



Office of Sponsored Programs (OSP) Roundtable

Research Terms & Conditions

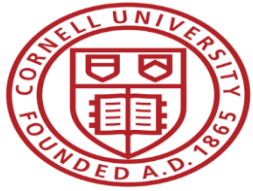
Jamie Sprague, Sr. Grant & Contract Officer, OSP





Agenda

- Background & Basics
- Research Terms & Conditions (RTC)
- Agency Specific Requirements
- Questions



OSP Roundtable – Research Terms and Conditions (RTC)

Background and Basics



What are the Research Terms & Conditions?

- A standard set of federal award terms and conditions
- Based upon the OMB Uniform Guidance (2 CFR 200)
- Awarded by federal agencies to institutes of higher education and other non-profit research organizations
- Grew out of an initiative by the Federal Demonstration Partnership (FDP)



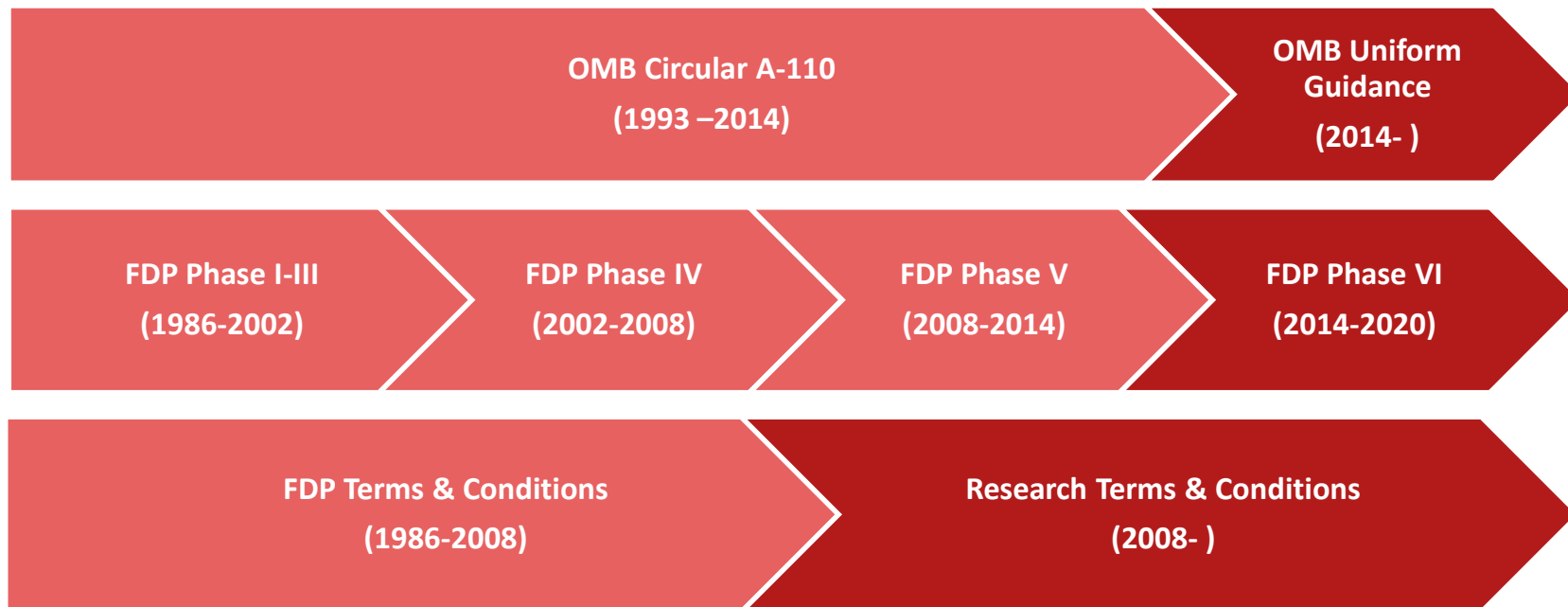
FEDERAL DEMONSTRATION PARTNERSHIP
Redefining the Government & University Research Partnership

The Federal Demonstration Partnership (FDP)

- A non-profit association of federal agencies, academic research institutions, and research policy organizations
 - Includes both scientific and administrative representatives
 - Current membership includes 10 federally agencies, 154 research organizations, and 8 policy organizations
- **Purpose:** Reduce the administrative burdens associated with research grants and contracts by working to streamline policy and procedure
- **Goal:** Improve the productivity of research without compromising responsible stewardship of federal funds
- **How?** Tri-annual in-person meetings, working groups and task forces, pilot programs
 - eRA Working Group
 - Subaward Working Group
 - FDP Expanded Clearinghouse
 - Research Terms and Conditions



History of the Research Terms and Conditions





OSP Roundtable – Research Terms & Conditions (RTC)

The Research Terms & Conditions



Research Terms & Conditions

- Incorporates the entire Uniform Guidance and the FAQs by reference, clarifying or supplementing select provisions
- Consists of 4 parts...
 - Research Terms and Conditions
 - Appendix A – Prior Approval Matrix
 - Appendix B – Subaward Requirements
 - Appendix C – National Policy Requirements

...plus Agency Specific Requirements
- The National Science Foundation (NSF) serves as the official web host of participating agency documents relating to the RTCs - <https://www.nsf.gov/awards/managing/rtc.jsp>



Awards

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[Award Statistics \(Budget Internet Info System\)](#)

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Research Terms and Conditions

Research Terms and Conditions

[Federal Register Notice - Final Notice of Standard Terms and Conditions for Research Grants](#)

Comments received in response to the request for public comment on the updated Research Terms and Conditions to address and implement the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) issued by the U.S. Office of Management and Budget (OMB) in the Federal Register [80 FR 61849, October 14 2015]

[Federal Register Notice - Research Terms and Conditions to address and implement the Uniform Guidance, 2 CFR 200 - October 14, 2015](#)

[Research Terms and Conditions Agency Implementation Statements - September 22, 2017](#)

Research Terms and Conditions

- [March 14, 2017 \(side by side with Uniform Guidance\)](#)

[Research Terms and Conditions Appendix A Prior Approval Matrix - October 1, 2017](#)

[Research Terms and Conditions Appendix B Subaward Requirements - October 1, 2017](#)

[Research Terms and Conditions Appendix C National Policy Requirements - October 1, 2017](#)

Agency Specific Requirements

- [DOC - 11/17, 10/17](#)
- [DOE - 4/17](#)
- [HHS/NIH - 4/17](#)
- [NASA - 10/17](#)
- [NSF - 10/17 \(Technical Corrections to NSF ASR 10/17\), 4/17](#)
- [USDA/NIFA - 6/17](#)



Research Terms and Conditions Overlay to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), 2 CFR § 200

March 14, 2017

These Research Terms and Conditions implement the requirements of the [Uniform Guidance](#), issued by the U.S. Office of Management and Budget, as it applies to research and research-related grants made by the Federal awarding agencies specified below to institutions of higher education and non-profit organizations. While the Uniform Guidance outlines provisions that are specific to research, these terms and conditions:

- Incorporate the entire Uniform Guidance by reference, clarifying or supplementing select provisions where appropriate and consistent with government-wide research policy.
- Incorporate the set of Frequently Asked Questions in effect at the time the award is made for the Office of Management and Budget's *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* at 2 CFR § 200 (located at <https://cfo.gov/cofar-resources>). These FAQs are meant to provide additional context, background, and clarification of the policies described in 2 CFR § 200.
- Apply to an award when included as part of the award or when incorporated in the award by reference.

In addition to these Research Terms and Conditions, recipients also must review the following companion resources:

- Appendix A, Prior Approval Matrix;
- Appendix B, Subaward Requirements Matrix; and
- Appendix C, National Policy Requirements Matrix.

The agencies participating in this activity include the: U. S. Department of Commerce/National Oceanic and Atmospheric Administration and National Institute of Standards and Technology; U.S. Department of Energy; U.S. Environmental Protection Agency; National Aeronautics and Space Administration; National Science Foundation; U.S. Department of Health and Human Services/National Institutes of Health; U.S. Department of Agriculture/National Institute of Food and Agriculture; U.S. Department of Transportation/Federal Aviation Administration; and U.S. Department of Homeland Security.

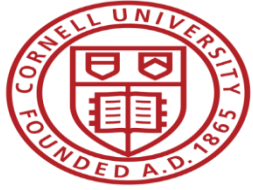
Clarity is provided only for the specific Uniform Guidance provisions that are noted in the following table. Unless noted below, the Uniform Guidance provisions apply to these Research General Terms and Conditions as written in 2 CFR § 200. Recipients must also refer to Agency-Specific Requirements.

Uniform Guidance	Research Terms Clarification
<i>Subpart A – Acronyms and Definitions</i>	<i>Subpart A – Acronyms and Definitions</i>
<p>§200.17 Cluster of programs.</p> <p><i>Cluster of programs</i> means a grouping of closely related programs that share common compliance requirements. The types of clusters of programs are research and development (R&D), student financial aid</p>	<p>§200.17 Cluster of programs.</p> <p>All awards issued that include these Research Terms and Conditions as part of the award or incorporate them in the</p>



Notable Terms and Conditions

- Expanded Authorities
 - Incur 90-day pre-award
 - Initiate a one-time no-cost extension of up to 12 months
 - Carry-forward unobligated funds from one budget period to another
 - Rebudget between direct and indirect costs
 - Purchase equipment without prior approval
 - Transfer funds into Participant Support
- Title to equipment vests with the grantee
- Closeout
 - Final financial, technical, and any other reports due no later than 120 calendar days after end date
 - All funds must be liquidated within 120 calendar days



OSP Roundtable – Research Terms & Conditions (RTC)

Agency Specific Requirements



Awards

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Research Terms and Conditions

Research Terms and Conditions

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[Federal Register Notice - Research Terms and Conditions to address and implement the Uniform Guidance, 2 CFR 200 - October 14, 2015](#)

[Research Terms and Conditions Agency Implementation Statements - September 22, 2017](#)

Research Terms and Conditions

- [March 14, 2017 \(side by side with Uniform Guidance\)](#)

[Research Terms and Conditions Appendix A Prior Approval Matrix - October 1, 2017](#)

[Research Terms and Conditions Appendix B Subaward Requirements - October 1, 2017](#)

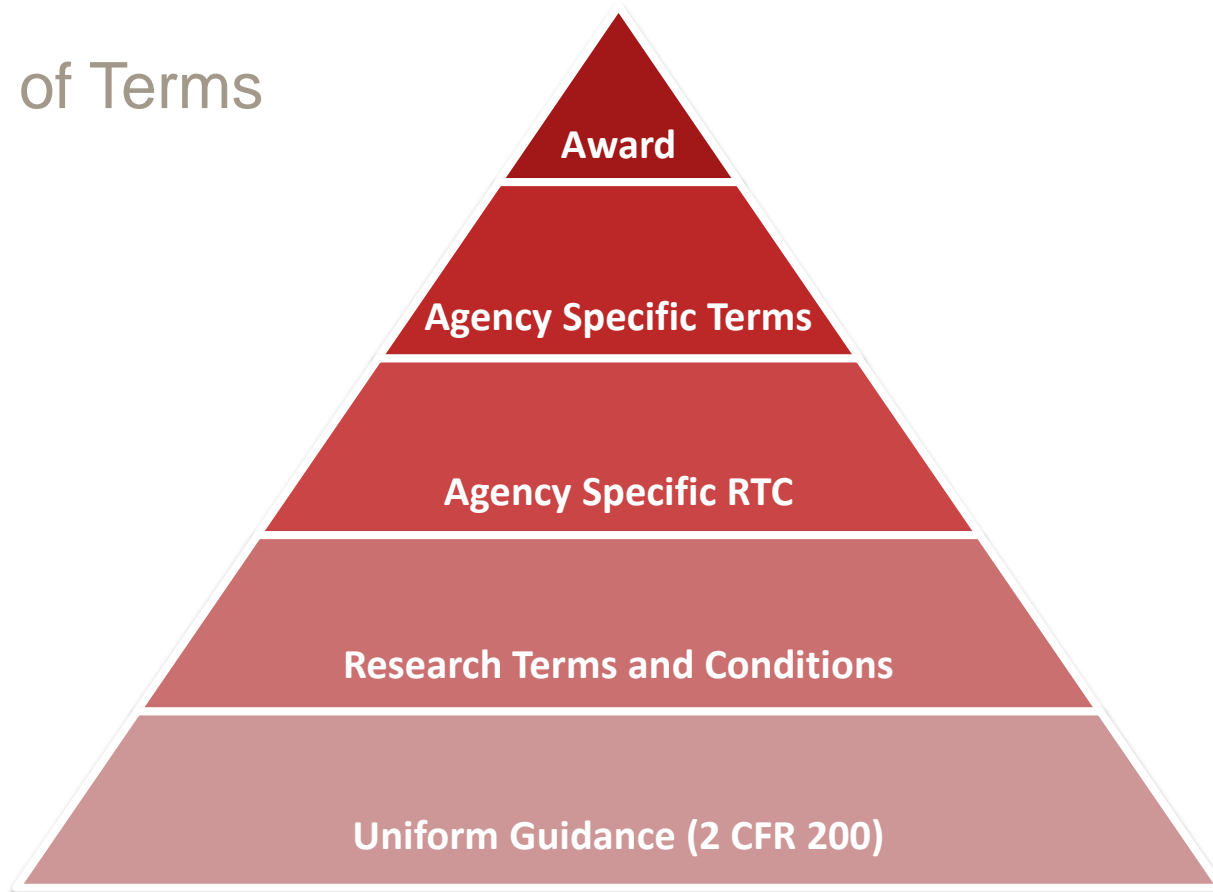
[Research Terms and Conditions Appendix C National Policy Requirements - October 1, 2017](#)

Agency Specific Requirements

- [DOC - 11/17, 10/17](#)
- [DOE - 4/17](#)
- [HHS/NIH - 4/17](#)
- [NASA - 10/17](#)
- [NSF - 10/17 \(Technical Corrections to NSF ASR 10/17\), 4/17](#)
- [USDA/NIFA - 6/17](#)



Hierarchy of Terms





National Science Foundation (NSF)

Implementation Statement

“Effective April 3, 2017, all new NSF grants and funding increments on existing NSF grants...will incorporate by reference the Research Terms and Conditions...The Research Terms and Conditions will not be applied to NSF cooperative agreements and fellowship awards made to individuals...Unless otherwise noted in a specific article, the NSF Agency Specific Requirements apply to all new NSF grants and funding amendments to existing NSF grants awarded on or after October 11, 2017.”

Award Example

NSF Notice of Award

This grant is awarded pursuant to the authority of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-75) and is subject to Research Terms and Conditions (RTCs) dated March 14, 2017, and NSF Agency Specific Requirements, dated April 3, 2017, available at: <https://www.nsf.gov/awards/managing/rtc.jsp>.

This institution is a signatory to the Federal Demonstration Partnership (FDP) Phase VI Agreement which requires active institutional participation in new or ongoing FDP demonstrations and pilots. and the following terms and conditions:



National Science Foundation (NSF)

RTC Clarifications and Deviations

- Reporting
 - Annual reports due 90 calendar days prior to the start of the next budget period. Report is considered overdue the day after the 90-day period ends.
 - Final technical report and Project Outcomes report due 120 calendar days after end date.
- Other
 - Financial Conflict of Interest (FCOI): Must maintain an appropriate written and enforced policy on conflict of interest consistent with the provisions of Proposal & Award Policies & Procedures Guide (PAPPG) Chapter IX.A
 - Responsible Conduct of Research (RCR): Must have a plan in place to provide appropriate training and oversight for RCR to undergraduates, graduate students and postdocs supported by NSF.
 - Federal Funding Accountability and Transparency Act (FFATA)



National Institutes of Health (NIH)

Implementation Statement

“Effective April 3rd, 2017, the Research Terms and Conditions apply to all NIH grants and cooperative agreements with the exceptions noted in the NIH Agency Specific Requirements. NIH implementation of these Federal-wide Research Terms has no significant change in the requirements or terms and conditions for NIH awardees.”



National Institutes of Health (NIH)

Award Example

NIH Notice of Award

This award is based on the application submitted to, and as approved by, NIH on the above-titled project and is subject to the terms and conditions incorporated either directly or by reference in the following:

- a. The grant program legislation and program regulation cited in this Notice of Award.
- b. Conditions on activities and expenditure of funds in other statutory requirements, such as those included in appropriations acts.
- c. 45 CFR Part 75.
- d. National Policy Requirements and all other requirements described in the NIH Grants Policy Statement, including addenda in effect as of the beginning date of the budget period.
- e. Federal Award Performance Goals: As required by the periodic report in the RPPR or in the final progress report when applicable.
- f. This award notice, INCLUDING THE TERMS AND CONDITIONS CITED BELOW.

This institution is a signatory to the Federal Demonstration Partnership (FDP) Phase VI Agreement which requires active institutional participation in new or ongoing FDP demonstrations and pilots.



National Institutes of Health (NIH)

RTC Clarifications and Deviations

- Prior Approvals
 - Exception of the automatic carryover provision found in 2 CFR §200.308(d)(3)). Automatic carryover authority will be indicated on the Notice of Award (NoA)
 - NIH prior approval is required for the transfer of a significant part of the research or substantive programmatic effort only when the transfer represents a change of scope unless the transfer is to a foreign entity.
- Other
 - Participant support costs are only allowable when identified in specific FOAs.
 - Incorporates 45 CFR Part 75 and NIH Grants Policy Statement (GPS)
 - Financial Conflict of Interest (FCOI)
 - Responsible Conduct of Research (RCR)
 - NIH salary cap
 - Federal Funding Accountability and Transparency Act (FFATA)



United States
Department of
Agriculture

National Institute
of Food and
Agriculture

USDA National Institute of Food and Agriculture (USDA-NIFA)

Implementation Statement

“...The terms and conditions will apply to all [assistance] awards...funded by NIFA except: 1) Capacity Programs; 2) the 1890 Facilities Program; and 3) the Small Business Innovation Research Program; as well as 4) awards to individuals. Existing research, education, and extension awards will continue to utilize the terms and conditions as stated in the award until the award expires unless the award receives a funding increment following June 1, 2017, in which case the core set of administrative terms and conditions and agency-specific term. In addition, beginning June 1, 2017, new NIFA research, education, and extension awards will utilize the Research Terms and Conditions, including the new agency-specific terms dated June 2017.”



USDA-NIFA

Award Example

USDA-NIFA Notice of Award



United States
Department of
Agriculture

National Institute
of Food and
Agriculture

PROVISIONS

This Award incorporates the following:

1. The referenced proposal and any revision thereto - incorporated by reference
2. NIFA General Terms and Conditions (10/16) at <http://nifa.usda.gov/terms-and-conditions>
3. General Provisions found in Title 2: 2 CFR Part 400; 2 CFR Part 415; 2 CFR Part 416; 2 CFR Part 418; 2 CFR Part 422; and, Title 7: 7 CFR Part 3430 - all incorporated by reference and found at <http://www.gpo.gov/searchwebapp/browse/collectionCfr.action?collectionCode=CFR>
4. The Approved Award Budget
5. NIFA Project Initiation Documents - incorporated by reference

USDA-NIFA General Terms & Conditions

NIFA'S GENERAL AWARD TERMS AND CONDITIONS (excepted: Capacity, 1890 Facilities and SBIR - see bottom of page for applicable terms)

- **June 2017: Research Terms and Conditions**, Beginning June 2017

NIFA utilizes the updated Research Terms and Conditions (RTC) that address and implement the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ([2 CFR 200](#)) issued by the U.S. Office of Management and Budget (OMB). All related documents including appendices and agency-specific terms and conditions are housed on a web site maintained by the National Science Foundation.

Visit [the NSF website \(link is external\)](#) to access this critical information (see <https://www.nsf.gov/awards/managing/rtc.jsp>).



United States
Department of
Agriculture

National Institute
of Food and
Agriculture

USDA National Institute of Food and Agriculture (USDA-NIFA)

RTC Clarifications and Deviations

- **Prior Approvals**
 - No more than 50 percent of the total dollars of this award may be subcontracted to another party without prior approval except subcontracts to Federal agencies.
 - Salary rates of pay exceeding Executive Level IV requires prior NIFA approval.
- **Reporting**
 - An annual Progress Report is due 90 calendar days after the award's anniversary date
 - The Final Technical Report is required within 90 calendar days after the expiration or termination of the award
- **Other**
 - Responsible Conduct of Research (RCR)
 - Dual Use Research of Concern (DURC)
 - Industrial Hemp
 - Federal Funding Accountability and Transparency Act (FFATA)



National Aeronautics & Space Administration (NASA)

Implementation Statement

“The policy of the National Aeronautics and Space Administration is to implement the Research Terms and Conditions on new and renewal awards issued after October 1, 2017.”

Award Example

NASA
Notice of Award

Currently unknown.

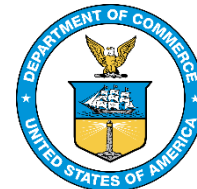


National Aeronautics & Space Administration (NASA)

RTC Clarifications and Deviations

- Other

- Incorporates Appendix B to 2 CFR 1800 and Exhibit C Additional Terms and Conditions of the NASA Grants and Cooperative Agreement Manual (GCAM)
 - Reporting
 - Annual progress reports are due 60 days prior to anniversary date of award
 - Summary of Research or Educational Activity Report is due within 90 days after the end date of the award
 - Equipment
 - Equipment not included in the approved proposal budget requires the prior approval
 - Federal Funding Accountability and Transparency Act (FFATA)



Department of Commerce (DOC)

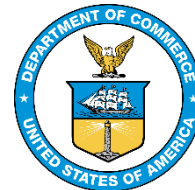
Implementation Statement

“Commencing October 1, 2017, the Department of Commerce (DOC) will implement the Government-wide core set of research terms and conditions for all research financial assistance awards subject to 2 CFR Part 200, in addition to any Department and Bureau-specific terms and conditions that may apply. Awards made by the Department and its Bureau shall apply the terms and conditions stipulated in the award. Upon the issuance of a funded amendment or renewal, the Government-wide core set of research terms and conditions will be incorporated into the award.”

Award Example

DOC
Notice of Award

Currently unknown.



Department of Commerce (DOC)

RTC Clarifications and Deviations

- Prior Approvals
 - See Appendix A - Prior Approval Matrix
- Reporting
 - The format, content and timing of technical reporting will be specified in the award document.



U.S. DEPARTMENT OF
ENERGY

Department of Energy (DOE)

Implementation Statement

“DOE will implement the Research Terms and Conditions for all new grant and cooperative agreement awards made after April 3, 2017 to all organizations subject to 2 CFR 200 as implemented by 2 CFR 910. DOE will also utilize agency specific terms and conditions dated April 2017. Both sets of terms and conditions will be incorporated by reference.”

Award Example

DOE Notice of Award

Incorporated under this agreement are the following attachments: Special Terms and Conditions, Statement of Objectives, Federal Assistance Reporting Checklist, Statement of Substantial Involvement, Federal-Wide Research Terms and Conditions, and DOE Agency Specific Requirements.



U.S. DEPARTMENT OF
ENERGY

Department of Energy (DOE)

RTC Clarifications and Deviations

- Prior Approvals
 - See Appendix A, but note that there is an error – DOE does not require prior approval of 90-day pre-award spending. The DOE Agency Specific Terms state otherwise and Chris Brown, Grant & Contract Officer, has confirmed this with DOE.
- Other
 - Directs you to DOE's Special Terms and Conditions
 - Reporting
 - Final reports (technical, financial, patent, and property) are due 90 days after the expiration or termination of the award



OSP Roundtable – Research Terms & Conditions (RTC)

Questions?



OSP Roundtable – Research Terms & Conditions (RTC)

Jamie Sprague

Sr. Grant & Contract Officer and Federal Team Lead

jas2233@cornell.edu