

Property Terms and Applicability¹

| Category | Federally-owned Property (FOP) <i>Applies to all NSF Awards</i> | Property NOT Designated Federally-owned <i>NSF Major Facilities awards</i> | EXEMPT Equipment (Tangible Personal Property) <i>NSF Division of Grants and Agreements awards</i> |
|------------------------------|---|---|--|
| Title Status | <p>NSF retains title of the property (inclusive of tangible personal property and real property) acquired under the NSF award as stipulated in the award terms and conditions.</p> <p><i>[2 CFR §§200.311-.316]</i></p> <p>Note: FOP also includes property acquired through GSA, the Federal Excess Personal Property Utilization Program, and the Federal Surplus Personal Property Donation Program.</p> | <p>A conditional title of all property (inclusive of tangible personal property and real property) acquired under the NSF award will <u>vest with the Recipient upon acquisition</u> as stipulated in the award terms and conditions (e.g., NSF has <u>not</u> retained ownership, but acquired equipment is not exempt due to established conditions for major facilities).</p> <p><i>[2 CFR §§200.311-.316]</i></p> | <p>Title of equipment acquired under the NSF award will vest with the Recipient upon acquisition and is classified as “exempt” because title is vested in the Recipient without further obligation (i.e., disposition) in accordance with the award terms and conditions.</p> <p><i>[2 CFR §200.312(c) and §200.313]</i></p> |
| Use of Property | <p>All FOP must be used for its originally authorized purpose for which it was acquired during the award period in accordance with the award terms and conditions. Upon completion of the NSF award or when no longer needed during the award period, the Recipient must report the FOP to NSF for further utilization (see disposition).</p> <p><i>[2 CFR §200.311 and §200.312]</i></p> | <p>All property (not FOP) is held in trust for the beneficiaries of the project or program (generally the science community) under which it was acquired or improved and for which disposition conditions apply.</p> <p><i>[2 CFR §200.316 – “property trust relationship”]</i></p> <p>All real property must be used for its originally authorized purpose. Equipment must be used for authorized purposes during the award performance period and remain in use for the original project for which it was acquired even if no longer supported by the NSF award. If no longer needed for the original award, then it should be used for other NSF funded projects or other federally funded projects. No property can be disposed of (or title encumbered) without prior approval of NSF.</p> <p><i>[2 CFR §200.311 - Real property; §200.313 - Equipment; §200.314 - Supplies]</i></p> | <p>Equipment must be used for authorized purposes during the award period and remain in use for the original project for which it was acquired even if no longer supported by the NSF award. If no longer needed for the original award, then it should be used for other NSF funded projects or other federally funded projects in accordance with award terms and conditions.</p> <p><i>[2 CFR §200.313]</i></p> |
| Annual Inventory Reporting | <p>An inventory report must be submitted annually on October 15 in accordance with the award terms and conditions.</p> <p><i>[2 CFR §200.312(a) for annual requirement; §200.313(d)(1) for contents of property records]</i></p> | <p>Not required but may be requested and incorporated in award specific terms, if applicable.</p> <p><i>[Refer to content of property records – 2 CFR §200.313(d)(1)]</i></p> | <p>Not required.</p> |
| Final Inventory Reporting | <p>A final inventory report consistent with contents required for annual inventory reporting is due by the end date of the award in accordance with the award terms and conditions along with a request for disposition (see below).</p> | <p>A final inventory report consistent with contents required for annual inventory reporting is due by the end of the award in accordance with the award terms and conditions along with a request for disposition (see below).</p> | <p>Not required.</p> |
| Disposition during the award | <p>If FOP is no longer needed during the award, the Recipient must report the property to NSF for disposition instructions.</p> <p><i>[2 CFR §200.312]</i></p> | <p>When real property and/or the original or replacement equipment acquired under the NSF award is no longer needed during the award period, the Recipient <u>must</u> request disposition instructions from NSF in accordance with the award terms and conditions.</p> <p><i>[2 CFR §200.311(c) - Real property; §200.313 - Equipment]</i></p> | <p>Recipient follows use requirements noted above.</p> <p><i>[2 CFR §200.313]</i></p> |

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|--|---|--|---|
| Disposition at end of award | <p>Upon completion of the award, the Recipient must request disposition instructions from NSF for all FOP along with the final inventory report that is due by the end date of the award. Disposition of FOP must be resolved before the award can be fully closed out.</p> <p><i>[2 CFR §200.312]</i></p> | <p>Upon completion of the award, the Recipient must request disposition instructions from NSF for all real property and personal property with a fair market value or more than \$5,000 along with the final inventory report that is due by the end date of the award. For equipment, NSF must provide disposition within 120 days of the request; otherwise, the equipment can be retained by the Recipient.</p> <p><i>[2 CFR §200.311(c) - Real property; §200.313 - Equipment; §200.314 - Supplies]</i></p> | <p>No disposition is required – Recipient retains title of equipment acquired under the NSF award because it is classified as exempt in accordance with the award terms and conditions.</p> <p>If NSF determines a need to invoke its conditional interest in the equipment, then NSF must issue disposition instructions to the Recipient within 120 days of the award end date. Otherwise, the Recipient can retain or sell the equipment without obligation to NSF.</p> <p><i>[2 CFR §200.312(c) and §200.313]</i></p> |
| Property Management | <p>Recipient is responsible for proper property management, which requires maintaining property records, conducting a physical inventory every two years, developing a control system to safeguard against loss, damage, theft, and providing for maintenance procedures.</p> <p><i>[2 CFR §200.313(d)]</i></p> | <p>Recipient is responsible for proper property management, which requires maintaining property records, conducting a physical inventory every two years, developing a control system to safeguard against loss, damage, theft, and providing for maintenance procedures.</p> <p><i>[2 CFR §200.313(d)]</i></p> | <p>Recipient is responsible for proper property management, which requires maintaining property records, conducting a physical inventory every two years, developing a control system to safeguard against loss, damage, theft, and providing for maintenance procedures.</p> <p><i>[2 CFR §200.313(d)]</i></p> |
| Insurance and Liability | <p>Insurance is not needed, unless required by the NSF award terms and conditions.</p> <p><i>[2 CFR §200.310]</i></p> <p>Recipient is responsible for developing a control system to safeguard against loss, damage, or theft, but is not liable for loss, destruction or damage, or theft of federally-owned property unless it results from willful misconduct or lack of good faith on the part of the Recipient.</p> <p><i>[For major facilities, refer to Article 54. Liability of the CA-MSFATC-MMRFP & FFRDC.]</i></p> | <p>Insurance is required as determined reasonable and necessary by the Recipient. The level of insurance must be, at a minimum, equivalent for property owned by the Recipient in accordance with the terms and conditions of the award.</p> <p>For example, workmen’s compensation, employer’s liability, comprehensive general liability (bodily injury), comprehensive automobile liability (bodily injury and property damage), and comprehensive aircraft liability (bodily injury and property damage) insurance may be required with respect to performance under the award.</p> <p><i>[2 CFR §200.310; Article 54. Liability of the CA-MSFATC-MMRFP & FFRDC]</i></p> | <p>Insurance is required as determined reasonable and necessary by the Recipient. The level of insurance must be, at a minimum, equivalent for property owned by the Recipient.</p> <p><i>[2 CFR §200.310]</i></p> |
| Vehicles and applicability of Federal Fleet | <p>Vehicles procured under an NSF award and designated federally-owned are part of NSF’s federal vehicle fleet. Therefore, the vehicle is issued federal license tags (not subject to registration fees) and cannot be insured, unless approved by NSF. Such vehicles are FOP that must comply with all requisite property management, reporting, and disposition indicated above as well as GSA requirements for fleet management reporting by NSF.</p> <p><i>[41 CFR 102-34]</i></p> | <p>Vehicles are subject to the same property management and insurance requirements above, as well as any applicable government requirements (e.g., registration and title fees, state inspections, taxes, etc.)</p> <p>Because the title is held by the Recipient, such vehicles are not part of the NSF vehicle fleet.</p> <p><i>[2 CFR §200.310 and §200.313]</i></p> | <p>Although vehicles are not common under grants, any vehicle acquired under an award would be considered EXEMPT, unless otherwise stated as part of the award terms and conditions. Vehicles are subject to the same property management and insurance requirements above, as well as any applicable government requirements (e.g., registration and title fees, state inspections, taxes, etc.)</p> <p>Because the title is held by the Recipient, such vehicles are not part of the NSF vehicle fleet.</p> <p><i>[2 CFR §200.310 and §200.313]</i></p> |

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