

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

**FEDERAL DEMONSTRATION PARTNERSHIP (FDP) IV
AGENCY-SPECIFIC TERMS AND CONDITIONS
FEBRUARY 2005**

Agency Home Page: <http://www.csrees.usda.gov/>

Doing Business with CSREES (contains award-related information):
<http://www.csrees.usda.gov/business/business.html>

ARTICLE 1. AWARDS COVERED BY THE FDP TERMS AND CONDITIONS

All grants issued to FDP members; however, 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 no later than 30 days prior to the expiration date of the award) to the ADO** identified in Block 12 of the Award Face Sheet, Form CSREES-2009. ADO information is as follows:

Awards Management Branch
Office of Extramural Programs
Cooperative State Research, Education,
and Extension Service
U.S. Department of Agriculture
STOP 2271
1400 Independence Avenue, S.W.
Washington, D.C. 20250-2271
Telephone: (202) 401-4986
Facsimile: (202) 401-1804

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.

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 Award 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 Award 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:

Information Technology Policy Leader
Information Systems and Technology Management
Cooperative State Research, Education, and Extension Service, USDA
STOP 2216
1400 Independence Avenue, S.W.
Washington, D.C. 20250-2216
Telephone: (202) 205-5967
Facsimile: (202) 720-0857
E-mail: rmacdonald@csrees.usda.gov

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

Extramural Inventions and Technology Resources Branch
National Institutes of Health
6705 Rockledge Drive, MSC 7980
Bethesda, Maryland 20892-7980
Telephone: (301) 435-1986
Facsimile: (301) 480-0272
E-mail: edison@od.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

- 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 by creating an invention record using Interagency Edison. If possible, all supporting documentation shall also be submitted electronically using Interagency Edison. However, if electronic submission of supporting documentation is not feasible, paper copies can be submitted via facsimile or U.S. Mail.

Invention Disclosure

Electronic Submission Via Interagency Edison Web Interface: Interagency Edison (iEdison) can be accessed at <http://www.iedison.gov>. An overview of the invention iEdison reporting process, an iEdison tutorial, and extensive help text can be found as links on the iEdison home page. Requests for detailed instructions or other questions regarding Interagency Edison should be directed to:

Extramural Inventions and Technology Resources Branch
National Institutes of Health
6705 Rockledge Drive, MSC 7980
Bethesda, Maryland 20892-7980
Telephone: (301) 435-1986
Facsimile: (301) 480-0272
E-mail: edison@od.nih.gov

The report of the invention and a copy of the signed invention disclosure must be reported electronically through the Interagency Edison Web interface. To submit the signed disclosure electronically requires that it be rendered as a PDF or TIFF file. 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). After the report and disclosure are received in the iEdison system CSREES will have access to a copy of the disclosure document.

Paper Submission Via U.S. Mail: If it is not possible to electronically submit supporting documentation using Interagency Edison, documentation should be sent directly to NIH at the above address. After the documentation is received and recorded in the Interagency Edison database, it will be 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), and patents received.

As with the invention disclosure, iEdison also supports electronic submission of documents required for several other aspects of the Bayh-Dole reporting process, as detailed below.

1. Once a patent is applied for and an application serial number is available, an executed 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 and any inventions that fall within the scope of the Plant Variety Protection Act). For this purpose iEdison provides a confirmatory license template (<https://s-edison.info.nih.gov/iEdison/license.jsp>) that can be submitted via facsimile

2. Commensurate with patent application or issued patent 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 by the inventor. The certification process is defined and can be carried out as described behind the USDA/CSREES link on the iEdison home page (<http://www.iedison.gov>). The signed certification must be submitted to the CSREES office listed above via facsimile (preferable) or U.S. Mail.

4. Requests for waiver of the domestic manufacturing requirement must be submitted to the CSREES office listed above via facsimile (preferable) or U.S. Mail, including a detailed justification.

Paper Submission Via U.S. Mail: If it is not possible to electronically submit supporting documentation using Interagency Edison, documentation should be sent directly to NIH at the above address (with the exception of requests for assignment of rights to third parties and waiver of domestic manufacturing requirements). After the documentation is received and recorded in the Interagency Edison database it will be sent to CSREES.

B. 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
STOP 2270
1400 Independence Avenue, S.W.
Washington, D.C. 20250-2270
Telephone: (202) 690-0009
Fax: (202) 690-0634
E-mail: cris@cris.csrees.usda.gov

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

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 requested by the appropriate CSREES Program Manager.

Awardees are requested 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, please contact the CRIS office at (202) 690-0009.

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

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 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. When electronic reporting is not available, the CRIS office should be contacted at (202) 690-0009.

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 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 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://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://csf.uvm.edu/cris>.

C. 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.

a. Animal Genetic Mechanisms and Gene Mapping Requirements. All investigators funded by the USDA Animal Genomics and Animal Genome Reagent and Tool Development Programs are expected to submit their data (preferably as reprints of published manuscripts) to the appropriate animal species genome databases developed and maintained by the National Animal Genome Research Program in cooperation with international. These are internationally shared databases and submission of animal genome data should be to the appropriate U.S. Technical Editor partners (see http://www.csrees.usda.gov/nea/animals/res/an_breeding_res_database.html). In addition, investigators are encouraged to make their data available via other means; e.g., laboratory, departmental or institutional worldwide web home pages.

b. Plant Genome Requirements. All investigators funded by the **National Research Initiative Competitive Grants Program (NRI) Plant Genome, Bioinformatics and Genetic Resources Program, the NRI Functional Genomics of Agriculturally Important Organisms (Plants subsection) Program, the NRI Applied Plant Genomics Program and NRI interagency plant genome projects** are expected to submit sequence data and distribute genetic/genomic resources produced as described below. Investigators are encouraged to collaborate and make information available via the relevant community informatic worldwide web.

- Sequences (low pass whole genome sequencing, BAC end sequencing, EST's, full-length cDNA sequencing, etc.) must be released to GenBank

(<http://www.ncbi.nlm.nih.gov/Genbank/index.html>) according to the currently accepted community standard (Bermuda and Ft. Lauderdale agreements), following the current guidelines for quality assessment (see <http://www.genome.gov/page.cfm?pageID=10506537>). For large-insert clone projects, it is expected that DNA sequence assemblies of 2kb or greater will be deposited in GenBank within 24 hours of generation. For whole genome shotgun projects, sequence traces are to be deposited to the National Center for Biotechnology Information (NCBI) Trace repository within one week of production, with whole genome assemblies deposited in GenBank as soon as possible after the assembled sequence has met the quality evaluation criteria stated in the proposal. Deposited data must be available to all for use without restriction.

- If the award produces additional genomic/genetic resources (libraries, software, biological reagents, germplasm, software, etc.), these should be made available as soon as their quality is checked to satisfy the specifications approved prior to funding. Budgeting and planning for short-term and long-term distribution of the project outcomes and the timing of release should be as described in the original proposal or revisions prior to funding. The resources produced must be available to all segments of the scientific community, including industry and the international community. A reasonable charge is permissible for distribution, but the fee structure must be outlined prior to funding. If accessibility differs between industry and the academic community, the differences must be clearly spelled out. If a Material Transfer Agreement is required for release of project outcomes, the terms must be described in detail and provided to the NRI program for review and approval.
- When the project involves the use of proprietary data or materials from other sources, the data or materials resulting from research supported by this program must be readily available without any restrictions to the users (no reach-through rights). The terms of any usage agreements should be stated clearly in the proposal or revisions prior to funding.

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 Section
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 Section (FMS) 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 FMS when it expects to submit a true report. If the FMS 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 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.

ARTICLES WITH NO FDP REFERENCE

ARTICLE 11. GENETIC RESOURCES FROM OUTSIDE OF U.S.

If this project will use genetic resources from outside the United States, it is strongly recommended that the Project Director (PD) seek information regarding any required prior informed consent from and benefit-sharing with the appropriate host country authorities. For further information, see "Information for U.S. Government Funded Researchers Collecting In Situ Genetic Resources Outside the United States," housed on the U.S. Department of State's web site at <http://www.state.gov/g/oes/rls/or/25962.htm> or contact the Plant Exchange Office, ARS, USDA, <http://www.barc.usda.gov/psi/ngrl/peo.htm> or the National Animal Germplasm Program, <http://www.barc.usda.gov/psi/ngrl/peo.htm>, as appropriate.

ARTICLE 12. RESEARCH MISCONDUCT

All research awards issued by CSREES are subject to the Federal Policy on Research Misconduct published at 65 FR 76260. The following definitions will be utilized when applying this policy:

- a. Research misconduct means the fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include honest error or difference or opinion.
- b. Fabrication is making up data or results and recording or reporting them.
- c. Falsification means manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- d. Plagiarism is the appropriation of another person's ideas, processes, results or words without giving appropriate credit.
- e. Research means all basic, applied, and demonstration research in all fields of science, engineering, mathematics, education, linguistics, medicine, psychology, social sciences, statistics, and research involving human subjects or animals.
- f. Research institutions includes all organizations using Federal funds for research, including, for example, colleges and universities, intramural Federal research laboratories, Federally funded research and development centers, national user facilities, industrial laboratories, or other research institutes.
- g. Research record is the record of data or results that embody the facts resulting from scientific inquiry, and includes, but is not limited to, research proposals, laboratory records, both physical and electronics, progress reports, abstracts, theses, oral presentations, internal reports, and journal articles.

To report allegations of research misconduct see
<http://www.csrees.usda.gov/businessawards/researchmiscon.html>.