

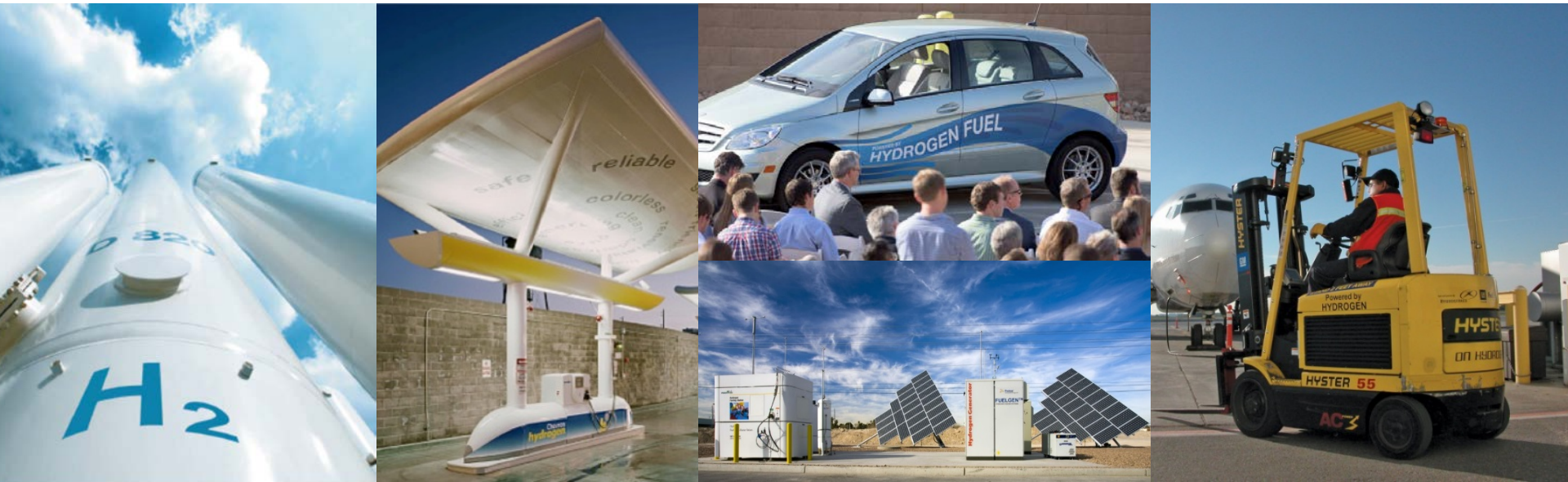
Award Administration and Reporting Requirements for EERE Cooperative Agreements

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Fuel Cell Technologies Office Webinar

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DOE/EERE Team

Team Member	Responsibility
Technology Manager/Project Manager	<ul style="list-style-type: none">• Leads award negotiations• Reviews, negotiates, and finalizes the SOPO, technical milestones/deliverables, and Environmental Questionnaire• Reviews project budget to ensure that the proposed costs are reasonable and support the scope of work• Responsible for monitoring progress of project, reviews progress and financial reports, conducts site visits, invoice review, makes go/no-go decision, provides award administration recommendations to Contracting Officer
Contracting Officer (CO)	<ul style="list-style-type: none">• Responsible for the business management and non-programmatic aspects of the financial assistance process and award administration• Focal point for dissemination and interpretation of financial assistance regulations, policies, and procedures• The only individual authorized to obligate Federal funds for financial assistance awards, make commitments on behalf of the Agency, authorize new awards and modifications to awards and approve invoices
Grants Management/Contract Specialist	<ul style="list-style-type: none">• Assists Contracting Officer in all aspects of business management and award administration• Reviews project budget to ensure all proposed costs are allowable, allocable, and reasonable• Assists Project Officer and Contracting Officer in award negotiations• Communicates financial and administrative regulations and requirements to the recipient

Award Documents

- ❖ All award documents will be sent to you via FedConnect
- ❖ You must acknowledge receipt of the documents
- ❖ The Award consists of:
 - Cover page – Assistance Agreement Form
 - Body – Special Terms and Conditions
 - Attachment 1 – Statement of Project Objective (SOPO)
 - Attachment 2 – Reporting Checklist and Instructions
 - Attachment 3 – Budget Information (SF-424A)
 - Attachment 4 – Intellectual Property Provisions
 - Attachment 5 – Data Management Plan

DOE Involvement

- ❖ Most DOE/EERE financial assistance awards are cooperative agreements
- ❖ Cooperative agreements include:
 - Substantial Federal involvement in and contribution to the technical aspects of the effort. This involvement includes assisting, guiding, collaborating, project management support, activity intervention, or other efforts to ensure that project results address programmatic goals
 - DOE's substantial involvement is clearly defined in the Funding Opportunity Announcement and in the special terms and conditions of the award agreement
 - Go/No-go decision points incorporated into the award

Financial Assistance Regulations

Recipient Type	Administrative Requirements	Cost Principles	Audits
State & Local Government Non-Profit Organizations Educational Institutions	2 Code of Federal Regulations (CFR) 200 as amended by 2 CFR 910	2 CFR 200 Subpart E	Subpart F- Audit Requirements 2 CFR 200.501
Commercial (For-Profit) Organizations	2 CFR 200 as amended by 2 CFR 910	Federal Acquisition Regulations (FAR) Part 31 (48 CFR 31)	Subpart F- Audit Requirements 2 CFR 910.501

- ❖ Effective 12/26/2014, the DOE Financial Assistance regulations contained in 10 CFR 600 were superseded by the Financial Assistance regulations contained in 2 CFR 200
- ❖ 2 CFR 200 applies to State & Local Governments, Non-Profit Organizations, and Educational Institutions (combined A-21, A-87, A-110, A-122, A-89, A-102, A-133, and A-50)
- ❖ 2 CFR 910 (DOE implementing/specific regulations) supplement 2 CFR 200
- ❖ DOE implementing regulations made 2 CFR 200 applicable to For-Profit Organizations

Relevant Laws and Requirements

❖ Laws:

- Public Law 95-224: Federal Grant and Cooperative Agreement Act (FGCAA)
- Public Law 106-107: Federal Financial Assistance Management Improvement Act initiatives
- Energy Policy Act of 2005 and Energy Policy Act of 1992 (EPAAct)

❖ Other requirements:

- Agency policies and executive orders
- Funding Opportunity Announcement (FOA) requirements
- Special terms and conditions of the financial assistance award (grant or cooperative agreement)

Federal Cost Principles

- ❖ Federal cost principles specify allowable or unallowable costs that can be incurred in the performance of a federal financial assistance award
- ❖ Cost Principles are defined by organization-type in the CFR or FAR:
 - 2 CFR 200 for state and local governments, non-profit organizations, institutions of higher education
 - 48 CFR Part 31 (FAR Subpart 31) for for-profit entities
- ❖ Costs must be reasonable, allocable, allowable, and given consistent treatment in accordance with generally accepted accounting principles (GAAP); and must conform to any award limitations or exclusions
- ❖ Recipients must exclude unallowable costs from the Fringe/Indirect Base when submitting an Indirect Rate Proposals (IRP) to DOE
- ❖ If you are unsure about the allowability of a cost (not specified in the cost principles), please ask us

Unallowable Costs Examples

- ❖ **Meals, beverages, entertainment**
 - Alcoholic beverages, entertainment
- ❖ **Unrelated to the project**
 - Direct Expenses not related to the Federal project
 - Expenses not ordinary and necessary for the performance of the Federal award
 - Advertising and public relations costs not related to the performance of the Federal award
 - Certain patent expenses not required by the Federal award
 - Cost overruns incurred on other Federal awards
- ❖ **Business costs**
 - Merger & Acquisition costs
 - Lobbying expenses
- **Donations and contributions**
 - Contributions or donations, including cash, property, and services
 - Cost incurred for an organized fund raising activity
- **Fines and fees**
 - Cost of fines paid
 - Bad debt, and related collection and legal costs
 - **Fee or profit for prime recipients or sub-recipients**
- **Other**
 - Direct costs already included within Indirect (Overhead) base
 - Expenses not supported by source documentation
 - Pre-award costs not previously approved in writing by the Contracting Officer
 - Goods or services above market prices

This list is **not comprehensive**, consult with DOE representatives if you have questions.

Travel Regulations

- ❖ Non-Profit Organizations, State, Local, Indian Tribal Governments, Educational Institutions
 - Travel costs must be in accordance with the organization's written travel policy or if no policy exists, must use General Services Administration per diem rates
- ❖ For-Profit Entities
 - General Services Administration per diem rates
- ❖ Airfare costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airlines (see 2 §200.474 (e) for exceptions or FAR 31.205-46 (b))
- ❖ Foreign travel restrictions are specified in the FOA or award's special terms and conditions

Equipment – All Entity Types

- ❖ Must have prior Agency (DOE) approval
- ❖ 2 CFR 200.310 – management requirements
 - Equipment requires prior approval (\$5,000 acquisition cost, useful life of more than 1 year)
 - Conditional title
 - Insurance coverage – equivalent coverage as provided to property owned by recipient
 - Property records
 - Physical inventory every 2 years
- ❖ Cannot encumber equipment
- ❖ When equipment is no longer needed for the originally authorized purpose, the non-Federal entity must use the equipment as described in 2 CFR 200.313 or 910.360 or obtain disposition instructions from DOE or pass-through entity

Equipment – For-Profit Entities

- ❖ Uniform Commercial Code (UCC)
 - For-profit recipients and subrecipients must file a Uniform Commercial Code (UCC) Finance Statement(s) to receive Federal reimbursement for equipment expenditures
 - Consequences for failing to submit UCC Financial Statement(s)
 - Reimbursements requests will be rejected
 - Costs may be disallowed

Subrecipients

- ❖ Subrecipient vs. contractor determinations – DOE may provide additional guidance to support these determinations
- ❖ Agency approval for all subrecipients
- ❖ Requirements for pass-through entity include risk evaluation and monitoring, compliance
- ❖ Pass-through entity must flow down cooperative agreement terms and conditions and applicable requirements to subrecipient
- ❖ DOE does not have privity of contract with subrecipient – DOE will not intervene in disputes between pass-through entity and subrecipient
- ❖ Fixed amount subawards may be issued with prior DOE approval up to Simplified Acquisition Threshold (\$150K)

Procurement

- ❖ Full and open competition
- ❖ Must maintain written standards of conduct covering conflicts of interest
- ❖ Contractors must be responsible (not debarred or delinquent on federal debt)
- ❖ Must have documented procurement procedures
- ❖ Must maintain records with sufficient detail on procurement history
- ❖ Procurement methods
 - Micro-purchase level is \$3,000 (\$2,000 for construction awards subject to Davis-Bacon Act constructions)
 - Simplified Acquisition Threshold is \$150,000
 - Sealed bid – firm fix priced contract to lowest bidder
 - Competitive proposal – must have written methods for conducting evaluations
 - Sole source

Types of Audits

- ❖ Pre-Award Accounting System Audit (initiated by DOE)
- ❖ Annual (initiated by Recipient)
 - Compliance Audit ▪ For-Profits (DOE awards with expenditures of \$750k or more per year)
 - Single Audit ▪ For-Profits (Federal awards with expenditures of \$750k or more per year)
- ❖ Post-Award (initiated by DOE)
 - Follow-Up Accounting System Audit
 - Incurred Cost Audit
- ❖ As-Needed (initiated by DOE)
 - Financial Capability
 - Project Cost Verification
 - Investigative Audit

Required Audits by Entity Type

Entity	Type	Regulation	Threshold	Allowable Cost	Due Date
Commercial Organization (For-Profit)	Compliance audit	2 CFR 910 Subpart F	\$750k expended in Federal funds on DOE Awards in that year	Direct, indirect if covering multiple DOE awards	9 months after Recipient Fiscal Year End
Non-Profit; State & Local Govt; Educational; Tribal	Single Audit	2 CFR 200	\$750k expended in Federal funds on all awards in that year	Indirect, direct if recipient only expends Federal funds on the DOE Award	9 months after Recipient Fiscal Year End
All Entities Proposing Segregated Indirect Costs through Cost Allocation	Annual Indirect Cost Proposal	For-Profit: FAR 52.216-17 Others: As Accepted by Auditor	All Entities charging Indirect Costs.	Direct, indirect if covering multiple awards	6 months after Recipient Fiscal Year End. Send to Cognizant Agency.

Common Audit Findings

❖ Billing and Accounting

- Billing unallowable costs to the Government
- Review of billings is inadequate
- An appropriate time-tracking system is not in place
- Expressly unallowable costs in indirect cost pools
- Not segregating costs by cost objectives (i.e., project)
- Not segregating direct and indirect costs appropriately
- Insufficient internal controls

❖ Other

- Financial reporting is not accurate
- Late submission of reports
- No organizational policy for contractor responsibility determination
- Not properly flowing down award provisions to subcontractors

This list is **not comprehensive**, consult with DOE representatives if you have questions.

Corrective Actions

- ❖ Reviewed by cognizant Agency
- ❖ Agency may request additional actions
- ❖ Potential disallowance and requirement to repay Federal funds

Payment Procedures/Invoicing

- ❖ EERE determines the method of payment and supporting documentation required based on past performance and organizational, financial, technical, and project risks
- ❖ Recipients may be placed on ASAP or ACH payment systems with advance or reimbursement payments
- ❖ EERE approves invoices no later than 30 calendar days after the request is received, unless the billing is improper
- ❖ The Award Agreement's Special Terms and Conditions will outline the payment request requirements
- ❖ Reimbursement means repayment of cash spent (disbursed)
- ❖ Cost share must be met cumulatively with each invoice

Common Invoicing Problems

- ❖ Cost share has not been met cumulatively for award
- ❖ Recipient is not monitoring expenses against approved budget
- ❖ Advance payment requests even though award is on reimbursement payment method
- ❖ Expenses incurred outside current period of performance
- ❖ Invoice does not include cost shared amount
- ❖ Not including cumulative expenses for award as part of back up documentation
- ❖ No back up documentation at all
- ❖ Back up documentation does not details what costs were cost shared
- ❖ Transposed and mixed up numbers resulting in math errors
- ❖ Incorrect indirect rate calculations
- ❖ FAST invoice amount not matching the back-up documentation

Common Invoicing Problems - Continued

❖ Continued – Unallowable costs

- Equipment that has not been previously approved by the Agency
- Clothing (shirts, shoes, etc.) that is non-project/lab safety related
- Discounts” or “fees” used as cost share
- Items typically covered under indirects such as paper, printer ink, printers, office supplies, etc.
- Overtime (OT) on personnel costs – generally OT is not approved
- Travel costs that are unallowable or exceed Federal per diem rates (without an organizational travel policy)
 - Receipts containing alcohol
 - First class airline seats, dinner parties
 - Luxury rental cars

This list is **not comprehensive**, consult with DOE representatives if you have questions.

Reporting Checklist

- ❖ Project Management Reporting
 - Quarterly Progress
 - Quarterly/Final Financial
 - Hydrogen Safety Plan
- ❖ Scientific/Technical Reporting
 - Journal Article – Accepted Manuscript
- ❖ Closeout Reporting
 - Final Technical Report
 - Invention/Patent Certification
 - Final Property
- ❖ Other Reporting
 - Intellectual Property
 - Invention Utilization
 - Annual Incurred Cost Proposal
 - Audit Requirements
 - UCC Financing Statements
 - Federal Subaward Reporting System
- ❖ Additional requirements as specified in checklist

The Reporting Checklist includes descriptions and submission instructions.

Accepted Manuscripts

- ❖ DOE only needs accepted manuscripts (final peer-reviewed accepted manuscript), which is the version of the article that has been accepted for publication by a publisher and includes changes made during the peer-review process. It is not a reproduction of what appears in the journal.
- ❖ Key criteria for submission of accepted manuscripts to OSTI
 - DOE partially or completely funded the research reflected in the article or accepted manuscript
 - Publication has been accepted for publication in a peer-reviewed journal
- ❖ More information can be found at [OSTI-STIP Public Access FAQs](#)



Accepted vs Published Manuscript

Accepted Manuscript	Published Manuscript
Does not have journal volume, issue or page numbers since it is not yet published, only accepted for publication	Has journal volume, issue, and page numbers where it was actually published
Does have final content of the article itself, including edits made as a result of peer review	Main article content is the same but may include additional sections such as keywords and publication date
Format may not look like typical journal article (e.g., font, heading style, etc.)	Is formatted per publication style of the journal, using fonts, layout, headings, per typical style of the journal
May include recipient identifier number or formatting	Will usually include DOI for the published article
May include DRAFT wording	

Publication Acknowledgements

❖ Journal Articles and Final Technical Reports

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Closeout and Record Retention

Event/Deliverable	Due Date	Submit to
Closeout Meeting/Webinar	+/- 10 days from end of POP	N/A
Final Scientific/Technical Report	90 days after end of POP	OSTI E-Link
Final SF-425 Federal Financial Form	90 days after end of POP	PMC database
Final SF-428, SF-428B, SF-428S (if needed) Property Forms	90 days after end of POP	PMC database
Patent Certification/Invention Form	90 days after end of POP	iEdison and PMC database
Closeout Award Modification	Following review of final deliverables and CO authorized award to be closed out	FedConnect
3-year Record Retention Period	3 years after end of POP	N/A

Immediate Notification

- ❖ You must immediately notify DOE of any and all activity listed below in relation you or your parent company:
 - Any and all Bankruptcy and/or insolvency activity
 - Any and all activity involving dissolution, readjustment of debts, appointment of a receiver, conservator, trustee, or other officer with similar powers
 - Any and all activity that will have a material negative effect on successful award negotiations
 - Any and all activity that will have a material negative effect on project performance
 - Inability to meet cost sharing requirements
- ❖ Notification must be in writing, detail the event, and detail the impact the event will have on the project
- ❖ DOE reserves the right to impose additional award requirements to specifically address the occurrence of the issues outlined above

Contracting Officer Approval

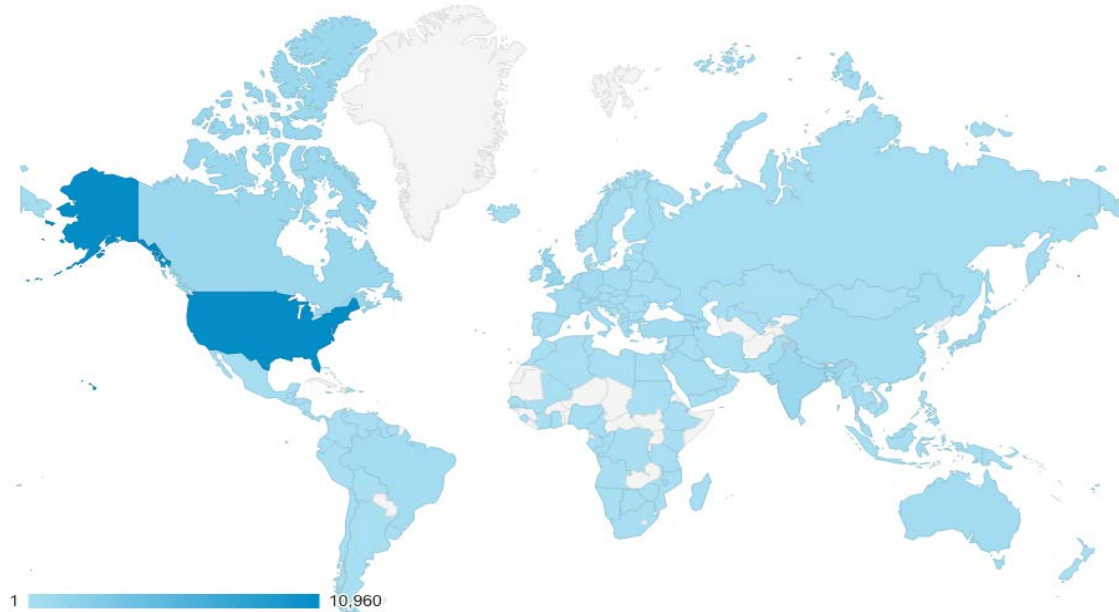
❖ Prior Agency approval from the CO is required for the following:

- SOPO revisions (within the original competitively selected scope)
- Continuation into the next phase/budget period
- Need for additional Federal funds
- Key personnel changes
- Costs requiring prior approval (equipment)
- Extended absence or reduction of time commitment (25%) for the Principal Investigator
- Budget revisions in excess of 10% of total project costs
- Transfer of funds budgeted for participant support
- Equipment costs and UCC Financing Statements
- Any change to cost share
- Pre-award costs
- Addition of a new subrecipient/subcontract
- Location changes / NEPA approvals
- Extension of the period of performance (no cost time extensions)
- Transfer of the award to another entity (novation)

This list is **not comprehensive**, consult with DOE representatives if you have questions. Failure to request prior approval may result in a non-compliance determination, disallowance of costs or other remedies.

DOE Resources: H₂ Safety Information Sharing

H₂Tools.org : A one stop resource for hydrogen safety



h2tools.org

- Includes resources on **safety** best practices, **first responder training**, and **H₂ codes & standards**

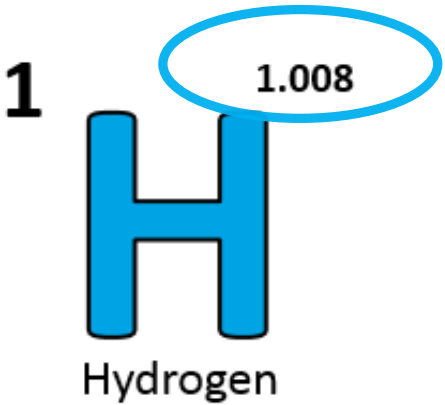
- Site visit tracking shows a **global reach: 50% of visits are international!**
- Over **31,000 site visits** in the first year alone
- Training resource **translated into Japanese**

Collaboration Tools: Increasing Awareness

Celebrate Hydrogen & Fuel Cell Day October 8 or 10/8

(Held on its very own atomic- weight-day)

Share Information
using ready-to-use H₂
and fuel cell training
resources



INCREASE YOUR
H₂IQ



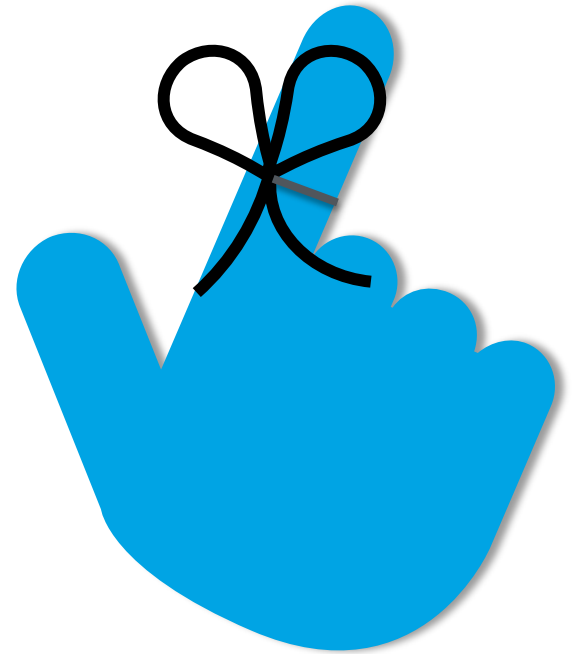
h2tools.org

Learn more:
energy.gov/eere/fuelcells

Download slide deck for free at:
energy.gov/eere/fuelcells/downloads/increase-your-h2iq-training-resource

Reminders for Success

- ❖ DOE wants your project to be successful!
- ❖ Follow the Award Terms and Conditions – these are VERY important!
- ❖ Financial record keeping is critical
- ❖ We look forward to working with you
- ❖ Any questions?



Thank you

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