



## NATIONAL SCIENCE FOUNDATION (NSF)

### **Revision of the Small Business Innovation Research (SBIR)/Small Business Technology Transfer (STTR) Phase II Cooperative Agreement Financial & Administrative Terms and Conditions (SBIR/STTR-II-CA-FATC)**

**Effective January 14, 2022**

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Effective January 14, 2022, new NSF Phase II SBIR/STTR cooperative agreements and funding amendments to existing SBIR/STTR Phase II cooperative agreements will begin referencing, and are subject to, the Small Business Innovation Research/Small Business Technology Transfer Phase II Cooperative Agreement Financial & Administrative Terms and Conditions (SBIR/STTR-II-CA-FATC) dated 01/14/2022.

Unless otherwise noted in a specific article, the SBIR/STTR Phase II Cooperative Agreement Financial & Administrative Terms and Conditions apply to new NSF Phase II SBIR/STTR Cooperative Agreements and funding amendments issued to existing cooperative agreements awarded on or after January 14, 2022.

A summary of the changes is included below. Any questions regarding these changes may be directed to the cognizant SBIR/STTR Program Director.

#### **Overall Document**

- Editorial changes have been made to either clarify or enhance the intended meaning of a sentence or section.
- Websites and references have been updated for consistency with 2 CFR §200, the NSF Proposal & Award Policies & Procedures Guide and to reflect current information.

#### **Significant Changes**

- **Project Reporting Requirements, Article 16.** This article has been updated in accordance with 2 CFR §200.344(i) to reflect that if the grantee does not submit all performance reports within one year of the period of performance end date, NSF must report the grantee's material failure to comply with the terms and conditions of the award with the OMB-designated integrity and performance system (currently FAPIIS). NSF may also pursue other enforcement actions per 2 CFR §200.339.
- **Reporting Subawards and Executive Compensation, Article 21.** This article has been revised in accordance with 2 CFR Appendix A to Part 170.

- **System for Award Management and Universal Identifier Requirements, Article 22.** This article has been revised in accordance with 2 CFR Appendix A to Part 25.
- **Termination and Enforcement, Article 31.** Consistent with 2 CFR §200.340, this article has been updated to emphasize the ability of NSF to terminate awards, to the greatest extent authorized by law, when the award no longer effectuates the program goals or NSF priorities.
- **Section 889 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019, Article 48.** Consistent with 2 CFR §200.216 and §200.471, this new article prohibits the use of Federal assistance funding on certain telecommunications and video surveillance services or equipment.

#### **Clarifications and Other Changes**

- **Pre-award Costs, Article 5.** This article has been updated in accordance with 2 CFR §200.458. If pre-award costs are charged to the grant, these costs must be charged to the initial budget period, unless otherwise specified in the award notice.
- **Project Changes, Article 10.** Flow down provisions for subrecipients have been updated for consistency with the revisions made throughout the document.
- **Payments, Article 15.** This article has been revised to reference 2 CFR §200.305 for instructions on submission of interest remittances.
- **Unpaid Federal Tax Liability, Article 23.** This article has been updated to reference the Financial Services and General Governmental Appropriations Act, 2020.
- **Criminal Convictions, Article 24.** This article has been updated in accordance with the Financial Services and General Governmental Appropriations Act, 2020. The grantee affirms that the corporation has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months.
- **Recipient Integrity and Performance Matters, Article 44.** This article has been revised to remind recipients of NSF responsibilities to report a grantee's failure to submit all required reports in FAPIIS as specified in Article 9.
- **Resolution of Conflicting Conditions, Article 53.** This article has been updated to clarify which requirements must be followed if there is any inconsistency between 2 CFR §200, these grant general conditions, the PAPPG, and any cited program solicitation.