



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

September 30, 2015

Dr. Ivan Maldonado, Ph.D.  
The University of Tennessee  
Office of Sponsor Programs  
1534 White Avenue  
Knoxville, TN 37996-1529

VIA Electronic Mail  
[ivan.maldonado@utk.edu](mailto:ivan.maldonado@utk.edu)

SUBJECT: GRANT NO: NRC-HQ-84-15-G-0023

Dear Dr. Maldonado :

Pursuant to the authority contained in the Federal Grant and Cooperative Grantee Act of 1977, as amended and the Atomic Energy Act of 1954, the Nuclear Regulatory Commission (NRC) hereby awards to The University of Tennessee (hereinafter referred to as the "Recipient"), the sum of \$400,000.00 to provide support to the "Development of a Sustainable Bridge for Entering Nuclear Engineering Graduate Students at the University of Tennessee" as described in attachment B entitled "Program Description."

This award is effective as of the date of this letter and shall apply to expenditures made by the Recipient furtherance of program objectives during the period beginning with the effective date of September 30, 2015 and ending September 29, 2019.

This award is made to the Recipient on condition that the funds will be administered in accordance with the terms and conditions as set forth in Attachment A (the Schedule); Attachment B (the Program Description); and Attachment C (the Standard Terms & Conditions); all of which have been agreed to by your organization.

Please ensure individuals selected as beneficiaries of support under this grant meet the legal requirements consistent with recent Supreme Court Decisions including *Fisher, Gratz, and Grutter*.

Please sign the enclosed grant to acknowledge your receipt of the award, and return as a pdf file to Ms. Shashi Malhotra by email at [Shashi.Malhotra@nrc.gov](mailto:Shashi.Malhotra@nrc.gov).

Sincerely yours,

*Erika Eam*

Erika Eam

Grants Officer

Resources and Grants Team

Acquisition Management Division

Attachments:

Attachment A – Schedule

Attachment B – Program Description

Attachment C – Standard Terms and Conditions

TEMPLATE - ADM001

SUNSI REVIEW COMPLETE

SEP 15 2015

ADM002



## Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	<p>CFDA Number: 77.008</p> <p>DUNS Number: 003387891</p> <p>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 200 (OMB Circular A110).</p> <p>Payment:</p> <p style="padding-left: 40px;">ASAP GRANT FUNDS REIMBURSEMENT SYS</p> <p style="padding-left: 40px;">US TREASURY</p> <p>Period of Performance: 09/30/2015 to 09/29/2019</p>				

**ATTACHMENT A - SCHEDULE**

**A.1 PURPOSE OF GRANT**

The purpose of this grant is to provide support to the "Development of a Sustainable Bridge for Entering Nuclear Engineering Graduate Students at the University of Tennessee" as described in Attachment B entitled "Program Description."

**A.2 PERIOD OF GRANT**

1. The effective date of this Grant is September 30, 2015. The estimated completion date of this Grant is September 29, 2019.
2. Funds obligated hereunder are available for program expenditures for the estimated period: 09/30/2015-09/29/2019.

**A. GENERAL**

1. Total Estimated NRC Amount: \$400,000.00
2. Total Obligated Amount: \$400,000.00
3. Cost-Sharing Amount: \$0.00
4. Activity Title: Development of a Sustainable Bridge for Entering Nuclear Engineering Graduate Students at the University of Tennessee
5. NRC Project Officer: Nancy-Hebron Israel
6. DUNS No.: 003387891

**A.3 BUDGET**

Revisions to the budget shall be made in accordance with Revision of Budget and Program Plans in accordance with 2 CFR 200.308.

	Year 1	Year 2	Year 3	Year 4
Personnel	\$63,350.00	\$63,350.00	\$63,350.00	\$63,350.00
Tuition	\$32,344.00	\$32,344.00	\$32,344.00	\$32,344.00
Direct Cost	\$95,694.00	\$95,694.00	\$95,694.00	\$95,694.00
Indirect Cost (MTDC 8%)	\$4,307.00	\$4,307.00	\$4,307.00	\$4,307.00
Total	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00

All travel must be in accordance with the The University of Tennessee Travel Regulations or the US Government Travel Policy absent Recipient's travel regulation.

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

1. The total estimated amount of this Award is \$400,000.00 for the four year period.
2. NRC hereby obligates the amount of \$400,000.00 for program expenditures during the period set forth above and in support of the Budget above. NRC is not obligated to reimburse the Recipient 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

### Objective

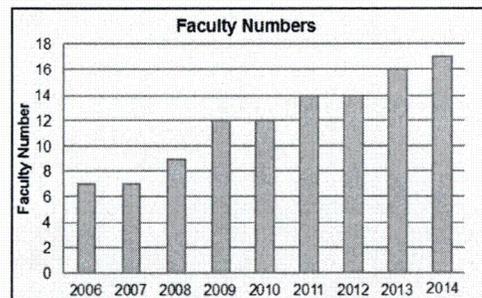
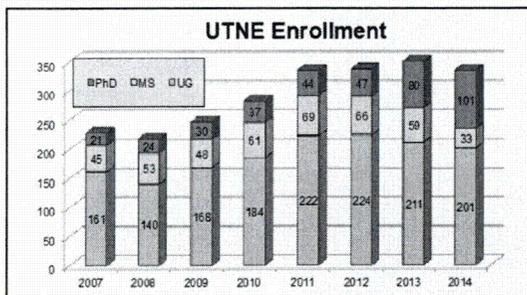
Through this solicitation, the Department of Nuclear Engineering at the University of Tennessee-Knoxville (UTK) seeks to award the equivalent of eight (8) one-year fellowships directly targeted to develop a sustainable bridge for entering nuclear engineering graduate students. The aim of this fellowship program would be to fund 2 fellowships per year for the next 4 years using the proposed approach. The key goal of this proposal is, in fact, to develop the infrastructure for “bridge” funding for newly entering students. The sustainability feature of this proposal is built within our ability to maintain this bridge through a strong and diverse variety of fellowships from various sponsors in addition to the US Nuclear Regulatory Commission.

The recent and most practical implementation of these fellowships has been primarily for recruitment purposes, whereby these fellowships have been used to successfully attract and recruit new graduate students (front end), as well as to bridge funding for entering students during their first year while they align into a funded research project.

Distribution of awards and subsequent renewals will vary depending upon the pool of qualified applicants and the continued academic success of the awardees. In fact, current practice at the University of Tennessee has been to award and assess fellowships on a semester-by-semester basis to ensure good standing and continued satisfactory performance. As noted above, this fellowship program is primarily a recruiting tool to help reinforce a pipeline of talented US graduates into the UT NE program, with excellent past success upon recruiting talented and qualified students from historically underrepresented in nuclear engineering, such as African/Americans, Hispanic/Latinos, and females.

### Status Overview of the UTK Nuclear Engineering Department

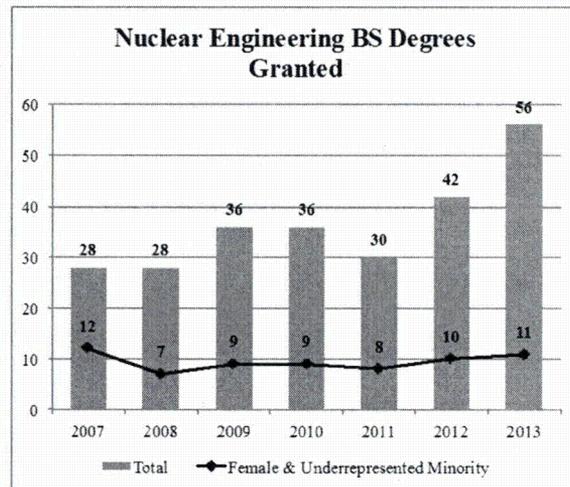
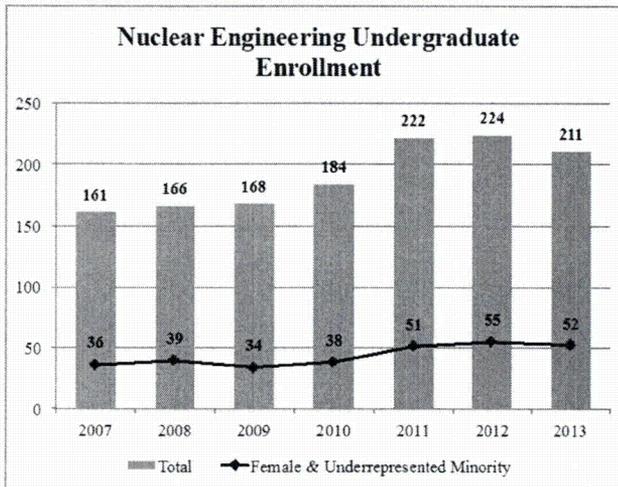
As of 2014, the UTK NE program included a total 335 nuclear engineering students. During the past 6 years, the undergraduate enrollment has increased by 30% while the number of undergraduate degrees granted has increased by 40%. In parallel, the graduate education enrollment has increased by 75% while the number of PhD students enrolled has increased by 320%.



In the past 7 years, the UTK NE tenure/tenure-track faculty force has grown from 7 to 17. Moreover, out of the recent 10 hires, UT NE has hired two professors from underrepresented groups as well as three high-profile Tennessee Governor’s Chaired professorships, with 5 of these new positions being joint faculty appointments with Oak Ridge National Laboratory (ORNL). Not surprisingly, the UT NE graduate program has recently climbed to a 5<sup>th</sup> rank in the latest US News & World Report poll. Therefore, an unprecedentedly strong and rapidly growing infrastructure is in place at the University of Tennessee’s Department of Nuclear Engineering for the optimum and synergistic implementation of the fellowship program herein proposed.

Data from 2007 through 2013 of student enrollment at UT NE show an average of 23% of our enrollment being females and underrepresented minorities receiving an average of 27% of our BS degrees awarded.

Since the figures for minority students and those for females both fall short of our university-wide statistics, this proposal suggests that a synergistic opportunity exists to tap into a plentiful, high-quality, and diverse domestic stream of undergraduates to help improve, both, the quality and diversity of the nuclear engineering graduate student population at the University of Tennessee. Furthermore, student enrollment at UT NE shows a growing trend of females and underrepresented ethnic minorities. In parallel, the latest freshman classes recruited by the UT College of Engineering have consistently shown to have the highest average GPAs and standardized test scores in UT's history, with an average high school GPA higher than 4.0 and an average ACT score of 31, in the past two years, and exhibiting higher diversity metrics than NE. Consequently, this proposal suggests that a synergistic opportunity exists to tap into a plentiful, high-quality, and diverse domestic undergraduate stream of students to help improve, both, the quality and diversity of the nuclear engineering undergraduate student population at the University of Tennessee.



### **Prior US NRC Scholarship and Fellowship Awards**

As of the fall semester of 2014, previous US NRC awards to fund University of Tennessee scholarships (FY08, FY13, FY14) and fellowships (FY08, FY09) have already led to a total of 115 scholarships (FY08=53, FY13=32, FY14=30) and 37 graduate fellowships (FY08=20, FY09=17). Therefore, strong evidence of the successful implementation of these resources is readily available. In fact, the recent and most practical implementation of these fellowships has been primarily for recruitment purposes, whereby these fellowships have been used to successfully attract and recruit new students, but the fellowships have been generally and rapidly leveraged by actively-funded and newly incoming research projects. In other words, the NRC graduate student fellows may only spend a semester or two under NRC fellowship support before they are assigned to a funded project. The benefits of this approach are obvious, as funded projects carry specific and timed deliverables as well as research advisors and mentors. Distribution of awards and subsequent renewals will vary depending upon the pool of qualified applicants, the continued academic success of the awardees, and the vitality of the UT nuclear engineering program.

The sections that follow provide evidence to support the fact that the UT NE Department has an outstanding institutional capability and is seriously committed to providing the highest quality of nuclear engineering education. UT NE has one of the largest and evidently sustainable streams of US students (both quantity and high quality) to successfully administer this NRC-funded fellowship program at the highest level of available support, and a proven record to back it up.

### ***Proposed Program Description***

The proposed NRC fellowship program at UTK NE targets to award a total of 8 one-year fellowships valued at approximately \$44k each. Thus, as illustrated in the introduction, UT NE seeks to award up to two NRC graduate fellowships per year over the next four academic years. In accordance with the solicitation guidelines, the proposed management of this fellowship program will have the built-in flexibility to award graduate fellowships in increments of one semester to carry out good-standing evaluations. In fact, the recent and most practical implementation of these fellowships has been primarily for recruitment purposes, whereby these fellowships have been used to successfully attract and recruit new students, but the fellowships have been rapidly leveraged by actively-funded and newly incoming research projects. In other words, the NRC graduate student fellows may only spend a semester or two under NRC fellowship support before they are assigned to a funded project. The benefits of this approach are obvious, as funded projects carry specific and timed deliverables as well as research advisors and mentors. Distribution of awards and subsequent renewals will vary depending upon the pool of qualified applicants, the continued academic success of the awardees, and the vitality of the UT nuclear engineering research program. In fact, current practice at the University of Tennessee has been to award and assess fellowships on a semester-by-semester basis to ensure good standing and continued satisfactory performance. As noted above, this fellowship program is primarily a recruiting tool to help develop and maintain a graduate student pool for UT NE faculty members to readily draw upon and hire students into funded research projects as early and effectively as possible.

### ***Graduate Fellowship Awards and Bridge Program Implementation***

The award amounts for graduate fellowships have been estimated based on a maximum budget of \$400,000 for fellowships. Assuming 8 one-year graduate fellowships, this corresponds to an average graduate monthly stipend of \$2,150 (4 year average) over 12 months for the graduate students awarded these fellowships. Additional costs associated with in-state rate tuition average out to approximately \$16,172 per year, also averaged over four years, and a fringe benefit (insurance costs) of about \$151 per month over four years. The overhead rate of 0% F&A for the fellowships themselves solicitation, which may also be considered as an in-kind matching but it's not herein included.

One of the most practical implementations of this US NRC fellowship program at UT will be to apply it to enhance the quality, quantity, and diversity of our "first year graduate student pool" which often includes excellent student prospects that cannot or have not yet been assigned to a specific research project or advisor. This is of particular importance and usefulness to all our faculty members, especially when they find themselves "in between" grants and contracts. More often than not, actually, research awards have starting dates that are off-phase and inconsistent with the academic and student recruiting calendars. Therefore, via this US NRC fellowship program, we are able to at least double the pool of students normally recruited into this "transitional talent pool." Without this type of funding that is not tied to specific contracts or grants, many excellent applicants are lost each year because of the lack of available financial support. In fact, this approach should be particularly useful to help promote and encourage the participation of qualified minorities and women into our graduate program since having designated allocations for a first year graduate pool enables our program to act quickly and

decisively during the recruiting process. Otherwise, the standard process is based on the arrival of research funding which is often not aligned in time with the arrival of applications by excellent prospects. In time, obviously, the standing goal is to connect students to funded research projects as research funds become available.

### ***Criteria***

The criteria for US NRC fellowship awards will be based on the standard metrics collected and employed to rate graduate student applicants at the University of Tennessee; these include GRE scores, undergraduate grade point average, letters of reference, etc. The criteria for renewal of these fellowships will be based on continued academic success and good standing, in particular, as indicated by the students' documented progress toward the completion of their target degree, and in direct consultation with their academic advisor. In addition, applicants must at least meet the following criteria:

1. Have at the time of application, and maintain a 3.3 GPA (on a 4.0 scale) overall.
2. Maintain a course load of at least 12 credit hours per semester or be classified as a full-time student.
3. Be matriculated in the nuclear engineering graduate degree program at the University of Tennessee.
4. Be a US Citizen.

In addition, per the RFP guidelines; NRC Fellows must continue to comply with eligibility requirements and institutions must continue to comply with public policy requirements and maintain adequate management systems throughout the period of support. NRC requires fellowship students to sign a service agreement to serve 6 months in nuclear-related employment for each full or partial year of academic support. The UT NE administrators of this program will ensure that these service agreements are signed and maintained.

### ***Effectiveness Assessment***

The Nuclear Engineering Department of the University of Tennessee-Knoxville publishes yearly a detailed and comprehensive "Annual Report" that is distributed to the nuclear community and made readily available electronically on our website. This yearly issued report contains data on every graduate from the UT NE program, including post graduation employment information and scholarships received by every UT NE student. The PI and administrators of this fellowship program will utilize this data from year to year to measure the effectiveness of the US NRC fellowship program upon directing students toward nuclear careers. In addition to the UTK NE annual report, the semiannual progress reports provided to the NRC contain detailed data that is compiled regularly and transmitted to the NRC, including number of degrees obtained, numbers of students who get jobs in the nuclear industry versus those who continue into graduate school, presentations/papers presented, etc., to provide a deeper level of metrics to the sponsor.

### ***Summary***

The University of Tennessee-Knoxville Department of Nuclear Engineering has a long-standing and proven track record of attracting, recruiting, retaining, and graduating a growing population of excellent US domestic undergraduate and graduate students. The excellent record displayed by UT NE can only be improved and enhanced by pursuing a higher quality and improved diversification of our already very talented US domestic student pool. The growing trends in graduate and undergraduate enrollments also confirm that the existing recruiting and marketing strategies are not only feasible, but in fact, already very successful. The data presented justifies

the availability of a large pool of qualified students that will be served by this program. It should be noted that a substantial fraction of the students at UT NE would be eligible to apply to the US NRC fellowship program, thus, implying competitive awards. Our faculty members are among the most active and productive within the UT College of Engineering, therefore, the quality of programs and mentorship available to the awardees will be consistent with that. In fact, we expect this program to enable our faculty members to be even more successful by enabling them to recruit some of the best students available nationwide, thus, this program will directly impact the success of their research programs and thus the sustainability of their efforts. One of the most likely long-term impacts of this fellowship program will be to continue to improve UT NE's national rankings among its peer institutions, which directly coincides with the higher level goals of UT's College of Engineering and the university as a whole and feeds into the strong institutional support that is evident. The ability to collect metrics is already in place thanks to the conscientious and continuous collection of student and post graduation data that has been carried out by the UT NE administration for many years in support of our annual report. On that note, our department also counts with the support of at least 6 non-faculty staff members, some of which help administrate a large volume of scholarships and fellowships. Therefore, the US NRC Fellowship programs fit naturally within the current operational structure of our department.

**Attachment C – Standard Terms and Conditions**

**The Nuclear Regulatory Commission's  
Standard Terms and Conditions for U.S. Nongovernmental Recipients**

**Preface**

This award is based on the application submitted to, and as approved by, the Nuclear Regulatory Commission (NRC) under the authorization 42 U.S.C. § 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 Grant and Cooperative Agreement.
- 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 Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

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 (E.O.), Office of Management and Budget (OMB) Circulars, the NRC's 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 200**

All provisions of 2 CFR Part 200 and all Standard Provisions attached to this grant/cooperative agreement are applicable to the Recipient and to sub-recipients which meet the definition of "Recipient" in 2 Part §200.86, unless a section specifically excludes a sub-recipient from coverage. The Recipient 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 D of 2 CFR Part 200 and include this term in lower-tier (sub-award) covered transactions.

Recipients must comply with monitoring procedures and audit requirements in accordance with 2 CFR Part 200, Subpart F—AUDIT REQUIREMENTS.

**2. Award Package**

The Recipient is obligated to conduct project oversight as may be appropriate, to manage the funds with prudence, and to comply with the provisions outlined in 2 CFR Part 200. Within this framework, the Principal Investigator (PI) named on the award face page, 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, and is subject to a refund of unexpended grant funds to the NRC.

The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements related to its grant award. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any financial or fiduciary responsibilities or obligations arising under its grant, including sub-contracts and sub-awards, or any other contractual or financial obligation. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction. See 2 CFR § 200.318(k); General Procurement Standards.

### **Subawards**

Appendix II to Part 200 Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

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 Recipient to NRC. See 2 CFR § 200.318.

### **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.

The Recipient agrees to comply with the non-discrimination requirements below:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.), which prohibits discrimination on the grounds of race, color, or national origin in any program or activity receiving federal financial assistance.
- Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.), which prohibits discrimination on the basis of sex in any education program or activity receiving federal financial assistance.
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance.
- The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), which prohibits discrimination on the basis of age in any program receiving federal financial assistance.
- The Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 et seq.), which prohibits recipients from discriminating on the basis of disability in employment (Title I); State and local government services (Title II); and places of public accommodation and commercial facilities (Title III).
- Parts II and III of E.O. 11246, as amended by E.O. 11375, 11478, 12086, 12107, 13279, 13665, and 13672, which prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over \$10,000 in Government business in one year, from discriminating in employment decisions on the basis of race, color, religion, sex, or national origin and requires that government contractors take affirmative action to ensure that equal opportunity is provided in all aspects of their employment.
- E.O. 13166, "Improving Access to Services for Persons with Limited English Proficiency," which clarifies that national origin discrimination under Title VI includes discrimination on the basis of limited English proficiency (LEP) and requires that the recipient take reasonable steps to ensure that LEP persons have meaningful access to programs and activities.

- Any other applicable non-discrimination law(s).

Generally, Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 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 VII, 42 U.S.C. § 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 Recipient 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 and obtained from the NRC Grants Officer in advance of the change or obligation of funds. All requests for NRC prior approval, including requests for extensions to the period of performance, must be made, in writing (which includes submission by e-mail), to the designated Grants Officer at least 30 days before the proposed change. The request must be signed by 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 Recipient will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

The Recipient will comply with provisions of 31 U.S.C § 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 Recipient receiving in excess of \$100,000.00 in Federal funding shall submit a completed Standard Form (SF-LLL), "Disclosure of Lobbying Activities." The form concerns 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 Recipient must submit the SF-LLL, including those received from sub-recipients, contractors, and subcontractors, to the Grants Officer.

#### **Debarment And Suspension – (See 2 CFR Part 180; 2 CFR § 200.205; 2 CFR § 200.113; and 2 CFR Part 200, Appendix II.)**

The Recipient 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); or

(4) Have had one or more public transactions (Federal, State, or local) terminated for cause or default within the preceding three years.

(5) The Recipient agrees that, unless authorized by the Grants Officer, it will not knowingly enter into any subaward or contracts under this grant/cooperative agreement with a person or entity that is not included on the System for Award Management (SAM) (<https://www.sam.gov>).

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

**'Debarment, Suspension, Ineligibility, and Voluntary Exclusion**

The Recipient 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 2 CFR Part 180 and 2 CFR Part 200.

**Drug-Free Workplace**

The Recipient 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 U.S.C. §§ 8101-8106.

**Implementation of E.O.13224 – Executive Order on Terrorist Financing**

The Recipient 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 Recipient 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.

The Recipient must comply with E.O. 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:

Implementation of Executive Order 13224 Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism , amended by E.O. 13268, 13284, and 13372.

**Procurement Standards - 2 CFR §§ 200.318-200.326**

Sections 200.318 - 200.326 set forth standards for use by Recipients 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 will be imposed by the Federal awarding agencies upon Recipients, unless specifically required by Federal statute, executive order, or approved by OMB.

### **Travel and Transportation**

Travel must be in accordance with the Recipient's Travel Regulations or the U.S. 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 Recipient's travel regulations. Travel and transportation costs for the grant must be consistent with provisions as established in 2 CFR § 200.473-474.

All other travel, domestic or international, must not increase the total estimated award amount for the grant.

#### **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 Recipient'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 for the grant.

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 Recipient's policies and practices. Travel by first-class travel is not authorized unless prior approval is obtained, in writing, 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 Recipient will comply with the provisions of the Fly America Act (49 U.S.C 40118), as implemented at 41 CFR §§ 301-10.131 through 301-10.143.

### **Property Standards**

Property standards of this award shall follow provisions as established 2 CFR §§ 200.310-200.316.

### **Intangible Property**

Intangible and intellectual property of this award shall generally follow provisions established in 2 CFR § 200.315.

**Inventions Report** - The Bayh-Dole Act (P.L. 96-517) affords Recipients 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 Recipient 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 Recipient report all subject inventions to the awarding agency (NRC) as well as include an acknowledgement of federal support in any patents.

**Patent Notification Procedures** - If the NRC or its Recipients, 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, E.O.12889 requires NRC to notify the owner. If the Recipient uses or has used patented technology under this award without license or permission from the

owner, the Recipient must notify the Grants Officer. This notice does not imply 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, such as data, databases or software are determined by Subpart D of 2 CFR Part 200. The Recipient 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 Recipient 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 Recipient employees may be copyrighted, but only the part authored by the Recipient is protected because, under 17 U.S.C. § 105, works produced by Government employees are not copyrightable in the United States. On occasion, NRC may ask the Recipient 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 U.S.C. § 105.

#### **Record Retention and Access**

Recipient shall follow established provisions in 2 CFR §§ 200.333-337.

#### **Conflict Of Interest**

Conflict of Interest standards for this award will follow the Organizational Conflict of Interest (OCOI) requirements set forth in Section 170A of the Atomic Energy Act of 1954, as amended, and provisions set forth at 2 CFR § 200.112, Conflict of Interest.

#### **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 Recipient'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 Acquisition Management Division, unless otherwise delegated, who shall appoint an intra-agency Appeal Board to review a recipient 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 Recipient 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.

#### **Remedies for Noncompliance**

Termination of this award will follow provisions as established and described above in "Dispute Review Process" in 2 CFR §§ 200.338-342.

#### **Performance and Financial Monitoring and Reporting - 2 CFR §§ 200.327-329**

Recipient Financial Management systems must comply with the provisions in 2 CFR § 200.302.

- Payment – 2 CFR § 200.305
- Cost Share or Matching – 2 CFR § 200.306
  - Recipients are to be careful with providing excessive cost share or match since at the end of the grant, if the identified match has not been provided, then a portion of the federal share may be required to be returned to the Government.
- Program Income – 2 CFR § 200.307
  - Earned program income, if any, will be added to funds committed to the project by the NRC and Recipient and used to further eligible project or program objectives or be deducted from the total project cost for the grant, as directed by the Grants Officer or indicated in the terms and conditions of the award.
- Revision of Budget and Program Plans – 2 CFR § 200.308
  - The Recipient is required to report deviations from the approved budget and program descriptions in accordance with – 2 CFR § 200.308(b) and request prior written approval from the Project Officer and the Grants Officer.
  - The Recipient is not authorized to re-budget between direct costs and indirect costs without written prior approval of the Grants Officer.
  - The Recipient is authorized to transfer funds among direct cost categories up to a cumulative 10 percent of the total approved budget. The Recipient 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 §§ 200.401-403
- See section 2 CFR §§ 200.330-332 for Subrecipient Monitoring and Management.

**Federal Financial Reports** - In accordance with 2 CFR § 200.327, the Recipient will 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 authorized by the Grants Officer. 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.Resource@NRC.GOV.

***(NOTE: There is an underscore between Grants and FFR).***

**Performance Progress Reports** - In accordance with 2 CFR § 200.328, the Recipient will submit Performance Progress Reports (SF-PPR, SF-PPR-B, and the SF-PPR-E) on an annual basis for the period ending September 30, or any portion thereof, unless otherwise authorized by the Grants Officer. Reports are due no later than 30 days following the end of the reporting period. Performance reports are sent to the Program Officer at the email address indicated in the Notice of Award, and to Grants Officer at:

Grants\_PPR.Resource@NRC.GOV. (**NOTE: There is an underscore between Grants and PPR**).

Final Reports - The Recipient is required to submit final reports, both Financial (SF-425) and Performance (SF-PPR, SF-PPR-B, SF-PPR-E) within 90 days of the grant expiration. In addition to these reports, a final SF-428, Tangible property report, is also required, if applicable.

**Period of Performance – 2 CFR § 200.309**

The recipient may charge to the Federal award only allowable costs incurred during the period of performance and any costs incurred before the NRC or pass-through entity made the Federal award that was authorized by the NRC or pass through entity.

Unless otherwise authorized in 2 CFR Part 200 or by special award condition, any extension of the award period can only be authorized by the Grants Officer in writing. Assurances of funding from other than the Grants Officer shall not constitute authority to obligate funds for programmatic activities beyond the expiration date.

The NRC Grant Officer may authorize a no cost extension of the period of performance. However, 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.

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

Unless otherwise stated, Recipient payments are made using the Department of Treasury's Automated Standard Application for Payment (ASAP) system, ASAP.gov, through preauthorized electronic funds transfers. To receive payments, Recipients 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 is required to make ASAP withdrawals: (1) ASAP account number – the award number found on the cover sheet of the award; (2) Agency Location Code (ALC) – 31000001; and Region Code. Recipients enrolled in the ASAP system do not need to submit a "Request for Advance or Reimbursement" (SF-270).

**II. Audit Requirements**

**Audits**

Organization-wide or program-specific audits are performed in accordance with the Single Audit Act of 1996, as amended, and as implemented by 2 CFR Part 200, Subpart F—AUDIT REQUIREMENTS. Recipients are subject to the provisions of this subpart if they expend \$750,000 or more in a year in Federal awards. See 2 CFR 2 CFR § 200.501.

The Form SF-SAC and the Single Audit Reporting packages for fiscal periods ending on or after January 1, 2008 are submitted online, as follows:

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; and
5. Click "Submit."

Organizations expending less than \$750,000 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**

#### **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.

The performance (technical) reports will contain brief information as prescribed in the applicable uniform administrative requirements 2 CFR §200.328. In addition to the 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 awardees as follows:

#### **Fellowship Metrics:**

1. How many graduate 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 M.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 received Ph.D. or equivalent degrees?
  - a. Response is the number of students, for this reporting period and cumulative to the grant.
4. 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.
5. How many items have students produced, for example, Professional Journal articles, publications, patents, or conference reports?
  - a. Response is the type and number of items, 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 may result in designation of the Recipient as high risk and the assignment of special award conditions. Further action may be required as specified in the standard term and condition entitled "Remedies for Noncompliance."

Failure to comply with the award provisions may result in a negative impact on future NRC funding. In addition, the Grants Officer may withhold payments; change the method of payment from advance to reimbursement; impose special award conditions; suspend or terminate the grant.

**Other Federal Awards With Similar Programmatic Activities**

The Recipient will immediately notify the Project Officer and the Grants Officer in writing if after award, other financial assistance is received to support or fund any portion of the program description stated in the NRC award. NRC will not pay for costs that are funded by other sources.

**Prohibition Against Assignment By The Recipient**

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

**Site Visits**

The NRC, through authorized representatives, has the right to make site visits to review project accomplishments and management control systems and to provide technical assistance as required. If any site visit is made by the NRC on the premises of the Recipient or contractor under an award, the Recipient shall provide and shall require his/her contractors to provide reasonable access to all facilities and provide necessary assistance for the safety and convenience of the Government representative in the performance of his/her official duties.

**IV. Miscellaneous Requirements**

**Criminal and Prohibited Activities**

The Program Fraud Civil Remedies Act (31 U.S.C. §§ 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).

False statements (18 U.S.C. § 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.

False Claims Act (31 U.S.C. § 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.

Copeland "Anti-Kickback" Act (18 U.S.C. § 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**

Recipients are encouraged to purchase American-made equipment and products with funding provided under this award.

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

E.O. 13043, amended by E.O. 13652, requires Recipients to 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**

E.O. 13513 requires Recipients to 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 barred from accepting funds from a Recipient 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 Recipient'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 Recipients or applicants regardless of the source.

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

Pursuant to E.O.s 13230 and 13270, amended by E.O. 13316 and 13385, 13532, 13592, 13555, 13515, and 13621, 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 Recipients 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 Recipient 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 Recipient organization shall investigate the allegation and submit its findings to the Grants Officer. The NRC may accept the Recipient's findings or proceed with its own investigation. The Grants Officer shall inform the Recipient 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 Recipient 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 Recipient 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 [Recipient 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 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 recipient or any subrecipient, 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." (See 22 U.S.C. §7104(g).)

**EXECUTIVE COMPENSATION REPORTING**

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 \$25,000.00 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 \$25,000.00 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 \$300,000.00, 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 \$10,000.00.