disclosure," for specific instructions.
- (3) Phase II awardees, see Article 9.c., Final CRIS Reports.