**TRANSACTION DETERMINATION TEMPLATE**

**FOR FINANCIAL ASSISTANCE AGREEMENTS**

(for Grant and Cooperative Agreements)

Each transaction determination made for a financial assistance agreement shall set forth enough facts and circumstances to clearly justify the determination. At a minimum, each transaction determination for a financial assistance agreement shall include the following information:

1. Identification of the program and procurement representatives entering into this financial assistance determination document.
2. Nature and/or description of the program/project/subprojects/funding opportunity announcement/award.
3. Citation of the appropriate program authorization. *(Notes: Identify the appropriate section of the statute. If confronted with conflicting statutory language, consult with legal counsel to determine the appropriate course of action.)*
4. If the project or subproject involves classified work or national security, it must be awarded as a procurement contract. Does the project or subproject involve classified work or national security?
5. Describe the findings to support the determination to use a financial assistance agreement as opposed to a procurement contract when the project or subprojects: (1) involve sensitive technologies; or (2) require security of sensitive data, research, and results; or (3) contain or require other pertinent factors that indicate the project and/or subproject(s) require higher levels of Federal oversight and control than afforded by financial assistance awards; or (4) may have other security requirements that apply.
6. Discuss the findings how any of the risks identified above will be completely mitigated through special award terms and conditions for project or subprojects. When any of the risks identified above cannot be completely mitigated through special award terms and conditions for projects or subprojects it must be awarded as a procurement contract.

*Notes for Contracting Officer/Grants Officer:*

1. *The program and procurement representatives must ensure that an analysis has been performed to identify and protect if any project or subprojects: (1) involve sensitive technologies; or (2) require security of sensitive data, research or results; or (3) contain or require other pertinent factors that indicate the project and/or subproject(s) require higher levels of Federal oversight and control than afforded by financial assistance awards; or (4) may have other security requirements that apply.*
2. *The analysis must ensure that projects and subprojects are not implemented under a financial assistance agreement when DOE’s interests are better protected under a procurement contract.*

1. Necessary supporting documentation shall be obtained from appropriate requirements and technical personnel, if applicable.
2. A determination, based on the findings, that the proposed financial assistance action is justified under the applicable statute or regulation and no property or services are being acquired.

The signature of the Program Official who initiates this action and the signature of the Contracting Officer/Grants Officer who will approve this action entering into this financial assistance determination document.