

**U.S. NUCLEAR REGULATORY COMMISSION  
NOTICE OF GRANT/ASSISTANCE AWARD**

<b>GRANT/AGREEMENT NO.</b> RC-HQ-13-G-38-0034	<b>2. MODIFICATION NO.</b>	<b>3. PERIOD OF PERFORMANCE</b> FROM: 08/01/2013 TO: 07/31/2015	<b>4. AUTHORITY</b> Pursuant to Section 31b and 141b of the Atomic Energy Act of 1954, as amended
<b>TYPE OF AWARD</b>  <input checked="" type="checkbox"/> GRANT  <input type="checkbox"/> COOPERATIVE AGREEMENT	<b>6. ORGANIZATION TYPE</b> Public/State Controlled Institute of Higher Education  DUNS: 170230239 NAICS: 611310	<b>7. RECIPIENT NAME, ADDRESS, and EMAIL ADDRESS</b> UNIVERSITY OF TEXAS AT AUSTIN  101 EAST 27TH STREET STE 5.300  AUSTIN TX 78712-1539	

**PROJECT TITLE:**

NRC Scholarships - The University of Texas at Austin - 2012

<b>PROJECT WILL BE CONDUCTED BY</b> NON-GOVERNMENT'S/RECIPIENT'S PROPOSAL(S) DATED See Program Description  <b>AND APPENDIX A-PROJECT GRANT PROVISIONS</b>	<b>10. TECHNICAL REPORTS ARE REQUIRED</b>  <input checked="" type="checkbox"/> PROGRESS AND FINAL  <input type="checkbox"/> FINAL ONLY  <input type="checkbox"/> OTHER (Conference Proceedings)	<b>11. PRINCIPAL INVESTIGATOR(S) NAME, ADDRESS and EMAIL ADDRESS</b> Steven Biegalski, Ph.D., P.E. University of Texas at Austin 1 University Station, R9000 Austin, TX 78712 (512)232-5380 biegalski@mail.utexas.edu
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<b>12. NRC PROGRAM OFFICE (NAME and ADDRESS)</b> Attn: Nancy Hebron-Israel Office of Chief Human Capital Officer Mailstop: 3WFN/ 3 A12 1555 Rockville Pike Rockville, MD 20852 Nancy.Hebron-Israel@nrc.gov 01-287-0718	<b>13. ACCOUNTING and APPROPRIATION DATA</b> APPN. NO: 31X0200 B&R NO: 2013-84-51-K-164 JOB CODE: T8458 BOC NO: 4110 OFFICE ID NO: RFPA#HR-13-185 FAIMIS: GR0322	<b>14. METHOD OF PAYMENT</b>  <input type="checkbox"/> ADVANCE BY TREASURY CHECK  <input type="checkbox"/> REIMBURSEMENT BY TREASURY CHECK  <input type="checkbox"/> LETTER OF CREDIT  <input checked="" type="checkbox"/> OTHER (SPECIFY) Electronic ASAP.gov (See Remarks in Item #20 "Payment Information")
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<b>15. NRC OBLIGATION FUNDS</b>	<b>16. TOTAL FUNDING AGREEMENT</b>
THIS ACTION \$80,000.00	NRC \$80,000.00
PREVIOUS OBLIGATION	RECIPIENT \$10,000.00
TOTAL \$80,000.00	TOTAL \$90,000.00

This action provides funds for Fiscal Year 2013 in the amount of \$80,000.00

**17. NRC ISSUING OFFICE (NAME, ADDRESS and EMAIL ADDRESS)**

U.S. Nuclear Regulatory Commission  
Div. of Contracts  
Attn: Gordana Zuber, 301-287-0900  
Mail Stop: 3WF-05C-64M  
Washington, DC 20555  
Gordana.Zuber@nrc.gov

<b>18. SIGNATURE</b>  Signature Not Required	<b>19. NRC CONTRACTING OFFICER</b>
	<u>Erika Eam</u> 08/01/2013 (Signature) (Date)
	NAME (TYPED) Erika Eam
	TITLE Grants Officer
TELEPHONE NO. 301-287-0954	

**20. PAYMENT INFORMATION**

Payment will be made through the Automated Standard Application for Payment (ASAP.gov) unless the recipient has failed to comply with the program objectives, award conditions, Federal reporting requirements or other conditions specified in 2 CFR 215 (OMB Circular A110).

Attached is a copy of the "NRC General Provisions for Grants and Cooperative Agreements Awarded to Non-Government Recipients." Acceptance of these terms and conditions is acknowledged when Federal funds are used on this project.

**21. ORDER OF PRECEDENCE**  
In the event of a conflict between the recipient's proposal and this award, the terms of the Award shall prevail.

By this award, the Recipient certifies that payment of any audit-related debt will not reduce the level of performance of any Federal Program.

TEMPLATE - ADM001

SUNSI REVIEW COMPLETE

AUG 22 2013

ADM002

**ATTACHMENT A - SCHEDULE****A.1 PURPOSE OF GRANT**

The purpose of this Grant is to provide support to the NRC Scholarships - The University of Texas at Austin - 2012 as described in Attachment B entitled "Program Description."

**A.2 PERIOD OF GRANT**

1. The effective date of this Grant is August 1, 2013. The estimated completion date of this Grant is July 31, 2015.
2. Funds obligated hereunder are available for program expenditures for the estimated period: August 1, 2013 – July 31, 2015.

**A. GENERAL**

1. Total Estimated NRC Amount: \$80,000.00
2. Total Obligated Amount: \$80,000.00
3. Cost-Sharing Amount: \$10,000.00
4. Activity Title: NRC Scholarships - The University of Texas at Austin - 2012
5. NRC Project Officer: Nancy Hebron-Isreal
6. DUNS No.: 170230239

**B. SPECIFIC**

- RFPA No.: HR-13-185
- FAIMIS: GR0322
- Job Code: T8458
- BOC: 4110
- B&R Number: 2013-84-51-K-164
- Appropriation #: 31X0200
- Amount Obligated: \$80,000.00

**A.3 BUDGET**

Revisions to the budget shall be made in accordance with Revision of Grant Budget in accordance with 2 CFR 215.25.

	Year 1	Year 2
Scholarship Yearly Total	\$40,000.00	\$40,000.00

**A.4 AMOUNT OF AWARD AND PAYMENT PROCEDURES**

1. The total estimated amount of this Award is \$90,000.00 for the two year period, inclusive of cost share.
2. NRC hereby obligates the amount of \$80,000.00 for program expenditures during the period set forth above and in support of the Budget above. The Grantee will be given written notice by the Grants

Officer when additional funds will be added. NRC is not obligated to reimburse the Grantee for the expenditure of amounts in excess of the total obligated amount.

3. Payment shall be made to the Grantee in accordance with procedures set forth in the Automated Standard Application For Payments (ASAP) Procedures set forth below.

## **Attachment B – Program Description**

### **PROGRAM DESCRIPTION**

The 2012 annual rankings by *U.S. News and World Report* list The University of Texas at Austin Cockrell School of Engineering 10<sup>th</sup> for undergraduate programs and 8<sup>th</sup> in the nation for graduate programs. The Mechanical Engineering undergraduate department is ranked 10<sup>th</sup> in the nation by this same survey. The Cockrell School of Engineering enrolls approximately 5,000 undergraduate students and it attracts the top students graduating from high schools in Texas and across the nation.

The Mechanical Engineering department at The University of Texas at Austin has about 1,000 undergraduate students enrolled each semester. Each undergraduate student entering Mechanical Engineering their freshman year is required to be in the top seven percent of their high school class. The students enrolled in our department are of high caliber and it is important to attract these students into nuclear related careers.

A nuclear technical option at The University of Texas at Austin has been in existence for fifty years. The earliest known course was Nuclear Reactor Operation and Maintenance and was first offered in 1957. Nuclear Engineering became an option in Engineering Science in 1960 and in Mechanical Engineering in 1970, where it is currently administered. In August 1963, the TRIGA nuclear reactor went critical at 10kW using fuel loaned from the U.S. Government. In 1968, the power was upgraded to 250 kW and then upgraded again in 1992 to 1,000 kW at a different site; the Nuclear Engineering Teaching Laboratory (NETL). Throughout its long history, the nuclear program has had a commitment to educating the brightest students in the United States and abroad. This dedication which continually grows stronger now as the program has expanded to encompass health physics, radiation engineering, research reactor beam port experiments, radioactive waste management and reactor and computational nuclear engineering, homeland security and non-proliferation. As a result of the ever broadening educational and research needs, ten years ago the nuclear program changed its name to Nuclear and Radiation Engineering to better reflect its new directions.

The undergraduate scholarship program outlined in this proposal will be utilized to recruit students into and support students in the Nuclear Certificate for Nuclear Safety, Security, and Environmental Protection. Four scholarships will be awarded each year to full-time students (12 credit hours per semester or more) with GPA's above a 3.0 (overall and within major). Scholarship recipients will matriculate with a baccalaureate degree in a nuclear-related area. Resources in the Cockrell School of Engineering Scholarship Program office and the Equal Opportunity in Engineering (EOE) program will be utilized to recruit students to apply for the scholarships and to manage student once they receive a scholarship.

#### Program

Once a student receives a scholarship, they will be part of the Nuclear Scholarship Program (NSP). This program has both required and suggested components. The purpose of the NSP is to track student progress, maintain student interest in nuclear energy, and provide a sense of community.

Required program elements include:

1) Mentor Meetings

Scholarship recipients will be required to meet with a faculty mentor at least one time per semester. The faculty mentors will be one of the PIs listed on this proposal or another professor in the Nuclear Radiation and Engineering program if the student desires. The main thrust of these meetings will be for the mentor to help the students define their career goals (both short-term and long-term) and lay a path to achieving these goals. Course work, outreach activities, and summer employment will also be discussed.

2) Community Outreach

Scholarship recipients will also be required to participate in local and State outreach activities. Such activities include giving lectures to high school students, maintaining information desks at large student events, participating in engineering open house events, and providing tours of the Nuclear Engineering Teaching Laboratory Mark II TRIGA reactor.

3) Enrollment in the Nuclear Certificate for Nuclear Safety, Security, and Environmental Protection

The Nuclear Certificate for Nuclear Safety, Security, and Environmental Protection includes 15 hours of course work. Students must take four undergraduate nuclear courses and one graduate nuclear course to receive the certificate.

Suggested program elements include:

1) Employment as an undergraduate research assistant.

Scholarship recipients will be given the opportunity to be employed as undergraduate research assistants (URA). Students will be given the option to work on a variety of projects that may be either experimentally or computationally based. Funds to pay these students will come from sources other than this grant including faculty research grants and internal university funds.

2) Participation in American Nuclear Society Student Chapter events.

The American Nuclear Society (ANS) student chapter at The University of Texas maintains a high level of activity. They host speakers, employment events, and engage in community outreach activities. Scholarship recipients will be encouraged to become involved in this student organization to enhance their sense of community with other students interested in nuclear energy. Participation in ANS student chapter outreach programs will fulfill their required outreach obligation mentioned above.

3) Attendance to seminars regarding nuclear topics.

The Nuclear and Radiation Engineering Program within the Mechanical Engineering departments hosts a large number of seminars each year. Scholarship recipients will be encouraged to attend these seminars.

4) Nuclear related summer internships.

Scholarship recipients will be encouraged to apply for summer internships within the nuclear industry, the Nuclear Regulatory Commission, and at national laboratories. It is important that the students are exposed to the work environment in nuclear related fields. Summer internships also tend to lead to employment upon graduation.

Note that the matching funds will be utilized to support the above required and suggested program elements.

### Recruitment Activities

Recruitment of students will begin during the freshman year in the mandatory Mechanical Engineering Freshman Design course. Students will be introduced to the Nuclear Certificate for Nuclear Safety, Security, and Environmental Protection and will be encouraged to consider this program as part of their undergraduate course of study. The potential for scholarships will also be mentioned during this presentation. High achieving sophomores will be recruited as undergraduate assistants to work at the Nuclear Engineering Teaching Laboratory. This approach has worked very well in the past to place students in the nuclear industry. There is also a Radiation Physics technical option within the Physics Department where the students are required to take 13 hours of nuclear and radiation engineering courses with the Mechanical Engineering Department. A link to the scholarship information will be placed on The University of Texas Nuclear and Radiation Engineering web site.

Recruiting qualified students from underrepresented minorities will also be pursued. The PIs have extensive and ongoing interactions with the UT Equal Opportunity in Engineering (EOE), Women in Engineering (WEP) Program and Texas Research Experience (TREN) programs. The scholarship program will be listed with the Cockrell School of Engineering Scholarship Program office and the EOE office. EOE has a close collaboration with the Society of Hispanic Professional Engineers (SHPE) and the National Society of Black Engineers (NSBE) both who have strong student representation on campus.

### Selection Process

Basic requirements for application include:

1. Student must have at the time of application and maintain a 3.0 GPA (on a 4.0 scale) overall and within major.
2. Student must maintain a course load of at least 12 credit hours per semester or be classified as a full-time student.
3. Student must be matriculated in a baccalaureate degree program that is commensurate with requirements to be admitted in the Nuclear Certificate for Nuclear Safety, Security, and Environmental Protection.
4. Student must have serious interest in a career in a nuclear related area.
5. Students must be United States citizens.
6. Student must not have received two prior NRC scholarships through this program.

The major GPA will be given a slightly higher weighting since it directly relates to their performance in technical disciplines. As part of the scholarship application process, students will submit a 1-page essay on their interest in nuclear energy as well as a 1-page career plan. The essay and career plan will be evaluated to make sure that the student has interest in working in the nuclear field and they have a good understanding of issues surrounding nuclear energy. Interviews will be given to the top applicants to complete the evaluation process.

Specific evaluation criteria include:

Total GPA	10%
Major GPA	15%
Essay	25%
Career Plan	25%
Interview	25%
Total	100%

#### Management and Administrative Structure

The NSP will be managed by the PI with the help of the Cockrell School of Engineering Scholarship Program office. The Cockrell School of Engineering Scholarship Program office provides:

- On-line scholarship application tools
- Aid to students in application process for scholarships
- A framework for scholarship award process
- A framework for scholarship regulations and procedures
- Awards ceremony for Cockrell School of Engineering scholarship recipients
- Staff support to coordinate scholarship awards
- Out-of-state tuition waiver eligibility so that an out-of-state scholarship recipient is charged in-state tuition rates.

The Scholarship program also maintains a database of scholarship recipients. They track student performance while at The University of Texas at Austin as well as job placement upon graduation.

#### Evaluation Plan

As mentioned above, NSP recipients will be required to submit a report at the end of their scholarship year. This report will provide information regarding the student's academic progress and career plan. Feedback on the NSP program will also be a required element of the report.

The Cockrell School of Engineering Scholarship Program database will also be utilized to track the effectiveness of the NSP program. A report will be requested on a yearly basis that provides: scholarship recipient GPAs, scholarship recipient graduation data, and scholarship recipient employment data.

The data and report will be evaluated to make sure that scholarship recipients are maintaining excellent academic progress and that they are entering nuclear a nuclear related career upon graduation. If NSP objectives are not being met, corrective action will be made in the program.

#### Schedule of Tuition Fees

The NSP program intends to cover \$10,000 of tuition fees for its recipients from the NRC scholarship. **Matching funds will be utilized to pay for the balance of the tuition.** So, each student recipient will have in-state tuition paid for. At this point, tuition rates beyond the current academic year are not available. These are formed in the later part on the Spring semester for the following academic year. The 2012-2013 academic year tuition rates may be found at <http://www.utexas.edu/tuition/costs.html>. The 2012-2013 tuition rate for full-time in-state undergraduate students (12+ credit hours) enrolled in engineering is \$5,107 per semester (\$10,214 for combined fall and spring semesters). Out-of-State

full-time undergraduate student tuition rates in engineering are currently \$17,189 per semester (\$34,378 for combined fall and spring semesters).

#### Integrated Element of a State or Regional Strategic Plan

The Nuclear and Radiation Engineering Program has been involved in several concerted outreach programs. At the undergraduate level we have interacted with the College School of Engineering's Equal Opportunities for Engineers (EOE) to provide underrepresented students opportunities in internships and research opportunities. Within EOE we have been very involved with the Texas Research Experience (TREX) program where we have hired primarily Hispanic students for research opportunities. Recently, two have gone on to graduate school in nuclear engineering at Michigan and Berkeley. We have been very involved with establishing strong ties with Florida Memorial University in developing an undergraduate radiochemistry program. Florida Memorial University is a Historically Black College or University (HBCU). Students and faculty members have attended summer research programs at the Nuclear Engineering Teaching Lab. Dr. Landsberger has been very involved as an academic consultant to the University of Texas and at the Permian Basin(UTPB) and has helped them establish the first Mechanical Engineering Department with a Nuclear Track. As well he serves on the Nuclear Engineering Advisory Board of the College of Engineering at The University of Texas at Arlington (UTA) which has just established a new undergraduate technical option in that area. Dr. Landsberger and Dr. Biegalski have been very involved in the University Engineering Alliance distance learning program and have had several students from the Big-12 schools take courses in Concepts in Nuclear and Radiation Engineering and Reactor Engineering.

#### State and Non-Federal Arrangements

Specific arrangements have been made with State and non-Federal entities to support this project. The University of Texas at Austin is considered a State entity. These arrangements are listed below:

- The University of Texas at Austin will provide Out-of-State tuition waiver eligibility for students who receive scholarships and are not Texas residents.
- The University of Texas at Austin will provide salary support to faculty members to run this program and provide mentor support.
- The Nuclear and Radiation Engineering Program will provide undergraduate research assistantships to students who receive scholarships (if desired by scholarship recipient)..

#### Acceptance of Scholarships

Scholarship recipients must agree in writing to the terms and conditions of the scholarship program as outlined above. Students to accept the service agreement terms as defined in this FOA.

## Attachment C – Standard Terms and Conditions

### The Nuclear Regulatory Commission's Standard Terms and Conditions for U.S. Nongovernmental Grantees

#### Preface

This award is based on the application submitted to, and as approved by, the Nuclear Regulatory Commission (NRC) under the authorization 42 USC 2051(b) pursuant to section 31b and 141b of the Atomic Energy Act of 1954, as amended, and is subject to the terms and conditions incorporated either directly or by reference in the following:

- Grant program legislation and program regulation cited in this Notice of Grant Award.
- Restrictions on the expenditure of Federal funds in appropriation acts, to the extent those restrictions are pertinent to the award.
- Code of Federal Regulations/Regulatory Requirements - 2 CFR 215 Uniform Administrative Requirements For Grants And Agreements With Institutions Of Higher Education, Hospitals, And Other Non-Profit Organizations (OMB Circulars), as applicable.

To assist with finding additional guidance for selected items of cost as required in 2 CFR 220, 2 CFR 225, and 2 CFR 230 this URL to the Office of Management and Budget Cost Circulars is included for reference to:

A-21 (now 2 CFR 220)

A-87 (now 2 CFR 225)

A-122 (now 2 CFR 230)

A-102:

[http://www.whitehouse.gov/omb/circulars\\_index-ffm](http://www.whitehouse.gov/omb/circulars_index-ffm)

Any inconsistency or conflict in terms and conditions specified in the award will be resolved according to the following order of precedence: public laws, regulations, applicable notices published in the Federal Register, Executive Orders (EOs), Office of Management and Budget (OMB) Circulars, the Nuclear Regulatory Commission's (NRC) Mandatory Standard Provisions, special award conditions, and standard award conditions.

**Certifications and Representations:** These terms incorporate the certifications and representations required by statute, executive order, or regulation that were submitted with the SF424B application through Grants.gov.

#### **I. Mandatory General Requirements**

The order of these requirements does not make one requirement more important than any other requirement.

##### **1. Applicability of 2 CFR Part 215**

a. All provisions of 2 CFR Part 215 and all Standard Provisions attached to this grant/cooperative agreement are applicable to the Grantee and to sub-recipients which meet the definition of "Grantee" in Part 215, unless a section specifically excludes a sub-recipient from coverage. The Grantee and any sub-recipients must, in addition to the assurances made as part of the application, comply and require each of its sub-awardees employed in the completion of the project to comply with Subpart C of 2 CFR 215 and include this term in lower-tier (subaward) covered transactions.



b. Grantees must comply with monitoring procedures and audit requirements in accordance with OMB Circular A-133. <<http://www.whitehouse.gov/omb/circulars/a133/a133.html>  
[http://www.whitehouse.gov/omb/circulars/a133\\_compliance/08/08toc.aspx](http://www.whitehouse.gov/omb/circulars/a133_compliance/08/08toc.aspx) >

## **2. Award Package**

### **§ 215.41 Grantee responsibilities.**

The Grantee is obligated to conduct such project oversight as may be appropriate, to manage the funds with prudence, and to comply with the provisions outlined in 2 CFR 215.41. Within this framework, the Principal Investigator (PI) named on the award face page, Block 11, is responsible for the scientific or technical direction of the project and for preparation of the project performance reports. This award is funded on a cost reimbursement basis not to exceed the amount awarded as indicated on the face page, Block 16 and is subject to a refund of unexpended funds to NRC.

The standards contained in this section do not relieve the Grantee of the contractual responsibilities arising under its contract(s). The Grantee is the responsible authority, without recourse to the NRC, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of an award or other agreement. This includes disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of statute are to be referred to such Federal, State or local authority as may have proper jurisdiction.

## **Subgrants**

### **Appendix A to Part 215—Contract Provisions**

Sub-recipients, sub-awardees, and contractors have no relationship with NRC under the terms of this grant/cooperative agreement. All required NRC approvals must be directed through the Grantee to NRC. See 2 CFR 215 and 215.41.

## **Nondiscrimination**

(This provision is applicable when work under the grant/cooperative agreement is performed in the U.S. or when employees are recruited in the U.S.)

No U.S. citizen or legal resident shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity funded by this award on the basis of race, color, national origin, age, religion, handicap, or sex. The Grantee agrees to comply with the non-discrimination requirements below:

Title VI of the Civil Rights Act of 1964 (42 USC §§ 2000d et seq)

Title IX of the Education Amendments of 1972 (20 USC §§ 1681 et seq)

Section 504 of the Rehabilitation Act of 1973, as amended (29 USC § 794)

The Age Discrimination Act of 1975, as amended (42 USC §§ 6101 et seq)

The Americans with Disabilities Act of 1990 (42 USC §§ 12101 et seq)

Parts II and III of EO 11246 as amended by EO 11375 and 12086.

EO 13166, "Improving Access to Services for Persons with Limited English Proficiency."

Any other applicable non-discrimination law(s).

Generally, Title VI of the Civil Rights Act of 1964, 42 USC § 2000e et seq, provides that it shall be an unlawful employment practice for an employer to discharge any individual or otherwise to discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, or national origin. However, Title VI, 42 USC § 2000e-1(a), expressly exempts from the prohibition against discrimination on the basis of religion, a

religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

#### **Modifications/Prior Approval**

NRC's prior written approval may be required before a Grantee makes certain budget modifications or undertakes particular activities. If NRC approval is required for changes in the grant or cooperative agreement, it must be requested of, and obtained from, the NRC Grants Officer in advance of the change or obligation of funds. All requests for NRC prior approval should be made, in writing (which includes submission by e-mail), to the designated Grants Specialist and Program Office no later than 30 days before the proposed change. The request must be signed by both the PI and the authorized organizational official. Failure to obtain prior approval, when required, from the NRC Grants Officer may result in the disallowance of costs, or other enforcement action within NRC's authority.

#### **Lobbying Restrictions**

The Grantee will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

The Grantee shall comply with provisions of 31 USC § 1352. This provision generally prohibits the use of Federal funds for lobbying in the Executive or Legislative Branches of the Federal Government in connection with the award, and requires disclosure of the use of non-Federal funds for lobbying.

The Grantee receiving in excess of \$100,000 in Federal funding shall submit a completed Standard Form (SF) LLL, "Disclosure of Lobbying Activities," regarding the use of non-Federal funds for lobbying within 30 days following the end of the calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed. The Grantee must submit the SF-LLL, including those received from sub-recipients, contractors, and subcontractors, to the Grants Officer.

#### **Debarment And Suspension 2 CFR 215.13**

The Grantee agrees to notify the Grants Officer immediately upon learning that it or any of its principals:

- (1) Are presently excluded or disqualified from covered transactions by any Federal department or agency;
- (2) Have been convicted within the preceding three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility;
- (3) Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b); and
- (4) Have had one or more public transactions (Federal, State, or local) terminated for cause or default within the preceding three years.

b. The Grantee agrees that, unless authorized by the Grants Officer, it will not knowingly enter into any subgrant or contracts under this grant/cooperative agreement with a person or entity that is included on the Excluded Parties List System (<http://epls.arnet.gov>).

The Grantee further agrees to include the following provision in any subgrant or contracts entered into under this award:

'Debarment, Suspension, Ineligibility, and Voluntary Exclusion

The Grantee certifies that neither it nor its principals is presently excluded or disqualified from participation in this transaction by any Federal department or agency. The policies and procedures applicable to debarment, suspension, and ineligibility under NRC-financed transactions are set forth in 2 CFR Part 180.'

### **Drug-Free Workplace**

The Grantee must be in compliance with The Federal Drug Free Workplace Act of 1988. The policies and procedures applicable to violations of these requirements are set forth in 41 USC 702.

### **Implementation of E.O. 13224 -- Executive Order On Terrorist Financing**

The Grantee is reminded that U.S. Executive Orders and U.S. law prohibits transactions with, and the provision of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of the Grantee to ensure compliance with these Executive Orders and laws. This provision must be included in all contracts/sub-awards issued under this grant/cooperative agreement.

Award Grantees must comply with Executive Order 13224, Blocking Property and Prohibiting Transactions with Persons who Commit, Threaten to Commit, or Support Terrorism. Information about this Executive Order can be found at: [www.fas.org/irp/offdocs/eo/eo-13224.htm](http://www.fas.org/irp/offdocs/eo/eo-13224.htm).

### **Procurement Standards. § 2 CFR 215.40-48**

Sections 215.40 through 215.48 set forth procurement standards for use by Grantees in establishing procedures for the procurement of supplies and other expendable property, equipment, real property and other services with Federal funds. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal statutes and executive orders. No additional procurement standards or requirements shall be imposed by the Federal awarding agencies upon Grantees, unless specifically required by Federal statute or executive order or approved by OMB.

### **Travel**

Travel must be in accordance with the Grantee's Travel Regulations or the US Government Travel Policy and Regulations at: [www.gsa.gov/federaltravelregulation](http://www.gsa.gov/federaltravelregulation) and the per diem rates set forth at: [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem), absent Grantee's travel regulation. Travel costs for the grant must be consistent with provisions as established in Appendix A to 2 CFR 220 (J.53). All other travel, domestic or international, must not increase the total estimated award amount.

### **Domestic Travel:**

Domestic travel is an appropriate charge to this award and prior authorization for specific trips are not required, if the trip is identified in the Grantee's approved program description and approved budget. Domestic trips not stated in the approved budget require the written prior approval of the Grants Officer, and must not increase the total estimated award amount.

All common carrier travel reimbursable hereunder shall be via the least expensive class rates consistent with achieving the objective of the travel and in accordance with the Grantee's policies and practices. Travel by first-class travel is not authorized unless prior approval is obtained from the Grants Officer.

**International Travel:**

**International travel requires PRIOR written approval by the Project Officer and the Grants Officer, even if the international travel is stated in the approved program description and the approved budget.**

The Grantee shall comply with the provisions of the Fly American Act (49 USC 40118) as implemented through 41 CFR 301-10.131 through 301-10.143.

**Property and Equipment Management Standards**

Property and equipment standards of this award shall follow provisions as established in 2 CFR 215.30-37.

**Intangible and Intellectual Property**

Intangible and intellectual property of this award shall generally follow provisions established in 2 CFR 215.36.

**Inventions Report**

The Bayh-Dole Act (P.L. 96-517) affords Grantees the right to elect and retain title to inventions they develop with funding under an NRC grant award ("subject inventions"). In accepting an award, the Grantee agrees to comply with applicable NRC policies, the Bayh-Dole Act, and its Government-wide implementing regulations found at Title 37, Code of Federal Regulations (CFR) Part 401. A significant part of the regulations require that the Grantee report all subject inventions to the awarding agency (NRC) as well as include an acknowledgement of federal support in any patents. NRC participates in the trans-government Interagency Edison system (<http://www.iedison.gov>) and expects NRC funding Grantees to use this system to comply with Bayh-Dole and related intellectual property reporting requirements. The system allows for Grantees to submit reports electronically via the Internet. In addition, the invention must be reported in continuation applications (competing or non-competing).

**Patent Notification Procedures**

Pursuant to EO 12889, NRC is required to notify the owner of any valid patent covering technology whenever the NRC or its financial assistance Grantees, without making a patent search, knows (or has demonstrable reasonable grounds to know) that technology covered by a valid United States patent has been or will be used without a license from the owner. To ensure proper notification, if the Grantee uses or has used patented technology under this award without license or permission from the owner, the Grantee must notify the Grants Officer. This notice does not necessarily mean that the Government authorizes and consents to any copyright or patent infringement occurring under the financial assistance.

**Data, Databases, and Software**

The rights to any work produced or purchased under a NRC federal financial assistance award are determined by 2 CFR 215.36. Such works may include data, databases or software. The Grantee owns any work produced or purchased under a NRC federal financial assistance award subject to NRC's right to obtain, reproduce, publish or otherwise use the work or authorize others to receive, reproduce, publish or otherwise use the data for Government purposes.

**Copyright**

The Grantee may copyright any work produced under a NRC federal financial assistance award subject to NRC's royalty-free nonexclusive and irrevocable right to reproduce, publish or otherwise use the work or authorize others to do so for Government purposes. Works jointly authored by NRC and Grantee employees may be copyrighted but only the part authored by the Grantee is protected because, under 17 USC § 105, works produced by Government employees are not copyrightable in the United States. On occasion, NRC may ask the Grantee to transfer to NRC its copyright in a particular work when NRC is undertaking the primary dissemination of the work. Ownership of copyright by the Government through assignment is permitted under 17 USC § 105.

**Records Retention and Access Requirements**

For records of the Grantee shall follow established provisions in 2 CFR 215.53.

**Organizational Prior Approval System**

In order to carry out its responsibilities for monitoring project performance and for adhering to award terms and conditions, each Grantee organization shall have a system to ensure that appropriate authorized officials provide necessary organizational reviews and approvals in advance of any action that would result in either the performance or modification of an NRC supported activity where prior approvals are required, including the obligation or expenditure of funds where the governing cost principles either prescribe conditions or require approvals.

The Grantee shall designate an appropriate official or officials to review and approve the actions requiring NRC prior approval. Preferably, the authorized official(s) should be the same official(s) who sign(s) or countersign(s) those types of requests that require prior approval by NRC. The authorized organization official(s) shall not be the principal investigator or any official having direct responsibility for the actual conduct of the project, or a subordinate of such individual.

**Conflict Of Interest Standards**

For this award shall follow OCOI requirements set forth in Section 170A of the Atomic Energy Act of 1954, as amended, and provisions set forth at 2 CFR 215.42 Codes of Conduct.

**Termination and Enforcement**

Termination of this award by default or by mutual consent shall follow provisions as established in 2 CFR 215.60-62.

**Dispute Review Procedures**

- a. Any request for review of a notice of termination or other adverse decision should be addressed to the Grants Officer. It must be postmarked or transmitted electronically no later than 30 days after the postmarked date of such termination or adverse decision from the Grants Officer.
- b. The request for review must contain a full statement of the Grantee's position and the pertinent facts and reasons in support of such position.
- c. The Grants Officer will promptly acknowledge receipt of the request for review and shall forward it to the Director, Office of Administration, who shall appoint an intra-agency Appeal Board to review a grantee appeal of an agency action, if required, which will consist of the program office director, the Deputy Director of Office of Administration, and the Office of General Counsel.
- d. Pending resolution of the request for review, the NRC may withhold or defer payments under the award during the review proceedings.

e. The review committee will request the Grants Officer who issued the notice of termination or adverse action to provide copies of all relevant background materials and documents. The committee may, at its discretion, invite representatives of the Grantee and the NRC program office to discuss pertinent issues and to submit such additional information as it deems appropriate. The chairman of the review committee will insure that all review activities or proceedings are adequately documented.

f. Based on its review, the committee will prepare its recommendation to the Director, Office of Administration, who will advise the parties concerned of his/her decision.

**Monitoring and Reporting § 215.50-53**

a. Grantee Financial Management systems must comply with the established provisions in 2 CFR 215.21

- Payment – 2 CFR 215.22
- Cost Share – 2 CFR 215.23
- Program Income – 2 CFR 215.24
  - Earned program income, if any, shall be added to funds committed to the project by the NRC and Grantee and used to further eligible project or program objectives or deducted from the total project cost allowable cost as directed by the Grants Officer or the terms and conditions of award.
- Budget Revision – 2 CFR 215.25
  - The Grantee is required to report deviations from the approved budget and program descriptions in accordance with 2 CFR 215.25 and request prior written approval from the Program Officer and the Grants Officer.
  - The Grantee is not authorized to rebudget between direct costs and indirect costs without written approval of the Grants Officer.
  - The Grantee is authorized to transfer funds among direct cost categories up to a cumulative 10 percent of the total approved budget. The Grantee is not allowed to transfer funds if the transfer would cause any Federal appropriation to be used for purposes other than those consistent with the original intent of the appropriation.
  - Allowable Costs – 2 CFR 215.27

**b. Federal Financial Reports**

The Grantee shall submit a "Federal Financial Report" (SF-425) on a semi-annual basis for the periods ending March 31 and September 30, or any portion thereof, unless otherwise specified in a special award condition. Reports are due no later than 30 days following the end of each reporting period. A final SF-425 is due within 90 days after expiration of the award. The report should be submitted electronically to: Grants\_FFR@NRC.GOV. (**NOTE: There is an underscore between Grants and FFR.**)

**Period of Availability of Funds 2 CFR § 215.28**

a. Where a funding period is specified, a Grantee may charge to the grant only allowable costs resulting from obligations incurred during the funding period and any pre-award costs authorized by the NRC.

b. Unless otherwise authorized in 2 CFR 215.25(e)(2) or a special award condition, any extension of the award period can only be authorized by the Grants Officer in writing. Verbal or written assurances of funding from other than the Grants Officer shall not constitute authority to obligate funds for programmatic activities beyond the expiration date.

c. The NRC has no obligation to provide any additional prospective or incremental funding. Any modification of the award to increase funding and to extend the period of performance is at the sole discretion of the NRC.

d. Requests for extensions to the period of performance should be sent to the Grants Officer at least 30 days prior to the grant/cooperative agreement expiration date. Any request for extension after the expiration date may not be honored.

#### **Automated Standard Application For Payments (ASAP) Procedures**

Unless otherwise provided for in the award document, payments under this award will be made using the Department of Treasury's Automated Standard Application for Payment (ASAP) system < <http://www.fms.treas.gov/asap/> >. Under the ASAP system, payments are made through preauthorized electronic funds transfers, in accordance with the requirements of the Debt Collection Improvement Act of 1996. In order to receive payments under ASAP, Grantees are required to enroll with the Department of Treasury, Financial Management Service, and Regional Financial Centers, which allows them to use the on-line method of withdrawing funds from their ASAP established accounts. The following information will be required to make withdrawals under ASAP: (1) ASAP account number – the award number found on the cover sheet of the award; (2) Agency Location Code (ALC) – 31000001; and Region Code. Grantees enrolled in the ASAP system do not need to submit a "Request for Advance or Reimbursement" (SF-270), for payments relating to their award.

#### **Audit Requirements**

Organization-wide or program-specific audits shall be performed in accordance with the Single Audit Act Amendments of 1996, as implemented by OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations." <http://www.whitehouse.gov/omb/circulars/a133/a133.html> Grantees are subject to the provisions of OMB Circular A-133 if they expend \$500,000 or more in a year in Federal awards.

The Form SF-SAC and the Single Audit Reporting packages for fiscal periods ending on or after January 1, 2008 must be submitted online.

1. Create your online report ID at <http://harvester.census.gov/fac/collect/ddeindex.html>
2. Complete the Form SF-SAC
3. Upload the Single Audit
4. Certify the Submission
5. Click "Submit."

Organizations expending less than \$500,000 a year are not required to have an annual audit for that year but must make their grant-related records available to NRC or other designated officials for review or audit.

### **III. Programmatic Requirements**

#### **Performance (Technical) Reports**

a. The Grantee shall submit performance (technical) reports electronically to the NRC Project Officer and Grants Officer on a semi-annual basis unless otherwise authorized by the Grants Officer. Performance reports should be sent to the Program Officer at the email address indicated in Block 12 of the Notice of Award, and to Grants Officer at: [Grants\\_PPR.Resource@NRC.GOV](mailto:Grants_PPR.Resource@NRC.GOV). (**NOTE: There is an underscore between Grants and PPR**).

b. Unless otherwise specified in the award provisions, performance (technical) reports shall contain brief information as prescribed in the applicable uniform administrative requirements 2 CFR§215.51 which are incorporated in the award.

c. The Office of Chief Human Capital Officer (OCHCO) requires the submission of the semi-annual progress report on the SF-PPR, SF-PPR-B, and the SF-PPR-E forms. The submission for the six month period ending March 31<sup>st</sup> is due by April 30<sup>th</sup> or any portion thereof. The submission for the six month period ending September 30<sup>th</sup> is due by October 31<sup>st</sup> or any portion thereof.

d. Grant Performance Metrics:

The Office of Management and Budget requires all Federal Agencies providing funding for educational scholarships and fellowships as well as other educational related funding to report on specific metrics. These metrics are part of the Academic Competitiveness Council's (ACC) 2007 report and specifically relates to Science, Technology, Engineering, and Mathematics (STEM) curricula.

As a part of the OCHCO grant awards in addition to the above customary performance progress report requested on the SF-PPR, SF-PPR-B, and SF-PPR-E forms, OCHCO requires the following metrics to be reported on by the awardee as follows:

Scholarship Performance Metrics

1. How many students have been sponsored by NRC funding?
  - a. Response is the number of students, for this reporting period and cumulative to the grant.
2. How many students, supported by NRC funding, have received B.S. or equivalent degrees?
  - a. Response is the number of students, for this reporting period and cumulative to the grant.
3. How many students, supported by NRC funding, have accepted a job and are employed in the nuclear industry?
  - a. Response is the number of students, for this reporting period and cumulative to the grant.
4. How many students, supported by NRC funding, are continuing on to Graduate School in a field related to the nuclear industry?
  - a. Response is the number of students, for this reporting period and cumulative to the grant.

Unsatisfactory Performance

Failure to perform the work in accordance with the terms of the award and maintain at least a satisfactory performance rating or equivalent evaluation may result in designation of the Grantee as high risk and assignment of special award conditions or other further action as specified in the standard term and condition entitled "Termination."

Failure to comply with any or all of the provisions of the award may have a negative impact on future funding by NRC and may be considered grounds for any or all of the following actions: establishment of an accounts receivable, withholding of payments under any NRC award, changing the method of payment from advance to reimbursement only, or the imposition of other special award conditions, suspension of any NRC active awards, and termination of any NRC award.



**Other Federal Awards With Similar Programmatic Activities**

The Grantee shall immediately provide written notification to the NRC Project Officer and the Grants Officer in the event that, subsequent to receipt of the NRC award, other financial assistance is received to support or fund any portion of the program description incorporated into the NRC award. NRC will not pay for costs that are funded by other sources.

**Prohibition Against Assignment By The Grantee**

The Grantee shall not transfer, pledge, mortgage, or otherwise assign the award, or any interest therein, or any claim arising there under, to any party or parties, banks, trust companies, or other financing or financial institutions without the express written approval of the Grants Officer.

**Site Visits**

The NRC, through authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required. If any site visit is made by the NRC on the premises of the Grantee or contractor under an award, the Grantee shall provide and shall require his/her contractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representative in the performance of their duties. All site visits and evaluations shall be performed in such a manner as will not unduly delay the work.

**IV. Miscellaneous Requirements****Criminal and Prohibited Activities**

- a. The Program Fraud Civil Remedies Act (31 USC §§ 3801-3812), provides for the imposition of civil penalties against persons who make false, fictitious, or fraudulent claims to the Federal government for money (including money representing grant/cooperative agreements, loans, or other benefits.)
- b. False statements (18 USC § 287), provides that whoever makes or presents any false, fictitious, or fraudulent statements, representations, or claims against the United States shall be subject to imprisonment of not more than five years and shall be subject to a fine in the amount provided by 18 USC § 287.
- c. False Claims Act (31 USC 3729 et seq), provides that suits under this Act can be brought by the government, or a person on behalf of the government, for false claims under federal assistance programs.
- d. Copeland "Anti-Kickback" Act (18 USC § 874), prohibits a person or organization engaged in a federally supported project from enticing an employee working on the project from giving up a part of his compensation under an employment contract.

**American-Made Equipment And Products**

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

**Increasing Seat Belt Use in the United States**

Pursuant to EO 13043, Grantees should encourage employees and contractors to enforce on-the-job seat belt policies and programs when operating company-owned, rented or personally-owned vehicle.

### **Federal Leadership of Reducing Text Messaging While Driving**

Pursuant to EO 13513, Grantees should encourage employees, sub-awardees, and contractors to adopt and enforce policies that ban text messaging while driving company-owned, rented vehicles or privately owned vehicles when on official Government business or when performing any work for or on behalf of the Federal Government.

### **Federal Employee Expenses**

Federal agencies are generally barred from accepting funds from a Grantee to pay transportation, travel, or other expenses for any Federal employee unless specifically approved in the terms of the award. Use of award funds (Federal or non-Federal) or the Grantee's provision of in-kind goods or services, for the purposes of transportation, travel, or any other expenses for any Federal employee may raise appropriation augmentation issues. In addition, NRC policy prohibits the acceptance of gifts, including travel payments for Federal employees, from Grantees or applicants regardless of the source.

### **Minority Serving Institutions (MSIs) Initiative**

Pursuant to EOs 13256, 13230, and 13270, NRC is strongly committed to broadening the participation of MSIs in its financial assistance program. NRC's goals include achieving full participation of MSIs in order to advance the development of human potential, strengthen the Nation's capacity to provide high-quality education, and increase opportunities for MSIs to participate in and benefit from Federal financial assistance programs. NRC encourages all applicants and Grantees to include meaningful participations of MSIs. Institutions eligible to be considered MSIs are listed on the Department of Education website: <http://www.ed.gov/about/offices/list/ocr/edlite-minorityinst.html>

### **Research Misconduct**

Scientific or research misconduct refers to the fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. It does not include honest errors or differences of opinions. The Grantee organization has the primary responsibility to investigate allegations and provide reports to the Federal Government. Funds expended on an activity that is determined to be invalid or unreliable because of scientific misconduct may result in a disallowance of costs for which the institution may be liable for repayment to the awarding agency. The Office of Science and Technology Policy at the White House published in the Federal Register on December 6, 2000, a final policy that addressed research misconduct. The policy was developed by the National Science and Technology Council (65 FR 76260). The NRC requires that any allegation be submitted to the Grants Officer, who will also notify the OIG of such allegation. Generally, the Grantee organization shall investigate the allegation and submit its findings to the Grants Officer. The NRC may accept the Grantee's findings or proceed with its own investigation. The Grants Officer shall inform the Grantee of the NRC's final determination.

### **Publications, Videos, and Acknowledgment of Sponsorship**

Publication of the results or findings of a research project in appropriate professional journals and production of video or other media is encouraged as an important method of recording and reporting scientific information. It is also a constructive means to expand access to federally funded research. The Grantee is required to submit a copy to the NRC and when releasing information related to a funded project include a statement that the project or effort undertaken was or is sponsored by the NRC. The Grantee is also responsible for assuring that every publication of material (including Internet sites and videos) based on or developed under an award, except scientific articles or papers appearing in scientific, technical or professional journals, contains the following disclaimer:

"This [report/video] was prepared by [Grantee name] under award [number] from [name of operating unit], Nuclear Regulatory Commission. The statements, findings, conclusions,

and recommendations are those of the author(s) and do not necessarily reflect the view of the [name of operating unit] or the US Nuclear Regulatory Commission."

**Trafficking In Victims Protection Act Of 2000 (as amended by the Trafficking Victims Protection Reauthorization Act of 2003)**

Section 106(g) of the Trafficking In Victims Protection Act Of 2000 (as amended, directs on a government-wide basis that:

"any grant, contract, or cooperative agreement provided or entered into by a Federal department or agency under which funds are to be provided to a private entity, in whole or in part, shall include a condition that authorizes the department or agency to terminate the grant, contract, or cooperative agreement, without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor (i) engages in severe forms of trafficking in persons or has procured a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect, or (ii) uses forced labor in the performance of the grant, contract, or cooperative agreement." (22 U.S.C. § 7104(g)).

**Award Term**

2 CFR 170.220 directs agencies to include the following text to each grant award to a non-federal entity if the total funding is \$25,000 or more in Federal funding.

**Reporting Subawards and Executive Compensation.**

*a. Reporting of first-tier subawards.*

1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).

2. *Where and when to report.*

i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.

ii. 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 <http://www.fsrs.gov> specify.

*b. 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—

i. the total Federal funding authorized to date under this award is \$25,000 or more;

ii. in the preceding fiscal year, you received—

(A) 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

(B) \$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

iii. 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 <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report executive total compensation described in paragraph b.1. of this award term:

i. As part of your registration profile at <http://www.sam.gov>.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. *Reporting of Total Compensation of Subrecipient Executives.*

1. *Applicability and what to report.* Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall 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—

i. in the subrecipient's preceding fiscal year, the subrecipient received—

(A) 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

(B) \$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

ii. 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 <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c.1. of 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.

d. *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:

i. Subawards,

and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. *Definitions.* For purposes of this award term:

1. *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;

iv. A domestic or foreign for-profit organization;

v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. *Executive* means officers, managing partners, or any other employees in management positions.

3. *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 Sec. \_\_ .210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").

iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. *Subrecipient* means an entity 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.

5. *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.