

# NOAA Administrative Standard Award Conditions

## ATTACHMENT B

### NOAA ADMINISTRATIVE STANDARD AWARD CONDITIONS

#### A. Financial Reports

1) Federal Financial Reports are to be completed in NOAA's Grants Online System. Grants Online will notify your organization via email when your reports are available for completion and submission through NOAA Grants Online.

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. Then find the report near the bottom of the page and click on the link to the report to start filling it out. For multiple awards that require SF-272s covering the same period, you may create and submit a multi-award SF-272 from the Awards tab. For additional assistance with Grants Online, please review the Grantee Quick Reference Guide available at <http://rdc.noaa.gov/~GrantsOnline/Training>. This site also has additional detailed Grantee 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](mailto:GrantsOnline.HelpDesk@noaa.gov).

#### 1. Financial Status Report (SF-269) - (final report only)

- a. A final comprehensive Financial Status Report shall 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.
- b. The recipient may use the SF-269A (short form) if no program income was generated during the award period.

#### 2. Federal Cash Transaction Report (SF-272) - (due semi-annually)

- a. The SF-272 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-272A must also be provided as instructed on the form.
- b. Interim semi-annual Federal Cash Transaction Reports (SF-272) 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 Cash Transaction Report 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.

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d. The SF-272 is due for Recipients using the Department of Treasury ASAP system for payment. Recipients not enrolled in ASAP will submit the SF-270 for advance or reimbursement of project costs. If converting to ASAP during the course of the Award, the SF-272 forms will be due as described above starting with the ASAP conversion date.

### 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 advances or reimbursements are necessary for the financial management of the award.

## B. Performance/Progress Reports

Performance/Progress Reports are to be completed in NOAA's Grants Online System. The Grants Online System will notify your organization when your reports are available for completion and submission through NOAA Grants Online.

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 start filling it out. 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 Grantee Quick Reference Guide available at <http://rdc.noaa.gov/~GrantsOnline/Training>. This site also has additional detailed Grantee 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](mailto: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.

## C. Award Payments

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. Please refer to the NOAA website at: <http://www.ago.noaa.gov/grants/grantees.shtml> for additional information.

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### **D. Budget and Program Revisions for Non-Construction Awards**

1. 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 and/or if the cumulative budget transfer threshold of DOC Financial Assistance Standard Term and Condition A.04.b will be exceeded with the creation of the new line item.
2. 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 Federal 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 in writing.
3. Requests to change and/or add program objectives or tasks that do not involve a transfer of funds between direct cost categories do not constitute a budget revision and therefore do not require submission of the SF-424A. Notwithstanding DOC Financial Assistance Standard Term and Condition B.03, any programmatic changes shall be submitted directly to the Federal Program Officer who will in turn forward the request, along with a Program Officer recommendation, to the Grants Officer who will then make the final determination in writing via a CD-451, Amendment to Financial Assistance Award.
4. 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.

### **E. 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. 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.
  - 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.

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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 Financial Status Report (SF-269):
    - i. 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;
    - ii. If the authorized transfer of funds and the adjustment of the amount of indirect costs do not exceed the approved total project costs;
    - iii. If the indirect cost rate does not change; and
    - iv. 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, which ever 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.

### **F. Program Income**

1. 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.
2. Program income shall be reported on the Financial Status Report long form (SF-269).

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### G. Extensions

1. Extensions to the Period of Performance/Award Period – Expanded Authority
  - 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 Grants Officer is notified via NOAA's Grants Online System at 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 expanded authority may be revoked. (This authority should not be utilized to extend continuing awards that are pending determination by the Grants Officer – see Administrative Extensions below.)
  - c. For recipients covered under 15 CFR Part 14 (e.g., educational institutions/non-profits), the written notification to the Grants Officer must clearly state that the award is being extended under the expanded authorities of 15 CFR 14.25(e), provide the new expiration date of the award, and explain the reason for the extension.
2. Other Extensions to the Period of Performance/Award Period
  - a. If the recipient believes it is necessary to obtain a no-cost extension to complete the approved program description and objectives beyond the expanded authority granted above, then the recipient shall submit an approval request via NOAA's Grants Online System to the Federal Program Officer who will in turn forward the request, along with a Program Officer recommendation, to the Grants Officer who will then make the final determination via NOAA's Grants Online System. 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 to the Federal Program Officer at least 30 days prior to the expiration of the award to provide the minimum time needed to review the request. The recipient proceeds at their 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.

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- c. Any extension request submitted to NOAA after the expiration of the award shall 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.
3. Administrative Extensions to the Funding Award and/or Award Period for Continuing Programs
    - a. If the recipient submits a continuation (or renewal) application for additional funds and time for an existing award prior to its expiration date and the award expires before the Grants Officer makes a written determination to either approve or deny the amendment, then the recipient is herein granted a 90-day no-cost extension to the period of availability of the previously awarded funds.
    - b. Only if the continuation/renewal amendment is denied by the Grants Officer will a no-cost amendment (form CD-451) be issued to document this extension of the award period. Any further no-cost extension of the award period shall be requested prior to expiration of this extended end date in accordance with section G.2. above.
    - c. The continuation/renewal amendment, if approved by the Grants Officer, will begin the day after the last approved award period end date.
    - d. For multi-year awards that have a funding period incorporated in the special award conditions that ends before the award period expires, the recipient may carry forward unobligated balances into the subsequent funding period without prior approval from the Grants Officer.
  4. Extension to the Closeout Period
    - 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 a written request is submitted via NOAA's Grants Online System 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.

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- d. If the final Financial Status Report (SF-269) 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].

### **H. 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 subawards or contracts when the subaward recipient or contractor is required to have physical access to a Federally controlled facility or access to a Federal information system.

### **I. 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 I Arms Regulations (ITAR) (22C.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 and 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 (subawards, contracts, and subcontracts) under this financial assistance award that may involve access to export-controlled information technology.