NATIONAL INSTITUTE OF FOOD AND AGRICULTURE
Small Business Innovation Research
(SBIR) Program
Terms and Conditions
Effective November 12, 2020

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1. APPLICABILITY

In carrying out approved activities under the Small Business Innovation Research (SBIR) grant, you must follow 2 CFR 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" as supplemented by these award terms and conditions. These award terms and conditions will refer to other documents as applicable. The statutory authority for this grant award is stated in Block 11 of the Award Face Sheet (NIFA Form-2009).

2. ORDER OF PRECEDENCE

In the event of any inconsistency between provisions of the award, the inconsistency will be resolved by giving precedence in the following order:

- Applicable laws and statutes of the United States, including any specific legislative provisions mandated in the statutory authority for the award
- Code of Federal Regulations (CFR)
- NIFA Small Business Innovation Research (SBIR) Program Terms and Conditions
- Agency policy
- Application documents

3. ABOUT THE DOCUMENT

The document incorporates:

- 2 CFR 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" (referred to as Uniform Guidance (UG)), by reference; and
- 7 CFR 3403, "Small Business Innovation Research Grants Program."

4. APPLICABLE REGULATIONS AND NATIONAL POLICY REQUIREMENTS

As a condition of this grant award, you assure that you will be in compliance and will comply with applicable statutory and national policy requirements, including those specified in 2 CFR 200.300 and Appendix II of 2 CFR 200, which hereby are incorporated in this grant award by reference, and such other provisions as are specified herein.

Regulation/Statute	Title
2 CFR Part 25	Universal Identifier and System for Award Management
2 CFR Part 170	Reporting Subaward and Executive Compensation Information
2 CFR Part 175	Award Term for Trafficking in Persons
2 CFR Part 180	OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)
2 CFR Part 182	Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)
2 CFR Part 200	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
2 CFR Part 400	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
2 CFR Part 400.2	Conflict of Interest
2 CFR Part 415	General Program Administrative Regulations
2 CFR Part 416	General Program Administrative Regulations for Grants and Cooperative Agreements to State and Local Governments
2 CFR Part 417	Nonprocurement Debarment and Suspension
2 CFR Part 418	New Restrictions on Lobbying
2 CFR Part 421	Requirements for Drug-Free Workplace (Financial Assistance)

Regulation/Statute	Title
2 CFR Part 422	Research Institutions Conducting USDA Funded Extramural Research; Research Misconduct All research awards issued by NIFA are subject to 2 CFR 422,; USDA's implementation of the Federal Policy on Research Misconduct published at 65 FR 76260. In accordance with sections 2, 3, and 8 of 2 CFR Part 422, institutions that conduct extramural research funded by USDA must foster an atmosphere conducive to research integrity, bear primary responsibility for prevention and detection of research misconduct and are to maintain and effectively communicate and train their staff regarding policies and procedures. The AOR assures, through acceptance of the award that the institution will comply with the above requirements. Grant recipients shall, upon request, make available to NIFA the policies and procedures as well as documentation to support the conduct of the training. To report allegations of research misconduct see https://nifa.usda.gov/research-misconduct
7 CFR Part 1, Subpart A	Official Records
7 CFR Part 1b	National Environmental Policy Act
7 CFR Part 3	Debt Management
7 CFR Part 15, Subpart A	Nondiscrimination in Federally-Assisted Programs of the Department of Agriculture – Effectuation of Title VI of the Civil Rights Act of 1964
7 CFR Part 3100	Cultural and Environmental Quality
7 CFR Part 3403	Small Business Innovation Research Grants Program
8 U.S.C. 1324a	Unlawful employment of aliens
29 U.S.C. 794	Nondiscrimination under Federal grants and programs
41 U.S.C. 6306	Interest of Member of Congress
41 U.S.C. 4712	Enhancement of contractor protection from reprisal for disclosure of certain information

Regulation/Statute	Title
45 CFR 75.521, Appendix IX to Part 75	Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals
48 CFR Subpart 31.2	Principles for determining costs with profitmaking firms and those nonprofit organizations that are specifically excluded from the provisions of 2 CFR part 200
Executive Order (EO) 13513	"Federal Leadership on Reducing Text Messaging While Driving,"
Executive Order 13798; 7 CFR Part 16.3	"Promoting Free Speech and Religious Liberty"
2 CFR 200.216	Prohibition on certain telecommunications and video surveillance services or equipment
2 CFR 200.340	Termination
Other laws, agency-specific regulations applicable to USDA agencies and staff offices	USDA agencies and staff offices must comply with provisions found in the Consolidated Appropriations Act, 2016, Pub. L. 114-113, Division E, Title VII, General Provisions Government-wide, Sections 743, 744, 745, 746 respectively ***or any successor provisions of law***. **Prohibition Against Certain Internal Confidentiality Agreements** (a) You may not require your employees, contractors, or subrecipients seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting them from lawfully reporting that waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information. (b) You must notify your employees, contractors, or subrecipients that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with paragraph (a) of this award provision are no longer in effect. (c) The prohibition in paragraph (a) of this award provision does not contravene requirements applicable to any other form issued by a Federal department or agency governing the nondisclosure of classified information. (d) If NIFA determines that you are not in compliance with this award provision, NIFA: 1) Will prohibit your use of funds under this award, in accordance with sections 743 and 744 of Division E of the Consolidated Appropriations Act, 2016, (Pub. L. 114-113) or any successor provision of law; 2) May pursue other remedies available for your material failure to comply with award terms and conditions. **Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants** This award is subject to the provisions contained in the Consolidated Appropriations Act, 2016, Pub. L. 114-113, Division E, Title VII, sections

Regulation/Statute	Title
	745 and 746, as amended and/or subsequently enacted for U.S. Department of Agriculture (USDA) agencies and offices regarding corporate felony convictions and corporate federal tax delinquencies. Accordingly, by accepting this award the corporation recipient acknowledges: (1) that it does not have a Federal tax delinquency, meaning that it is not subject to any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, **and** (2) that it has not been convicted of a felony criminal violation under any Federal law within 24 months preceding the award, unless a suspending and debarring official of the USDA has considered suspension or debarment of the recipient corporation based on these convictions and/or tax delinquencies and determined that suspension or debarment is not necessary to protect the interests of the Government. If the recipient fails to comply with these provisions, the agency will annul this agreement and may recover any funds the recipient has expended in violation of the above cited statutory provisions.

National Policy Requirements

A listing of National Policy Requirements recipients must adhere to, where applicable, is located at: https://www.nsf.gov/awards/managing/rtc.jsp.

OTHER REQUIREMENTS

Fraud, Waste, and Abuse

At a minimum, organizations must prepare and make available information about fraud, waste, and abuse to individuals participating in the SBIR project. Fraud includes any false representation about a material fact or any intentional deception designed to deprive the United Sates unlawfully of something of value or to secure from the United States a benefit, privilege, allowance, or consideration to which an individual or business is not entitled. Waste includes extravagant, careless, or needless expenditure of Government funds, or the consumption of Government property, that results from deficient practices, systems, controls, or decisions. Abuse includes any intentional or improper use of Government resources, such as misuse of rank, position, or authority or resources. The information should clearly inform individuals that they are to report any suspicions of fraud, waste, or abuse to the Office of Inspector General (OIG) pursuant to the provisions of the Whistleblower Protection Act of 1989 and the Inspector General Act of 1978. Contact information for the OIG is available on their website at https://www.usda.gov/oig/hotline.htm. The OIG may be contacted via the telephone at:

Hotline: (800) 424-9121
Hotline Local: (202) 690-1622
Hotline TDD: (202) 690-1202

Examples of fraud, waste, and abuse include, but are not limited to:

(i) misrepresentations or material, factual omissions to obtain, or otherwise receive funding under, an SBIR award;

(ii) misrepresentations of the use of funds expended, work done, results achieved, or compliance with program requirements under an SBIR award;

(iii) misuse or conversion of SBIR award funds, including any use of award funds while not in full compliance with SBIR Program requirements, or failure to pay taxes due on misused or converted SBIR award funds;
(iv) fabrication, falsification, or plagiarism in applying for, carrying out, or reporting results from an SBIR award;
(v) failure to comply with applicable federal costs principles governing an award;
(vi) extravagant, careless, or needless spending;
(vii) self-dealing, such as making a sub-award to an entity in which the PI has a financial interest;
(viii) acceptance by agency personnel of bribes or gifts in exchange for grant or contract awards or other conflicts of interest that prevents the Government from getting the best value; and
(ix) lack of monitoring, or follow-up if questions arise, by agency personnel to ensure that awardee meets all required eligibility requirements, provides all required certifications, performs in accordance with the terms and conditions of the award, and performs all work proposed in the application.

Prohibition on certain telecommunications and video surveillance services or equipment
The grantee (including subrecipients) is responsible for compliance with the prohibition on certain telecommunications and video surveillance services or equipment identified in 2 CFR 200.216. See Public Law 115-232, Section 889 for additional information.

In accordance with 2 CFR 200.216, the grantee (including subrecipients) is prohibited from obligating or expending loan or grant funds for covered telecommunications equipment or services to:

1. procure or obtain, extend or renew a contract to procure or obtain;
2. enter into a contract (or extend or renew a contract) to procure; or
3. obtain the equipment, services or systems.

Industrial Hemp
By accepting the award, the awardee agrees that if the project involves industrial hemp, the organization will comply with all terms and conditions set by the applicant's State agency regarding industrial hemp growth and cultivation. For this purpose, the term "industrial hemp" includes the plant *Cannabis sativa L.* and any part or derivative of such plant, including seeds of such plant, whether growing or not, that is used exclusively for industrial purposes (fiber and seed) with a tetrahydrocannabinols concentration of not more than 0.3 percent on a dry weight basis. The term "tetrahydrocannabinols" includes all isomers, acids, salts, and salts of isomers of tetrahydrocannabinols. If industrial hemp activities are conducted under the award, NIFA, in accordance with 2 CFR 200.336, has the right of access to any documents, papers, or other records of the non-Federal entity which are pertinent to the Federal award, in order to verify compliance with the terms and conditions set by the applicant's State agency. For further information see https://nifa.usda.gov/industrial-hemp.

Life Sciences Dual Use Research of Concern (DURC)
For all research, funded by NIFA, that potentially falls within the scope of the US Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern (https://www.phe.gov/s3/dualuse/Pages/default.aspx) as published in September 2014, grantees are responsible for monitoring the research progress and for implementation of all appropriate biosafety and biosecurity risk mitigation measures including compliance with all applicable laws and regulations related to that implementation, including the Policy specified above. (See also https://osp.od.nih.gov/biotechnology/dual-use-research-of-concern for Frequently Asked Questions, case studies, and other educational materials on DURC.)

Genetic Resources from Outside of U.S.
If this project will use plant or animal genetic resources from outside the United States, the PD is advised to

seek information regarding any prior informed consent and any terms and conditions regarding access and benefit-sharing required by the appropriate host country authorities. For further information, see the Access and Benefit-Sharing Clearing-House (https://absch.cbd.int/) and the International Treaty on Plant Genetic Resources for Food and Agriculture (https://www.fao.org/plant-treaty/countries/en/) websites. Researchers also should check for information directly from countries where they intend to obtain genetic resources. Researchers must also obtain permits and follow USDA/APHIS importation regulations (https://www.aphis.usda.gov/import_export/index.shtml). Contact the Plant Exchange Office, USDA/ARS, (https://www.ars.usda.gov/research/project/?accnNo=434391) or the USDA/ARS National Animal Germplasm Program (https://www.ars.usda.gov/research/project/?accnNo=433404), as appropriate, for further guidance on archiving the collections in the USDA/ARS's genebanks.

5. FLOW-DOWN OF REQUIREMENTS UNDER SUBAWARDS

The terms and conditions of the award flow down to subawards to subrecipients, unless the terms and conditions specify an exception. See 2 CFR 200.101.

6. DEFINITIONS

Applicable definitions are included in Subpart A of 2 CFR 200 and 7 CFR 3403. The following are a few clarifications:

a. Authorized Representative (AR) has the same meaning as "AOR," Authorized Organizational Representative) (see 7 CFR 3403.2).

b. Period of Performance has the meaning given in 2 CFR 200.1, with the additional clarification that the term includes any extension of the end date of the award, such as a no-cost extension authorized by 2 CFR 200.308, paragraph (e)(2). The period of performance is identified in Block 4. of the Award Face Sheet (Form NIFA-2009). Statutory language or agency policy may limit the maximum potential period of performance (including any awards transferred from another institution or organization). The period of performance will commence on the effective date cited in the award instrument. Any such limitation also applies to subcontracts made under awards subject to a period of performance limitation. If the period of performance is for 5 years, then refer to "Expiring Appropriations" under section 14.

c. Principal Investigator/Project Director (PI/PD) (defined in 7 CFR 3403.2) is more commonly referred to as Project Director (PD).

7. RECIPIENT AND USDA AGENCY CONTACTS

The following contacts are provided for your assistance.

Recipient Contacts:
The Project Director contact is identified in Block 15 of the Award Face Sheet (NIFA Form-2009).

NIFA will consider the individual identified in Block 5 of the SF-424 R&R Application for Funding as the recipient's administrative contact person.

USDA/NIFA Contacts:
Program Point of Contact (otherwise called the "NPL," National Program Leader) - a NIFA individual

who is responsible for the technical oversight of the award on behalf of the USDA (the individual is identified in Block 14. of the Award Face Sheet (Form NIFA-2009)).

Administrative Point of Contact – a NIFA individual who is responsible for the administrative oversight of the award on behalf of the USDA (the individual is identified in Block 14. of the Award Face Sheet (NIFA Form-2009)).

Where these terms and conditions direct information to be submitted to the Authorized Departmental Officer (ADO), the address to be used is as follows:

ATTENTION: Awards Management Division, Office of Grants and Financial Management

U.S. Postal Mailing Address:
National Institute of Food and Agriculture
U.S. Department of Agriculture
P.O. Box 419205, MS 10000
Kansas City, MO 64141-6205

Courier/Package Delivery Address:
National Institute of Food and Agriculture
United States Department of Agriculture
2312 East Bannister Road, MS 10000
Kansas City, MO 64141-3061
Email: awards@usda.gov

When requesting ADO approval, requests must be submitted as a pdf attachment to an email sent to awards@usda.gov.

Contact Information for Intellectual Property Matters:
Questions regarding intellectual property matters (this does **not** include questions and issues regarding Interagency Edison) should be referred to:

ATTENTION: Planning, Accountability, and Reporting Staff

U.S. Postal Mailing Address:
National Institute of Food and Agriculture
United States Department of Agriculture
P.O. Box 419205, MS 10000
Kansas City, MO 64141-6205

Courier/Package Delivery Address:
National Institute of Food and Agriculture, USDA
United States Department of Agriculture
2312 East Bannister Road, MS 10000
Kansas City, MO 64141-3061

E-mail: bayhdole@usda.gov

Interagency Edison (iEdison) can be accessed at https://www.iedison.gov/. An overview of the iEdison invention reporting process, an iEdison tutorial, and extensive help text can be found as links on the

iEdison home page. Requests for detailed instructions or other questions regarding Interagency Edison should be directed to:

Division of Extramural Inventions & Technology Resources (DEITR)
National Institutes of Health (NIH)
6705 Rockledge Drive, Suite 310, MSC 7980
Bethesda, Maryland 20892-7980
Telephone: (301) 435-1986
Facsimile: (301) 480-0272 E-mail: Edison@nih.gov

8. PRIOR APPROVAL REQUIREMENTS

Description	Reference	Prior Approval Required or Waived
Prior Written Approval (prior approval).	**200.407**	
Use of grant agreements (including fixed amount awards), cooperative agreements, and contracts	**200.407(a)**	
Changes in principal investigator (PI), project leader, project partner, or scope of effort.	200.201(b)(5)	Required
Cost sharing or matching	**200.407(b)**	
Use of unrecovered indirect costs, including indirect costs on cost sharing or matching.	200.306(c)	N/A
Use of current fair market value to determine the value of non-Federal entity donations of services and property for the purposes of cost sharing or matching.	200.306(d)(2)	N/A
Costs of the fair market value of equipment or other capital assets and fair rental charges for land when the Federal award supports activities that require use of equipment, buildings or land.	200.306(h)(2)	N/A
Program Income	**200.407(c)**	
Use of program income during the period of performance (additive method).	200.307(e)(2)	Waived
Revision of budget and program plans	**200.407(d)**	
Change in the scope or the objective of the project or program.	200.308(c)(1)	Required
Change in a key person specified in the application or Federal award.	200.308(c)(2)	Required
Disengagement from the project for more than three months, or a 25 percent reduction in time devoted to the project by the approved PI/PD.	200.308(c)(3)	Required
Inclusion, unless waived, of costs that require prior approval in accordance with Subpart E -- Cost Principles.	200.308(c)(4)	Required
Transfer of funds budgeted for participant support costs to other categories of expense.	200.308(c)(5)	Required
Subawarding, transferring or contracting out any work under a Federal award. This provision does not apply to the acquisition of supplies, material, equipment or general purpose services.	200.308(c)(6)	Required
Changes in the approved cost-sharing or matching provided by the non-Federal entity.	200.308(c)(7)	Required
Need for additional Federal funding to complete the project.	200.308(c)(8)	Required
Incur project costs 90 calendar days before the Federal awarding agency makes the award.	200.308(e)(1)	Waived
Incur project costs more than 90 calendar days pre-award.	200.308(e)(1)	Required
Initiate a one-time extension of the period of performance by up to 12 months.	200.308(e)(2)	Waived
Subsequent no-cost extension or extension of more than 12 months.	200.308(d)(2)	Required
Carry-forward of unexpended balances to subsequent funding periods.	200.308(e)(3)	Waived
Transfer amounts budgeted for indirect costs to absorb increases in direct costs, or vice versa.	200.308(f)(4)	Waived
Rebudgeting among direct cost categories for Federal awards in which the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the approved budget.	200.308(f)	Waived

Transfer of funds between construction and non-construction activities.	200.308(h)(5)	Required
Real Property	**200.407(e)**	
Encumber real property acquired with Federal funds.	200.311(b)	Required
Transfer of title to the Federal awarding agency or to a third party.	200.311(c)(3)	Required
Special arrangements and alterations costs incurred specifically for a Federal award.	200.462(a)	Required
Equipment	**200.407(f)**	
Encumber equipment acquired with Federal funds.	200.313(c)(1)	Required
Fixed amount subawards	**200.407(g)**	
Subawards based on fixed amounts at any dollar amount, provided the subawards meet the requirements for fixed amount awards in 200.201.	200.333	Required
Direct Costs	**200.407(h)**	
Direct charge the salaries of administrative and clerical staff if all conditions in 200.413 are met, excluding 200.413(c)(3).	200.413(c)	Required
Compensation -- personal services, paragraph (h)	**200.407(i)**	
Directly charge payments of incidental activities for which supplemental compensation is allowable under written institutional policy (at a rate not to exceed institutional base salary).	200.430(h)(1)(ii)	Required
Force account labor	200.430(h)(1)	Required
Faculty salary in excess of Institutional Base Salary (IBS).	200.430(h)(2)	Required
Intra-IHE faculty consulting on a Federal award that exceed a faculty member's base salary.	200.430(h)(3)	Required
Compensation -- fringe benefits	**200.407(j)**	
Severance payments to foreign nationals employed by the non-Federal entity outside the US that exceed the amounts customary in the US.	200.431(i)(4)	Required
Severance payments to foreign nationals employed by the non-Federal entity outside the US due to termination of the foreign national as a result of the closing of, or curtailment of activities by, the non-Federal entity in that country.	200.431(i)(5)	Required
Entertainment costs	**200.407(k)**	
Inclusion of costs of entertainment, including amusement, diversion, and social activities and any associated costs that have a programmatic purpose.	200.438	Required
Equipment and other capital expenditures	**200.407(l)**	
		Waived
Direct charge capital expenditures for buildings and land use.	200.439(b)(1)	Required
Direct charge capital expenditures for special purpose equipment over $5,000.	200.439(b)(2)	Waived
Capital expenditures for improvements to land or buildings which materially increase their value or useful life.	200.439(b)(3)	Required
Exchange rates	**200.407(m)**	
Exchange rate fluctuations that result in the need for additional Federal funding, or a reduction in the scope of the project.	200.440(a)	Required
Fines, penalties, damages and other settlements	**200.407(n)**	
Costs resulting from non-Federal entity violations of, alleged violations of, or failure to comply with, Federal, State, tribal, local or foreign laws and regulations.	200.441	Required
Fund raising and investment management costs	**200.407(o)**	
Costs of organized fund raising for the purposes of meeting the Federal program objectives.	200.442(a)	Required
Goods or services for personal use	**200.407(p)**	
Costs of housing (e.g. depreciation, maintenance, utilities, furnishings, rent), housing allowances and personal living expenses.	200.445(b)	Required
Insurance and indemnification	**200.407(q)**	
Costs of insurance or of contributions to any reserve covering the risk of loss of, or damage to, Federal Government property.	200.447(b)(2)	Required
Memberships, subscriptions, and professional activity costs, paragraph (c)	**200.407(r)**	
Costs of membership in any civic or community organization.	200.454(c)	Required

Organization costs	**200.407(s)**	
Costs such as incorporation fees, brokers' fees, fees to promoters, organizers or management consultants, attorneys, accountants, or investment counselor, whether or not employees of the non-Federal entity in connection with establishment or reorganization.	200.455	Required
Participant support costs	**200.407(t)**	
Inclusion of participant support costs.	200.456	Waived
Transfer of funds budgeted for participant support costs to other categories of expense.	200.308(c)(5)	Required
Pre-award costs	**200.407(u)**	
Inclusion of allowable pre-award costs.	200.458	Waived
Incur project costs 90 calendar days before the Federal awarding agency makes the award.	200.308(e)(1)	Waived
Incur project costs more than 90 calendar days pre-award.	200.308(e)(1)	Required
Rearrangement and reconversion costs	**200.407(v)**	
Direct charge special arrangements and alterations costs incurred specifically for a Federal award.	200.462(a)	Required
Selling and marketing costs	**200.407(w)**	
Costs of selling and marketing any products or services of the non-Federal entity (unless allowed under §200.421 Advertising and public relations).	200.467	Required
Taxes (including Value Added Tax)	**200.407(x)**	
Use of foreign tax reimbursement for approved activities under the Federal award.	200.470(c)	Required
Travel costs	**200.407(y)**	
Inclusion of travel costs for officials covered by 200.444 General costs of government.	200.474(a)	Required
Travel costs for dependents for travel of duration of six months or more.	200.474(c)(2)	Required

PRIOR APPROVAL IS REQUIRED:

The above chart (last column of chart includes "Required") identifies situations where prior written approval is required (i.e., awardee must receive prior written approval from NIFA's ADO). The following are the most common situations requiring prior approval along with information about what is needed when requesting approval. However, the awardee is bound by any other prior approval requirements of the applicable administrative provisions and Federal cost principles. **All prior approval requests must be signed or countersigned by the AR and PD/PI and as a pdf attachment to an email sent to awards@usda.gov.**

Scope or Objectives

When it is necessary to modify the scope or objectives of the award, the AR must submit to the ADO a justification for the change along with the revised scope or objectives of the award. The request should contain the following:

1. Include the grant number and proposal number;
2. Provide a narrative explaining the requested modification to the project objectives/scope;
3. Provide a description of the revised objectives/scope
4. Signatures of the AR and/or the Project Director must be on the letter.
5. Send the letter to the ADO for timely processing as identified in these terms and conditions.

Change Key Personnel

When it is necessary to change key personnel, the AR must submit a written request to the ADO to replace the key personnel. The request must contain the following:

1. Include the grant number and proposal number;
2. Narrative explaining the need for the personnel change;
3. The request should contain a copy of the new individual's curriculum vita and
4. Signature of the proposed replacement signifying his/her willingness to serve on the project.
5. Signatures of the AR and/or the Project Director must be on the letter.
6. Send the letter to the ADO for timely processing as identified in these terms and conditions.

Sub-contractual Arrangements

Total funds for subcontracting/consulting may not normally exceed one-third of the research or analytical effort as determined by budget expenditures during a Phase I project and one-half of the research or analytical effort as determined by budget expenditures during a Phase II project. Consulting fees are normally limited to the equivalent of the Senior Executive Service Level IV salary (see https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2020/executive-senior-level/ for Rates of Pay for Executive Schedule). Prior written approval of the ADO is required for any subcontract awarded 1) whereby work is to be performed outside of the United States, 2) for an amount in excess of the noted sub-contractual limitations, or 3) for consultant fees exceeding a Senior Executive Service Level IV salary.

To request authorization from the ADO for 1) and 2) noted above, the AR shall submit to the ADO the following:

1. Include the grant number and proposal number;
2. Provide a narrative explaining the proposed sub-contractual arrangements;
3. Provide a statement of work to be performed;
4. Include a detailed budget;
5. Provide a budget narrative for the subcontract
6. Signatures of the AR and/or the Project Director must be on the letter.
7. Provide a letter of collaboration/intent signed by the subcontractor's AR.
8. Send the letter to the ADO for timely processing as identified in these terms and conditions. Sub-contractual arrangements that are disclosed in the proposal or modifications thereto do not require additional post-award approval unless language in the award specifically states otherwise.

To request authorization from the ADO for 3) noted above, the AR shall submit justification for exceeding the Senior Executive Service Level IV salary to the ADO.

The awardee is responsible, without recourse to NIFA, regarding the settlement and satisfaction of all contractual and legal issues arising out of contracts, grants, or other instruments entered into between the awardee and third parties to carry out approved project activities. Matters concerning violation of law should be referred to the Federal, State, or local authority having proper jurisdiction.

Subcontractors/consultants must obtain prior written **university** or Federal facility approval to use or work in university or Federal facility as a subcontractor/consultant under a SBIR award. Approval must be from the AR of the university or Federal facility, as applicable.

Adding or Changing Consulting Services

If the use of consultant services becomes necessary during project performance, the awardee may enter into appropriate arrangements as needed to obtain such services provided that:

a. The use of a consultant or consultants does not constitute the transfer of substantive programmatic work requiring prior approval; or

b. The awardee does not propose to pay a consulting fee to one of its own employees.

Where one of these conditions exists and the consulting services are not a part of the approved budget, the awardee shall seek and document approval in accordance with the awardee's normal procedures. The documentation should include a justification, performance statement, rate of pay and vitae.

Federal employees may provide consulting services to the awardee or to a subrecipient as required to achieve project objectives and may be compensated for their services provided that such services are performed outside of their official duty hours or while they are in leave status and provided also that they receive approval from their respective agencies prior to rendering these services. Under no circumstances may employees of NIFA receive compensation under a NIFA-supported project, regardless of tier.

Foreign Travel

All foreign travel (i.e., any travel outside of North America and/or U.S. Territories) performed under this award must be approved in writing by the ADO prior to departure. If foreign travel is authorized under this project, the approved budget will identify funds for this purpose. Where foreign travel is contemplated subsequent to the effective date of the project, a written request must be submitted to the ADO outlining the purpose of the proposed trip, the inclusive dates of travel, the destination, and estimated costs involved.

Profit Fee

A profit fee under this award must be pre-approved in writing by the ADO. If a profit fee is authorized under this project, the approved budget will identify funds for this purpose. Where a profit fee is contemplated subsequent to the effective date of the project, a written request must be submitted to the ADO identifying the amount and the related budgetary changes.

Changes of Name or Legal Status

If an awardee is contemplating any type of transaction involving the entity (i.e., merger, spin-off, or sale), it is advised that the awardee contact the program point of contact identified in Block 14. of the Award Face Sheet (NIFA Form-2009)(or any one of the SBIR National Program Leaders) for knowledge of how the transaction may affect the award. The awardee must notify the ADO promptly of any pending change in its name or address, its principal operating officers, or the legal status of the awardee institution, organization, or entity, including, but not limited to, change brought about through merger, divestiture, or bankruptcy. Upon notification, the ADO will provide appropriate instructions to the awardee through the AR.

Absence of or Change in Project Leadership

When a PD/PI plans to:

1. Relinquish active direction of the project for a period of more than three consecutive months,
2. have a 25 percent or more reduction in the time devoted to the project, or
3. sever his or her connection with the awardee,

the awardee has several options and responsibilities.

a. If the PD/PI's absence is temporary, the AR must notify the ADO in writing of arrangements for the continuing conduct of the project (i.e., identify who will be in charge during the PI/PD's absence, including his/her curriculum vita and his/her written concurrence).

b. If the PD/PI severs his/her affiliation with the awardee, the awardee's options include:

   1) Replacing the PD/PI on the Project - The AR must request, in writing, ADO approval of the replacement PD/PI and must include a copy of his/her curriculum vita. The request must also contain the signature of the proposed replacement PD/PI signifying his/her willingness to assume leadership of the project.

   2) Relinquish the Award - If neither of the previous options is viable and the awardee wishes to relinquish the award, the following procedures should be followed: the awardee should send a letter, signed by the AR and PD/PI, to the ADO which indicates the awardee is relinquishing the award. The letter should include the date the PD/PI is leaving and a summary of progress to date (the progress report can be accomplished by attaching a final "Accomplishments Report" in REEPort and submitting a Final Report. A final Form SF-425, "Federal Financial Report", which reflects the total amount of funds spent by the awardee, should be submitted.

More than one no-cost extension or an extension of more than 12 months.

Consistent with 7 CFR 3430.58(b)(2) and 2 CFR 200 when more than one no-cost extension of time or an extension of more than 12 months is required, the extension(s) must be approved in writing by the ADO. The awardee should prepare and submit a written request (which must be received no later than 10 days prior to the expiration date of the award) to the ADO. Usually no more than one no-cost extension or an extension of more than 12 months is permitted only when there are exceptional circumstances.

The request must contain, at a minimum, the following information:

a. The length of additional time required to complete project objectives and a justification for the extension (see last paragraph of this article);
b. A summary of progress to date (a copy of the most recent REEport progress report is acceptable provided the information is current - see Article 9.B.b. of these award terms);
c. An estimate of funds expected to remain unobligated on the scheduled expiration date;
d. A projected timetable to complete the portion(s) of the project for which the extension is being requested; and
e. Signature of the AR and the Project Director/Principal Investigator (PD/PI). Any request received by the agency that does not meet this requirement will be returned for the necessary signature(s).

Requests for no-cost extensions of time after expiration date.

Consistent with 7 CFR 3430.58(b)(3) and 2 CFR 200 NIFA may consider and approve requests for no-cost extensions of time up to 120 days following the expiration of the award. These will be approved only for

extenuating circumstances, as determined by NIFA. The awardee's AR must submit the requirements identified in a. through e. of this section as well as an "extenuating circumstance" justification and a description of the actions taken by the awardee to minimize these requests in the future.
The fact that funds are expected to remain unobligated at the expiration of the award is not in itself sufficient justification to receive an extension of time unless otherwise authorized in the program legislation. Normally, no single extension may exceed 12 months and only in exceptional cases will more than one extension be considered. The award period (including any subsequent authorized extensions of time), shall not exceed any applicable statutory limit as well as any expiring appropriation limitation (see Article 7).

Pre-award Costs Incurred Outside the 90-Day Period

Where pre-award costs are incurred outside the 90-day period immediately preceding the award, such costs must be approved in writing by the ADO. The request must be received and approved by the NIFA Office of Grants and Financial Management prior to charging such costs to the award. The request must include the following:

1. Justification for why pre-award costs are necessary
2. A timetable or date when the expense will be incurred
3. What the expense is for (Note: these costs must be accounted for in the final approved budget)
4. The estimated amount of the expense.
5. Signatures of the AR and/or the Project Director must be on the letter.
6. Send the letter to the ADO for timely processing as stated in Section 7 of these terms and conditions

Extension to Submit a Final Federal Financial Report, Form SF-425

To request ADO approval, requests must be submitted as a pdf attachment to an email sent to awards@usda.gov following the guidance below:

Request submitted PRIOR to the end of the 120-day period following the award expiration date. The request should include a provisional report (showing unliquidated obligations), justification for not submitting a final by the initial due date, and the anticipated date for submission of a final report. Note that any extension of time is subject to expiring appropriations (see Article 7.) or other statutory or agency policy limitations (see Funding Period in this Article). Funds will remain available for drawdown during an approved extension of time.

Request submitted FOLLOWING the end of the 120-day period following the award expiration date. Such requests will only be considered, on a case by case basis, in extenuating circumstances. This request should include a provisional report (showing unliquidated obligations) as well as an anticipated submission date for the final report, a justification for the late submission, and a justification for the extenuating circumstances. Note that any extension of time is subject to expiring appropriations (see Article 7.) or other statutory or agency policy limitations (see Funding Period in this Article).

PRIOR APPROVAL IS WAIVED:

NIFA is exercising its option and is waiving prior written approval (i.e., recipients need not obtain such prior approval(s)) for the situations noted in the previous chart (last column of chart includes "Waived"). The following is additional information regarding areas where prior approval is waived with conditions or required.

Program Income

If the award recipient or subrecipient is other than a Federal agency, royalties or equivalent income earned on patents, inventions, and copyrighted works may be retained by the awardee. General program income earned during the period of NIFA support of this project must be added to total project funds and used to further the objectives of this award or the legislation under which this award is made. Disposition of program income earned by subawardees shall be determined in accordance with the awardee's own policies. Also see 2 CFR Part 200.307.

Pre- award costs

The PD may incur pre-award costs within the 90-day period immediately preceding the effective date of the award providing: the approval of pre-award spending is made and documented in accordance with the awardee's normal procedures prior to the incurrence of the cost(s); the advanced funding is necessary for the effective and economical conduct of the project; and the costs are otherwise allowable. As outlined in 2 CFR 200.308 (e)(1), all costs incurred before the USDA awarding agency makes the award are at the risk of the recipient. AR authority to approve pre-award costs does not impose an obligation on NIFA. The USDA awarding agency is under no obligation to reimburse costs if for any reason the: (1) if an award is subsequently not made; (2) if an award is made for a lesser amount than the awardee expected; or (3) the award is inadequate to cover the costs.

Pre-award costs incurred outside the 90-day period immediately preceding the effective date of the award must receive written approval from the ADO.

No-cost Extension of Time

Consistent with 7 CFR 3430.58(b)(1) and 2 CFR 200 awardees may initiate a one-time no-cost extension of the expiration date of the award of up to 12 months unless one or more of the following conditions apply: the terms and conditions of the award prohibit the extension; the extension requires additional Federal funds; and the extension involves any change in the approved objectives or scope of the project. For the first no-cost extension, the awardee must notify NIFA in writing with the supporting reasons and revised expiration date at least 10 days before the expiration date specified in the award. Notifications must be submitted as a pdf attachment to an email sent to awards@usda.gov
Notifications must be submitted as a pdf attachment to an email sent to awards@usda.gov.

Budget changes, and other required administrative prior approvals

When it is necessary to request ADO approval of a budget revision (see Section 8 Prior Approval Matrix), the revised budget must be submitted as a pdf attachment to an email to awards@usda.gov.. The request must clearly articulate the changes (i.e., it need not be submitted on the budget form that was used in the application process; the revisions need only be clearly identified) and reflect PD/PI and AR concurrence (i.e., must contain the signature of the PD/PI and AR).

Equipment

The prior approval for the direct charge of general purpose equipment and special purpose equipment is waived if the cost of the equipment is appropriately prorated among the activities to be benefitted.

9. INDIRECT COSTS

Indirect costs will be allowed for the award when specifically included as a line item in the approved budget for this award.

See https://nifa.usda.gov/indirect-costs for further information.

As outlined in 2 CFR 200.414 (f), any non-Federal entity (NFE) entity that does not have a current negotiated (including provisional) rate except for those non-Federal entities described in Appendix VII to part 200, paragraph D.1.b,may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC) which may be used indefinitely.

2 CFR § 200, Appendix III, paragraph C.7., specifies Federal agencies are required to use the negotiated F&A rates in effect at the time of the initial award throughout the life of the sponsored agreement. As outlined in 2 CFR 200.414 (g), any NFE that has a current federally negotiated indirect cost rate may apply for a one-time extension of the rates in that agreement for a period of up to four years. Such requests should be submitted prior to the due date of the next proposal for indirect costs. The extension will be subject to the review and approval of the cognizant agency for indirect costs. If an extension is granted, the grantee may not request a rate review until the extension period ends. At the end of the four-year extension, the grantee must re-apply to negotiate a rate. Subsequent one-time extensions (up to four years) are permitted if a renegotiation is completed between each extension request.

10. ALLOWABLE COSTS

Grant funds may only be used for allowable costs incurred during the period of performance (see Section 6) or within the 90-day period immediately preceding the effective date of the award. See 2 CFR 200.308(e)(1). Pre-award costs outside the 90 day period immediately preceding the effective date of the award must follow the requirements in these terms and conditions.

Allowable costs will be determined in accordance with the applicable program legislation, the purpose of the grant award, the terms and conditions for the grant award as contained herein, and by the following Federal cost principles that are applicable to the type of organization receiving the award, regardless of the type of award or tier (i.e., prime awardee, subaward) as are in effect at the time of the award:
2 CFR part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards."

48 CFR Subpart 31.2, "Principles for determining costs with profitmaking firms and those nonprofit organizations that are specifically excluded from the provisions of 2 CFR part 200."

45 CFR Part 74, Appendix E, "Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals."

11. UNALLOWABLE COSTS

The following costs are unallowable under this grant unless otherwise permitted by law or approved in writing by the ADO:

a. Costs above the amount authorized for the project;

b. Costs incurred before the effective date of the award, unless they meet the pre-award cost provisions detailed above;

c. Costs incurred after the expiration of the award including any no-cost extensions of time;

d. Costs which lie outside the scope of the approved project and any amendments thereto;

e. Entertainment costs regardless of their apparent relationship to project objectives, allowable only with prior approval;

f. Business meals may not be charged as project costs when individuals decide to go to breakfast, lunch, or dinner together when no need exists for continuity of a meeting. Such activity is considered to be an entertainment cost. In contrast, costs of meetings and conferences, the primary purpose of which is the dissemination of technical information, are allowable; however, it is NIFA's policy that the meeting/conference be a formal group meeting being conducted in a business atmosphere where the provided meal maintains the continuity of the meeting and to do otherwise will impose arduous conditions on the meeting participants. Note: Meals consumed while in official travel status do not fall in this category. They are considered to be per diem expenses and should be reimbursed in accordance with the organization's established travel policies.

g. Independent research and development costs;

h. Compensation for injuries to persons or damage to property arising out of project activities;

i. Consulting services performed by a Federal employee during official duty hours when such consulting services result in the payment of additional compensation to the employee;

j. None of the funds under this award may be used towards travel costs for NIFA employees.

This list is not exhaustive. Questions regarding if particular items of cost are allowed, should be directed to the ADO.

NOTE: Costs which have been determined to be unallowable, whether by statutory or regulatory mechanism, may not be used to meet any required non-Federal share of costs.

12. LIMIT OF FEDERAL LIABILITY

The maximum obligation of NIFA to the awardee is the amount indicated in the award as obligated by NIFA. Nothing in this section or in the other requirements of this award requires NIFA to make any additional award of funds or limits its discretion with respect to the amount of funding to be provided for the same or any other purpose. However, in the event that an erroneous amount is stated in the award, the approved budget, or any supporting documentation relating to the award, NIFA has the unilateral right to

make the correction and to make an appropriate adjustment in the NIFA share of the award to align with the Federal amount authorized.

13. SBIR REPORTING REQUIREMENTS

As outlined in 2 CFR 200.329, you are responsible for oversight of the operations of the award support activities. You must monitor the activities to assure compliance with applicable Federal requirements and performance expectations are being achieved. Monitoring must cover each program, function or activity. It is important to note that several of the reporting requirements are linked to the grantee receiving payment for the grant. Additionally, the grantee is required to fulfill a dual reporting requirement which includes the submission of technical reports to NIFA staff and a report to the Research, Education, and Extension project online reporting tool (REEport). In addition, the grantee will have other reporting requirements to complete throughout the lifecycle of the grant. Each of these reporting requirements are described in this section.

A. Performance Monitoring

The awardee is responsible for monitoring day-to-day project performance and for reporting progress to NIFA. If this project involves sub-contractual arrangements, the awardee also is responsible for monitoring the performance of project activities under those arrangements to ensure that approved goals and schedules are met.

1. Interim technical report

All Phase I and II awardees are required to submit an interim technical report. This report must be submitted at approximately the mid-point in the project as determined by the SBIR grantee. It should be submitted electronically as an attachment (MS Word or PDF) to the following email address: sbir@usda.gov. **The grantee must provide a Certification Statement with the report (see "Appendix" of these terms and conditions for the form). For Phase II grants, NIFA's approval of the interim technical report will release the next increment of funds minus any indirect costs that are under review and negotiation at that time.** The interim technical report can and should include proprietary information as it will not be made available to the public via the worldwide web. The report should include a single-page executive summary as the first page. This summary should include the purpose of the research, a brief description of the research carried out, the research findings or results, and in a final paragraph, potential applications (commercial or other) of the research. The balance of the report should include a comparison of actual accomplishments with the goals and milestones established in the original application; the reasons for slippage if established goals and milestones were not met; estimates of technical feasibility to be achieved for Phase I or estimates of scale up and commercialization for Phase II; provide an update on how the Phase II Commercialization Program objectives are being met; and additional pertinent information, such as an explanation of cost over-runs or unexpectedly high unit costs. Also, identify all other recipients (public and private) of the research results documented in the report.

The interim report will be reviewed by the SBIR National Program Leader (NPL) that oversees the SBIR topic area the grant falls under. The NPL has the authority to approve or not approve the interim technical report. If an interim technical report is not approved because of issue and concerns, NIFA will consult with the grantee, as appropriate, in an effort to resolve such matters. NIFA reserves the right to terminate a Phase II award if the issues and concerns identified cannot be resolved to NIFA's satisfaction. The NPL will not share the report outside of NIFA and once approved will forward a copy to the NIFA Awards Management Division (AMD) for inclusion in the grant award file. Under the Small Business Act, the USDA is required to protect the intellectual property of the report up to four year after the project is completed unless the SBIR

grantee receives an additional SBIR Phase II award, in which USDA will extent the protection period for an additional four years.

2. **Comprehensive Final Report**
   Comprehensive final reports for both Phase I and Phase II grants should be submitted electronically as an attachment (MS Word or PDF) to the following email address: sbir@usda.gov. **The grantee must provide a Certification Statement with the report (see "Appendix" of these terms and conditions for the form).** The final report may and should include proprietary information as it will not be made available to the public via the worldwide web. Phase I final reports are due within 120 days after the expiration date but prior to issuance of a Phase II award. Final reports are due within 120 days of expiration unless the project has entered into a fifth (5) year which in this case the report is due by the expiration date of the grant. The report should be an executive summary of the work completed. This summary should include the purpose of the research, a brief description of the research carried out, the research findings or results, potential applications (commercial or other) of the research. Phase II final reports should also include a summary of the level of success in meeting the requirements of the Phase II Commercialization Program including the Commercialization Strategy Report (CSR) and next steps after Phase II funding is completed.

3. **SBIR Phase II Out-Briefing and Phase II Impact Statement**
   All SBIR Phase II projects are required to conduct an out-briefing and provide a Phase II Impact Statement.

   The out-briefing is to be scheduled with the National Program Leader, the SBIR Program Coordinator and the SBIR Program Specialist at the conclusion of the grant. The out-briefing should coincide with the submission of the comprehensive final report and should be scheduled for one hour. The out-briefing should be a verbal presentation of the information that would be included in the final report, but in a power point presentation provided by the grantee via a conference call or video conference.

   The grantee will provide an impact statement of the project and will follow the template provided in the appendix of these terms and conditions.

   The out-briefing and impact statement serves to ensure that both the grantee and NIFA SBIR staff are able to communicate on the outcomes of the project and discuss how the innovation funded will be moving into a commercial market. This information will facilitate plans to communicate the project outcomes with USDA staff, the Small Business Administration, members of Congress and the public.

4. **REEport Requirements**
   a. Initial Documentation in REEport. All projects must be documented in REEport. Under the law, USDA NIFA is required to document all grants that are funded, and this information is published for public viewing. All SBIR Phase I and Phase II awardees should not include intellectual proprietary information in the REEport submission since this information is viewable by the public. Except as noted below, the main USDA contact for all REEport documentation is:

ATTENTION: Research, Education, and Extension project online reporting (REEport)

U.S. Postal Mailing Address:
National Institute of Food and Agriculture
U.S. Department of Agriculture
P.O. Box 419205, MS 10000
Kansas City, MO 64141-6205

Courier/Package Delivery Address:
National Institute of Food and Agriculture
United States Department of Agriculture
2312 East Bannister Road, MS 10000
Kansas City, MO 64141-3061

E-mail: REEport@usda.gov

Users who do not know if they have an active account but think they need to use REEport should email electronic@usda.gov.

NIFA WILL NOT RELEASE FUNDS FOR THIS PROJECT UNTIL THE REQUIRED FORMS HAVE BEEN RECEIVED ELECTRONICALLY BY REEport.

Information collected in REEport, is required upon project initiation for all NEW awards. The NIFA Program Point of Contact will request the Phase I and Phase II awardee, as appropriate, to complete and electronically submit the information to REEport at the appropriate time.

Awardees are requested to submit data electronically. To submit forms electronically, the REEport system can be accessed through the NIFA Reporting Portal at: https://portal.nifa.usda.gov/. Technical questions regarding the online completion of the reports should be directed to the PARS office via email at electronic@usda.gov.

Questions regarding report content should be directed to the program point of contact identified in Block 14. of the Award Face Sheet (Form NIFA-2009).

a. Annual REEport Requirements

Each year a SBIR Phase I or Phase II award is active, the REEport system will notify the awardee or designated contact electronically of upcoming reporting requirements. An "Annual Progress Report" and when applicable, "REEport Financial Report" must be completed in accordance with instructions accompanying the request and/or those provided on the REEport data entry system. Reports must be submitted electronically utilizing access information (e.g., login information) initially gained when the project initiation for the award was first submitted in REEport. Question regarding access to REEport should be emailed to electronic@usda.gov.

The annual Progress Report is due 90 calendar days after the award's anniversary date (i.e., one year following the month and day of which the project period begins and each year thereafter up until a final report is required). An annual Progress Report covers the most recent one-year period.

Failure to submit an annual Progress Report within 90 calendar days after the award's anniversary date may result in grant funds being withheld until the report has been submitted as specified.

The following information must be included in the Accomplishments and Changes/Problems section of the annual Progress Report. (1) A comparison of actual accomplishments with the goals established for the reporting period (where the output of the project can be expressed readily in numbers, a computation of the cost per unit of output should be submitted if the information is considered useful); (2) The reasons for slippage if established goals were not met; and (3) Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or unexpectedly high unit costs. When not applicable, a "nothing to report" checkbox may be utilized.

An annual "REEport Financial Report" is due on February 1 of the year subsequent to the federal fiscal year being reported. The annual "REEport Financial Report" discloses expenditures based on funding sources at the project level. The staff support values reported reflects project level effort expended for the particular year being reported. The awardee or designated contact will receive an email request to submit this data, when applicable.

Failure to submit an annual REEport Financial Report within 90 calendar days may result in grant funds being withheld until the report has been submitted as specified.

b. Final REEport Requirements

In the month that an award is due to expire, a request notification for the Final Technical REEport will be sent electronically to the awardee recipient or designated contact. The Final Technical REEport is required within 120 calendar days after the expiration or termination of the award unless the grant has entered into a fifth (5) year. In the case where the grant has entered into the fifth (5) year, the grantee is required to complete this requirement before the grant expirations date.
The REEport final report, "Accomplishment Report," covers the entire period of performance of the award and must describe progress made during the entire timeframe of the project instead of covering accomplishments made only during the final reporting segment of the project. In addition to supplying the information required under the final REEport, the final REEport must include the following when applicable:

1. A disclosure of any inventions not previously reported that were conceived or first actually reduced to practice during the performance of work under this award; and
2. A written statement on whether or not the awardee elects (or plans to elect) to obtain patent(s) on any such invention; and
3. Identify equipment purchased with any Federal funds under the award and indicate subsequent use of such equipment.

Failure to submit an acceptable Final Technical REEport within 90 calendar days after the award's anniversary date may result in funds being withheld for other active NIFA grants for which the Project Director(s) under this award are also named as well as prevent the award of future NIFA grants until the required report has been received in REEport and approved by NIFA.

Note the importance of preparing well written progress and technical reports. Information reported into REEport is used extensively by NIFA to describe the work NIFA funds, plan and defend its budget, assess its programs, and communicate project results. This depends

on quality reports written in lay terms. Reported information is also used by State scientists and administrators and is available to the public on the worldwide web. The reports should NOT contain proprietary information as the reports are made available to the public via multiple web sites including NIFA's Data Gateway (https://nifa.usda.gov/data) and the REEIS website (https://www.reeis.usda.gov/).

B. FINANCIAL REPORTING

An annual "Federal Financial Report," Form SF-425, is due on an annual basis no later than 90 days following the anniversary date (i.e., one year following the month and day of which the project period begins and each year thereafter up until a final report is required). The Federal Financial Report covers the most recent one-year period. The report must be submitted to Awards Management Division as a pdf attachment to an email sent to awards@usda.gov.

1. All drawdowns must be made within -120days after the expiration date of the award and before the final SF-425 is submitted.
2. The report must be completed on a single award basis.
3. The cash management information (lines 10(a) through 10(c)) is **NOT** to be completed.
4. The financial status information (lines 10(d) through 10(o) as well as line 11) on the form are to be completed.
5. The awardee shall report program outlays and program income on the same accounting basis (i.e., cash or accrual) that it uses in its normal accounting system.
6. Lines 10i, 10j, and 10k are to report matching contributions which are not a requirement of a SBIR award; therefore, these lines do not need to be completed.

A final "Federal Financial Report," Form SF-425, is due 120 days after the expiration date of this award unless the grant has entered into a fifth (5) year. If the grant has entered into a fifth (5) year, the Federal Financial Report," Form SF-425, is due no later than the expiration date of grant. The report must be submitted to the Awards Management Division (AMD) as a portable document format (PDF) attachment to an email sent to awards@usda.gov. All drawdowns must be made within 120 days after the expiration date of the award and before the final SF-425 is submitted unless the grant has entered into the fifth (5) year. If a grant has entered into a fifth (5) year then all drawdowns must be made before the final SF-425 is submitted and before the grant expiration date.

1. All drawdowns must be made within 120 days after the expiration date of the award and before the final SF-425 is submitted.
2. The report shall be completed on a single award basis.
3. The cash management information (lines 10(a) through 10(c)) is **NOT** to be completed.
4. The financial status information (lines 10(d) through 10(o) as well as line 11) on the form are to be completed.
5. The awardee must report program outlays and program income on the same accounting basis (i.e., cash or accrual) that it uses in its normal accounting system.
6. Lines 10i, 10j, and 10k are to report matching contributions which are not a requirement of a SBIR award; therefore, these lines do not need to be completed.
7. There should not be any unliquidated obligations reported on the final SF-425 report. If the awardee still has valid obligations that remain unpaid when the SF-425 is due, it shall request an extension of time to submit the report. Further, when a final report is overdue (beyond the 90-day period following the award expiration date and not covered by an approved extension of the due date for submission of the report), the grant account will be suspended, which restricts the awardee's ability to draw funds. If any remaining funding is needed by the awardee, the awardee must contact AMD and request a draw providing AMD with justification and documentation to support the draw. Such draw requests will only be approved in extenuating circumstances, as determined by NIFA. **Regardless of extensions given for the submission of the SF-425, funds**

will not be available for any drawdowns that exceed statutory limits as well as any expiring appropriations.

C. PATENTS, INVENTIONS, INCLUDING PLANT VARIETY PROTECTION, AND COPYRIGHTS

Patents and Inventions including Plant Variety Protection: The central point of contact within NIFA for questions and issues pertaining to patents and inventions including plant variety protections (PVP) (this does not include questions and issues regarding Interagency Edison) is:

ATTENTION: Planning, Accountability, and Reporting Staff

U.S. Postal Mailing Address:

National Institute of Food and Agriculture
United States Department of Agriculture
P.O. Box 419205, MS 10000
Kansas City, MO 64141-6205

Courier/Package Delivery Address:

National Institute of Food and Agriculture, USDA
United States Department of Agriculture
2312 East Bannister Road, MS 10000
Kansas City, MO 64141-3061

E-mail: bayhdole@usda.gov

Invention Disclosure and Related Information Requirements. 37 CFR 401.14(c)(1) requires the disclosure of each subject invention to the Federal Agency within two months after the inventor discloses it in writing to contractor personnel responsible for such matters. Under 35 U.S.C. 201(d), an invention means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the US Code, or any novel variety of plant which is or may be protectable under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), pursuant to 37 CFR 401.2(c). Invention disclosure statements pursuant to 37 CFR 401.14(c) must be made by creating an invention record using Interagency Edison. All supporting documentation must also be submitted electronically using Interagency Edison (37 CFR 401.16(a),(b), and (c).

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

Division of Extramural Inventions & Technology Resources (DEITR)
National Institutes of Health (NIH)
6705 Rockledge Drive, Suite 310, MSC 7980
Bethesda, Maryland 20892-7980
Telephone: (301) 435-1986
Facsimile: (301) 480-0272
E-mail: Edison@nih.gov

The report of the invention and a copy of the signed invention disclosure must be reported electronically through the Interagency Edison Web interface. To submit the signed disclosure electronically requires that it be rendered as a PDF or TIFF file. The signed disclosure should contain a brief description of the

original invention including the Title, Inventor(s) Name(s), and source of Federal support used (e.g., Agency Award Number). After the report and disclosure are received in the iEdison system, NIFA will have access to a copy of the disclosure document.

Other Invention, Patent, and Utilization Reporting Information

Electronic Submission Via Interagency Edison Web Interface: The Interagency Edison is to be used to exact any changes to the disposition of the invention, including title election or non-election, assignment of rights to third parties, patent application(s) or PVP(s), and patents or PVP(s) received.

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

1. Once a patent or PVP is applied for and an application serial number is available, an executed confirmatory license to the Government must be submitted. Such a license must also be submitted in instances where the invention has been licensed but not patented (as is the case of biological materials). For this purpose, iEdison provides a confirmatory license template (https://s-edison.info.nih.gov/iEdison/license.jsp) that can be submitted via facsimile.

2. Commensurate with patent or PVP application or issued patent or PVP certificate, the awardee organization must submit a copy of the portion of the patent or PVP application that contains the "Government Support Clause," offering proof of formal acknowledgment of Government support of the underlying invention. For PVP applications, the government support clause must be inserted in Exhibit E, block 11 of the application.

3. Requests for assignment of rights to third parties (e.g., the inventor) must include certification by the inventor. The certification process is defined and can be carried out as described under NIFA's Intellectual Property webpage (https://nifa.usda.gov/intellectual-property-reporting . The signed certification must be emailed to bayhdole@usda.gov.

4. Requests for waiver of the domestic manufacturing requirement must be emailed to bayhdole@usda.gov.

Title Election and Patent or PVP Submission: Within two years of an invention disclosure, a recipient must resolve the title to the invention, that is, either elect to retain invention rights or waive rights. Should the recipient decide to elect title, recipient must file a non-provisional patent or PVP application or notify this agency of its intentions pursuant to 37 CFR 401.14(c)(2) and (3). If the recipient fails to either 1) notify the Government of its intentions or 2) exercise its option to file for a patent within the specified time periods, then the Government may exercise its right of ownership pursuant to 37 CFR 401.14(d)(1) and (2).

The Government is not entitled to publicly disclose or publish a subject invention except according to the regulations, which includes but is not limited to under any one of the following circumstances:

(1) The award recipient publicly discloses or gives permission for publication; or

(2) The award recipient does not elect to file for a U.S. patent or PVP on such results, pursuant to 37 CFR 401.14(c)(2) and (3); or

(3) After the award recipient files for a U.S. patent or PVP pursuant to 37 CFR 401.14(c)(3).

"Publications" include publicly accessible databases such as Genbank; and subject invention include genome maps and sequences.

D. GENOME MAP AND SEQUENCE DATA DISCLOSURE

If genome sequence data has been obtained, the sequence must be submitted to GenBank. The date of submission to GenBank shall be the same date as the Government's right to publish. Submission of data to GenBank is without charge. Information concerning GenBank protocols may be obtained via the Worldwide web, https://www.ncbi.nlm.nih.gov/, or by contacting the National Center for Biotechnology Information at the following address:

National Center for Biotechnology Information
National Library of Medicine
Building 38A, Room 8N805
Bethesda, MD 20894
Telephone: (301) 496-2475
Facsimile: (301) 480-9241

Recipients who submit genome sequencing data information to GenBank must report this fact as part of the final reporting requirements found in these terms and conditions.

This section describes the policies for publication of major findings, and release and access of data and metadata from NIFA-funded research, education, extension and integrated research, education and/or extension projects. In addition, release of animal or plant germplasms are described in detail.

All investigators funded by NIFA must publish their major findings and make data resulting from research, education, and/or extension projects available within a reasonable time frame as laid out in their Data Management Plan (DMP) with appropriate recognition of all contributors. Any restrictions to data access necessary to safeguard privacy, intellectual property, business interests, or other limitations such as resource constraints must be followed as outlined in the DMP of the funded project that had been peer-reviewed according to community standards. The final report must describe the steps taken to implement the DMP as well as information on where the data and metadata are deposited (in a trusted repository such as Ag Data Commons) with Digital Object Identifier (DOI) and with Federal award identification number (formerly known as grant number). When the project involves use of proprietary data or materials from other sources, the data or materials resulting from the NIFA supported research, education and/or extension activities must be readily available without any restrictions to the users (no reach-through rights). The terms of any usage agreements must be followed as stated in the DMP in the application or revisions prior to funding.

Release or Distribution of Plant Germplasm. If plant germplasm (including mutant populations, mapping populations, diversity panels for association analysis, transgenics, near isogenic lines, etc.) is developed and/or evaluated as part of a NIFA-funded project, these resources and associated information is to be available to other researchers for validation of published results or additional research. Distribution of plant germplasm for commercial purposes may be limited by the producer of the germplasm. Whether these resources are created and/or evaluated inside or outside the United States, researchers are strongly encouraged to deposit germplasm, transgenic plants, mutants, plant populations, etc. into the USDA National Plant Germplasm System (NPGS) and associated information into the NPGS's database GRIN-Global. Should the project generate germplasm that would be incorporated into the NPGS, NIFA encourages Project Directors to confer with the Crop Curators and Crop Germplasm Committees in the NPGS (https://www.ars-grin.gov/npgs/index.html) regarding the desirability of depositing released varieties, genetic stocks and experimental plant populations and

associated descriptive information generated by NIFA funding in the NPGS genebanks through GRIN-Global.

Release or Distribution of Animal Germplasm.
If animal germplasm or tissue is developed and/or evaluated as part of a NIFA-funded project, these resources are to be available to other researchers and industry for validation of published results or additional research. Researchers are strongly encouraged to deposit germplasm and or tissue with the USDA-ARS National Animal Germplasm Program genebank, https://www.ars.usda.gov/research/project/?accnNo=433404.

Dissemination of Project Results. The recipient must notify the technical contact, via a listing clearly labeled with the award number, of any Worldwide Web-based materials resulting from the work.

E. REPORTING OF ACCIDENTS OR RELEASES INVOLVING RECOMBINANT DNA

Accidents or releases involving rDNA used in NIFA-funded research are to be considered a serious adverse event and the reporting requirements of Appendix M-I-C-4-a. Safety Reporting: Content and Format and Appendix M-I-C-4-b. Safety Reporting: Time frames for Expedited Reports of the NIH Guidelines are to be followed accordingly. Further, such incidents must be reported to NIFA as soon as possible (i.e., within 48 hours) but not later than 7 calendar days after the sponsor's initial receipt of the information (in the case of fatal or life-threatening incidents) or not later than 15 calendar days after the sponsor's initial receipt of the information (if the incident is not fatal or life-threatening). Copies of initial reports and subsequent monitoring or remediation reports and documentation must be sent to:

Agency Research Integrity Officer (ARIO)
E-mail: misconduct@usda.gov

Physical Address
305-A Whitten Building
12th Street, SW, and Jefferson Drive
Washington, DC 20250

U.S. Postal Mailing Address:
National Institute of Food and Agriculture
United States Department of Agriculture
1400 Independence Avenue, SW, MS 2201
Washington, DC 20250-2201

14. PAYMENTS

NIFA designates the Automated Standard Applications for Payment System (ASAP), operated by the Department of Treasury's Bureau of the Fiscal Service, as the payment system for SBIR award funds. For more information see https://nifa.usda.gov/tool/asap.

Requests for payment should be in accordance with ASAP instructions. All questions relating to payments should be submitted to:

ATTENTION: Financial Management Division, Office of Grants and Financial Management

U.S. Postal Mailing Address:
National Institute of Food and Agriculture
U.S. Department of Agriculture
P.O. Box 419205, MS 10000
Kansas City, MO 64141-6205

Courier/Package Delivery Address:
National Institute of Food and Agriculture
United States Department of Agriculture
2312 East Bannister Road, MS 10000
Kansas City, MO 64141-3061
ASAPCustomerService@usda.gov

If an awardee is a sole proprietorship, funds awarded shall be deposited in a separate bank account and NIFA, through the Financial Management Division (FMD), must be informed of the name and location of the bank. In addition, arrangements must be reached between the awardee and the bank of deposit of the award funds in accordance with the following: the account must be of a nature that permits the bank of deposit to return unused funds remaining in that account to NIFA in the event of the awardee's demise. However, NIFA will not be named a joint owner of such an account, but rather as beneficiary. These arrangements also must be reported to the FMD.

Phase I Payment Schedule

In accordance with 2 CFR 200.305, requests for payment shall be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the recipient organization in carrying out the purpose of the approved program or project. The timing and amount of cash advances shall be as close as is administratively feasible to the actual disbursements by the recipient organization for direct program or project costs and the proportionate share of any allowable indirect costs.

If the grantee has requested indirect costs, these funds may be withheld until NIFA can review the requested indirect cost rate and approve the rate in accordance with applicable laws and regulations.

Phase II Payment Schedule

Payments will be made according to the following schedule:

a. Aggregate payment requests of up to 50% of total award dollars will be honored during the first half of the project minus any requests for Indirect Costs that have to be negotiated. NIFA reserves the right to further restrict additional funds until the grantee provides requested documents per the award face sheet.

b. The additional 50% of total award dollars will be paid to the awardee upon acceptance and approval of the Interim Technical Report as described in Section 13: SBIR Reporting Requirements.

If the grantee has requested indirect costs, these funds may be withheld until NIFA can review the requested indirect cost rate and approve the rate in accordance with applicable laws and regulations.

Expiring Appropriations

Generally, the appropriated funds used to make grant awards expire five years after the fiscal year in which the grant is originally made. This means in the sixth year following a grant award, any award funds that have not been drawn down by August 25 of that year by the awardee are subject to be returned to the

Department of the Treasury by September 30 of that year. To determine the appropriation year of award funds, see block 17. Funds Chargeable of the Award Face Sheet (Form NIFA-2009). This block contains a two-digit fiscal year followed by a financial data code (FDC).

Awards in the sixth year with Period of Performance end dates in the months of MAY, JUNE, JULY, and AUGUST do not have the full 120 days after the Period of Performance closes to draw down (does not apply to AFRI awards or no-year/X-year appropriation funded programs). These awards must make final drawdown for expenditures no later than August 25 of the sixth year in order for NIFA to prepare its financial records before the funds Expire on September 30. After August 25, the ASAP account will be closed and the funds will be processed to revert back to the Treasury, resulting in lost funds for grantee.

In the following example, "17-823-33610," the first two numbers "17" represent the fiscal year "2017." In this example, these funds must be drawn down by August 25 of the year 2022.

FY17 single-year annual appropriation First year	**FY18** Second year	**FY19** Third year	**FY20** Fourth year	**FY21** Fifth year	**FY22** Sixth year
In this example, the grant approval date is August 31, 2017, and the Grant Year 1 Period of Performance begins on that date.	Grant Year 2 Period of Performance begins August 31, 2018.	Grant Year 3 Period of Performance begins August 31, 2019.	Grant Year 4 Period of Performance begins August 31, 2020.	Grant Year 5 Period of Performance begins August 31, 2021.	FY 17 single-year appropriation will expire on September 30, 2022. To meet this deadline, drawdowns must occur before August 25, 2022.

NIFA awards supported with funds from other Federal agencies (reimbursable funds). Unless an earlier date applies, NIFA may require that all draws and reimbursements for awards supported with reimbursable funds (from other Federal agencies) be completed prior
no later than June 30th of the fiscal year in which the period of availability for obligation ends to allow for the proper billing, collection, and close-out of the associated interagency agreement before the appropriations expire. For awards in their fifth year, June 30 is the last date on which draws and reimbursements can be made, even if the award is in its 120 day liquidation period.

Appropriations cannot be restored after expiration of the account.

If you have questions about whether an applicable appropriation will expire after 5 years, contact the Administrative Point of Contact identified in block 14 of the Award Face Sheet, Form NIFA-2009.

15. COMMERCIALIZATION ASSISTANCE TRAINING PROGRAM

The USDA offers a Phase I and Phase II commercialization assistance training program.

The Phase I program provides support to SBIR grantees to develop a Commercialization Plan which is a required document for a Phase II submission. Phase I grantees can opt out of the program if they wish.

Phase II awardees are **required** to participate in a USDA SBIR Phase II Commercialization Assistance Training Program (CATP) during their first year of funding which involves: 1) the Project Director's (PD) attendance at the USDA SBIR commercialization workshop held in the Washington DC area, and 2) completion of a Commercialization Strategy Report (CSR).

SBIR commercialization workshop. The awardee may use grant funds to cover the cost of travel and lodging or is otherwise responsible for such costs.

Commercialization Strategy Report (CSR). The awardee is expected to work cooperatively with the commercialization assistance contractor in the development of a CSR. The CSR is to include recommendations to assist the awardee in working towards completion of the project's commercialization objectives. Upon the grantees completion of the CSR and approval by the USDA contractor, the contractor is responsible for submitting the final CSR report to the USDA SBIR Office at sbir@usda.gov. USDA SBIR staff will review the CSR, however there is no formal approval process other than to ensure that both the grantee and the NIFA contractor met the requirements to develop the CSR. The CSR is intended for the grantee to use in developing future plans to continue moving the innovation into a commercial market. Any Phase II grantee that does not submit the CSR will be contacted by both USDA NIFA staff and the contractor requesting the deliverable be completed. The awardee is then responsible for working towards completion of the project's commercialization objectives in accordance with the CSR after the Phase II grant is complete.

ACKNOWLEDGMENT OF USDA NIFA SUPPORT AND DISCLAIMER

As outlined in 2 CFR 415.2, the GRANTEE must have an acknowledgement of USDA awarding agency support placed on:

1. any publications written or published with grant support and, if feasible, on any publication reporting the results of, or describing, a grant-supported activity, and

2. any audiovisual which is produced with grant support and which has a direct production cost to the recipient of over $5,000.

When acknowledging USDA support in accordance with 2 CFR Part 415, grantees must use the following acknowledgment for all projects or initiatives supported by NIFA:

"This material is based upon work that is supported by the National Institute of Food and Agriculture, U.S. Department of Agriculture Small Business Innovation Research (SBIR) Program, under award number XXXX-XXXXX-XXXXX."
We also expect that you will use NIFA's official identifier in all of your publication, posters, websites and presentations resulting from your award. This identifier can be found at https://nifa.usda.gov/resource/official-nifa-identifier.

In addition, you must include proper acknowledgement of public funding in published scientific articles, manuscripts, presentations and press releases.1 Please use the following language to acknowledge NIFA support in such publications and associated presentations, as appropriate:

> ***"This research was supported [in part] by the intramural research program of the U.S. Department of Agriculture, National Institute of Food and Agriculture, [insert program type, e.g., Hatch/Evans-Allen/McIntire-Stennis, etc., and accession number, if applicable]."***

[1] A scientific product is defined as the results of scientific activities, including analysis, synthesis, compilation, or translation of scientific, statistical, economic, and technological information and data into formats for the use of USDA or the nation

You must also include a disclaimer in all publications and presentations stating the following:

> ***"The Findings and Conclusions in This Preliminary [Publication/Presentation/Blog] Have Not Been Formally Disseminated by the U. S. Department of Agriculture and Should Not Be Construed to Represent Any Agency Determination or Policy."***

Presentations should include this disclaimer on the title slide in similar font and size to the name and title of the presenter.

Press Announcements and Media Interviews

Recommended awards should not be announced in any manner by a grantee until approval is obtained by NIFA's communication office. This applies to press releases, newsletters, and press interviews, web or social media postings. In many cases, the Secretary of Agriculture may want to personally announce the award.
NIFA grant awardees are requested to coordinate all public announcements with NIFA's Communication Staff at CommunicationsStaff@usda.gov. Simultaneous announcement by NIFA and the grantee are preferred.

The awardee is responsible for acknowledging NIFA support during news media interviews, including popular media such as radio, television and new magazines that discuss work supported by NIFA.

16. RELEASE OF INFORMATION

The Freedom of Information Act of 1966 (5 U.S.C. 552) and the Privacy Act of 1974 (5 U.S.C. 552a), as implemented by USDA's regulations (7 CFR Part 1.1) and supplemented by NIFA regulations found at 7 CFR Part 3404, will govern the release or withholding of information to the public in connection with this award. The release of information under these laws and regulations applies only to records held by NIFA and imposes no requirement on the awardee or on any subrecipient to permit or deny public access to their records. Requests for records or the release of information relating to this award should be directed to:

Departmental FOIA Officer
1400 Independence Avenue, SW
South Building
Room 4104
Washington, DC 20250-0706
Email: USDAFOIA@ocio.usda.gov

The regulations cited herein do not affect the retention period for project-related records or rights of access to such records or documents by NIFA, the Comptroller General, or their authorized representatives.

17. SHARING OF FINDINGS, DATA, AND OTHER PROJECT PRODUCTS

The PD/PI is encouraged to publish or otherwise make publicly available the results of work conducted under this award except in cases where such disclosure would jeopardize proprietary information developed during the course of the project.

At such time as any article resulting from research work under this award is published in a scientific, technical, or professional journal or publication, an electronic copy of the publication clearly labeled with the award number and other appropriate identifying information should be sent to the program point of

contact identified in the award. This includes notifying the program point of contact, via a listing clearly labeled with the award number, any World Wide Web-based materials resulting from the work.

18. DATA COLLECTION

The provisions of 5 CFR Part 1320 apply if this award involves the collection of identical information from ten or more non-Federal persons or organizations and the collection of information is sponsored by USDA. A collection of information undertaken by an awardee is considered to be conducted or sponsored by the department if: (1) the awardee is conducting the collection of information at the specific request of the Department; or (2) the terms and conditions of the award require specific approval by the agency of the collection of information or collection procedures.

Any data collection activities performed under this award are the responsibility of the awardee, and USDA support of the project does not constitute USDA approval of the survey design, questionnaire content, or data collection procedures. The awardee shall not represent to respondents that such data are being collected for or in association with USDA or any other Federal Government agencies unless such data are sponsored by the Department. However, this requirement is not intended to preclude mention of USDA support of the project in response to an inquiry or acknowledgment of such support in any publication of this data.

19. NONEXPENDABLE EQUIPMENT

Title to nonexpendable equipment purchased with award funds will vest in the awardee upon completion of the award project and acceptance by USDA of required reports in accordance with these terms and conditions. Such equipment shall be subject to the provisions of 2 CFR 200.313.

When the equipment is no longer needed by the awardee and the per unit fair market value is less than $5,000, the awardee may retain, sell, or dispose of the equipment with no further obligation to NIFA. If the per unit fair market value is $5,000 or more, then the awardee must submit a written request to the ADO for equipment disposition instructions.

20. INTEREST INCOME

Per 2 CFR 200.305(b)(9), interest earned amounts up to $500 per year may be retained by the recipient for administrative expenses. Unless the grantee (or subrecipient) is a State or local government, interest or investment income earned on Federal advances deposited in interest bearing accounts shall be remitted annually through ASAP. Contact ASAP through the email address of asapcustomerservice@usda.gov and FOD staff will provide the necessary assistance to facilitate the return of the interest income.

21. RECORD KEEPING

Accounting records for all costs incurred under this award must be supported by source documentation. Such documentation includes, but is not limited to, time and effort reports, job orders, canceled checks, invoices, paid bills, payroll records, and subcontract award documents if applicable. Labor costs charged to this project must be based upon salaries actually earned and the time actually worked on the project. Time and effort records must be maintained for any salary expenditures charged to this award. Furthermore, all project costs must be incurred within the approved project period of this award, including any no-cost extensions of time approved by the ADO. **Costs which cannot be supported by source documentation or which are incurred outside of the approved project period may be disallowed and may result in award funds being returned to the Federal government by the awardee.**

22. REPORTING SUBAWARDS AND EXECUTIVE COMPENSATION

In accordance with the Office of Management and Budget guidance published in the Federal Register (FR), 75 FR 55663, on September 14, 2010, "Requirements for Federal Funding Accountability and Transparency Act Implementation," awardees must comply with the requirements of this award term.

Reporting of first-tier subawards

1. **Applicability.** Unless you are exempt you must report each action that obligates $30,000 or more in Federal funds for a subaward to a non-federal entity or Federal agency.

2. **Where and when to report.**
   a. The non-federal entity or Federal agency must report each obligating action described in paragraph 1. Of this award term to https://www.fsrs.gov/
   b. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. **What to report.** You must report the information about each obligating action that the submission instructions posted at https://www.fsrs.gov/ specify.

Reporting Total Compensation of Recipient Executives

1. **Applicability and what to report.** You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—
   a. the total Federal funding authorized to date under this award equals or exceeds $30,000 as defined in 2 CFR 170.320;
   b. in the preceding fiscal year, you received--
      i. 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the transparency Act, as defined at 2 CFR 170.320 (and subawards); and
      ii. $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
   c. the public does not have access to information about the compensation of the Executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at https://www.sec.gov/answers/execcomp.htm.

2. **Where and when to report.** You must report executive total compensation as described in this award term:
   a. As part of your registration profile at https://www.sam.gov
   b. By the end of the month following the month in which this award is made, and annually thereafter.

Reporting of Total Compensation of Subrecipient Executives

Applicability and what to report. Unless you are exempt as provided in paragraph 2 of this award term, for each first-tier non-federal entity subrecipient under this award, you must report the names and total

compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if;

a. in the subrecipient's preceding fiscal year, the subrecipient received--
   i. 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
   ii. $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
b. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at https://www.sec.gov/answers/execomp.htm must report subrecipient executive total compensation described in this award term:
   i. To the recipient.
   ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

1. Exemptions

If, in the previous tax year, you had gross income, from all sources, under $300,000, you are exempt from the requirements to report:

a. Subawards, and
b. The total compensation of the five most highly compensated executives of any subrecipient.

2. Definitions

For purposes of this award term:

Federal Agency means a

a. Federal agency as defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f)
b. Non-Federal entity means all of the following, as defined in 2 CFR part 25:
   i. A Governmental organization, which is a State, local government, or Indian tribe;
   ii. A foreign public entity;
   iii. A domestic or foreign nonprofit organization; and
   iv. A domestic or foreign for-profit organization;
c. Executive means officers, managing partners, or any other employees in management positions.
d. Subaward:
   i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
   ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.331).
   iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
e. Subrecipient means a non-federal entity or Federal agency that:
   i. Receives a subaward from you (the recipient) under this award; and
   ii. Is accountable to you for the use of the Federal funds provided by the subaward.
f. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

i. Salary and bonus.
ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives and are available generally to all salaried employees.
iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
v. Above-market earnings on deferred compensation which is not tax-qualified.
vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds $10,000.

23. LABORATORY SECURITY

NIFA encourages all awardees to adopt appropriate laboratory security policies and procedures for facilities that work with any level of biological or chemical materials. Until the Federal Government develops applicable security standards, awardees are encouraged to consult the following resources for guidance on laboratory security:

1. USDA Departmental Manual 9610-1, "USDA Security Policies and Procedures for Biosafety Level-3 Facilities" (available at https://www.ocio.usda.gov/policy-directives-records-forms/directives-categories);

2. USDA Departmental Manual 9610-2, "USDA Security Policies and Procedures for Laboratories and Technical Facilities (Excluding Biosafety Level (BSL)-3 Facilities)" (available at https://www.ocio.usda.gov/policy-directives-records-forms/directives-categories); and

3. Federal Select Agent Program (see https://www.selectagents.gov/index.html).

24. RESPONSIBLE AND ETHICAL CONDUCT OF RESEARCH

In accordance with sections 2, 3, and 8 of 2 CFR Part 422, institutions that conduct USDA-funded extramural research must foster an atmosphere conducive to research integrity, bear primary responsibility for prevention and detection of research misconduct, and maintain and effectively communicate and train their staff regarding policies and procedures. By accepting a NIFA award the grantee assures that program directors, faculty, undergraduate students, graduate students, postdoctoral researchers, and any staff participating in the research project receive appropriate training and oversight in the responsible and ethical conduct of research and that documentation of such training will be maintained. Grantees are advised that the documentation of the training are subject to NIFA review upon request.

Note that the training referred to herein may be either on-campus or off-campus training. The general content of the ethics training, at a minimum, will emphasize three key areas of research ethics: authorship and plagiarism, data and research integration and reporting misconduct. Each institution will be responsible for developing its own training system, as schools will need flexibility to develop training tailored to their specific student needs. Grantees should consider the Collaborative Institutional Training Initiative (CITI) program for RCR (https://www.citiprogram.org/rcrpage.asp). Typically this RCR education addresses the topics of: Data Acquisition and Management - collection, accuracy, security, access; Authorship and

Publication; Peer Review; Mentor/Trainee Responsibilities; Collaboration; Conflict of Interest; Research Misconduct; Human Subject Research; and Use of Animals in Research.

25. APPENDIX

Appendix A

SBIR/STTR **Certification Statement** (OMB Approval 4040-0001; Expiration: 12/31/2022)

USDA SBIR Award Number:	Project Title:
Date:	Period Covered by this Report:
Company Name:	PI Name:
Telephone Number:	Email Address:
Company Address:	USDA SBIR National Program Leader:

Please check as appropriate:

- ☐ Phase I Award Interim Report
- ☐ Phase I Award Final Report
- ☐ Plan to submit Phase II Proposal
- ☐ Phase II Award Interim Report
- ☐ Phase II Award Final Report

- ☐ Check if report contains Proprietary Information

Acknowledgment of USDA support and disclaimer:
"This material is based upon work supported by the U.S. Department of Agriculture (USDA) under Award Number:_____. Any opinions, findings, and conclusions or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the USDA."

SBIR Funding Agreement Certification – Life Cycle Certification

All USDA SBIR Phase I and Phase II awardees must complete this certification at all times set forth in the funding agreement and the grant terms and conditions. This includes checking all of the boxes and having an authorized officer of the awardee sign and date the certification each time it is requested.

Please read carefully the following certification statements. The Federal government relies on the information to ensure compliance with specific program requirements during the life of the funding agreement. The definitions for the terms used in this certification are set forth in the Small Business Act, the SBIR Policy Directive, and also any statutory and regulatory provisions referenced in those authorities.

If the USDA SBIR National Program Leader or Authorized Departmental Officer (ADO) believes that the business is not meeting certain funding agreement requirements, the agency may request further clarification and supporting documentation in order to assist in the verification of any of the information provided.

Even if correct information has been included in other materials submitted to the Federal government, any action taken with respect to this certification does not affect the Government's right to pursue criminal, civil or administrative remedies for incorrect or incomplete information given in the certification. Each person signing this certification may be prosecuted if they have provided false information.

The undersigned has reviewed, verified and certifies that (one box must be checked for each):

The principal investigator is/was "primarily employed" by the awardee as defined in the solicitation during the term of the funding agreement, or the awardee has requested and received a written deviation from this requirement from the USDA.

	Yes
	No
	Deviation approved in writing by the USDA.

All, essentially equivalent work, or a portion of the work performed under this project (check the applicable line):

	Has not been submitted for funding by another Federal agency.
	Has been submitted for funding by another Federal agency but has not been funded under any other Federal grant, contract, subcontract or other transaction.
	A portion has been funded by another grant, contract, or subcontract as described in detail in the proposal and approved in writing by the USDA.

The work is completed, and awardee has performed the applicable percentage of work, unless a deviation from this requirement is approved in writing by the USDA (check the applicable line and fill in if needed):

	SBIR Phase I: at least two-thirds (66.66 %) of the research performed by the awardee.
	SBIR Phase II: at least half (50%) of the research by the awardee.
	Not applicable because the work has not been completed at this time

The work for which payment is hereby requested was performed in accordance with the award terms and conditions and that payment is due and has not been previously requested.

	Yes
	No payment requested
	A deviation in payment has been approved in writing by the USDA.

All of the funds committed to this award, including all associated supplemental awards, have been fully expended as designated in the grant budget.

	Yes
	No (Please provide a detailed explanation in the report)
	Not applicable because the work has not been completed at this time.

The research/research and development is/was performed in the United States unless a deviation is approved in writing by the USDA.

	Yes
	No
	Waiver has been granted.

The research/research and development is/was performed at the awardee's facilities described in the proposal by the awardee's employees, except as otherwise indicated in the SBIR application and approved in the funding agreement.

	Yes
	No
	I will notify USDA immediately if all or a portion of the work proposed is subsequently funded by another Federal agency.
	I understand that the information submitted may be given to Federal, State and local agencies for determining violations of law and other purposes.

I certify that to the best of my knowledge (1) the statements herein (excluding scientific hypotheses and scientific opinions) are true and complete, and (2) the text and graphics in this report as well as any accompanying publications or other documents, unless otherwise indicated, are the original work of the signatories or individuals working under their supervision. I understand that the willful provision of false information or concealing a material fact in this report or any other communication submitted to USDA is a criminal offense (U.S. Code, Title 18, Section 1001).

Authorized Company Officer Name: _____

Title: _____

Signature:_____Date:_____

PI Name :_____

P.I. Signature:_____Date:_____

Appendix B

Impact Statement

Phase II grantees are required to provide the following information during the final out briefing. The following information is to be used to promote the USDA SBIR project and promote the program. The answers to these questions should not contain any proprietary information, however the answers should clearly describe the benefits and impacts of the project. The language to be used should be simplified to describe the innovation and its impacts to a non-scientific group of individuals.

1. What kind of impact did this project/program have?
2. Who was impacted?
3. Where did this impact occur?
4. What did project/program members do to achieve this impact? What major accomplishments, study results or outputs led to this impact?
    a. Did the project/program use any unique or innovative methods/tools?
    b. Who was involved?
5. What issue were the researchers trying to address?
    a. Who cares about this issue?
    b. Why do they care about the issue?
    c. Buzz words or hot topic related to this issue/project/program?
6. Any anecdotes?
7. Any potential future impacts?