

[Template – Yellow highlighted areas are for grant-specific information.]

**NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
FEDERAL FINANCIAL ASSISTANCE
SPECIAL AWARD CONDITIONS**

2010 NIST CONSTRUCTION GRANT PROGRAM

1. The National Institute of Standards and Technology hereby enters into this Grant number **60NANB10DXXX** with **the X** to support the work described in the Recipient's proposal entitled **X at the X** dated **XX/XX/10**, as revised **XX/XX/10** which are hereby incorporated into this award by reference. Where the terms of this award and the proposal differ, the terms of this award shall prevail.
2. **The Recipient's contact name, title, address and telephone number are:**

[Name]

[Title]

[Address 1]

[Address 2]

[City, State, Zip Code]

Telephone: **XXX-XXX-XXXX**

3. **The NIST Award Contact Information**

Grants Officer:

Calvin Mitchell
National Institute of Standards and Technology
100 Bureau Drive, STOP 1650
Gaithersburg, MD 20899-1650
Telephone: (301) 975-4585
E-mail: calvin.mitchell@nist.gov

Grants Specialist:

McKinley Posely
National Institute of Standards and Technology
100 Bureau Drive, STOP 1650
Gaithersburg, MD 20899-1650
Telephone: (301) 975-3653
E-mail: mckinley.posely@nist.gov

[Template – Yellow highlighted areas are for grant-specific information.]

**NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
FEDERAL FINANCIAL ASSISTANCE
SPECIAL AWARD CONDITIONS**

Federal Program Officer:

Mike Diestel, PE
National Institute of Standards and Technology
Office of Chief Facilities Management Officer
100 Bureau Drive, Bldg. 301, Rm B114
Gaithersburg, MD 20899-1900
Telephone: (301) 975-8809; Fax: 301-975-8835
E-mail: michael.diestel@nist.gov

4. Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements

The Recipient shall comply with the requirements found in the Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements, contained in the Federal Register notice of February 11, 2008 (73 FR 7696) and found at: http://oam.ocs.doc.gov/docs/Grants/Preaward_FRN2008.pdf

5. Cost Sharing

The cost sharing ratio for this award is **XX.XX%** Federal share and **XX.XX%** Non-Federal share. See Department of Commerce Financial Assistance Standard Terms and Condition A.03 for the treatment of cost sharing.

6. 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 withdraws 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.
- c. 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, and EIN/TIN and DUNS numbers of your organization that are consistent with the information on the Central Contractor Registration (CCR) (www.ccr.gov) in order for the Federal Awarding Agency Enrollment Initiator (EI) to begin the on-line enrollment. For

[Template – Yellow highlighted areas are for grant-specific information.]

**NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
FEDERAL FINANCIAL ASSISTANCE
SPECIAL AWARD CONDITIONS**

complex organizations with multiple EIN/TIN and DUNS numbers, the EIN/TIN and DUNS numbers MUST be the numbers for the applying organization from the SF-424 application form. Organizations that provide incorrect/inconsistent EIN/TIN and DUNS numbers may experience significant delays in receiving funds. Please confirm that the EIN/TIN and DUNS numbers are consistent with the information on the CCR. 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.

- d. 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.
- e. This award has the following control or withdraw limits set in ASAP:

None
 Agency Review required for all withdrawals (see explanation below)

7. Explanation of Agency Review

The Recipient must comply with General Construction Terms and Conditions numbers 2, Security Interest; 3, Land, Easements, and Rights of Way; and Special Award Condition number 11, Supplement to Department of Commerce Standard Term & Condition L and L.01, "Environmental Requirements," before any Federal funds can be disbursed.

8. Return Payments for Funds Withdrawn through ASAP

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).

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>.

[Template – Yellow highlighted areas are for grant-specific information.]

**NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
FEDERAL FINANCIAL ASSISTANCE
SPECIAL AWARD CONDITIONS**

9. New Financial Reporting Form (SF-425):

Deviation to Replace the References to Financial Reporting Forms in the Department of Commerce (DoC) Financial Assistance Standard Term and Condition A.01, entitled “Financial Reports,” and B.01, “Performance (Technical Reports) and Use of Approved OMB Form SF-425 as Authorized Under Uniform Administrative Requirements For Financial Reporting. The references to Financial Reporting Form SF-269 in the DoC Standard Terms & Conditions are hereby replaced with the SF-425, “*Federal Financial Report*,” as required by OMB (73 FR 61175, October 15, 2008). As authorized under 15 CFR §§ 14.52 and 24.41, the OMB approved SF-425 shall be used in the place of the SF-269 and SF-272 under the uniform administrative requirements and elsewhere under this award where such forms are referenced.

10. Interest

This award is subject to 15 CFR 14.22 requiring recipients of Federal financial assistance to maintain advances of Federal funds in interest bearing accounts. Interest earned on Federal advances deposited in such accounts (with the exception of \$250 per year, which may be retained for administrative expenses) shall be remitted promptly.

The complete address for remitting checks for interest earned on Federal advances is Department of Health and Human Services, Payment Management System, P.O. Box 6021, Rockville, MD 20852. Recipients that do not have electronic remittance capability should send a check to this address.

In keeping with Electronic Funds Transfer rules (31 USC part 206), interest should be remitted to the HHS Payment Management System through an electronic medium such as the FEDWIR Deposit System. Electronic remittances should be in the format and should include any data that are specified by the HHS as being necessary to facilitate direct deposit in HHS’ account at the Department of Treasury.

11. Supplement to Department of Commerce Standard Term & Conditions L & L.01, “Environmental Requirements”

No funds shall be expended for construction activities under this award until NIST determines compliance with the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 *et seq.*

The recipient is restricted from taking any action using Federal award funds that would have an adverse affect on the environment or would limit the choice of reasonable alternative(s) prior to NIST providing a NEPA decision regarding the action. Prohibited actions include, but are not limited to, demolition of existing buildings, site clearing, ground breaking, and/or construction.

[Template – Yellow highlighted areas are for grant-specific information.]

**NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
FEDERAL FINANCIAL ASSISTANCE
SPECIAL AWARD CONDITIONS**

This restriction does not preclude the recipient from expending award funds to prepare information for NIST and/or others in the Department or undertake approved non-construction project activities, if any, if this would be consistent with the approved project budget.

12. Federal Funding Opportunity Notice and Federal Register Notice – FY 2010 NIST Construction Grant Program

The Recipient shall comply with the requirements found in the Department of Commerce, National Institute of Standards and Technology Federal Funding Opportunity Notice No. 2010-NIST-CONSTRUCTION-01 of March 2, 2010, and the NIST Construction Grant Program Notice of Availability of Funds, 75 Fed. Reg. 39392 (March 2, 2010).

<http://www.nist.gov/director/ncgp/upload/2010frn.pdf>

http://www.nist.gov/director/ncgp/ncgp_022510.cfm

13. Funding

This award is fully funded for a total amount of **\$X** in Federal funds. The scope of work and budget incorporated into this award covers a **X year** period from **11/01/2010** through **XX/XX/XX** (referred to as the “project period”).

14. Individual Background Screenings: (Deviation from DoC Financial Assistance Standard Terms and Conditions, Section F. Dated March 2008)

Notwithstanding the requirements pertaining to Individual Background Screenings set forth in Section F of the Department of Commerce (DOC) Standard Terms and Conditions (March 2008), Individual Background Screenings will be conducted in accordance with the updated guidance contained in Chapter 21 (February 2010) of the DOC Grants and Cooperative Agreements Interim Manual. This guidance may be viewed on line at http://oam.eas.commerce.gov/gmd_updated-doc.html.

Consistent with this guidance, Individual Background Screenings **[are/are NOT]** planned under this award.