

DIVISION III - GENERAL TERMS AND CONDITIONS -
U.S. ARMY CONTRACTING COMMAND - ABERDEEN PROVING GROUND - RESEARCH
TRIANGLE PARK DIVISION (ACC-APG-RTP) AGENCY R&D TERMS AND CONDITIONS
(also known as "Agency Specific Requirements")

January 2022

Home Page: <https://www.arl.army.mil/business/broad-agency-announcements/>

2 Code of Federal Regulations (CFR) Part 200 with amendments, as modified and supplemented by DoD's implementation found in Chapter XI.

The DoD R&D General Terms and Conditions (September 2021 or the current version if later versions are published), available at <https://www.onr.navy.mil/en/work-with-us/manage-your-award/manage-grant-award/grants-terms-conditions>

Forms: <https://www.arl.army.mil/business/broad-agency-announcements/>

SUBDIVISION A - PREAMBLE:

This document incorporates by reference and supplements the federal regulations and DoD R&D General Terms and Conditions as noted above. Any additional terms and conditions beyond the federal regulations, the DoD R&D General Terms and Conditions and these Agency Specific Requirements will be expressly stated and incorporated in the award.

Applicability. As defined in DoD R&D General Terms and Conditions

SUBDIVISION B - GENERAL TERMS AND CONDITIONS FOR ADMINISTRATIVE REQUIREMENTS:

Preamble, Paragraph entitled "English Language" of DoD R&D General Terms and Conditions supplement.

All Applications (proposals) referenced in any award must be in the English language and must be in the terms of U.S. dollars.

Part 2: FMS, Article IV Section B. Prior Approval Requirements not included in the DoD R&D General Terms and Conditions.

Prior written approval of the Grants Officer is required to extend the period of performance of this award, without additional funds, beyond the expiration date of this award. You

must notify the Grants Officer in writing with the supporting reasons and requested expiration date at least twenty calendar (20) days prior to expiration of this award. Failure to provide the written justification within the required timeframe may result in no further extension of the period of performance of this award.

Part 3: PROP, Article VI, Intangible Property

Reporting of Subject Inventions:

a. All subject inventions must be reported in accordance with the requirements set forth in the clause at 37 CFR 401.14. Subject inventions may be reported in paper form, or alternatively, may be reported electronically via the iEdison Invention Information Management System.
(<http://www.iedison.gov>)

i. Instructions on how to submit an invention disclosure and identification of inventor(s), title of invention, grant, cooperative agreement or contract number, and date of any public disclosure, are provided on the iEdison web site. The date of submission establishes periods for all future actions.

ii. Submission of the invention disclosure description may be done electronically by uploading a PDF, TIFF, or text file through iEdison. It must be sufficiently complete in technical detail to convey a clear understanding of the invention to the extent known at the time of the disclosure.

b. Interim summary invention reports (where required) and final summary invention reports must be submitted in paper form using DD Form 882, "Report of Inventions and Subcontracts" directly to the Grants Officer. iEdison does not accept electronic interim and final summary invention reports. The DD Form 882 must list all reported subject inventions that have been reported in paper or have been reported via iEdison. Interim negative reports are not required. When applicable, the interim and final summary inventions reports must include the unique iEdison invention report number which is automatically generated by the iEdison system. The final report must also state that similar reports are included for all subawards at any tier containing a patent rights clause and include copies of the subawardee reports or state that there were no such subawards.

c. You must include the clause at 37 CFR 401.14 in all subawards with small businesses and nonprofit organizations, regardless of tier, for experimental, developmental, or research work.

d. A final DD Form 882 is due one hundred twenty (120) calendar days after the end date of the period of performance. The award WILL NOT be closed out until a completed DD Form 882 is received and any and all listed inventions have had detailed invention disclosures submitted, either in paper form or via iEdison.

Reporting of Joint Inventions:

Joint inventions developed under the award will be addressed in accordance with 35 USC §202(e).

Part 6: OAR, Article III, Remedies and Termination, Section C. Termination, Paragraph c. Unilaterally by the recipient.

You must provide a written termination notice, for either a partial or full termination, to the Grants Officer no later than 30 calendar days prior to the effective date of the termination.

Part 6: OAR, Article IV. Claims, disputes and appeals, Section C, Alternative Dispute Resolution

- (a) If Alternate Dispute Resolution (ADR) procedures are used and these procedures are not successful, you may submit an appeal to the designated Department of Army Grant Appeal Authority.
- (b) 32 CFR section 22.815(e)(1) requires the designation of grant appeal authorities to decide formal administrative appeals brought under 32 CFR section 22.815(e).
- (c) The Senior Contracting Official (SCO) that awarded the grant or cooperative agreement is the grant appeal authority, provided that the individual is a general officer or member of the Senior Executive Service. The grant appeal authority may utilize a board in accordance with 32 CFR section 22.815(e)(1).
- (d) The SCO may not delegate grant appeal authority. In the event the SCO is not a general officer or member of the Senior Executive Service, the Deputy Assistant Secretary of the Army (Procurement) will designate a qualified individual as the grant appeal authority on a case-by-case basis.
- (e) The grant appeal authority shall utilize the procedures specified in 32 CFR sections 22.815(e) and (f).

**SUBDIVISION C - GENERAL TERMS AND CONDITIONS FOR NATIONAL
POLICY REQUIREMENTS:**

**Part 8: National Policy Requirements, Article III, Section A.
Cross-cutting requirements concerning live organisms**

Human Subjects: You will not commence performance of research involving human subjects that is covered under 32 CFR Part 219 or that meets exemption criteria under 32 CFR 219.104, or expend funding on such effort, until and unless the conditions of either the following paragraph (1) or (2) have been met:

You furnish to the Human Research Protection Official (HRPO), with a copy to the Grants Officer, an assurance of compliance, IRB approval, and associated research documents. You receive written notification from the Grants Officer that the HRPO has accepted the assurance as appropriate for the research under the agreement and also that the HRPO has reviewed the research and associated documents and accepted the IRB approval for compliance with the DoD component policies.

(1) You furnish to the HRPO, with a copy to the Grants Officer, documentation as required by DoD General Research Terms and Conditions, NP Article III, Section A.1.c., and receive written notification from the Grants Officer that the exemption is determined acceptable. The determination will include citation of the exemption category under 32 CFR 219.104 and associated study documents.

The Army Research Laboratory HRPO is:

Theresa M. Straut
Human Protections Director
Army Research Laboratory
Aberdeen Proving Ground, MD
410-278-5928
theresa.m.straut.civ@army.mil

2. Animals: Prior written approval is required to use or subcontract for the use of laboratory animals in any manner whatsoever from the US Army Medical Research and Materiel Development Command, Animal Care and Use Office.

Contact information for specific questions pertaining to research for Animal subjects may be directed to:

USAMRDC, Division of Regulated Activities and Compliance
USAMMDA
MCMR-UMR
1430 Veterans Drive
Ft Detrick MD 21702-9232
Phone: 301-619-0317

Fax: 301-619-0197
usamrmcregulatoryaffairs@amedd.army.mil

SUBDIVISION D - GENERAL TERMS AND CONDITIONS FOR PROGRAMMATIC REQUIREMENTS:

Options and Incremental Funding.

Due to current DoD funds disbursement deficiencies, you are strongly urged to make the use of advance payments or invoice for expenditures not less frequently than on a monthly basis. Disbursement deficiencies may lead to a reduction or delay in the yearly budget allocation of the award. You must email the Grants Officer Representative or Cooperative Agreement Manager (as appropriate) a copy of each monthly invoice or request for advance payment at time of submission for payment.

Thirty (30) calendar days before a funding increment is scheduled or an option is available to exercise, you are expected to have invoiced at least 60% of the most recent funding increment before the Government, at its discretion, considers you for a subsequent funding increment, or available option exercise.

An option may be included in this award to continue the research. If an option is included, the option must be exercised by a modification to this award. No additional documentation is required on your part for an award modification for incremental funding; however, unacceptable expenditure rates - may delay or reduce incremental funding actions.

No legal liability on the part of the agency exists unless or until appropriate funds are available and you receive notice of such availability by modification to this award.

Modification of the Grant or Cooperative Agreement.

Requests to modify this award for any reason must be in writing to the Grants Officer. An award modification implementing the request will be unilaterally issued at the discretion of the Grants Officer.

Delegation of Duties To Award Administration Office.

Assistance instrument administration duties have been delegated to either the Office of Naval Research (ONR) or the Defense Contract Management Agency (DCMA) identified in this award. These duties are as follows:

- a. Provisionally approve all Requests for Advance or Reimbursement (SF 270). Facilitate the payment process

for all recipients.

- b. Perform all property administration services except the approval of your requests to purchase equipment with award funds.
- c. Perform all plant clearance functions.
- d. Approve requests for Registration of Scientific and Technical Information Services (DD Form 1540).
- e. Obtain the interim (if required) and final financial report(s).
- f. Execute administrative closeout procedures, which include the following:
 - 1. Obtain the final Report of Inventions and Subcontracts (DD Form 882).
 - 2. Obtain final payment request, if any.
 - 3. Obtain final property report and dispose of purchased property and government furnished equipment (GFE) in accordance with the DODGARS Part 22, Subpart G.
 - 4. Perform a review of final incurred costs and assist the Grants Officer in resolving exceptions, if any, resulting from questioned costs.
 - 5. Assure that all refunds due the Government are received by the Government.