

NOAA Administrative Standard Award Conditions

ATTACHMENT B

During the Federal Government's Fiscal Year 2006, NOAA fully implemented NOAA Grants Online. Grants Online is the premier Federal solution for full life-cycle grants management processing. Grants Online allows recipients to: Accept awards electronically, manage user roles for individuals within their organization, submit post-award action requests, financial reports, and performance progress reports. Grants Online operates in a web environment, and can be accessed anywhere at any time, provided that you have Internet access. You will be required to use an Internet browser to log in and to use Grants Online. **Internet Explorer** is the preferred browser for **PC users**; **FireFox** is the preferred browser for **MAC users**. No software is required for installation. Logins and passwords are required. If you do not have a password, you can contact the Grants Online Help Desk for assistance in obtaining your login credentials.

For more information, e-mail GrantsOnline.HelpDesk@noaa.gov or call the Help Desk at 301-444-2112 or toll free at 1-877-662-2478 between the hours of 8:00 a.m. and 6:00 p.m. Eastern Time Monday through Friday excluding Federal holidays.

A. Award Payments

Your award payments will be made through electronic funds transfers using the U.S. Department of the Treasury's Automated Standard Application for Payments (ASAP) system. Recipients must enroll in ASAP system by emailing the following information to ASAP.Inquiries_Enrollment@noaa.gov:

1. EIN#
2. DUNS#
3. Name of Organization
4. Type of Organization (i.e. Non-profit, For Profit, State etc.)
5. Address
6. Point of Contact
7. Title
8. Point of Contact's Email Address
9. Phone Number

Please put the award number on the subject line of the email for reference.

Please refer to the NOAA website at:

[http://www.corporateservices.noaa.gov/grantsonline/Documents/ASAP Enrollment and Certification.pdf](http://www.corporateservices.noaa.gov/grantsonline/Documents/ASAP%20Enrollment%20and%20Certification.pdf) for additional information.

B. Financial Reports

Federal Financial Reports (SF-425) are to be completed in NOAA's Grants Online system effective April 1, 2009. Grants Online will notify your organization via email when your reports are available for completion and submission through the Grants Online system. The status of all reports can be seen under "Associated Documents" under the Grants File.

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To complete a report, login to NOAA Grants Online at <https://www.GrantsOnline.noaa.gov>, search for the award and navigate to the Grants File overview page. Find the report near the bottom of the page and click on the link to the report to complete the report. For multiple awards that require Federal Financial Reports (SF-425) covering the same period, you may create and submit a multi-award SF-425 from the “Awards” tab. For additional assistance with Grants Online, please review the Recipient Quick Reference Guide available at <http://rdc.noaa.gov/~GrantsOnline/Training>. This site also has additional detailed recipient assistance material. If you are having problems with accessing Grants Online, please contact the Grants Online Help Desk at 1-877-662-2478 or GrantsOnline.HelpDesk@noaa.gov.

1. Federal Financial Report (SF-425) - (final report only)

- a. A final comprehensive Federal Financial Report must be submitted, within 90 days after award expiration. The report shall cover the entire project period from the start date through the end date of the original award, or approved extended end date of the award, and must include the cumulative total of indirect costs charged to the award.

2. Federal Financial Report (SF-425) - Due semi-annually; reported under the “Federal Cash” line of the report. (This report replaces the SF 272, Cash Transaction Report)

- a. The SF-425 shall be submitted on a semi-annual basis. If the recipient is reporting on more than one NOAA grant and/or agreement, then the SF-425 attachment must be used.
- b. Interim semi-annual Federal Financial Reports (SF-425) are due no later than 30 days after the semi-annual reporting periods ending March 31 and September 30 for the entire project period of the award.
- c. A final Federal Financial Report (SF 425) is due within 90 days after award expiration. The report shall cover the last semi-annual reporting period ending on September 30 or March 31, or a portion thereof, based on the end date or approved extended end date of the award.
- d. The SF-425 is due for recipients using the Department of Treasury Automated Standard Application for Payments (ASAP) system for payment. If converting to ASAP during the course of the Award, the SF-425 forms will be due as described above starting with the ASAP conversion date.

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3. Request for Advance or Reimbursement (SF-270)

- a. The SF-270 shall NOT be submitted by recipients using the Department of Treasury ASAP system unless specifically directed by a Special Award Condition.
- b. The SF-270 shall be submitted using the NOAA Grants Online system, as reimbursements are necessary for the financial management of the award.
- c. Semi-annual and final Federal Financial Reports (SF-425) are not required if the SF-270 is used.

C. Performance/Progress Reports

Performance/Progress Reports are to be completed in NOAA's Grants Online System. The Grants Online System will notify your organization through email, when your reports are available for completion and submission through NOAA Grants Online. Recipients are responsible for ensuring all personnel listed on an award have a current email address. The status of reports can be seen under Associated Documents under the Grant File.

To complete your report, login to NOAA Grants Online at <https://www.GrantsOnline.noaa.gov>, search for the award and navigate to the Grants File overview page. Then find the report near the bottom of the page and click on the link to the report to complete it. You must attach the report document for submission, or in the rare cases where there is very little to report, fill out the report in the report comments section. The Federal Program Officer is the authority on the acceptable form and content of Project Progress Reports. For additional assistance with Grants Online, please review the Recipient Quick Reference Guide available at <http://rdc.noaa.gov/~GrantsOnline/Training>. This site also has additional detailed Recipient assistance material. If you are having problems with your access to Grants Online, please contact the Grants Online Help Desk at 1-877-662-2478 or GrantsOnline.HelpDesk@noaa.gov.

- a. Frequency: Performance reports are due on a semi-annual basis, unless otherwise specified in an award condition, no later than 30 days following the end of each six (6) month period from the start date of the original award. The last semi-annual performance report is required. The final report, which summarizes activities conducted during the entire award must be submitted within 90 days following the end date of the project.

D. Post Award Action Requests for Non-Construction Awards

All Post Award Action requests must be completed in Grants Online. NOAA Grants Online provides the ability for Recipients to submit 19 different Award Action Requests. Each request is described below with specific guidance for each request.

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General Guidance and NOAA Business Rules

- NOAA requires all Award Action Requests to be approved by a “Recipient Authorized Representative.” Grants Online enforces this business rule by routing all requests through the Recipient Authorized Representative(s) for submission to NOAA.
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- An Award End Date may ONLY be extended through:
 - A funded amendment through an application (SF-424)
 - A No-Cost Extension - Prior Approval Waived (Research Terms and Conditions)
 - A No-Cost Extension - Prior Approval Required
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- The Extension to Closeout is the only Award Action Request that may be initiated after the Award End Date.
 - An Extension to Closeout may only be requested within the 90-day closeout period (90 days after the award end date). The closeout period can be extended only once for a maximum of 60 days. .
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- A No-Cost Extension - Prior Approval Waived (Research Terms and Conditions) must be submitted to NOAA 10 or more days prior to the award end date.
 - Grants Online automatically enforces this business rule.
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- A No-Cost Extension - Prior Approval Required is required to be submitted to NOAA 30 or more days prior to the award end date.
 - Recipients that are allowed Prior Approval Waived (Research Terms and Conditions) must exercise this no-cost extension, before requesting a no-cost extension Prior Approval Required. .
 - Grants Online does not enforce this business rule. Enforcement is at the discretion of the Grants Officer.
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- The "Other" Award Action Request may or may not produce an amendment. Use this Award Action Request if you have a request that does not fit under any other category. Please work with your Federal Program Officer to determine if you should submit the "Other" Award Action Request. In a few cases, the recipient will not have to submit an “Other” Award Action Request. An email request from the recipient to the Federal Program Officer, and the approval of the content of that email by the Program Officer, who in turn, submits it to the Grants Officer is sufficient. The approval of the request ultimately lies with the Grants Officer. This email request and attendant correspondence is always attached to the Grants File as evidence of the transaction.

Grants Online Processing Guidance for list of Award Action Requests (Award Action Requests are listed on the following pages)

From the [Grants Online Recipient Quick Reference Guide](#) :

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1. Click the "Award" tab.
2. Click the "Search" or the "Search Award" link. The "Search Award" page is displayed.
3. Click the "Search" button on the "Search Award" page. When your search results populate, click the award number for which you are submitting your AAR.
4. On the "Grants File" launch page, select the "Create Award Action Request" action from the action dropdown menu then click the "Submit" button.
5. The "Award Action Request Index" page is displayed with the available AARs. Click the link to the AAR that you wish to submit. The requested page will be displayed for you to complete. Enter the required fields and click the "Save" button.
6. The AAR page is re-displayed with the attachment link and other fields. You can upload documents. After completing the required information, click the "Save and Return to Main" button. Another message will display where you can confirm your request and start workflow, click the "Yes" button.
7. A review task is sent to your "Task" inbox for this request. Follow the steps listed under the Processing a Task in [this document](#). The review task will go first to the creator of the document and then to the Recipient Authorized Representative(s) in the organization. If you have the role of "Recipient Authorized Representative" you will have to submit the request to NOAA, thus you will have processed two tasks.

List of Award Action Requests

Listed below is each kind of Award Action Request in the same relative location as it is found on the Award Action Request selection page in Grants Online. Those marked with an asterisk always require an amendment. The others generally do not, but might if any Special Award Conditions are associated with the request approval.

* No Cost Extension – Prior Approval Required	No Cost Extension - Prior Apporval Waived (Research Terms and Conditions)
Extension to Close Out	Reprogram or Rebudget
* Change in Scope	Equipment Purchase
* Transfer of Award	Foreign Travel
Change in Principal Investigator	Sole Source Contract
Change in Institution Name	Other
Change in Key Person Specified in the Application	Absence of more than 3 months or 25% by project director or PI
Satisfied Special Award Conditions	Inclusion of cost that require prior approval based on cost principles
Transfer of funds allotted for training to other categories of expenses	* Sub award, transfer or contracting out of any work under the award if not described in the approved application
Pre-Award Cost	*Termination for Convenience

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Specific Guidance on each Award Action Request

1) No Cost Extension - Prior Approval Required

- a. If the recipient believes it is necessary to obtain an additional no-cost extension to complete the approved program description and objectives beyond the No-cost Extension – Prior Approval Required already granted, then the recipient must submit another No-cost Extension – Prior Approval Required, in Grants Online. The request must clearly justify why the extension is needed and explain what activities are remaining to be accomplished under the award and what funds are still available to support the activity. In addition, the award must be in compliance with all terms and conditions of the award, including submission of all required reports.
- b. The request to extend the award period shall be submitted through Grants Online at least 30 days prior to the expiration of the award. The recipient proceeds at its own risk of incurring costs beyond the award expiration if the request is not submitted to NOAA at least 30 days prior to the expiration.
- c. Any extension request submitted to NOAA after the expiration of the award will be denied. Requests for reconsideration of extreme circumstances that resulted in failure to request an extension before the end of the award period must be submitted in writing and will only be considered by the Grants Officer on a case-by-case basis. Awards which are not in compliance with all terms and conditions of the award, including submission of all required reports, will not be reconsidered.

Assistance and Business Rules Related to the No Cost Extension - Prior Approval Required:

- The written request must clearly justify why the extension is needed and explain what activities are remaining to be accomplished under the award and what funds are still available to support the activity.
 - Grants Online requires that the justification block be completed.
 - Grants Online requires the attachment of a document containing a budget of remaining funds.
- The request to extend the award period shall be submitted through Grants Online at least 30 days prior to the expiration of the award.
 - Grants Online enforces this business rule. You cannot submit any award action request other than an extension to the closeout after the award expiration date.
- Any extension request submitted to NOAA after the expiration of the award shall be denied.
 - Grants Online enforces this business rule. You cannot submit any Award Action Request other than an Extension to Closeout after the award expiration date.
- Once submitted to NOAA through Grants Online by the Recipient Authorized Representative, the No Cost Extension action will automatically be forwarded to the correct NOAA personnel for approval.

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- This action results in an amendment to the award. It is not considered to be completed until the Recipient Authorized Representative has accepted the Amendment. Tasks and notifications will be generated for the Recipient Authorized Representatives after the Grants Officer approves the Amendment.

2) No Cost Extension - Prior Approval Waived (Research Terms and Conditions)

1. Extensions to the Period of Performance/Award Period - Research Terms and Conditions

- a. All recipients covered under 15 CFR Part 14 (e.g., educational institutions/non-profits), with non-construction awards are herein granted authority to initiate a one-time no-cost extension to the award period of up to one year without prior approval as long as the recipient notifies the Grants Officer through Grants Online using the “No-cost Extension Prior Approval Waived (Research Terms and Conditions)” link least 10 days prior to expiration of the award with an explanation of the reason for the extension and none of the following conditions apply:
 - i. There are other special award conditions that prohibit the extension.
 - ii. The extension requires additional federal funds.
 - iii. The extension involves any change in program objectives or scope of the project.
- b. This authority to extend the award period without prior approval may not be exercised merely for the purpose of using unobligated funds. Recipients must maintain compliance with all terms and conditions of the award, including submission of required reports, or this extension may be revoked. (This authority should not be utilized to extend continuing awards that are pending termination by the Grants Officer - see Administrative Extensions below.)
- c. For recipients covered under 15 CFR Part 14 (e.g., educational institutions/non-profits), the notification to the Grants Officer must clearly state that the award is being extended under “No-cost Extension Prior Approval Waived (Research Terms and Conditions)” of 15 CFR 14.25(e), provide the new expiration date of the award, and explain the reason for the extension.

Assistance and Business Rules related to the No Cost Extension - Prior Approval Waived (Research Terms and Conditions):

- An award must support research in order to be eligible for No-cost Extension Prior Approval Waived (Research Terms and Conditions). Eligibility is determined by the Program Officer during application review. Grants Online enforces this business rule. If the Program Officer for the award determines that the award does not support research, the link to create the No Cost Extension – Prior Approval Waived (Research Terms and Conditions) will be disabled in Grants Online and therefore unavailable to the recipient.
 - Only certain organizations, which are conducting research, are eligible for No-cost Extension Prior Approval Waived (Research Terms and Conditions). Grants Online enforces this business rule. If your organization is not an eligible type, the link to create the No Cost Extension – Prior Approval Waived (Research Terms and Conditions) will

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- be disabled. The following organization types are eligible for Research Terms and Conditions:
- Public/State Controlled Institution of Higher Education
 - Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education)
 - Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education)
 - Private Institution of Higher Education
 - Individual
 - For-Profit Organization (Other than Small Business)
 - Small Business
 - Hispanic-serving Institution
 - Historically Black Colleges and Universities (HBCUs)
 - Tribally Controlled Colleges and Universities (TCCUs)
 - Alaska Native and Native Hawaiian Serving Institutions
 - Non-domestic (non-US) Entity
- The execution of the No Cost Extension - Prior Approval Waived (Research Terms and Conditions) by the recipient is completely automatic in Grants Online. Once the notification is submitted to NOAA by the recipient's Authorized Representative, the new award end date is immediately reflected in Grants Online and in the ASAP system. Notifications are sent to the Program Officer and the Grants Officer of the new award end date. This action does not result in an amendment to the Award.
- Grants Online enforces the 10 day rule (see **General Guidance and NOAA Business Rules** above). If you do not submit the No Cost Extension - Prior Approval Waived (Research Terms and Conditions) 10 or more days prior to the expiration of the award, Grants Online will prohibit you from doing so.
- Only one No Cost Extension - Prior Approval Waived (Research Terms and Conditions) can be submitted per award. Grants Online enforces this business rule.
 - Recipients designated as "High Risk" are not authorized to invoke No-Cost Extension Prior Approval Waived (Research Terms and Conditions). Grants Online enforces this business rule. If you are designated as "High Risk", the link to create the No Cost Extension - Prior Approval Waived (Research Terms and Conditions) will be disabled.
 - The NOAA Grants Management Division requires that **all** No Cost Extension - Prior Approval Waived (Research Terms and Conditions) actions must be for a duration of one year.. Grants Online enforces this business rule.

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- The NOAA Grants Management Division requires that recipients who have the capability of executing the No Cost Extension - **Prior Approval Waived (Research Terms and Conditions)** do so **before** requesting a No Cost Extension - Prior Approval Required. Requests for No Cost Extension - Prior Approval Required submitted prior to the No Cost Extension - Prior Approval Waived (Research Terms and Conditions) will be denied by the Grants Officer. Grants Online does not enforce this business rule.

3) Extension to Closeout

- a. Recipients have 90 days after the award expires to submit all reports required by the terms and conditions of the award and liquidate all obligations incurred. An extension to the closeout period should only be requested to complete the preparation of final reports and make final payments.
- b. An extension to the closeout period of up to an additional 60 days may be approved by the Grants Officer if an award action request is submitted through Grants Online to the Grants Officer before the expiration of the 90-day closeout period.
- c. Any closeout extension requests submitted to the Grants Officer after the expiration of the award shall be denied. Requests for reconsideration of extreme circumstances that resulted in failure to request a closeout extension before it lapsed must be submitted in writing and will only be considered by the Grants Officer on a case-by-case basis.
- d. If the final Federal Financial Report (SF-425) and all other required reports are not provided by the expiration of the closeout period or approved extended closeout period, the Grants Officer shall proceed with the enforcement remedies for non-compliance including, but not limited to, withholding payments and withholding further award actions as allowed under the applicable administrative rules [15 CFR §14.62 and 15 CFR §24.43].

Assistance and Business Rules Related to the Extension to Closeout:

- The Extension to Closeout is available as one of the selections in the list of Award Action Requests.
- After the award project period has expired, the recipient no longer has access to the Create Award Action Request link on the Grants File launch page. Instead, this is replaced by the link: Request Extension to Closeout. This link is available until the award closeout period has expired.

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- The request for an Extension to Closeout must be submitted to NOAA and approved by the Grants Officer before the extension date will take effect.
- An approved Extension to Closeout extends the date upon which final Federal Financial Reports and Progress Reports are due. It also extends the date during which the recipient can draw down funds from the Department of Treasury ASAP payment system.
- An approval of the Extension to Closeout does not result in an amendment to the award. The recipient's Authorized Representative will be notified by Grants Online of the approval or rejection of the request.
- Additional work on the award project is prohibited during the closeout period.

4) Reprogram or Rebudget for Non-Construction Awards

- a) Creation of a new direct cost line item category within an approved budget for costs allowable under the applicable cost principles will not require prior approval from the Grants Officer unless the new direct cost category exceeds 10% of the total Federal share of the award. Prior approval is also required when the cumulative transfer exceeds 10% of the total (Federal and non-Federal shares) budget last approved for awards with a Federal share exceeding \$100,000.
- b) Requests for prior approval of any budget revisions that transfer funds among line item cost categories shall be submitted on the SF-424A (or other OMB approved budget form) showing the total budget for the award along with a detailed budget narrative explaining the funds transferred. The revised budget request shall be submitted to the Program Officer who will in turn forward the request, along with a Program Officer recommendation, to the Grants Officer, who will make the final determination.
- c) The Recipient is prohibited from expending award funds (Federal and/or non-Federal) or the recipient's provision of in-kind goods or services, for the purposes of providing transportation, travel, or any other expenses for any Federal employee unless specifically authorized in the award document.

Assistance and Business Rules Related to Reprogram or Rebudget:

- You must attach a new SF-424A outlining the revised budget. In addition to the SF-424A, a revised budget narrative describing the Reprogram or Rebudget, should be provided.
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- Once submitted to NOAA through Grants Online by the recipient's Authorized Representative, the Reprogram or Rebudget action will automatically be forwarded to the correct NOAA personnel for approval.

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- The approval of a Reprogram or Rebudget request does not normally result in an amendment to the award. The recipient's Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request.
- If a Reprogram or Rebudget request includes a request for a no-cost extension, then you must also submit a No-Cost Extension – Prior Approval Required award action request.

5)Change in Scope

15 CFR Part 14, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations" states the following:

§ 14.25 Revision of budget and program plans.

...

(c) For non construction awards, recipients shall request prior approvals through Grants Online. The request will be routed through the Program Officer. If the Program Officer concurs with the request, then the request is routed to the Grants Officer for review and approval. This procedure occurs for one or more of the following program or budget-related reasons:

(1) Change in the scope or the objective of the project or program (even if there is no associated budget revision requiring prior written approval).

15 CFR Part 24, "Uniform Administrative Requirements for Grants and Agreements to State and Local Governments" states the following:

§ 24.30 Changes.

...

(d) Programmatic changes. Recipients must obtain the prior approval of the awarding agency whenever any of the following actions are anticipated:

...

(1) Any revision of the scope or objectives of the project (regardless of whether there is an associated budget revision requiring prior approval).

In general, the recipient's Principal Investigator may make changes in the methodology, approach, or other aspects of the project objectives. However, the recipient must obtain prior approval from NOAA for a change in the direction, type of research or training, or other areas that constitute a significant change from the aims, objectives, or purposes of the approved project. The recipient must make the initial determination of the significance of a change and should consult with its Program Officer as necessary.

Actions likely to be considered a change in scope and, therefore, requiring NOAA prior approval include, but are not limited to the following:

- Change in the specific goals and objectives approved at the time of award;
- Shift of the research emphasis;

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- Change in the approved project areas or species;
- Change in the amount of work from the approved project description, e.g. number of samples collected.

Assistance and Business Rules Related to Change in Scope:

- The justification for the Change in Scope may either be entered in the text area or in an attached file.

Any Change in Scope which results in a decrease in Federal or recipient funding must be accompanied by an SF-424A (or SF-424C for construction awards) and a budget narrative describing the planned expenditure of the remaining funds. The request for a decrease in funding must be clearly and prominently stated. Any request for a reduction in match for a competitively awarded grant or cooperative agreement will be denied by the NOAA Grants Management Division. Any request for a reduction in match for a grant or cooperative agreement which has a statutory match in place will be denied by the NOAA Grants Management Division.

- If a Change in Scope request includes a request for a no cost extension, then you must also submit a No Cost Extension – Prior Approval Required award action request.
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- Upon submission to NOAA by the recipient’s Authorized Representative, the Change in Scope request will automatically be routed to the correct NOAA personnel for review and approval.
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- An approved Change in Scope will always result in an amendment to the award. Upon approval by the Grants Officer, the recipient’s Authorized Representative(s) will be notified of the approved amendment and tasks will be generated for acceptance. The amendment must be accepted by the recipient in order to take effect.

6) Equipment Purchase

The Department of Commerce Financial Assistance Standard Terms and Conditions, on Page 23, states the following:

M. MISCELLANEOUS REQUIREMENTS

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.03 American-Made Equipment and Products.

Recipients are hereby notified that they are encouraged, to the greatest extent practicable, to purchase American-made equipment and products with funding provided under this award.

The definition for equipment, as stated in 45 CFR Parts 74 and 92, is an article of tangible nonexpendable personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. For awards subject to 15 CFR Part 14, equipment also includes exempt

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property charged directly to the award.

Recipients must submit an award action request for approval prior to purchasing equipment.

Assistance and Business Rules Related to Equipment Purchase:

- Recipient must answer the following question (presented on the Equipment Purchase page: "Was Lease vs. Purchase Analysis Completed?" If the answer is yes, then the analysis must be attached to the award action request. If the answer is no, then the recipient must provide justification for not completing the analysis.
- The proposed equipment purchase must be listed in the budget narrative and its budgeted cost must be shown on the SF-424A, Section B, Line D. If it is not, then a reprogram or rebudget Award Action Request must also be submitted.
- The equipment description should include a narrative description, including the equipment function. It should also include the make and model.
- The justification should include the previously mentioned lease vs. purchase discussion, as well as the purpose (related to the objectives of the award) for which the equipment is to be used.
- Upon submission to NOAA by the recipient's Authorized Representative, the equipment purchase request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of an equipment purchase request does not normally result in an amendment to the award. The recipient's Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request.

7) Transfer of Award

The Department of Commerce Grants and Cooperative Agreements Interim Manual, Chapter 16 - Page 9, states:

In certain circumstances, the Program Officer and the recipient may agree that it would be in the best interests of the government and the recipient for an award to be transferred by DOC to a replacement recipient.

1. When the two organizations, the Program Officer and the Grants Officer, agree that it is in the best interest of the Federal Government and the intended beneficiaries of the award to allow the transfer, the Grants Officer will amend the award to transfer it to the new recipient organization. In such cases, the Program Officer must submit a request to the Grants Officer to change recipients. The request shall include documentation attesting to the original recipient's and proposed replacement recipient's consent to the proposed transfer. Such documentation must include a written agreement between the original recipient and the proposed replacement recipient executed by authorized representatives of both parties. In this instance, the organization relinquishing the award will be liable for all programmatic activities and all funds expended under the award prior to the effective date of the transfer. The relinquishing organization will be responsible for all closeout activities, including having an audit performed, if required, for the award prior to the effective date of the transfer. The organization to which the award is transferred must submit an application (if appropriate) which includes a proposal and detailed

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budget narrative. . The following forms must also be submitted, as applicable: the SF-424, SF-424A, SF-424B, SF-424C, SF-424D, CD-511, CD-346, SF-LLL, or any other approved program specific forms. The Program Officer will review all documents and make a recommendation as to the applicant's adequacy to meet program requirements which will be forwarded to the Grants Officer along with the request. This review will be the same as the review of any new application, including a responsibility check on the applicant, unless that function is performed by the Grants Office. The language in the amendment must clearly delineate the responsibilities of both parties to the transfer.

2. Novation Agreement. A novation occurs when one organization takes over all of the liabilities and responsibilities of another organization. This might occur as a result of a merger, one organization buying another, an organization going out of business and entering into an agreement with another organization to take over its business, or a variety of other reasons.
 - a. When an organization seeks to transfer an award to another organization as a result of a novation agreement, the two organizations must submit a proposed novation agreement to the Grants Officer, signed by the CEOs, Presidents, or equivalent fiduciary officers of the two organizations. The novation agreement must state that all rights, duties and obligations of the award are transferred without further claim and that the new recipient agrees to accept them. Furthermore, the new recipient must meet statutory and regulatory eligibility requirements. In the case of successor-in-interest organizations, the recipient shall submit relevant documentation reflecting the relationship between the recipient and the successor organization.
 - b. The Grants Officer will consult with the DOC Office of General Counsel on the legal merits of the proposed novation. If the novation is determined to be in order, the Grants Officer will request that the proposed new recipient submit an application and an amended proposal (if appropriate) to effect the change in award recipient. The application must include an original proposal and detailed budget narrative. The following forms must be submitted, as applicable: the SF-424, SF-424A, SF-424B, SF-424C, SF-424D, SF-511, CD-346, SF-LLL, or any other approved program specific forms. The Grants Officer will then obtain a review and written recommendation regarding the proposed novation from the Program Officer as to the programmatic capacity to produce the desired results of the proposed agreement. The Program Officer should examine whether the scope of work has changed or if there are other issues arising that would put the initial competitive selection in jeopardy because of differences between the original and the new recipient and review any related budgetary changes. The Grants Officer must make a responsibility determination regarding the new recipient. If the Grants Officer then determines that the award should continue, he/she will issue an amendment to the award to effect the transfer to the subsuming organization.

Assistance and Business Rules Related to Transfer of Award:

The most common reason for a Transfer of Award is due to the transfer of the Principal Investigator from one organization to another. Please discuss the Transfer of Award with your NOAA Program

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Officer early in the planning stages. Due to budgetary and other administrative considerations, it may be necessary to take an alternative approach, e.g. a sub-award to the new organization.

- The organization that agrees to the transfer of the award initiates their part of the Transfer of Award by submitting the request through Grants Online through the e Transfer of Award action request.
- A short description of the reason for the Transfer of Award and identification of the replacement recipient is required in the justification text box.
- The NOAA Program Officer will work with the replacement recipient on submission of an application for the new award.
- Upon submission to NOAA by the recipient's Authorized Representative, the Transfer of Award request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of Transfer of Award request will produce a termination amendment. The recipient's Authorized Representative will be notified of the amendment after it is approved by the Grants Officer. This amendment must be accepted by the recipient in order to take effect.

8) Foreign Travel

The Department of Commerce Financial Assistance Standard Terms and Conditions, p. 22, states the following:

The recipient shall comply with the provisions of the Fly America Act (49 USC § 40118). The implementing regulations of the Fly America Act are found at 41 CFR §§ 301-10.131 through 301-10.143.

- a. The Fly America Act requires that Federal travelers and others performing U.S. Government-financed foreign air travel must use U.S. flag air carriers, to the extent that service by such carriers is available. Foreign air carriers may be used only in specific instances, such as when a U.S. flag air carrier is unavailable, or use of U.S. flag air carrier service will not accomplish the agency's mission.
- b. Use of foreign air carriers may also be used only if bilateral agreements permit such travel pursuant to 49 USC § 40118(b). DOC is not aware of any bilateral agreements which meet these requirements. Therefore, it is the responsibility of the recipient to provide the Grants Officer with a copy of the applicable bilateral agreement if use of a foreign carrier under a bilateral agreement is anticipated.
- c. If a foreign air carrier is anticipated to be used for any part of foreign travel, the recipient must receive prior approval from the Grants Officer. When requesting such approval, the recipient must provide a justification in accordance with guidance provided by 41 CFR § 301-10.142, which requires the recipient to provide the Grants Officer with the following: name; dates of travel; origin and destination of travel; detailed itinerary of travel, name of the air carrier and flight number for each leg of the trip; and a statement explaining why the recipient meets one of the exceptions to the regulations. If the use of a foreign air carrier is pursuant to a bilateral agreement, the recipient must provide the Grants Officer with a copy of the agreement. The Grants Officer shall make the final determination and notify the recipient in writing. Failure to

NOAA Administrative Standard Award Conditions

adhere to the provisions of the Fly America Act will result in the recipient not being reimbursed for any transportation costs for which the recipient improperly used a foreign air carrier.

Assistance and Business Rules Related to Foreign Travel:

- You must certify your compliance (or non-compliance) with the Fly America Act as part of the award action request. Please explain your certification answer in the justification.
- In order to approve the request, the Grants Officer requires enough details about your flight in order to determine if you are in compliance with the Fly America Act. Please provide origin, destination, airline, flight dates/times, and other pertinent information in the justification.
- Upon submission to NOAA by the recipient's Authorized Representative, the Foreign Travel request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of a Foreign Travel request does not normally result in an amendment to the award. The recipient's Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.

9) Change in Principal Investigator

Assistance and Business Rules Related to Change in Principal Investigator:

- Please discuss the request for a Change in Principal Investigator with your NOAA Program Officer early in the planning stages. Selection of applications for award are made partly on the qualifications of the Principal Investigator. NOAA may wish to consider alternative remedies, e.g. transferring the award to the current Principal Investigator's new organization.
- All of the new Principal Investigator fields must be filled out. As an alternative to typing in the PI information, you can click the "Search PI" link which will display all of the personnel from your organization that have the Recipient Investigator role. Clicking the "select" link for that person will fill out the information automatically on the Change in Principal Investigator screen.
- If your original application included a resume or Curriculum Vitae for the Principal Investigator, or if the NOAA Program Officer requires it, you must submit the same for the proposed Principal Investigator.
- Upon submission to NOAA by the recipient's Authorized Representative, the Change in Principal Investigator request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of a Change in Principal Investigator request does not normally result in an amendment to the award. The recipient's Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.
- After approval of a Change in Principal Investigator request, the recipient's Administrator(s) will be notified and assigned a task to "Manage Recipient Users". They should complete this task by assigning the new Principal Investigator to the Award and removing the old assignment. NOAA personnel cannot perform this task. The assigned recipient Investigator(s) will receive notifications of required Progress Reports, so it is important that they be assigned to their awards.

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- Changing the Principal Investigator associated with an award in the Grants Online Manage Recipient Users or View/Manage Award-Related Personnel features DOES NOT constitute notification or approval by NOAA of the change.
- Adding Recipient Investigators (who are not Principal Investigators) to the award through the Grants Online Manage Recipient Users or View/Manage Award-Related Personnel features is not prohibited. If you desire to give personnel a Recipient Investigator capability into specific awards, NOAA has no objection to you adding them as Recipient Investigators without going through any permission procedures.

10) Sole Source Contract

Assistance and Business Rules Related to Sole Source Contract:

- **Contract Definition:** The legal instrument reflecting a relationship between a recipient or sub-recipient and contractor or between such contractor and subcontractor whenever the principal purpose of the relationship is the acquisition, by purchase, lease, or barter, of property or services.
- For the purchase of equipment, technology, or services under a NOAA award, recipients must follow their own policies and procedures on procurement as long as those requirements conform to the Federal procurement requirements set forth in 15 CFR § 14.44 and 15 CFR § 24.36 (as applicable). The Recipient Authorized Representative should submit an award action request for a sole source contract, if the proposed contract was not described in the funded application, and if it is determined that the award of a contract through a competitive process is infeasible, and if one of the following circumstances applies:
 1. The item/service is available only from one source.
 2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
 3. Results of a competition are determined inadequate after solicitation of a number of sources.
- The recipient must seek written authorization from NOAA for sole source procurements in excess of \$100,000 if the proposed contract was not described in the funded application, . Approval for sole source procurements from the NOAA Grants Officer must be received prior to purchasing equipment, technology or services, obligating funding for a contract, or entering into a contract with award funds.
- The justification must certify that the award of the contract through full and open competition is infeasible. The request must also identify which of the three circumstances identified above apply to the procurement transaction. In addition, the request should include the following:
 1. A brief description of the project and the purpose of contract.
 2. An explanation as to why it is necessary to contract in a noncompetitive manner. The explanation must contain the following:
 - a. Expertise of the contractor
 - b. Management
 - c. Responsiveness
 - d. Knowledge of project
 - e. Experience of contractor personnel

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- f. Results of a market survey to determine competition availability; if no survey is conducted, please explain why not
 3. Time Constraints.
 - a. When the contractual coverage is required by your organization and why
 - b. Impact on project if deadline/dates are not met
 - c. How long it would take an alternative contractor to reach the same required level of competence (equated to dollar amounts, if desired).
 4. Uniqueness.
 5. Additional supporting information
 6. A declaration that this action/choice is in the best interest of the agency.
- You may enter the justification in the provided text box, but it is probably more appropriate to attach it as a file.
 - Upon submission to NOAA by the Recipient Authorized Representative, the Sole Source Contract request will automatically be routed to the correct NOAA personnel for review and approval.
 - The approval of a Sole Source Contract request does not normally result in an amendment to the award. The Recipient Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.

11) Change in Institution Name

Assistance and Business Rules Related to Change in Institution Name:

- The Change in Institution Name award action request may not be used for transferring awards between organizations.
- A certification that the organization's EIN and DUNS numbers have not changed, or inclusion of the new numbers are required as part of the justification.
- Upon submission to NOAA by the Recipient Authorized Representative, the Change in Institution Name request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of a Change in Institution Name request does not normally result in an amendment to the award. The Recipient Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.

12) Other

Assistance and Business Rules Related to "Other":

- The "Other" Award Action Request may or may not produce an amendment. Use this award action request if you have a request that does not fit under any other category. Please work with your Program Officer to determine if you should submit the "Other" award action request.
- The "Other" award action request requires both a description and a justification. Please provide sufficient information in both text areas to allow NOAA personnel to make an appropriate decision.

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- Upon submission to NOAA by the Recipient Authorized Representative, the "Other" award action request will automatically be routed to the correct NOAA personnel for review and approval.
- If the approval of an "Other" award action request will produce an amendment. The Recipient Authorized Representatives will be notified of the amendment after it is approved by the Grants Officer. This amendment must be accepted by the Recipient in order to take effect.

13) Change in Key Person Specified in the Application

15 CFR Part 14, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations" states the following:

§ 14.25 Revision of budget and program plans.

...

(c) For non-construction awards, recipients shall request prior approvals from the Grants Officer for one or more of the following program or budget related reasons.

...

(2) Change in a key person specified in the application or award document.

15 CFR Part 24, "Uniform Administrative Requirements for Grants and Agreements to State and Local Governments" states the following:

§ 24.30 Changes.

...

(d) *Programmatic changes.* Recipients or sub-recipients must obtain the prior approval of the awarding agency whenever any of the following actions are anticipated:

...

...

(3) Changes in key persons in cases where specified in an application or a grant award. In research projects, a change in the project director or principal investigator shall always require approval unless waived by the awarding agency.

Assistance and Business Rules Related to Change in Key Person Specified in the Application:

- Please discuss the request for a Change in Key Person Specified in the Application with your NOAA Program Officer prior to submission of the award action request through Grants Online.
- All of the new Key Person fields must be completed. As an alternative to typing in the Key Person information, you can click the "Search Person" link which will display all of the personnel from your organization that have a Recipient User role. Clicking "Select" link for that person will fill out the information automatically on the Change in Key Person Specified in the Application screen.
- If your original application included a resume or Curriculum Vitae for the Key Person, or if the NOAA Program Officer requires it, you must submit the same for the proposed Key Person.

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- Upon submission to NOAA by the Recipient Authorized Representative, the Change in Key Person Specified in the Application request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of a Change in Key Person Specified in the application request does not normally result in an amendment to the award. The Recipient Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.
- After approval of a Change in Key Person Specified in the application request, the Recipient Administrator(s) will be notified and assigned a task to "Manage Recipient Users". They should complete this task by assigning the new Key Person to the award and removing the old assignment. NOAA personnel cannot perform this task. The assigned Key Person(s) will receive notifications of required Progress Reports and required Federal Financial Reports, so it is important that they be assigned to their awards.
- Changing Key Persons associated with an award in the Grants Online Manage Recipient Users or View/Manage Award-Related Personnel features does not constitute notification or approval by NOAA of the change.
- Adding Key Persons who are not specified on the application to the award through the Grants Online Manage Recipient Users or View/Manage Award-Related Personnel features is not prohibited. If you desire to give personnel a view capability into specific Awards, NOAA has no objection to you adding them as Key Persons without going through any permission procedures.

14) Absence of More Than 3 months or 25% by Project Director or Principal Investigator

15 CFR Part 14, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations" states the following:

§ 14.25 Revision of budget and program plans.

...

(c) For non-construction awards, recipients shall request prior approvals from the Grants Officer for one or more of the following program or budget related reasons. Approvals will be provided in writing by the Grants Officer

...

(3) The absence for more than three months, or a 25 percent reduction in time devoted to the project, by the approved project director or principal investigator.

Assistance and Business Rules Related to Absence of More Than 3 months or 25% by Project Director or Principal Investigator:

- If attaching the justification, please just enter "See attachment" in the justification text area.
- Upon submission to NOAA by the Recipient Authorized Representative, the Absence of Project Director or Principal Investigator request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of an Absence of Project Director or Principal Investigator request does not normally result in an amendment to the award. The Recipient Authorized Representative(s) will

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be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.

15) Satisfied Special Award Conditions

Assistance and Business Rules Related to Satisfied Special Award Conditions:

- Many awards contain Special Award Conditions that require evidence of completion. Examples are special fishing permits, environmental assessments, property deeds, and building permits.
- The Special Award Conditions are available in a drop-down list on the Award Action Request details page. Please choose the appropriate condition that is being satisfied.
 - After selecting the Special Award Condition (SAC), the SAC Description text box will automatically be filled out with the Special Award Condition details.
 - The Due Date field cannot be filled out. This field is populated automatically by the information associated with the selected Special Award Condition details, if applicable.
 - Many older awards that were migrated from NOAA's older database will not have the individual Special Award Conditions available. In this case, select the closest Special Award Condition to that which you are satisfying and reference the relevant Special Award Condition. If no Special Award Conditions exist for the older award, please contact the Help Desk for assistance in getting the condition migrated for availability.
- Fill out the justification in the provided text area and attach associated files after you click the Save button.
- Upon submission to NOAA by the Recipient Authorized Representative, the Satisfied Special Award Conditions request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of a Satisfied Special Award Conditions request does not normally result in an amendment to the award. The Recipient Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.

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16) Inclusion of Costs that Require Prior Approval Based on Cost Principles

15 CFR Part 14, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations" states the following:

§ 14.25 Revision of budget and program plans.

...

(c) For non-construction awards, recipients shall request prior approvals from the Grants Officer for the reasons outlined in 15 CFR Part 14.25. Approvals will be provided through NOAA's Grants Online system by the Grants Officer.

...

Assistance and Business Rules Related to Inclusion of Costs that Require Prior Approval Based on Cost Principles:

- The cost amount and a justification are required.
- If attaching the justification, please just enter "See attachment" in the justification text area.
- Upon submission to NOAA by the Recipient Authorized Representative, the Inclusion of Cost request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of an Inclusion of Cost request does not normally result in an amendment to the award. The Recipient Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.

17) Transfer of Funds Allotted for Training to Other Categories or Expenses

15 CFR Part 14, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations" states the following:

§ 14.25 Revision of budget and program plans.

...

(c) For non-construction awards, recipients shall request prior approvals from the Grants Officer for the reasons outlined in 15 CFR Part 14.25. Approvals will be provided through NOAA's Grants Online system, by the Grants Officer.

...

15 CFR Part 24, "Uniform Administrative Requirements for Grants and Agreements to State and Local Governments" states the following:

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§ 24.30 Changes.

...

(c) *Budget changes* - (1) Non-construction projects. Except as stated in other regulations or an award document, recipients shall obtain the prior approval of the awarding agency whenever any of the following changes are anticipated under a non-construction award:

...

(iii) Transfer of funds allotted for training allowances (i.e., from direct payments to trainees to other expense categories).

Assistance and Business Rules Related to Transfer of Funds Allotted for Training to Other Categories of Expenses:

- The transfer amount and a justification are required.
- If attaching the justification, please enter "See attachment" in the justification text area.
- Upon submission to NOAA by the Recipient Authorized Representative, the Transfer Training Funds request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of a Transfer Training Funds request does not normally result in an amendment to the award. The Recipient Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.

18) Sub Award, Transfer or Contracting Out of Any Work Under the Award if Not Described in the Approved Application

Assistance and Business Rules Related to Sub award, transfer or contracting out of any work under the award if not described in the approved application:

- If not described in the approved application, the recipient may not grant a sub-award, transfer, or contract out any work under the award, without approval from the Grants Officer.
- You must choose the method of selection (competitive or non-competitive), a description of the work, and a justification. If the sub-award was chosen non-competitively, then the recipient must provide a sole source justification.
- Upon submission to NOAA by the Recipient Authorized Representative, the Sub-Award request will automatically be routed to the correct NOAA personnel for review and approval.
- This action results in an amendment to the award. It is not considered to be completed until the Recipient Authorized Representative has accepted the Amendment. Tasks and notifications will be generated for the Recipient Authorized Representatives after the Grants Officer approves the Amendment.

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19) Pre-Award Cost

15 CFR Part 14, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations" states the following:

§ 14.25 Revision of Budget and Program Plans.

...

(8)(e) Except for requirements listed in paragraphs (c)(1) and (c)(4) of 15 CFR Part 14.25, the Grants Officer may waive cost-related and administrative prior written approvals required by this part and OMB Circulars A-21 and A-122. Such waivers may include authorizing recipients to do any one or more of the following:

(1) Incur pre-award costs 90 calendar days prior to award or more than 90 calendar days with the prior approval of the Grants Officer after coordination with the DOC operating unit. All pre-award costs are incurred at the recipient's risk (i.e., the DOC is under no obligation to reimburse such costs if for any reason the recipient does not receive an award or if the award is less than anticipated and inadequate to cover such costs).

Assistance and Business Rules Related to Pre-Award Cost:

- This Award Action Request would only be used if the Recipient received the Award more than 90 days prior to the award start date and needed to incur pre-award costs during the period that was more than 90 days prior to the start of the award.
- Upon submission to NOAA by the Recipient Authorized Representative, the Pre-Award Cost request will automatically be routed to the correct NOAA personnel for review and approval.
- The approval of a Pre-Award Cost request does not normally result in an amendment to the award. The Recipient Authorized Representative(s) will be notified by Grants Online of the approval or rejection of the request. An amendment to the award may result from this request if NOAA determines that it is appropriate to do so.

20) Indirect Costs

1. Changes in Indirect Cost Rates

- a. If the rate changes during the award period, the Recipient shall provide a copy of the new negotiated agreement to the Grants Officer showing the effective date of the new rate, as well as provide a list of all awards that will be affected by the new rate.
- b. The recipient is limited to the total allocable indirect costs based on a rate approved by their cognizant Federal agency, the Federal agency which provides the most Federal funding. If the negotiated rate changes during the award period, prior approval shall be required from the Grants Officer for budget transfers from indirect to direct costs, or vice versa, if the change in the amount of total indirect costs on the approved budget exceeds 10% of the approved total indirect cost line item.

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- c. If the Recipient has waived any portion of the approved indirect cost rate at time of award, no claim shall be made against this award at a later date.
2. Changes in Indirect Costs Not Involving Rate Changes
 - a. The Recipient may transfer funds between direct costs and indirect costs without prior approval if ALL of the following conditions apply as long as such transfer is noted in the remarks section of the final Federal Financial Report (SF-425):
 1. If a transfer of funds among direct cost categories would result in a revision to the amount of indirect costs approved in the line item budget but does not exceed the cumulative budget transfer threshold of 10% that would require prior approval;
 2. If the authorized transfer of funds and the adjustment of the amount of indirect costs do not exceed the approved total project costs;
 3. If the indirect cost rate does not change; and
 4. If the adjustment of the amount of indirect costs does not result in a change to the approved scope of work of the award.
3. Expired Indirect Cost Rates
 - a. If the recipient's Indirect Cost Rate Agreement negotiated by their cognizant Federal agency expires before the start date of the award, then the recipient may continue to use the last approved negotiated rate as long as the recipient submits a request to renegotiate the agreement with their cognizant Federal agency no more than 90 days after the award start date or approval date by the Grants Officer, whichever is later.
 - b. A copy of the request to renegotiate the indirect cost rate agreement shall be provided to the Grants Officer with a list of all awards that may be affected by the renegotiation. If the recipient fails to submit required documentation to their cognizant Federal agency to update their negotiated rate agreement, the Grants Officer may amend the award to preclude recovery of any indirect costs under the award until a satisfactory negotiation is reached, or the cognizant agency has notified NOAA of an acceptable arrangement.

21) Program Income

4. Program income earned during the award period shall be retained by the Recipient and shall be added to funds committed to the award and used for the purposes and under the conditions applicable to the use of the award funds.

Program income shall be reported on the Federal Financial Report form (SF-425).

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22) Homeland Security Presidential Directive – 12

If the performance of this grant award requires recipients to have physical access to Federal premises for more than 180 days or access to a Federal information system personal identity verification procedures must be implemented. Any items or services delivered under this financial assistance award shall comply with the Department of Commerce personal identity verification procedures that implement Homeland Security Presidential Directive – 12, FIPS PUB 201, and OMB Memorandum M-05-24. The recipient shall insert this clause in all sub-awards or contracts when the sub-award recipient or contractor is required to have physical access to a Federally controlled facility or access to a Federal information system.

23). Compliance with Department of Commerce Bureau of Industry and Security Export Administration Regulations

(a) This clause applies to the extent that this financial assistance award involves access to export-controlled information or technology.

(b) In performing this financial assistance award, the recipient may gain access to export controlled information or technology. The recipient is responsible for compliance with all applicable laws and regulations regarding export-controlled information and technology, including deemed exports. The recipient shall establish and maintain throughout performance of the financial assistance award effective export compliance procedures at non-NOAA facilities. At a minimum, these export compliance procedures must include adequate controls of physical, verbal, visual, and electronic access to export-controlled information and technology.

(c) Definitions

1. Deemed export. The Export Administration Regulations (EAR) define a deemed export as any release of technology or source code subject to the EAR to a foreign national, both in the United States and abroad. Such release is “deemed” to be an export to the home country of the foreign national. 15 C.F.R. & 734.2(B)(2)(ii).

2. Export-controlled information and technology. Export-controlled information and technology is information and technology subject to the EAR (15 C.F.R. & 730 et seq.), implemented by the DOC Bureau of Industry and Security, or the International Traffic in Arms Regulations (ITAR) (22 C.F.R. & 120-130), implemented by the Department of State, respectively. This includes, but is not limited to, dual-use items, defense articles and any related assistance, services, software or technical data as defined in the EAR and ITAR.

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(d) The recipient shall control access to all export-controlled information and technology that it possesses or that comes into its possession in performance of this financial assistance award, to ensure that access is restricted, or licensed, as required by applicable Federal laws, Executive Orders, and/or regulations.

(e) Nothing in the terms of this financial assistance award is intended to change, supersede, or waive any of the requirements of applicable Federal laws, Executive Orders or regulations.

(f) The recipient shall include this clause, including this paragraph (f), in all lower tier transactions (sub-awards, contracts, and subcontracts) under this financial assistance award that may involve access to export-controlled information technology.

24. Termination for Convenience

15 CFR Part 24, “Uniform Administrative Requirements for Grants and Agreements to State and Local Governments” states the following:

24.44 Termination for Convenience

Except as provided in 24.43 awards may be terminated in whole or in part only as follows:

- (a) By the awarding agency with the consent of the recipient or sub-recipient in which case the two parties shall agree upon the termination conditions, including the effective date and in the case of partial termination, the portion to be terminated, or
- (b) By the recipient or sub-recipient upon written notification to the awarding agency, setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. However, if, in the case of a partial termination, the awarding agency determines that the remaining portion of the award will not accomplish the purposes for which the award was made, the awarding agency may terminate the award in its entirety under either 24.43 or paragraph (a) of this section.

Assistance and Business Rules Related to Termination for Convenience:

- This Award Action Request would primarily be used if the Recipient finishes the project tasks significantly prior to the award project period end date and completes or anticipates completion of the award’s financial transactions within 90 days of the requested early termination date.

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- Do not submit this Award Action Request if there is a Change in Scope for the Award. In that case, discuss the Change in Scope with your Program Officer and submit a Change in Scope Award Action Request.
- Upon submission to the appropriate Federal Agency by the Recipient Authorized Representatives, the Termination for Convenience request will automatically be routed to the correct Federal Agency personnel for review and approval.
- This action results in an amendment to the award. It is not considered to be completed until the Recipient Authorized Representative has accepted the Amendment. Tasks and notifications will be generated for the Recipient Authorized Representatives after the Grants Officer approves the Amendment.