

**SPECIAL AWARD CONDITIONS  
TECHNOLOGY INNOVATION PROGRAM (TIP)  
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
COOPERATIVE AGREEMENT AWARD NO. 70NANBXHXXXX**

**1. REFERENCED REQUIREMENTS**

The TIP Statute, 15 U.S.C. § 278n, the TIP implementing regulations set forth in 15 C.F.R. Part 296, the TIP Notice of Availability of Funds and Announcement of Public Meetings (Proposers' Conferences, 73 Fed. Reg. 40507-40511 (July 15, 2008); the TIP Notice extending due Date for proposals, 73 Fed. Reg. 52828 (September 11, 2008); the *Notice of Federal Funding Opportunity* (July 9, 2008); the TIP Proposal Preparation Kit (June 2008); "*TIP Guidelines and Documentation Requirements for Research Involving Human and Animal Subject*" (June 2008); and the Recipient's proposal and subsequent revisions thereafter, are hereby incorporated into the award by reference.

**2. RECIPIENT ADMINISTRATOR CONTACT**

The Recipient Administrator Contact's name, title, address, and telephone number, and e-mail address are:

(Technical) XXXXXXXXXXXXXXXXXXXXXXXX  
(XXX) XXX-XXXX  
(Administrative) XXXXXXXXXXXXXXXXXXXX  
(XXX) XXX-XXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXX  
XXXXXXXX, XX XXXXX-XXXX

**3. JOINT VENTURE MEMBERS (if Joint Venture)**

The organizations named below are approved as Joint Venture (JV) members under this award.

- 1) Name, City, State
- 2) Name, City, State

Any changes to the composition of a JV, including the addition or substitution of a JV member, must be approved in writing by the NIST Grants Officer. No costs may be incurred by any new JV member(s) prior to the NIST Grants Officer's written approval of the new member and the revised JV Agreement.

**4. NIST GRANTS OFFICER**

The NIST Grants Officer's name, address, and telephone number, and e-mail address are:

Melinda Chukran  
National Institute of Standards and Technology  
100 Bureau Drive, Stop 1650  
Gaithersburg, MD 20899-1650  
(301) 975-5266

Melinda.chukran@nist.gov

**5. GRANTS SPECIALIST**

The Grants Specialist's name, address, and telephone number and e-mail address are:

XXXXXXXXXXXXXXXXXXXX  
National Institute of Standards and Technology  
100 Bureau Drive, Stop 1650  
Gaithersburg, MD 20899-1650  
(301) 975-XXXX  
XXX.XXX@nist.gov

**6. PROJECT MANAGER**

The Project Manager's name, address, telephone number, and e-mail address are:

XXXXXXXXXXXXXXXXXXXX  
National Institute of Standards and Technology  
Technology Innovation Program  
100 Bureau Drive, Stop XXXX  
Gaithersburg, MD 20899-XXXX  
(301) 975-XXXX  
XXXX.XXXX@nist.gov

**7. PROJECT DESCRIPTION**

All research shall be conducted in accordance with the Recipient's proposal dated XX/XX/XX, and all revisions/late documentation dated XX/XX/XX, including revised budget dated XX/XX/XX.

**8. FUNDING LIMITATIONS**

The scope of work and budget incorporated into this award covers a xxxxxx-year period (referred to as the "project period") for a total amount of \$xxxxxxxxxxxx in Federal funds. However, Federal funding available at this time is limited to \$xxxxxxxx for the first year period from xx/xx/xx through xx/xx/xx (referred to as the "budget period"). Receipt of any funding beyond the first year up to the level projected under this award is contingent upon the availability of funds, satisfactory performance, continued relevance to program objectives, and will be at the sole discretion of the National Institute of Standards and Technology (NIST). The Recipient may not obligate, incur any expenditure, nor engage in any activity that involves a commitment of Federal funds under this award in excess of the Federal amount presently available. The Federal Government has no legal liability for payment of any funds that have not been made available for the award. If

additional funds are not made available, any expenses incurred related to closeout activities must be funded from the amount already made available under this award. The notice of availability or non-availability of additional funding for the subsequent year(s) will be made in writing **by the NIST Grants Officer**. Only the NIST Grants Officer is authorized to obligate funds. No other verbal or written notice should be relied upon by the Recipient. In the absence of a written notice, no assumption should be made by the Recipient that subsequent year(s) funds will be authorized.

**Annual budget amounts and periods:**

Year 1: \$000,000 (From XX/XX/XX to XX/XX/XX)  
 Year 2: \$000,000 (From XX/XX/XX to XX/XX/XX)  
 Year 3: \$000,000 (From XX/XX/XX to XX/XX/XX)  
 Year 4: \$000,000 (From XX/XX/XX to XX/XX/XX)  
 Year 5: \$000,000 (From XX/XX/XX to XX/XX/XX)

**9. COST SHARING**

*(For Single Companies only)*

Annual cost sharing applicable to this award shall be as follows:

<b>Recipient</b>	<b>Federal</b>
Year 1: \$000,000 (XX%)	\$000,000 (XX%)
Year 2: \$000,000 (XX%)	\$000,000 (XX%)
Year 3: \$000,000 (XX%)	\$000,000 (XX%)

The Recipient must meet its required cost sharing on an annual basis throughout the award. Additionally, all indirect costs must be paid for by the Recipient's share. No Federal funds may be used to pay for any indirect costs.

*(For JVs only)*

Annual cost sharing applicable to this award shall be as follows:

Year 1: \$000,000 (XX%)	\$000,000 (XX%)
Year 2: \$000,000 (XX%)	\$000,000 (XX%)
Year 3: \$000,000 (XX%)	\$000,000 (XX%)
<b>Year 4:</b> \$000,000 (XX%)	\$000,000 (XX%)
<b>Year 5:</b> \$000,000 (XX%)	\$000,000 (XX%)

The Recipient must meet its required cost sharing on an annual basis throughout the award. Additionally, all indirect costs must be paid for by the Recipient's share. No Federal funds may be used to pay for any indirect costs.

The JV Administrator must ensure that the JV's overall required cost sharing is met each year throughout the award. Each JV member is responsible for meeting or exceeding its required cost sharing in accordance with its approved budget.

**10. Amendment to Department of Commerce Financial Assistance Standard Terms and Conditions, dated March 2008 Section A.02, Award Payments**

- a. The advance method of payment shall be authorized unless otherwise specified in a special award condition.
- b. Payments will be made through electronic funds transfers, using the Department of Treasury's, Automated Standard Application for Payment (ASAP) system, and in accordance with the requirements of the Debt Collection Improvement Act of 1996. The following information is required when making withdrawals for this award: (1) ASAP account identification (id) = award number found on the cover sheet of this award;(2) Agency Location Code (ALC) = 13060001; and (3) Region Code = 01. Recipients do not need to submit a "Request for Advance or Reimbursement" (SF-270) for payments relating to this award. If you are not currently enrolled in the ASAP system, you must provide the Federal Awarding Agency with a Point of Contact name, e-mail address, mailing address, telephone number, EIN and DUNS numbers of your organization in order for the Federal Awarding Agency Enrollment Initiator (EI) to begin the on-line enrollment. If you have questions concerning this requirement, please contact the Grants Specialist responsible for this award. If you have questions on the electronic process' step-by-step instructions, you may contact your responsible Regional Finance Center.
- c. Advances taken through the ASAP shall be limited to the minimum amounts necessary to meet immediate disbursement needs. Advanced funds not disbursed in a timely manner must be promptly returned, via an ASAP credit, to the account from which the advanced funding was withdrawn. Advances shall be for periods not to exceed **30 days**.
- d. This award has the following control or withdrawal limits set in ASAP:
  - None
  - Agency Review required for all withdrawals (see explanation below)
  - Agency Review required for all withdrawal requests over \$\_\_\_\_\_ (see explanation below)
  - Maximum Draw Amount controls (see explanation below):

\$ \_\_\_\_\_ each month  
\$ \_\_\_\_\_ each quarter  
\$ \_\_\_\_\_ each year

e. Funds that have been withdrawn through ASAP may be returned to ASAP via the Automated Clearing House (ACH) or via FEDWIRE. The ACH or FEDWIRE transaction can only be done by the Recipient's financial institution. Full or partial amounts of payments received by a Payment Requestor/Recipient Organization may be returned to ASAP. All funds returned to the ASAP system will be credited to the ASAP Suspense Account. The Suspense Account allows the Regional Financial Center to monitor returned items and ensure that funds are properly credited to the correct ASAP account. Returned funds that cannot be identified and classified to an ASAP account will be dishonored and returned to the originating depository financial institution (ODFI).

f. It is essential that the Payment Requestor/Recipient Organization provide its financial institution with ASAP account information (ALC, Recipient ID and Account ID) to which the return is to be credited. Additional detailed information can be found at

<http://www.fms.treas.gov/asap/pay-return2.pdf>.

**xx. FEDERAL TRADE COMMISSION (FTC) AND DEPARTMENT OF JUSTICE (DOJ) NOTIFICATION** *(for JVs only)*

**Within thirty (30) calendar days** of the date of this award, the Recipient shall provide notification to the FTC and DOJ of the formation of a JV. The Recipient shall provide the NIST Grants Officer with a copy of this notification prior to release of funds under this award, as prescribed by 15 C.F.R. Sec. 296.7. (A sample notification letter is attached.)

**xx. GO/NO-GO DECISION POINT** *(will be inserted as needed)*

The Recipient must provide to the TIP Project Manager, in writing **within 60 days** of project start date, the key decision points for the project which evaluate technical progress made and link the project scope to the project impact.

**xx. REQUIREMENT FOR INDIRECT COST RATE** *[if no indirect cost rate agreement was provided]*

Recipients, including JV members if a JV, who will apply indirect costs as cost sharing must have an approved indirect cost rate from a cognizant Federal agency. An indirect cost rate has not been established by a cognizant Federal agency for \_\_\_\_\_ *[insert company name(s)]*. Therefore, an indirect cost rate proposal must be submitted to the NIST Grants Officer **within 90 days** from the date of this award.

Refer to the March 2008 Department of Commerce Financial

Assistance Standard Terms and Conditions, Section A.05 for the indirect cost rate requirements.

***(Specialists: The following three SACs should follow SAC number 10, Award Payments, when applicable. Make sure that Agency Review is checked in SAC no. 10 when using one of the following three.)***

**xx. REQUIREMENT OF ACCOUNTING SYSTEM CERTIFICATION** *(if a new Recipient)*

The Recipient, whether receiving Federal Funds or only providing cost sharing, must have a functioning financial management system that meets the provisions of 15 C.F.R. 14.21 to ensure proper accountability of funds. Therefore, \_\_\_\_\_ *[insert company name(s)]*, must submit an Accounting System Certification, issued by an Independent Certified Public Accountant (CPA), to the NIST Grants Officer **within 60 days** from the date of this award. (A sample Accounting System Certification is attached.)

Pursuant to 15 C.F.R. 14.22 (e), "Payment," the Recipient, will be placed on reimbursement only. Copies of supporting documentation to validate all costs contained in each request for reimbursement must be provided to the NIST Grants Officer until such time as the NIST Grants Officer amends this award to remove this condition.

***(Specialists: The following two SACs are to be used mainly for post-award administration.)***

**XX. Special Condition for Corrective Action** *[Insert the following If the Recipient performs poorly, is financially unstable, or otherwise meets requirements for corrective action under 15 C.F.R. 14.14. Include a Special Award Condition that states the nature of the additional requirements, the reason why the additional requirements are being imposed, the nature of the corrective action needed, the time allowed for completing the corrective actions and the method for requesting reconsideration of the additional requirements imposed.]*

The above control limits have been established pursuant to the information contained in SAC *[insert Corrective Action SAC number]* of this award. The NIST Grants Officer, upon the Recipient's demonstration of taking corrective action to *[insert action recipient needs to take in order to have the payment restrictions lifted]*, may lift these restrictive controls.

**XX. Enforcement Action** *[Insert the following as part of an enforcement action pursuant to 15 C.F.R. 14.62 or 15 CFR 24.43]*

The above control limits have been established because the Recipient has failed to comply with corrective action notice from the NIST Grants Officer dated *[insert date that the Recipient was put on notice of non-compliance with terms]*

*and/or conditions of the award].* The NIST Grants Officer, upon the Recipient's demonstration of taking corrective action to *[insert action recipient needs to take in order to have the payment restrictions lifted]*, may lift these restrictive controls.

**INCLUSION OF ADDITIONAL SPECIAL AWARD CONDITIONS ONLY AS REQUIRED:**

**xx. RESTRICTION ON USE OF VERTEBRATE ANIMALS**

Based upon information submitted by the Recipient and reviewed by the appropriate NIST officials, NIST has determined that the proposed research complies, as applicable, with the Animal Welfare Act as amended (7 U.S.C. §§ 2131-2159), and implementing regulations found at, 9 C.F.R. parts 1, 2, and 3. Therefore, the proposed research involving vertebrate animals is approved for

- Facility 1 - (company/vendor (Species))
- Facility 2 - (company/vendor (Species))
- Facility 3 - (company/vendor (Species))

which is (are) the only facility(ies) authorized to conduct research involving vertebrate animals under this award.

In order to continue research involving vertebrate animals, the Recipient must maintain the following valid, current approvals, and certifications.

**Facility 1:**

(Required)

Protocol # \_\_\_\_\_ (Protocol title and animal species)  
Expiration date XX/XX/XX

(Select one of the following)

Animal Welfare Assurance # \_\_\_\_\_  
Expiration Date XX/XX/XX

**OR**

USDA # \_\_\_\_\_  
Expiration date XX/XX/XX  
(Required)

**AND/OR**

(For research projects that only involve rodents, birds or fish)

AAALAC Certification # \_\_\_\_\_  
Expiration date XX/XX/XX

**Facility 2:**

(Required)

Protocol# \_\_\_\_\_ (Protocol title and animal species)  
Expiration date XX/XX/XX

(Select one of the following)

Animal Welfare Assurance # \_\_\_\_\_  
Expiration Date XX/XX/XX

USDA  
# \_\_\_\_\_  
Expiration date XX/XX/XX

**OR**

(For research projects that only involve rodents, birds or fish)

AAALAC Certification # \_\_\_\_\_ (species)  
Expiration date XX/XX/XX

*(Below is for all projects involving animal research)*

To be consistent with federalwide practice, NIST is now accepting documentation identifying the assurance designation (e.g., OLAW animal welfare assurance number, USDA certificate number, or stipulation of AAALAC accreditation) in lieu of submitting an actual copy of applicable institutional credentials (e.g., OLAW animal welfare assurance designation, USDA certificate, or AAALAC letter of accreditation). Since verification that assurances are valid and current can be made through official websites, generally only documentation of the applicable credential's identifier linked to the institution performing the animal studies is needed. NIST reserves the right to request a copy of the applicable institutional credentials (e.g., OLAW animal welfare assurance designation, USDA certificate, or AAALAC letter of accreditation), as warranted. The Recipient shall provide NIST with documentation identifying each institution's identifier linked to the applicable credentials when applying for the renewal or amendment to any animal study approvals, along with signed and dated documentation from the IACUC and/or the cognizant certifying body of IACUC approval, including any interim or renewal reporting requirements, no later than the expiration date shown above. The Recipient shall provide information on continuing review of the animal study proposal (ASP) as it occurs. The Recipient shall immediately inform the TIP Project Manager and NIST Grants Officer in writing of any proposed deviations from the procedures involving vertebrate animals approved by NIST during the project period, and submit evidence of approval of the revised ASP by the IACUC for NIST review. For further information, please refer to the booklet entitled, "Guidelines and Documentation Requirements for Research Involving Human and Animal Subjects," available on the TIP website at

<http://www.nist.gov/tip/helpful.html>

**For DEFERRAL**

**XX. DEFERRAL OF REVIEW OF USE OF VERTEBRATE ANIMALS**

Research at *(Insert name of facility)* involving *(Insert type of animal)* is proposed for *(Specify anticipated timeframe)*. No work at this facility may be undertaken, conducted, or costs incurred or charged to this project, until the required documentation has been submitted by the Recipient and approved in writing by the NIST Grants Officer.

Documentation requirements are identified in Term #20 of the December 2008 TIP General Terms and Conditions entitled "Care and Use of Vertebrate Animals" and are set forth in the booklet entitled, "TIP Guidelines and Documentation Requirements for Research Involving Human and Animal Subjects," available on the TIP web site at <http://www.nist.gov/tip/helpful.html>

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**XX HUMAN SUBJECT RESEARCH** *[Language and regulation references are indicated in memo to the NIST Grants Officer included in the award package, but will generally be one of the following]*

**XX. HUMAN SUBJECT RESEARCH EXEMPTION**

Based upon a review of the proposal and documentation dated XX/XX/XX and XX, 200X, NIST has determined that the involvement of human subjects in research identified in this project meets the criteria to qualify for an exemption under 15 C.F.R. 27.101( ) ( ), Protection of Human Subjects, which states:

"  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_."

*(for contract research, use following clause:)*  
This exemption applies exclusively to the use of (cell, blood, Cadaver...) in the approved research tasks undertaken by (name of the sub) under this award as referenced in the correspondence dated XX, 200X and XX, 200X.

*(for vendors, use the following clause:)*

This exemption applies exclusively to the use of (cells, blood, cadaver...) obtained from (name of the vendor(s)) as referenced in the correspondence dated XX, 200X and XX, 200X

**No other involvement of human subjects in research is authorized by NIST within this project.**

If the conditions upon which this exemption is based change in any way, the Recipient must notify the NIST Grants Officer immediately in writing and obtain prior written approval from the NIST Grants Officer before proceeding with any further research involving human subjects.

By accepting this award, the Recipient certifies to the accuracy of the documentation cited above.

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**For DEFERRAL**

**XX. DEFERRAL OF REVIEW OF USE OF HUMAN SUBJECTS**

Based upon a review of the proposal and documentation dated XX, 200X and XX, 200X, NIST has determined that the involvement of human subjects in research identified herein meets the criteria to qualify for a deferred review. This award is made in accordance with 15 C.F.R. 27.118, which permits research that does not involve human subjects to proceed even though human subjects may be involved at a later stage during the project period. In accordance with the December 2008 TIP General Terms and Conditions #19, the Recipient must submit the following documentation prior to the (yr/mo) of the project and prior to any research that may involve human subjects, to the TIP Project Manager for review and approval by appropriate NIST officials:

- a) Documentation establishing approval of the project by an Institutional Review Board qualified under 15 C.F.R. 27.103, OR
- b) Documentation to support an exemption for the project pursuant to 15 C.F.R. 27.101(b).

The documentation requirements are available on the TIP web site <http://www.nist.gov/tip/helpful.html> outlined in the TIP booklet titled "Guidelines and Documentation Requirements for Research Involving Human and Animal Subjects." No involvement of human subjects in research may be undertaken or conducted, or costs involving human subjects research incurred or charged to the project, until the NIST Grants Officer's approval of the above documentation is obtained in writing.

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**FOR FULL IRB REVIEW**

## XX. PROTECTION OF HUMAN SUBJECTS

The Recipient has satisfied the requirements set forth in the December 2008 TIP General Terms and Conditions, #19, related to the Protection of Human Subjects in research. Based upon the proposal and the Recipient's information dated \_\_\_\_\_ X, 200X, the following specific involvement of human subjects in research is hereby approved by the NIST Grants Officer.

**Facility 1** (name of the company or university, hospital etc. if different from the Recipient, *i.e.*, name of the facility where the IRB is located is different from the Facility where the research is taking place, which is often the case! Otherwise delete this line.)

- a) (Title and/or number of protocol approved by the IRB)
- b) IRB approval date: \_\_\_\_\_ X, 200X
- c) Assurance of compliance no. \_\_\_\_\_ for the IRB that approved the protocol

By accepting this award, the Recipient certifies to the accuracy of the documentation cited above.

An updated IRB approval is required each year per the renewal date assigned by the IRB and must be submitted to NIST for review and approval until the project is completed.

No other involvement of human subjects in research may be undertaken or conducted, or costs involving human subjects research incurred or charged to the project, except as specified in the study plan and the informed consent forms that were received and approved by the IRB.

If the conditions upon which the IRB approval is based should change in any way, the Recipient shall immediately notify the NIST Grants Officer in writing of the specific change, including the IRB's written approval of the change, and shall obtain prior written approval from the NIST Grants Officer before proceeding with implementing any change.

*Common example of SAC for conflict of interest involving university contractor:*

## XXX RESTRICTIONS ON UNIVERSITY CONTRACT

The Recipient has indicated its need to use the services of the University of *(Insert name)* as a contractor under this award. The Recipient has also indicated that Dr. *(Insert name)* who is designated to serve as a consultant to the project under that contract, *(Indicate the nature of the conflict)*: holds an ownership interest in *(Insert Recipient company name)*, serves on the board of directors of the company, and/or was an officer of the company when the

contract to the University of *(Insert name)* was awarded. In order to avoid any real or apparent conflict of interest in violation of Section J of the Department of Commerce Financial Assistance Standard Terms and Conditions, as well as 15 C.F.R. 14.42, 14.43, and 14.44, and the Recipient's Assurance provided in paragraph 3 of the SF-424B, the Recipient's records shall provide evidence that the affected party was not involved in participating in any decision to award the contract, if applicable, and the Recipient shall include no profit or fee in its payment to the University of *(Insert name)* under this contract. In addition, Dr. *(Insert name)* shall receive no compensation above his or her normal university salary as a result of participation in the project other than reimbursement for reasonable expenses associated with this work.

## XXX USE OF BLENDED LABOR RATE AGREEMENT IN LIEU OF ACTUAL SALARIES

The Recipient or one or more of its JV participants, if a JV, has identified the use of "blended labor rates" in its proposal in lieu of actual salaries. *(Include the following if we don't already have it...)* The Recipient must provide the NIST Grants Officer with a copy of its current federally audited and federally approved pricing or rates agreement. For accounting and auditing purposes, the Recipient must, throughout the project period of this award, (1) maintain contemporaneous records of the actual labor hours expended and claimed on the TIP project; and (2) ensure that the appropriate labor schedule and category is used.