



Headquarters Policy Flash

FLASH 2000-20

DATE: June 27, 2000
TO: Procurement Directors
FROM: Office of Procurement and Assistance Policy, MA-51
Office of Procurement and Assistance Management

SUBJECT: New Terms and Conditions for Institutions Participating
in Federal Demonstration Partnership III.

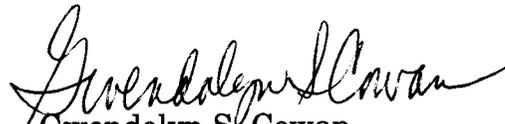
This Policy Flash transmits an electronic copy of the Department of Energy's Federal Demonstration Partnership (FDP) III Agency Specific Requirements, dated July 2000. FDP III also updated its General Terms and Conditions. Effective July 1, 2000, new or renewal grants awarded to FDP participating institutions must incorporate the new FDP Phase III General Terms and Conditions and the attached DOE Agency Specific Requirements.



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The National Science Foundation maintains the FDP terms and conditions at www.nsf.gov.80/home/grants/grants_fdp.htm Copies of the new FDP Operating Procedures, the FDP General Terms and Conditions and the DOE Agency Specific Requirements are available at this Internet address . You will also be able to access them from our financial assistance home page. Questions concerning these terms and conditions should be directed to Trudy Wood at (202) 586-5625.


Gwendolyn S. Cowan
Director

Attachment

**DEPARTMENT OF ENERGY
FEDERAL DEMONSTRATION PARTNERSHIP (FDP) III
AGENCY SPECIFIC REQUIREMENTS
JULY 2000**

The FDP General Terms and Conditions (T&Cs) are modified as follows:

1. Awards Covered by FDP T&Cs.

These terms and conditions are applicable to research and research-related grants to FDP participating institutions or organizations. The FDP T&Cs do not apply to cooperative agreements, contracts, or any other kind of transaction.

2. Prior Approval Requirements Not Included in the General T&Cs.

a. If the award instrument provides a notice that the funds obligated to the award are restricted year funds (e.g. one year money), Recipients must obtain the Contracting Officer's approval prior to initiating a one-time extension or carrying forward unobligated balances to subsequent funding periods (See FDP General T&Cs 25(c)(2) and (4)).

b. Recipients are required to notify the Contracting Officer of the transfer of a significant part of the research or substantive programmatic effort only when the transfer represents more than 25 percent of the effort or a change of scope (See FDP General T&C 25(b)(4)).

3. Unallowable Direct Costs in Addition to Those in A-21/A-122

Interest penalties for late payment under a contract are not allowable costs under this award.

4. Contact Information for Technical Matters

Questions regarding technical matters should be referred to the DOE Project Officer identified in Block 11, "DOE PROJECT OFFICER", on the Notice of Financial Assistance Award.

5. Contact Information for Administrative Matters

Questions regarding administrative matters should be referred to the Contracting Officer or other individual identified in Block 12, "ADMINISTERED FOR DOE BY", on the Notice of Financial Assistance Award.

6. Contact Information for Intellectual Property Matters

Questions regarding intellectual property matters should be referred to the Patent Counsel designated by the Contracting Officer.

7. Revised Budget Requirements

Revised budgets should be submitted in the same format as the original budget submission.

8. Technical Reporting

- a. Required technical reports are identified on the Federal Assistance Reporting Checklist in the award instrument.
- b. All technical reports must be submitted to the individuals identified on the Reporting Checklist and include a completed DOE F 241.3, "Announcement of U.S. Department of Energy Scientific and Technical Information". A DOE F 241.3 is not required for management and progress report; lists of published literature citations or presentations; memoranda; or other non-technical information. DOE Form 241.3 is accessible at <http://www.osti.gov/mlink/>. Electronic submission of technical reports and the accompanying DOE F 241.3 is preferred. However, technical reports that include "Limited Rights Data", "Restricted Computer Software", and /or otherwise sensitive data should not be submitted electronically. (See DOE G. 241.1-1, "Guide to the Management of Scientific and Technical Information", at <http://www.explorer.doe.gov.1776/htmls/>).

9. Financial Reporting

Financial reporting requirements are identified on the Federal Assistance Reporting Checklist in the award instrument. Financial reports must be submitted to the individuals identified on the Reporting Checklist.

10. Continuation Funding Actions

An informal Continuation Progress Report must be submitted electronically to the DOE Project Officer (E-mail address identified in Block 11 on the Notice of Financial Assistance Award) and the Contracting Officer (E-mail address identified in Block 12 on the Notice of Financial Assistance Award) 90 days prior to the end of the budget period in order to receive a continuation award for the remainder of the project period. This informal report must provide a brief summary of the progress, a comparison of actual accomplishment with the goals established for the reporting period, reasons for slippage if goals were not met, an estimate of unobligated balances at the end of the budget period, and when applicable, an explanation of cost overruns or underruns. Revised budget information must be submitted if there are any significant changes in the size or scope of the project or in the originally-negotiated total estimated cost of the project.

**DOE AGENCY SPECIFIC REQUIREMENTS RELATED TO ARTICLES
IN THE GENERAL TERMS AND CONDITIONS**

- 11. Maximum Obligation
- 12. Collection of Amounts Due

OTHER DOE REQUIREMENTS

- 13. Recipient Acknowledgment of Award
- 14. Amendment of the Award
- 15. Disputes and Appeals
- 16. Debarment and Suspension

**DOE AGENCY SPECIFIC REQUIREMENTS RELATED TO ARTICLES
IN THE GENERAL TERMS AND CONDITIONS**

- 11. Maximum Obligation
- REFERENCE: FDP ARTICLE 25, SECTION (b)(3)

The maximum DOE obligation to the recipient is limited to the amount shown on the Notice of Financial Assistance award in Block 16. b, "CUMULATIVE DOE OBLIGATIONS".

- 12. Collection of Amounts Due
- REFERENCE: FDP ARTICLE 73

In the absence of a mutual agreement between the recipient and DOE, the Contracting Officer will make a determination regarding any recipient indebtedness and submit a written notice of such a decision to the recipient. Within 30 calendar days of the Contracting Officer's determination, the recipient must either pay the amount owed or inform the Contracting Officer of the recipient's intent to appeal the determination to the DOE Financial Assistance Appeals Board. If the recipient elects not to appeal or in those instances where no right of appeal exists, any amounts not paid within 30 calendar days of the Contracting Officer's determination will be considered a delinquent debt. The recipient and Contracting Officer will attempt to resolve all issues at the Contracting Officer level.

OTHER DOE REQUIREMENTS

13. Recipient Acknowledgment of Award

DOE systems require that certain DOE originated awards be signed by a DOE Contracting Officer and acknowledged by the recipient in order for DOE to make or authorize payment (if the amendment involves the obligation of funds). Except for awards funded solely by the Office of Science, recipients must acknowledge acceptance by returning the signed award/amendment document to the Contracting Officer. Awards funded by the DOE Office of Science will be issued unilaterally by the Contracting Officer.

14. Amendment of the Award

Requests by Recipients to amend an award must be in writing to the DOE Contracting Officer. An award amendment incorporating the request will be unilaterally issued at the discretion of the Contracting Officer.

15. Disputes and Appeals

The recipient must submit claims arising out of or relating to this award in writing to the Contracting Officer and must specify the nature and basis for the relief requested and include all data that supports the claim. DOE will attempt to resolve such claims informally at the Contracting Officer level. All disputes and appeals will be resolved in accordance with the procedures set forth in 10 CFR Part 600.22.

16. Debarment and Suspension

Applicants, recipients, subrecipients, and contractors under DOE financial assistance awards may be debarred and suspended for the causes and in accordance with the procedures set forth in 10 CFR Part 1036.