



Recipient Guide to Award Negotiation and Administration

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I. Overview

This Recipient's Guide to Award Negotiation and Administration (Guide) is intended to help grant Recipients navigate the Department of Energy (DOE) and the Office of Indian Energy Policy and Programs (Office of Indian Energy) award process. This includes the pre-award process, the critical first few days after selection, execution of the award, award administration, and closeout of the agreement.

DOE regulations provide administrative requirements and operational rules for carrying out financial assistance award and administration. Regulatory requirements are contained in [2 CFR Part 200](#) as amended by [2 CFR Part 910](#) (DOE Financial Assistance Regulations) and applicable program rules. These documents establish uniform policies and procedures for the award and administration of DOE financial assistance agreements. Incorporated into the regulations are the Government-wide administrative requirements that apply to financial assistance agreements.

DOE is responsible for oversight of all financial assistance instruments, i.e., cooperative agreements and grants, when *the principal purpose of the transaction is the transfer of money or property to accomplish a public purpose of support or stimulation*. This Guide summarizes the important steps that must be completed by the grant Recipient and DOE during financial assistance transactions, as well as the DOE and Recipient teams' roles and responsibilities.

When your application is selected for award negotiation, the assigned Project Officer will contact you to set up a negotiation call in order to finalize the Statement of Project Objectives (SOPO) and budget. This call and follow-up calls will allow the Project Officer to provide programmatic guidance or direction from the Office of Indian Energy, answer your questions, and to assist you through the entire award process.

The Office of Indian Energy has an aggressive deadline for the completion of award negotiations, typically 60 to 90 days after notification of selection. Therefore, it is essential for you to work with DOE to meet this important deadline.

Throughout the award negotiations and the performance of the project, it is critically important that you: (1) respond to DOE personnel in a prompt manner; (2) complete documentation accurately and (3) submit requested information in a timely manner.

A. DOE's Team

Upon selection, DOE will assign a team of technical, contracting, legal and environmental personnel to negotiate your award. Please note that your prompt response to information requests from DOE is critical to the negotiation process for your award.

i. **DOE Technical Team**

The DOE Technical Team typically consists of a DOE Project Officer and a Project Monitor. The DOE Project Officer coordinates and manages the award negotiation process with support from the Project Monitor (typically a contractor to DOE and thus cannot perform inherently federal duties). The Technical Team will work with you to negotiate a SOPO and a budget for the selected project.

ii. **DOE Contracting Team**

The DOE Contracting Team typically consists of a DOE Contracting Officer and a Grants Management Specialist. The Contracting Team is responsible for reviewing and approving all award documents (see Standard Grant Agreement under Section III below and sample documents in Appendix 10) including terms and conditions of the award. **The Contracting Officer is the only person who has the authority to obligate government funds, commit the government, and authorize new awards and modifications to awards.**

Both the DOE Contracting Team and the DOE Technical Team are responsible for reviewing the proposed budget for the project. During the budget review, they verify cost data and ensure that proposed costs are consistently treated in accordance with the federal regulations and applicable cost principles. The Contracting Team determines the allowability, allocability, and reasonableness of proposed expenditures. Note: you may receive requests from either the Contracting Team or the Technical Team relative to the Budget Justification (IE 335).

The DOE Contracting Team will review your responses to the Accounting System Survey in the Pre-Award Information Sheet (IE 305, section II. C. i.) to determine if it is in compliance with federal requirements and make a responsibility determination. With input from the Technical Team, the Contracting Officer will make a risk determination for the Recipient and for the proposed project. Based on this determination, the Contracting Officer may place restrictions or requirements into the Special Terms and Conditions of the award and determine the award payment method.

iii. **DOE Legal Counsel**

DOE Legal Counsel is responsible for resolving legal issues relating to selected awards. Legal Counsel will work with the Contracting Team to review and finalize awards, as appropriate. In addition, Legal Counsel will work with the Technical Team to advise on legal and contracting matters.

iv. DOE Environmental Specialist

The DOE Technical Team will work with the Selectee (otherwise known as Applicant) DOE Environmental Specialist to obtain sufficient information such that a National Environmental Policy Act (NEPA) Determination can be made relative to the selected project. While NEPA compliance is a federal agency responsibility and the ultimate decision remains with the federal agency, all Applicants selected for an award will be required to assist in the timely and effective completion of a NEPA process. If DOE determines certain records must be prepared to complete the NEPA review process (e.g., biological evaluations or environmental assessments), the costs to prepare the necessary NEPA records may be included as part of the proposed project budget.

B. Grant Recipient's Team

The Recipient's Team includes the Business Contact and Technical Contact whose responsibilities include, but are not limited to: 1) representing the organization relative to administrative and grant management; 2) maintaining registration in the System of Award Management (SAM); 3) maintaining registration in FedConnect; 4) formally accepting the new award agreement and any modifications in FedConnect; 5) ensuring invoicing for the grant funds; 6) addressing questions relative to indirect rates, financial systems, and audits; and 7) ensuring completion of quarterly financial report submissions and final financial and technical reporting.

These functions may be performed by a single person or multiple people. However, for grant purposes, DOE is requesting a single individual be designated to represent the Recipient organization as the Business Contact.

i. Recipient Business Contact

The Recipient's "Business Contact" must be a representative of the Recipient entity, authorized to act on behalf of the Recipient in the daily administration of the grant and to negotiate the agreement (not necessarily the signatory). All DOE official written correspondence related to the agreement, if one is awarded, would be addressed to the "Business Contact".

ii. Recipient Technical Contact

The Recipient's "Technical Contact" is authorized to act as the "Project Manager" on behalf of the Recipient entity and would be the prime point of contact for DOE's Project Officer during the project performance, if an agreement is awarded. The Technical Contact typically completes the quarterly Progress Report and Final Technical Report; presents project progress at the Annual Program Review; and generally manages and/or implements the project on behalf of the Recipient organization.



In some cases, the Recipient may designate one individual to act as both the Business Contact and Technical Contact.

C. Office Indian Energy Grant Making Process & Timing

The life cycle of competitively selected awards generally start with the solicitation phase through a Funding Opportunity Announcement (FOA). Competition ensures that the Office of Indian Energy selects awards based on merit. Figure 1 depicts the grant process and Figure 2 illustrates a sample of the negotiation process timeline. Timing of each step of the process is dependent on DOE workload and other priorities.

Figure 1: Grant Process Timeline

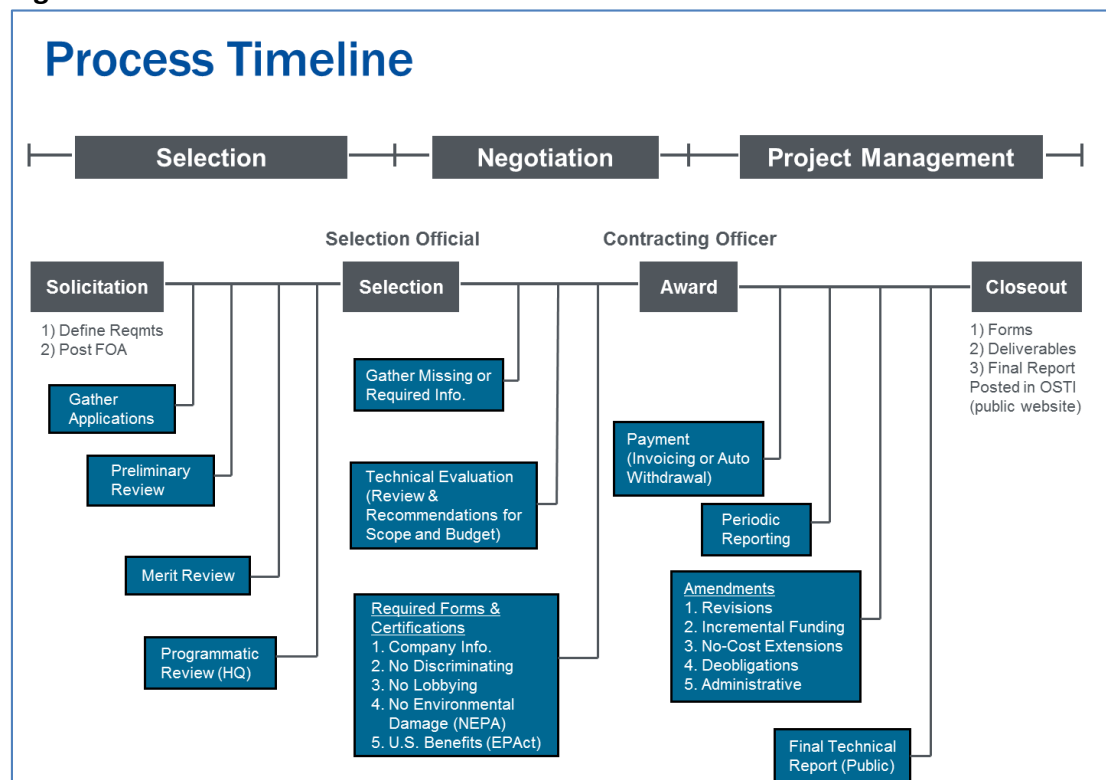
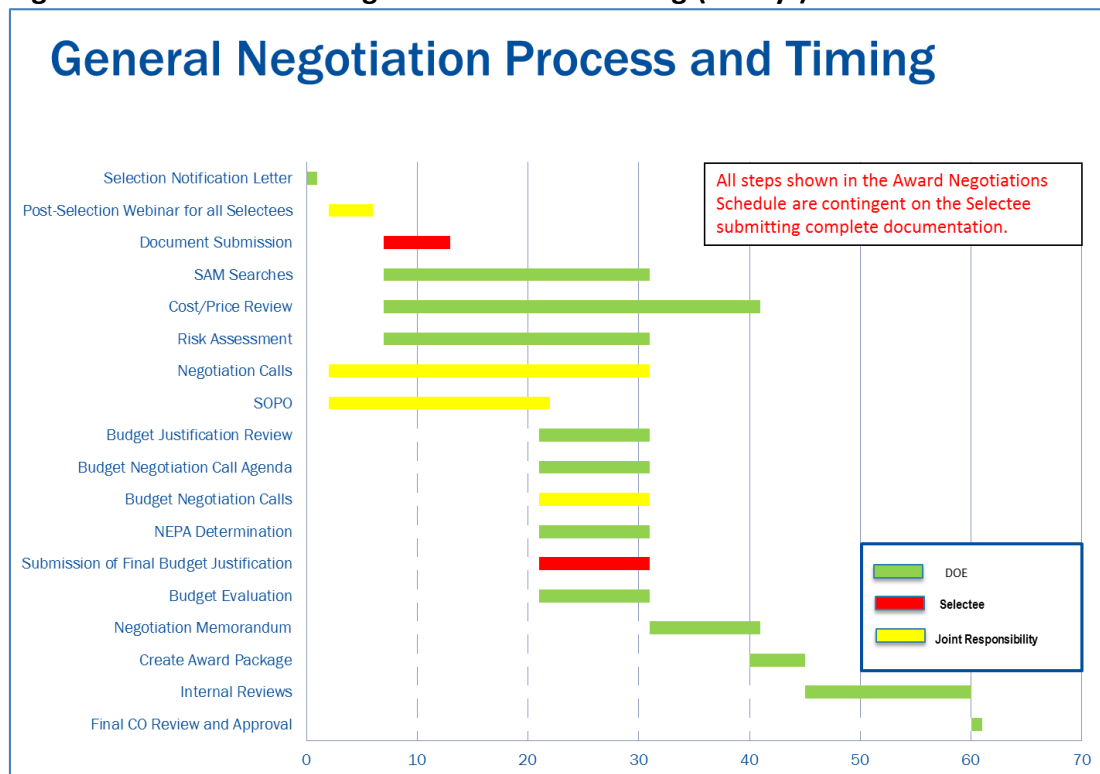




Figure 2: General Grant Negotiation Process Timing (in Days)



II. Pre-Award Process and Requirements

The pre-award requirements include the application process that is completed by the Selectees; compliance, merit and programmatic reviews are performed by DOE; and the award negotiation process for selected Applicants are executed by all parties. Each process is described below.

A. Registration Requirements

Applying for grants from the Office of Indian Energy requires the Selectee to obtain a Dun & Bradstreet (DUNS) number and to register in three federal systems: EERE Exchange, FedConnect, and SAM. A **DUNS** number and registration in **SAM** are necessary for DOE to execute awards. Selectees must also register with **EERE Exchange** to see the full details of funding opportunity announcements (FOA) and to apply for open FOAs. The DOE can only process applications that are submitted via EERE Exchange. Registration with **FedConnect** is required for Recipients to accept new awards and any subsequent modifications to the award. Details of each requirement follows.



i. **Unique Entity Identifier (UEI) to Replace Dun and Bradstreet Data Universal Numbering System (DUNS) Number in 2020**

During 2020, the DUNS number will be incrementally phased out and replaced with the new Unique Entity Identifier (UEI) number, with an estimated completion by December 31, 2020. The transition will occur at the time non-federal entities register in SAM.gov for the first time or renew their registrations. SAM.gov will generate the UEI number and assign it to the non-federal entity along with new login credentials issued through login.gov.

The transition to the UEI is estimated to be fully implemented by December 2020. The DUNS number remains a requirement for SAM until December or when GSA launches the tools to generate UEIs.

Until the UEI number is fully implemented, Recipients and Subrecipients are required to obtain a DUNS number. DOE cannot execute a funding agreement with a Recipient until the Recipient has obtained a DUNS number. In addition, a Recipient cannot execute a subaward with a Subrecipient until the Subrecipient obtains a DUNS number. For more on Subrecipients, see [2 CFR 200.93](#) and [2 CFR 200.330 through 332](#).

To obtain a DUNS number, please refer to <http://fedgov.dnb.com/webform>. **It may take several weeks to obtain a DUNS number**; therefore, Recipients and Subrecipients should begin this process as soon as possible to avoid delays in the execution of a funding agreement.

The DUNS number for the award must be the same as the DUNS number identified in the System for Award Management (SAM) Registry.

See Appendix 2 for step by step instructions on how to obtain a DUNS number.

ii. **EERE Exchange**

EERE Exchange is the web portal where full FOA listings, released by the Office of Indian Energy, are provided and where application submissions are managed. **Only applications submitted through this portal will be considered.** Registration with EERE Exchange is required to submit application materials.

<https://eere-exchange.energy.gov>

See Appendix 3 for step by step instructions on registering and using EERE Exchange.



iii. FedConnect

Once an award is executed by the DOE Contracting Officer, those documents are provided to a Recipient electronically through FedConnect. A Recipient is required to view and “acknowledge award” in FedConnect, which constitutes the Recipient’s electronic signature. A Recipient will also receive and acknowledge any subsequent award modifications in FedConnect. Therefore, a funding agreement cannot be executed unless the Recipient is registered in FedConnect and modifications cannot be executed unless the prior award or modifications have been acknowledged in FedConnect. As such, it is imperative, that a Recipient register in FedConnect early in the application process to avoid any delays in the execution of a funding agreement.

To register in FedConnect, please refer to
<https://www.fedconnect.net/FedConnect/>.

For step by step instructions on how to register in FedConnect, and how to acknowledge new awards or modifications to existing awards, please see the FedConnect “Ready, Set, Go” User Guide in Appendix 4 or refer to
https://www.fedconnect.net/FedConnect/Marketing/Documents/FedConnect_Ready_Set_Go.pdf.

iv. System for Award Management (SAM)

Award Recipients are required to register with SAM. DOE cannot execute a funding agreement with a Recipient until the Recipient has completed its SAM registration.

To register with SAM, please refer to
<https://www.sam.gov/portal/public/SAM/>. **It may take several weeks to complete your registration with SAM;** therefore, Recipients should begin this process as soon as possible to avoid delays in the execution of a n agreement.

Please note that Recipients are required to maintain and *update their information in SAM at least annually* throughout the duration of the project.

See Appendix 7 for step by step instructions on registering in SAM.

B. Award Negotiations

When an application is selected for award negotiation the Selectee will receive a Supplemental Data Letter requesting additional information by the Contracting Officer. Please submit all requested data identified on this Letter by the designated submission date. Failure to submit the requested information by the stated due date

may lead to a determination of non-responsiveness and DOE may cancel the negotiation.

During the award negotiation, the Selectee may be required to update the information provided in the Application, as described below.

- Selectees may need to update the budget to reflect any changes that result from the technical negotiations and/or changes that have occurred since the application was submitted. Additionally, the DOE Technical or Contracting Team may require further changes to the budget and supporting documentation for proposed expenditures as a result of their reviews.
- The selection of a project may be conditional upon changes to the project as specified in your Supplemental Data Letter. The DOE Technical Team is responsible for ensuring that these changes have been implemented into the final award. Project changes may include, but are not limited to, funding only a portion of the work proposed in the Application; revising the scope of work; and/or revising the proposed budget. As a result, updates to the Statement of Project Objectives (SOPO) and/or project Budget may be required.

Any proposed changes to the Application that affect the schedule, cost, or milestones should be communicated to the Project Officer and Project Monitor.

All negotiated changes need to be approved by the Contracting Officer. Once approved, the award documents are released to the Recipient for acceptance in FedConnect.

C. Contracting Officer Determinations

The Contracting Officer (CO) is required to make certain determinations before executing an award. The CO is required to assess the Recipient's financial management and project management capabilities. In addition, the CO reviews the proposed cost share for the project.

i. Financial Management Assessment

The Contracting Officer is required to review the Recipient's responses to the Accounting System Survey from the Pre-Award Information Sheet (IE 305) to determine the Recipient's compliance with Federal requirements. In addition, the CO evaluates the Recipient's ability to manage the financial aspects of an award and their plan to accomplish project activities with reasonable economy and efficiency. The standards for acceptable financial



management systems are found in the Code of Federal Regulations [2 CFR 200.302](#).

In addition, a business review will be undertaken to: (1) review the reasonableness, allowability and allocability of proposed direct costs; (2) review the indirect costs for reasonableness, allowability, and allocability; (3) review the source and amount of proposed cost sharing to ensure that the cost share meets the minimum requirements listed in the FOA; and (4) to ensure that the costs are reasonable, allowable, and allocable, and review the plans for contracts and subawards.

ii. Determination of Responsibility

The Contracting Officer is required to make an affirmative determination of responsibility. The responsibility determination considers if the Recipient has the administrative and programmatic capabilities to perform work with respect to financial assistance requirements (see definitions below).

The responsibility determination includes (1) the financial management assessment and business review; (2) reviews of audits under [2 CFR 200.501](#) and [2 CFR 910.501](#); and, (3) review of activities under previous awards (i.e., past performance), especially submission of reports.

The term “administrative capability” means the capability of a Recipient to develop and implement administrative systems, including systems related to financial management, property management, procurement standards, financial reporting, record-keeping, and submission of administrative reports/certifications for award closeout.

The term “programmatic capability” means the technical capability of a Recipient to successfully carry out a project taking into account such factors as:

- The Recipient’s performance in successfully completing federally and/or non-federally funded projects similar in size, scope, and relevance to the proposed project; and
- The Recipient’s history of meeting reporting requirements on prior or current assistance agreements with federal and/or non-federal organizations and submitting acceptable final technical reports.

Consistent with DOE’s mandate to exercise good federal stewardship, the Contracting Officer may request the insertion of one or more conditions into

the award's Special Terms and Conditions if the project is deemed to be at risk.

iii. Cost Share Allowability

Cost share funding is subject to all the same regulations applicable to federal funding. Regulations specifically applying to cost share can be found in [2 CFR 200.29, and 200.306](#), and in the applicable Statutory Authority for a project (e.g. Energy Policy Act of 2005).

There are two different types of cost share: cash contributions or "in-kind" contributions. In-kind contribution can take many forms, each of which must be assigned a dollar value to be included in the budget. Allowable in-kind contributions include, but are not limited to, rental value of buildings or equipment or the value of a donated service or resource.

iv. Cost Share Commitment Letters

The Recipient is required, as part of their application, to provide cost share commitment letters from third parties that will be providing cost share, whether cash or in-kind. Each third party contributing cost share must provide a letter on appropriate letterhead that is signed by an authorized representative. The letter must state, in unconditional and unequivocal terms, the entity's commitment to provide cost share. The letter may not include any conditions for the contribution of the cost share. The letter must state the amount and form of cost share (cash or in-kind), the source and precise nature of the contribution, and the duration and timing of the commitment (e.g., two years beginning in fall 2017).

The Contracting Officer will review this information and confirm that the cost share contributions are: (1) allowable under the applicable federal cost principles; (2) specified in the project budget; (3) verifiable from the Recipient's records; and (4) necessary and reasonable for proper and efficient accomplishment of the project. Every cost share contribution must be reviewed and approved in advance by the Contracting Officer and incorporated into the approved project budget before the expenditures are incurred. Recipient cost share will be provided on a billing period basis, unless a waiver is granted by the Contracting Officer.

v. Waiver for Cost Share by Invoice

Recipients are required to contribute the agreed upon cost share incrementally over the life of the award. Specifically, the cumulative cost share contribution provided on each invoice received must reflect, at a minimum, the cost sharing percentage specified in your award. A grant Recipient may submit a request to waive this requirement by indicating this



intent on form IE 305 Pre-Award Information Sheet and providing a written waiver request which includes: (1) a detailed justification for the request; (2) a proposed schedule of payments, including amounts and dates; (3) a written commitment to meet that schedule; and (4) such evidence as necessary to demonstrate that the Recipient has complied with its cost share obligations to date. The Contracting Officer must approve all such requests before they may go into effect.

vi. Pre-award Costs

Pre award costs are those costs incurred prior to the effective date of the federal award pursuant to the negotiation and in anticipation of the federal award where such costs are necessary for the efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the federal award and **only** with the written approval of the federal awarding agency, through the Contracting Officer assigned to the award. Pre-award costs cannot be incurred prior to the Selection Official signing the Selection Statement and Analysis. **Selectees must request written approval from the Contracting Officer to incur pre-award costs.**

Pre-Award expenditures are made at the Selectee's risk; DOE is not obligated to reimburse costs: (1) in the absence of appropriations; (2) if an award is not made; or (3) if an award is made for a lesser amount than the Selectee anticipated. Nothing contained in the pre-award cost reimbursement regulations or any pre-award costs approval letter from the Contracting Officer override National Environmental Policy Act (NEPA) requirements to obtain the written authorization from the Contracting Officer prior to taking any action that may have an adverse effect on the environment or limit the choice of reasonable alternatives.

vii. Procurement by Noncompetitive Process and Sole Source Determination

The Code of Federal Regulations (2 CFR 200 Subpart D) requires competition to the maximum extent practical. If contractors and vendors are selected non-competitively, per [2 CFR 200.320\(f\)\(3\)](#), the grant Recipient may submit a formal request to the Contracting Officer to approve those non-competitive selections. The request should include justification for the sole source selections, including: (1) any unique or exclusive qualifications; (2) time urgency; (3) past working relationships; and (4) any other rationale.

See [2 CFR 200 Subpart D](#)—Post Federal Award Requirements sections 200.317 to 200.320.

III. Standard Grant Agreement

A. Overview

DOE has established a Standard Grant Agreement that is used as the starting point for all awards. Use of a standard agreement expedites the award negotiation process and reduces the administrative burden on DOE, as well as the Recipient.

The Standard Grant Agreement explains the Recipient's duties and responsibilities, which facilitates compliance with reporting and other obligations. The Standard Grant Agreement consists of the following documents:

Attachment Number	Document
Cover Sheet	Assistance Agreement Form
Agreement Document	Special Terms and Conditions
Attachment 1	Statement of Project Objectives (SOPO)
Attachment 2	Reporting Checklist and Instructions
Attachment 3	Budget Information
Attachment 4	Intellectual Property Provisions

See Appendix 10 for samples of each document. DOE will add, remove and/or modify the above listed documents, with Contracting Officer approval, as appropriate for the specific award.

B. Cover Sheet, Assistance Agreement Form

The Assistance Agreement Form includes key information regarding the project, such as the award number, the name of the Recipient, the name of the Principal Investigator as specified on the Assistance Agreement Form (otherwise known as the Recipient's Technical Contact), the period of performance, the total project cost, the Recipient's cost share, and Recipient and DOE contact information.

After the Contracting Officer approves the final award documents, they will be provided to the Recipient electronically through [FedConnect](#) for the Recipient to view and "acknowledge award", which constitutes the Recipient's electronic signature.

C. Agreement Document, Special Terms and Conditions

The Office of Indian Energy has established a standard set of terms and conditions for grant agreements. The Standard Special Terms and Conditions will be modified to delete non-applicable provisions or to add or amend provisions required in special circumstances.

Some general provisions include: (1) flow down requirements where the Recipient agrees to apply the terms and conditions of the award to all subcontractors; (2) participation in the Program Review meetings; provide access to facilities and resources for DOE for site visits; (4) compliance with the National Environmental Policy Act (NEPA) prior to authorization of federal funds; (5) compliance with reporting requirements as provided in Federal Assistance Reporting Checklist; (6) use of property and equipment for originally authorized purposes or requirement to obtain disposition instructions from DOE; and (7) compliance with DOE annual audit requirements.

Financial provisions include: (1) the Recipient agrees to provide the required cost share amount for the project; (2) documentation and maintenance of all project cost records for DOE to determine if they are allowable, allocable, and reasonable; (3) submission of requests for reimbursement through VIPERS; and (4) the requirement to obtain approval by the Contracting Officer for budget changes. Additional provisions include the requirement that the Recipient immediately notifying DOE of bankruptcy filing; annual System for Award Management (SAM) system registration renewal; and the requirement to obtain written approval for Subrecipient and vendor selection from the Contracting Officer. Additional provisions are provided in Agreement Document example in Appendix 10.

D. Attachment 1, Statement of Project Objectives

The Statement of Project Objectives (SOPO) is refined and finalized during award negotiations based upon the Workplan that was submitted with the original application. The SOPO is used to describe the overall objectives of the project, provide a description of the tasks to be performed, and identify the milestones. Failure to achieve the outcomes and milestones, in a timely manner, may result in the discontinuation of a project; therefore, careful consideration should be taken in its development. The SOPO is the baseline document for both the Recipient's project team and DOE to measure and evaluate the progress of the project.

The SOPO is composed of two parts. The first section will include a description of the project, including a clear and concise statement of the goals and objectives of the project, a summary description of the overall scope and approach, and descriptions of the tasks to be performed, including expected outcomes/milestones. The second part is a Milestone Summary Table that lists specific milestones.

If you have questions concerning the SOPO, please contact the Project Officer or Project Monitor assigned to your award.

E. Attachment 2, Reporting Checklist and Instructions

The Federal Assistance Reporting Checklist (FARC) will specify required reporting for an award. In general, Recipients are required to provide DOE with quarterly progress reports (DOE will provide a sample format), quarterly financial reports (SF 425), and periodic reports and submissions. In addition, Recipients are required to complete certain reports upon the closeout or termination of the award. Reporting instructions are provided in the FARC, which is Attachment 2 of the Grant Agreement.

If you have questions concerning the FARC, please contact the Project Officer or Project Monitor assigned to your award. See also Section IV. C. Grant Administration, for more information about where reports are uploaded and submitted to DOE.

F. Attachment 3, Budget Information

Upon selection, the DOE Technical and Contracting Teams will review the budget documents provided in the initial application and identify any additional information and documents that they need to complete the analysis of the proposed project budget. Once complete, DOE and the Selectee will discuss and jointly agree on a budget. The approved budget will be documented in Attachment 3, Budget Information – Non Construction Programs (SF-424A).

If you have questions concerning the Budget Information, please contact the Project Officer or Project Monitor assigned to your award.

G. Attachment 4, Intellectual Property Provisions

The intellectual property provisions for DOE agreements are based on the type of project and the type of Recipient (e.g., small business, large business, or non-profit, etc.) for an award. As a result, there are multiple versions of the intellectual property provisions in the Model Grant Agreement. Typically, awards made on behalf of the Office of Indian Energy are for Non-research and Development projects and therefore, subject to [2 CFR 200.315](#) regarding intangible property rights or [910.362 for intellectual property policies](#).

For research and development projects, the following regulations govern invention and patent rights, data rights, and copyright issues as discussed below in greater details.

i. Inventions and Patent Rights

By law, domestic small businesses and non-profit organizations may retain title to inventions made under the award.

DOE takes title to inventions made under the award by all other Recipients (e.g., large businesses), unless DOE grants a patent waiver. DOE may issue a class patent waiver that applies to all Recipients under a particular FOA. A Recipient may negotiate an advance patent waiver with DOE that would apply to that particular Recipient for its work under an award or identified invention waiver that applies to a particular invention of the Recipient.

In order to retain title to an invention made under the award, either by law or by patent waiver, a Recipient must disclose its intention, elect to take title, and pursue and maintain patent protection for the invention. While the Recipient may retain title to the invention, the Federal Government will retain certain rights to the invention, including:

- **Government Use License:** The Federal Government may practice its rights, or have them practiced on behalf of the Government, without paying royalties.
- **March-In Rights:** Under “march-in rights,” the Government may require a Recipient who has elected to retain title to an invention (or their assignees or exclusive licensees) to grant a license for use of the invention to a third party. In addition, the Government may grant licenses for use of the invention when the Recipient or their assignees and exclusive licensees refuse to do so.

Specifically, the Department may exercise its march-in rights if it determines that such action is necessary under any of the four following conditions:

- The owner or licensee has not taken or is not expected to take effective steps to achieve practical application of the invention within a reasonable time;
- The owner or licensee has not taken action to alleviate health or safety needs in a reasonably satisfied manner;
- The owner has not met public use requirements specified by federal statutes in a reasonably satisfied manner; or
- The U.S. Manufacturing requirement has not been met.

Any determination that march-in rights are warranted must follow a fact-finding process in which the Recipient has certain rights to present evidence and witnesses, confront witnesses and appear with counsel and appeal any adverse decision.

In addition to the above, title to an invention may be conditioned on compliance with an agreed upon U.S. manufacturing commitment. The U.S. manufacturing commitment may be determined by the U.S. manufacturing plan submitted by the Recipient as part of the selection process depending on the FOA or determined by the applicable patent waiver for large businesses or foreign entities. As part of a patent waiver, a large business must usually agree that any products embodying or produced through the use of an invention conceived or first actually reduced to practice under the award will be substantially manufactured in the United States, unless DOE agrees that the commitments proposed in the U.S. Manufacturing Plan are sufficient.

Also, for all types of Recipients, a Recipient must agree to require any exclusive licensee to substantially manufacture any products embodying or produced through the use of subject inventions in the United States for products being used or sold in the United States.

ii. **Data Rights**

Data rights (including software) differ based on whether the data was developed at private expense outside the award or was first produced under an award.

- “Limited Rights Data” or “Restricted Rights Software”: Data used to perform the work under the award that was developed at private expense outside of the award is referred to as limited rights data or, in the case of software, “Restricted Rights Software.” In most cases, DOE does not require delivery of limited rights data or restricted rights software. However the Project Officer should have access to the limited rights data and the restricted rights software at the Recipient’s facility in order to verify or evaluate the work under the award. Although it is not the common practice, DOE may ask that certain limited rights data or restricted rights software be delivered to DOE depending on the nature of the limited rights data or restricted rights software and whether delivery is necessary to verify or evaluate the work under the award. In such cases, DOE will negotiate the delivery of the limited rights data or restricted rights software in the award including providing marking instructions that make clear that DOE’s rights to the limited rights data or restricted rights software is limited to the project and will not be disclosed to the public.

In the Pre-Award Information Sheet, the Recipient is required to identify the limited rights data and restricted rights data that will be

used under the award so the Project Officer and DOE Patent Counsel can determine how to address the delivery of limited rights data or restricted software in the award.

- “Unlimited Rights Data” and “Protected Data”: DOE retains unlimited rights in technical data first produced under an award, including the right to distribute to the public. However, depending on the FOA, DOE may agree to protect from public disclosure, for up to five years, certain categories of data produced under the award, referred to as “Protected Data.”

iii. Copyright

Normally, Recipients may assert copyright in copyrightable data, such as software, first produced under the award without DOE approval. When copyright is asserted, the Government retains a government purpose license.

However, depending on the FOA, asserting copyright on software may be conditioned on the Recipient making the software available as Open-Source Software (OSS). Also, when the objective of the FOA is to develop education materials or curricula, DOE may restrict the Recipient’s ability to assert copyright.

If you have questions concerning Intellectual Property Provisions, please contact the Project Officer or Project Monitor assigned to your award.

IV. Award Administration

Once the award negotiation phase is successfully completed the Recipient will have an assigned Project Officer who will be responsible for the technical aspects of the financial assistance process and project. The Project Officer will serve as the main federal contact for the award.

Additionally, the Office of Indian Energy will assign a Project Monitor to assist you, as needed, with the negotiation, administration, and closeout of your award. The Project Monitor is typically a contractor to DOE, and as such, cannot perform inherent federal duties such as providing direction, authorizing/approving expenditures or scope changes for the agreement. The Project Monitor assists the Project Officer with reviews, negotiations, and documentation management. The Project Monitor also assists the Recipients with reporting and invoice processes.

The Contracting Officer is the only person who has the authority to obligate government funds, commit the government, and authorize new awards and changes to awards. He or she is solely authorized to execute awards on behalf of DOE and is responsible for the business management and non-program aspects of the financial assistance process.

A. Changes to the Agreement

Recipients are required to communicate changes to the project/agreement to the Project Officer and the Project Monitor. Any changes which substantially change the budget, Statement of Project Objectives (SOPO), or Special Terms and Conditions of the award, will require an amendment to the agreement. This section and the Code of Federal Regulations (CFR) (specifically [2 CFR 200.308](#)) identifies when Recipients are required to notify DOE of changes. Specifically, Recipients are required to report deviations from budget, project scope or objective, and request prior approvals from DOE for budget and project revisions (referred to as a program plan revisions in [2 CFR 200.308](#)).

i. Prior Approvals

For non-construction federal awards, Recipients must request prior approvals from federal awarding agencies for one or more of the following program or budget-related reasons (See [2 CFR 200.308](#) for a complete list):

- (i) Change in the scope or the objective of the project or program (even if there is no associated budget revision requiring prior written approval).
- (ii) Change in a key person specified in the application or the federal award.
- (iii) The disengagement from the project for more than three months, or a 25 percent reduction in time devoted to the project, by the approved Business Contact and Technical Contact (referred to as the project director or principal investigator in the CFR).
- (vi) Unless described in the application and funded in the approved Federal awards, the subawarding, transferring or contracting out of any work under a federal award, including fixed amount subawards as described in [2 CFR 200.332](#) Fixed amount subawards. This provision does not apply to the acquisition of supplies, material, equipment or general support services.
- (vii) Changes in the approved cost-sharing or matching provided by the non-federal entity.
- (viii) The need for a time extension of the period of performance.
- (viii) The need arises for additional federal funds to complete the project.

NOTE: Typically funds beyond those initially awarded, are not available, regardless of need.

ii. Transfer of Funds Among Direct Cost Categories

The Recipient, may, at its discretion, transfer funds among direct cost categories up to a cumulative 10 percent of the total budget, without prior DOE approval. For budget changes above a cumulative 10 percent of the



total budget, please immediately notify the Project Officer and Project Monitor.

B. Contracting Officer Approvals

The agreement may contain conditions, such that the use of funds is restricted until certain conditions are met. Conditions may include: (1) selection of a Subrecipient, contractor, or vendor; (2) National Environmental Policy Act (NEPA) restrictions; or (3) other conditions requiring prior DOE approval. If these conditions exist as part of your award, the specific Term included in the Special Terms and Conditions will identify the requirement and specify the need for prior DOE approval.

C. Submitting Quarterly Reports - Project Management Center (PMC)

The Project Management Center (PMC) is where Recipients submit required reports and the NEPA Environmental Questionnaire for the award. The Federal Assistance Reporting Checklist IE 355 (Award Attachment 2 as reflected in the Standard Grant Agreement) will specify the required reports for a given award. In general, quarterly progress reports and financial reports are due 30 days after each calendar quarter during the award's period of performance and final reports are due 90 days after the period of performance end date. Register with the PMC at <https://www.eere-pmc.energy.gov/Default.aspx>

See Appendix 6 for step by step instructions on registering and submitting reports through the web-based PMC. See Appendix 9 for instructions on completing the quarterly Federal Financial Report (SF-425).

D. Submitting Payment Requests through VIPERS

The DOE's Vendor Invoicing Payments Electronic Reporting System (VIPERS) is utilized for Recipients submitting payment requests. Submit request for advance or reimbursement (using SF-270) electronically through VIPERS at <https://vipers.doe.gov/>.

All payment requests must be accompanied by supporting documents and submitted via VIPERS for DOE to determine their allowability, allocability and reasonableness. For more information regarding supporting documentation required for invoicing see the Payment Procedure term in the Special Terms and Conditions for the award, or contact the Project Officer or Project Monitor.

See Appendix 8 for step by step instructions on submitting payment requests to VIPERS.

E. Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS)

Unless the Recipient is exempt as specified in the agreement Special Terms and Conditions, the Recipient must report each action that obligates \$25,000 or more in federal funds. Therefore, Recipients are required to register with the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS). To register with FSRS, please refer to <https://www.fsrc.gov/>.

In addition to registration, Recipients are required to report to FSRS first tier subawards (FSRS does not apply to contractors or vendors), the names and total compensation of each of the Recipient's five most highly compensated executives and the names and total compensation of each Subrecipient's five most highly compensated executives. Please refer to the Special Terms and Conditions and to <https://www.fsrc.gov/> for guidance on reporting requirements.

Please note that Recipients are required to maintain and update their information within FSRS throughout the duration of the project.

V. Post-Award Requirements

At the end of an award Period of Performance (as stated in the award Assistance Agreement) the assigned Technical Team will guide the Recipient through the close out process and final reporting. These important final steps ensure that all work (as stated in the approved SOPO) is completed, that federal funds are appropriately reimbursed to the Recipient and required cost shares are met, and project experience and outcome are documented in a final technical report.

To closeout an award, typically three final deliverables are due 90 days after the period of performance end date of the award agreement: Final Technical Report, Final Federal Financial Report (SF-425), and the Final Property Report (SF-428, SF-428B, SF-428S).

A. Submitting the Final Technical Report

The purpose of the Final Technical Report, submitted by the Recipient at the end of a project, is to document and capture lessons learned from the completed project to provide information that may inform and educate others considering similar projects.

DOE will provide a sample Final Technical Report outline. The Final Technical Report is NOT a final quarterly report, but an accounting of the activities performed, and a comprehensive description of the results achieved, including lessons learned. The Final Technical Report should contain as a minimum, the following:

- Cover Sheet
- Executive Summary
- Table of Contents
- Project Overview
- Objectives
- Description of Activities Performed
(including representative photos and graphs)
- Conclusions and Recommendations
- Lessons Learned

Final Technical Report samples are posted on the Office of Indian Energy website:
<http://www.energy.gov/indianenergy/maps/tribal-energy-projects-map>

A draft of the Final Technical Report will be submitted first on the PMC and the final version of the Report will be submitted to the Office of Scientific and Technical Information (OSTI) site via E-Link.

i. Project Management Center (PMC)

The Final Technical Report should first be submitted to the PMC for review and approval by the Project Officer to ensure that the report is complete and that Personally Identifiable Information (PII) and proprietary information are excluded from the report. Register with the PMC at <https://www.eere-pmc.energy.gov/Default.aspx>

See Appendix 6 for step by step instructions on submitting the Final Technical Report to the PMC.

ii. Office of Scientific and Technical Information (OSTI) via E-Link

Once the Final Technical Report is submitted to the PMC and approved by the Project Officer, the Recipient must submit the Report to OSTI. Submissions to the E-Link web portal will allow public access to the Final Technical Reports that summarize results of federally supported projects.

The DOE 241.3 form must be completed on-line at <http://www.osti.gov/elink-2413> to submit the Final Technical Report to the OSTI website. See Appendix 5 for more information on completing this online form and uploading your Final Technical Report to OSTI. Note: The report MUST be only one file.

B. Submitting Final Federal Financial Report (SF-425), and the Final Property Report (SF-428, SF-428B, SF-428S)

i. Final Federal Financial Report (SF-425)

Once the final invoicing for the award has been completed, fill out the Standard Form SF-425 and mark it as final. Note: if funds remain after the project end date, those funds can be used between the project end date and 90 days later when the final deliverables are due; however, these funds can only be used to complete preparation and submittal of the final deliverables, and cannot be used for continued project activities. Sign and upload the final SF-425 to <https://www.eere-pmc.energy.gov/SubmitReports.aspx>

ii. Final Property Report (SF-428, SF-428B, SF-428S)

Property Form SF-428 is the cover sheet for the Property Forms. This form must be filled out regardless if property/equipment has been purchased.

Property Form SF-428B is the final Property Form which must be filled out regardless if property/equipment has been purchased.

Property Form SF-428S is the Supplemental Property Form which must be filled out ONLY if property/equipment with an acquisition cost of \$5,000 or more, per unit, has been purchased for the project.

Sign the SF-428 and upload all required Property forms to <https://www.eere-pmc.energy.gov/SubmitReports.aspx>

C. Post-Award Property/Equipment Requirements

After all final reports are submitted and accepted by DOE, the Recipient will be notified that the award has entered the closeout phase. DOE requires that the grant Recipient continues using real property and equipment, acquired for the project, for the originally authorized purpose as long as it is needed for that purpose, or until the value of the property/equipment is less than \$5,000 per unit. When real property is no longer needed for the originally authorized purpose, and the value of the property/equipment is greater than \$5,000 per unit, the grant Recipient must obtain disposition instructions from DOE or pass-through entity. See [CFR 200.311](#).

When equipment is no longer needed for the originally authorized purpose, and the value of the property/equipment is greater than \$5,000 per unit, the equipment may be used by programs supported by DOE. Management requirement, including inventory and control systems, for equipment are provided in [2 CFR 200.313\(d\)](#). When equipment acquired under a federal award is no longer needed, and the value



of the property/equipment is greater than \$5,000 per unit the non-federal entity must obtain disposition instructions from DOE or pass-through entity.

VI. Quick Link Resources

Office of Indian Energy Policies and Programs

Subscribe to the email listserv to receive periodic updates on upcoming events, available funding opportunities and other energy related information. Also, information on funding and events on the Office of Indian Energy Website

<http://energy.gov/indianenergy/office-indian-energy-policy-and-programs>

Office of Indian Energy Helpdesk

If you have questions or need immediate assistance.

tribal@ee.doe.gov

(720) 356-1352

Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) Number

DUNS Number assignment is FREE. Registration is required to receive an award.

<http://fedgov.dnb.com/webform>

EERE Funding Opportunity (EERE Exchange)

Registration with EERE Exchange is required to submit application materials.

<https://eere-exchange.energy.gov>

FedConnect

Registration on FedConnect is required to review, acknowledge and download award documents.

<https://www.fedconnect.net>

FedConnect Guide:

https://www.fedconnect.net/FedConnect/Marketing/Documents/FedConnect_Ready_Set_Go.pdf

Grants.gov

Register in Grants.gov to receive automatic updates when Amendments to FOAs are posted.

<http://www.grants.gov>

Grants.gov also offers Grants 101 on the federal grant lifecycle

<https://www.grants.gov/web/grants/learn-grants/grants-101.html>

Project Management Center (PMC)

Register with the PMC to submit required reports and the NEPA Environmental Questionnaire.

<https://www.eere-pmc.energy.gov/RecipientLogin/>

System for Award Management (SAM) website

Register with SAM to do business with the Federal Government.

<https://www.sam.gov>

Contact SAM helpdesk at <https://fsd.gov/fsd-gov/home.do> or (866) 606-8220

VIPERS

Submit request for advance or reimbursement (SF-270) electronically through the Department's Vendor Invoicing Payments Electronic Reporting System (VIPERS).

<https://vipers.doe.gov/>

Contact VIPERS helpdesk at orfscmail@oro.doe.gov or (888) 251-3557

Regulations

Administrative Requirements: [2 CFR Part 200](#) as amended by [2 CFR Part 910](#)

Cost Principles: [2 CFR Part 200 Subpart E](#)

Audit Requirements: [2 CFR Part 200 Subpart F](#)

Audit Requirements for For-Profit Entities: [2 CFR Part 910 Subpart F](#)

VII. Appendices

Appendices for this guide include a glossary of common DOE terms and acronyms, along with step-by-step instructions with screenshots to help grant Recipients navigate the DOE grant systems listed in this document. In addition, Standard Grant Agreement documents provide examples of the requirements in a negotiated grant agreement. **Please note that each of the ten appendices below are separate file attachments.**

Appendix 1: Glossary of Terms and Acronyms

Appendix 2: DUNS Number User Guide

Appendix 3: EERE Exchange User Guide

Appendix 4: FedConnect_Ready_Set_Go User Guide

Appendix 5: Final Technical Report to OSTI User Guide

Appendix 6: PMC to Submit EQ-1 and Reports User Guide

Appendix 7: SAM Registration User Guide

Appendix 8: VIPERS to Submit Payment Requests User Guide

Appendix 9: Federal Financial Report (SF-425) Instructions

Appendix 10: Sample Grant Agreement Documents