

**National Science Foundation
Federal Demonstration Partnership (FDP IV)
Agency Specific Requirements
Effective October 1, 2002**

National Science Foundation website address: <<http://www.nsf.gov>>

OMB Circulars referenced in the FDP Terms and Conditions are available electronically at the following address: <<http://www.whitehouse.gov/OMB/circulars/index.html>>

Article 1. Award Covered by the FDP III Terms and Conditions:

Grant awards made to participating FDP organizations. The FDP Terms and Conditions do not apply to NSF cooperative agreements and fellowship awards.

Article 2. Prior approval requirements not included in the general T&C's:

As specified in Article 13, the grantee must obtain written approval from the cognizant:

- a. NSF Program Officer prior to the reallocation of funds budgeted for participant or trainee support costs (see NSF Grant Policy Manual (GPM) Section 618.).
- b. NSF Grants Officer prior to modifying the amount of cost sharing reflected on Line M of the approved grant budget (see Article 12).

Unless otherwise specified in the award, no additional prior approvals are required.

Article 3. Categories of costs aside from those identified in A-21/A-122 that are unallowable as direct charges:

None.

Article 4. Contact information for technical matters:

Questions of a programmatic or technical nature should be directed to the cognizant program officer identified in the award letter.

Article 5. Contact information for administrative matters:

Questions of an administrative nature should be directed to the cognizant NSF grants specialist identified in the NSF award letter.

Article 6. Contact information for intellectual property:

Questions regarding intellectual property matters should be directed to the NSF Office of the General Counsel at 703.292-8060.

Article 7. Revised Budget Requirements:

Revised budgets, when required, must be submitted electronically through use of the NSF FastLane System at <http://www.fastlane.nsf.gov/>. Consult the NSF Grant Proposal Guide and Grant Policy Manual Chapter III for further instructions on submission of revised budgets.

Article 8. Format, Content and Timing of Technical Reporting:

For all multi-year grants (including both standard and continuing grants) the PI must submit an annual project report at least 90 days before the end of the current funding period. (Some programs or awards may require more frequent reports.)

Within 90 days after expiration of the grant, the PI also is required to submit a final project report. Unless otherwise specified in the grant, grantees are required to use the electronic project reporting system available through NSF FastLane System to prepare and submit annual and final project reports.

Article 9. Form and Timing of Final Financial Reporting:

All awardees shall submit a Federal Cash Transaction Report (FCTR) (SF-272) by the 10th day of the 2nd month (i.e. Feb. 10, May 10, Aug. 10, and Nov. 10) following the end of each quarter. All FCTRs must be submitted electronically via use of the Financial Administration functions in FastLane available at <https://www.fastlane.nsf.gov/>.

Article 10. Additional documentation besides progress reports needed to trigger incremental funding:

Unless specified in the award letter, no additional documentation is required to trigger award of the next increment of funding.

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Article 11. Payments: Reference FDP Article 22

Unless otherwise specified in the award, the awardee shall receive payments through electronic fund transfers by the Automated Clearing House Payment System. An awardee should request payments in amounts necessary to meet their current needs, pursuant to the procedures contained in 31 CFR Part 205. Requests must be made electronically via NSF's FastLane Cash Request System or the Department of the Treasury's ASAP system (Automated Standard Application for Payments). For more information, contact the Division of Financial Management at (703) 292-8280. The awardee agrees to comply with all applicable Treasury regulations and National Science Foundation implementing and reporting procedures, which are outlined in GPM Chapter IV.

Article 12. Cost Sharing: Reference FDP Article 23

a. *General.* The awardee must cost share in accordance with any specific requirements contained in or referenced by the applicable program solicitation or award letter. If the award has no specific requirements and if the work supported by this award is for research resulting from an unsolicited proposal, the awardee may meet the statutory cost sharing requirement by choosing either of two alternative methods:

1. by cost sharing a minimum of one percent on this project; or
2. by cost sharing a minimum of one percent on the aggregate total costs of all NSF-supported projects requiring cost sharing.

b. *Specific Cost Sharing Requirements.*

1. If the award has specific cost sharing requirements in excess of the one percent minimum indicated above, cost sharing participation in other projects may not be counted towards meeting the specific cost sharing requirements of the award, and must come from non-federal sources, unless otherwise stated in the applicable program solicitation.

2. Should the awardee become aware that it may be unable to provide the cost sharing of at least the amount identified on Line M of the NSF award budget, it must: 1) immediately provide written notification to the Grants Officer of the situation; 2) indicate steps it plans to take to secure replacement cost sharing; 3) indicate the plans it has to either continue or phase out the project in the absence of cost sharing.

3. Should NSF agree to the organization's proposed plans, the NSF Grants Officer will modify the award accordingly, including, if appropriate, reducing the amount of NSF support. Should the organization's plans be unacceptable to NSF, the award may be subject to termination. NSF modifications to proposed cost sharing revisions are made on a case-by-case basis.

4. Failure by the organization to notify NSF, in accordance with paragraph 2. above, may result in the disallowance of some or all of the costs charged to the award; the subsequent recovery by NSF of some or all of the NSF funds provided under the award; possible termination of the award; and may constitute a violation of the terms of the award so serious as to provide grounds for subsequent suspension or debarment.

c. *Cost Sharing Records.* The awardee must maintain records of all project costs that are claimed by the awardee as cost sharing as well as records of costs to be paid by the Government. Such records are subject to audit. Acceptable forms of cost sharing contributions are those which meet the criteria identified in Section .23 of OMB Circular A-110. Unless otherwise specified in the award, approval is given to include unrecovered indirect costs (also known as facilities and administrative costs for colleges and universities) as part of cost sharing or matching contributions. If the awardee's cost participation includes in-kind contributions, the

basis for determining the valuation for volunteer services and donated property must be documented.

d. *Cost Sharing Reports.* Unless otherwise required by the award or requested by NSF, the actual cost participation by the awardee, while subject to documentation and audit, need not be reported to NSF. In cases, however, where the cost sharing amount reflected on Line M of the cumulative award budget is \$500,000 or more, the amount of cost sharing must be documented (on an annual and final basis) and certified by the Authorized Organizational Representative. Such certifications must be submitted to the cognizant NSF program officer at least:

1. 90 days prior to the end of the current budget period to meet the annual certification requirement; and
2. 90 days following the expiration of the award to meet the final certification requirement.

e. *Exemptions from Statutory Cost Sharing Requirement.* If the award does not contain or reference any specific cost sharing requirements and provides funds solely for the following purposes (not considered to be in support of “research”), statutory cost sharing is not required:

1. international travel;
2. construction, improvement or operation of facilities;
3. acquisition of research equipment;
4. ship operations;
5. education and training;
6. publication, distribution and translation of scientific data and information;
7. symposia, conferences and workshops; and
8. special studies authorized or required by Subsections 3a(5) through 3a(7) of the NSF Act, as amended.

Article 13. Revision of Budget & Program Plans: Reference FDP Article 25

a. The grantee must obtain written approval from the cognizant NSF Program Officer prior to the reallocation of funds budgeted for participant or trainee support costs (see NSF Grant Policy Manual (GPM) Section 618.) Participant support costs are direct costs for items such as stipends or subsistence allowances, travel allowances and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with meetings, conferences, symposia or training projects. (See also GPM Section 618.) Grantees must account for participant support costs separately. Note: No indirect costs may be charged against participant support costs (See GPM Section 633.2).

b. The grantee must obtain prior written approval from the cognizant NSF Grants Officer prior to modifying the amount of cost sharing reflected on Line M of the approved grant budget (see Article 12 above).

c. The prior approval requirements identified in the FDP Terms and Conditions can be submitted electronically to NSF via use of the NSF FastLane system (<https://www.fastlane.nsf.gov/>). The grantee is required to use FastLane to process these types of transactions as well other types of grant-related notifications stipulated in GPM Exhibit III-1.

Article 14. Intangible Property: Reference FDP Article 36

a. *Dissemination of Project Results.* NSF expects significant findings from education activities or research it supports to be promptly submitted for publication with authorship that accurately reflects the contribution of those involved. NSF expects investigators to share with other researchers, at no more than incremental cost and within a reasonable time, the data, samples, physical collections, and other supporting materials created or gathered in the course of the work. It also encourages recipients to share software and inventions or otherwise act to make the innovations they embody widely useful and usable. Adjustments and, where essential, exceptions may be allowed to safeguard the rights of individuals and subjects, the validity of results, or the integrity of collections or to accommodate legitimate interests of investigators.

b. *Patent Rights Clause.* NSF's standard patent rights clause, published at 45 CFR 650.4(a), shall be substituted for the referenced patent clause (37 CFR 401.14). The grantee shall also include this clause in all subawards for experimental, developmental or research awards, regardless of the type of subgrantee organization. The NSF clause is identical to that prescribed in the Department of Commerce (DOC) guidance at 37 CFR 401.14(a) except that:

1. pursuant to section 401.5(d) of the DOC guidance (37 CFR 401.5(d)), NSF has added to paragraph (b) of the clause a stipulation that the Foundation reserves the right to direct a grantee to transfer to a foreign government or research performer such rights to any subject invention as are required to comply with any international treaty or agreement identified when the grant is made as being applicable to the assisted research;

2. as permitted by section 401.5(f) of the DOC guidance (37 CFR §401.5(f)), NSF has added a subparagraph to the end of paragraph f. of the clause to require grantees or their representatives to send NSF confirmations of the Government licenses for subject inventions and the pages of any United States patent applications that contain the Federal support clause; and

3. since NSF normally uses the same clause for all subcontractors, the first two subparagraphs of paragraph g. of the clause specified in the DOC guidance have been reduced to one.

Article 15. Termination and Enforcement: Reference FDP Article 60

a. A grant may be suspended or terminated in whole or in part in any of the following situations:

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1. by NSF when the grantee has materially failed to comply with the terms and conditions of the grant;
 2. by NSF when the Foundation has other reasonable cause;
 3. by NSF when ordered by the Deputy Director under NSF's regulation on Research Misconduct (45 CFR 689)
 4. by NSF and the grantee by mutual agreement (if NSF and the grantee cannot reach an agreement, NSF reserves the right to unilaterally terminate the grant; or
 5. by the grantee on written notice to NSF setting forth the reasons for such action, the effective date, and, in the case of partial termination, the portion to be terminated or suspended (with the understanding that if NSF determines that the untermiated portion will not accomplish the purposes of the grant it may suspend or terminate the entire grant).
- b. Suspensions and terminations will be processed in accordance with NSF Grant Policy Manual Section 912.

Article 16. Government Permits and Activities Abroad

- a. For grants that include activities requiring permits from appropriate Federal, state, or local government authorities, the grantee should obtain any required permits prior to undertaking the proposed activities.
- b. The grantee should assure that activities carried on outside the U.S. are coordinated as necessary with appropriate U.S. and foreign government authorities and that necessary licenses, permits or approvals are obtained prior to undertaking proposed activities. NSF does not assume responsibility for grantee compliance with the laws and regulations of the country in which the work is to be conducted.