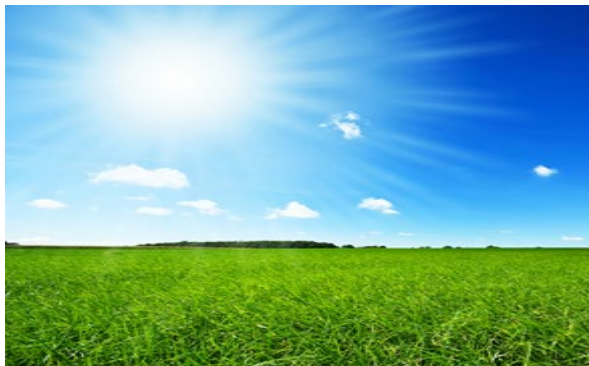


Post Award Requirements for DOE SBIR/STTR Phase I Awardees

Mark Sojka

DOE Office of Science Consolidated Service Center



Overview



- **Site Visit Findings**
- **Importance of Knowing Your T&Cs**
- **Award Attachments**
- **Revisions to Award Needing Prior Approval**
- **Closeouts**

Recipient Site Visits Conducted by DOE October 2019

- Checked for Compliance with Grant Terms and Conditions
- Performed Accounting Systems Reviews
- Property/Equipment Reviews
- Answered Recipient Questions Concerning SBIR/STTR Program

- **Findings:**
 - Recipients Did Not Always Have Adequate Support for Their ASAP Draws
 - ASAP Draws in Advance (vs. Reimbursement)
 - Cumulative Job Cost Totals Rather Than Snapshot of Costs to Support Particular ASAP Draw
 - Missing SF-425s

- **Findings (cont.)**
 - Insufficient Property Insurance Coverage
 - DOE wasn't notified of company move (3 years ago)
 - DOE was charged higher than MI&E per diem rates even though Company Policy Capped Limits

Importance of Knowing Your T&Cs



Per 2 CFR 200.338 Remedies for Noncompliance, if a non-Federal entity fails to comply with Federal statutes, regulations or the terms and conditions of a Federal award, the Federal awarding agency may impose additional conditions, as described in §200.207 Specific conditions.

- Remove from Payment via ASAP/Require Submission of Invoices
- Temporarily withhold cash payments pending correction of the deficiency
- Denial of future SBIR/STTR Applications (due to Poor Past Performance)
- Withholding of Continuation Funding (Phase II Only)

If the Federal awarding agency determines that noncompliance cannot be remedied by imposing additional conditions, the Federal awarding agency may take one or more of the following actions, as appropriate in the circumstances:

- Disallow all or part of the grant costs not in compliance (Cost Recovery)
- Wholly or partly suspend or terminate the Federal award.
- Initiate suspension or debarment proceedings (of individuals and/or the Company)
- Withhold further Federal awards for the project or program.
- Take other remedies that may be legally available.





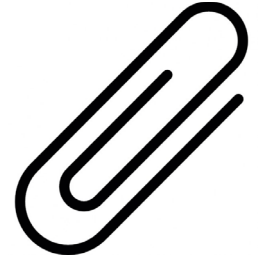
Audits and Other Findings:

- Recipient did not meet the minimum Research Institution Level of Effort (30%) for an STTR and therefore DOE is sought over \$18K in cost recovery. The recipient appealed the DOE Contracting Officer's decision to the DOE Senior Procurement Executive, and was denied. The recipient recently paid DOE the money sought plus interest.
- Recipient was acquired by a large, foreign business and did not notify DOE. DOE challenged the size status of the recipient to the SBA. SBA ruled in DOE's favor; as a result, recipient owes DOE \$520K.

Award Attachments



- **Transmittal Letter**
- **Final Budget Pages**
- **Special Terms and Conditions**
- **General Terms and Conditions**
- **Federal Assistance Reporting Checklist**
- **Know Your Rights Poster**
- **Patent Responsibility Letter**



Special Terms and Conditions



- Incorporates Provisions Stated in 2 CFR Part 200 and 2 CFR Part 910 (DOE-Specific). <http://www.eCFR.gov>
- Highlights:
 - FA-TC-0001C Award Project Period and Budget Periods
 - FA-TC-0003.2 Payment Procedures – REIMBURSEMENT Through the Automated Standard Application for Payments (ASAP)
 - FA-TC-0013 Reporting Requirements
 - FA-TC-0025A Insurance Coverage, FA-TC-0025D Equipment, FA-TC-0025G Property Trust Relationship (these 3 clauses included only if grant contains equipment)



Reporting Requirements



Phase I

DOE F 4800.2
(3/2017)
All Other Editions Are Obsolete

U.S. Department of Energy FEDERAL ASSISTANCE REPORTING CHECKLIST AND INSTRUCTIONS

1. Identification Number: See Block 1 of the Assistance Agreement		2. Program/Project Title: See Block 21 of the Assistance Agreement	
3. Recipient: See Block 5 of the Assistance Agreement			
4. Reporting Requirements:		Frequency	Addressees
A. MANAGEMENT REPORTING <input checked="" type="checkbox"/> Research Performance Progress Report (RPPR) (RD&D Projects) <input type="checkbox"/> Progress Report (Non-RD&D Projects) <input checked="" type="checkbox"/> Special Status Report		O-See Note 5.a.	https://pamspublic.science.energy.gov/webpamsepsextern/#!/login.aspx
B. SCIENTIFIC/TECHNICAL REPORTING (Dissemination of results is required for RD&D projects. Reports & other S&T publications/products must be submitted using the appropriate DOE Announcement Notice (AN) located at: https://www.osti.gov/eliink) Product Announcement Notice (AN) <input checked="" type="checkbox"/> Scientific & Technical Reporting Product A. Journal Article-Accepted Manuscript DOE AN 241.3 B. Scientific/Technical Conference Paper/ Presentation or Proceedings DOE AN 241.3 C. Scientific/Technical Software & Manual DOE AN 241.4 D. Other STI (e.g., dissertation/thesis, see instructions) DOE AN 241.3 <input checked="" type="checkbox"/> Final Scientific/Technical Report DOE AN 241.3		A	https://www.fedconnect.net/fedconnect/default.aspx and an E-mail to the DOE Program Manager listed in Block 15 of the Assistance Agreement. The E-mail address is listed on the Assistance Agreement Continuation Sheet
C. FINANCIAL REPORTING <input checked="" type="checkbox"/> SF-425 Federal Financial Report		O	
D. CLOSEOUT REPORTING <input checked="" type="checkbox"/> Patent Certification <input checked="" type="checkbox"/> SF-428 & 428B Final Property Report <input checked="" type="checkbox"/> Other (see special instructions)		O-See Note 5.a. 5.b. O-See Note 5.c. — F-See Note 5.d.	http://www.osti.gov/eliink-2413 http://www.osti.gov/estso/241-4pre.jsp http://www.osti.gov/eliink-2413 http://www.osti.gov/eliink-2413 E-mail to FFR@science.doe.gov https://www.fedconnect.net/fedconnect/default.aspx
E. OTHER REPORTING <input type="checkbox"/> Annual Indirect Cost Proposal <input checked="" type="checkbox"/> Audit of For-Profit Recipients <input checked="" type="checkbox"/> SF-428 Tangible Personal Property Report Forms Family <input checked="" type="checkbox"/> Other (see special instructions) <input checked="" type="checkbox"/> SBIR/STTR Funding Agreement Certification-Life Cycle <input checked="" type="checkbox"/> Subject Invention Reporting and Patent Reporting <input checked="" type="checkbox"/> NDAA of 2019 Annual Technical or Business Assistance Report		O-See Note 5.g. O-See Note 5.g. O-See Note 5.g. O-See Note 5.h. F-See Note 5.i. O-See Note 5.j. O-See Note 5.k. F-See Note 5.l.	https://www.fedconnect.net/fedconnect/default.aspx https://www.fedconnect.net/fedconnect/default.aspx https://www.fedconnect.net/fedconnect/default.aspx https://www.fedconnect.net/fedconnect/default.aspx (or Cognizant Federal Agency) https://www.fedconnect.net/fedconnect/default.aspx & send to CFO at: DOE-Audit-Submission@hq.doe.gov https://www.fedconnect.net/fedconnect/default.aspx https://www.fedconnect.net/fedconnect/default.aspx https://www.iEdison.gov http://www.osti.gov/eliink-2413
FREQUENCY CODES AND DUE DATES: A – Within 5 calendar days after events or as specified. Y – Yearly; within 90 days after the end of the reporting period. Q – Quarterly; within 30 days after end of the reporting period. O – Other; See special instructions for further details.		F – Final; within 90 calendar days after expiration or termination of the award. Y180 – Yearly; within 180 days after the end of the recipient's fiscal year. S – Semiannually; within 30 days after end of reporting period.	

Research Performance Progress Report (RPPR)

Special Status Report

SF-425

Compliance Audit

Life Cycle Certification

Closeout

Final SF-425

Patent Certification

Property Certification (SF-428)

Final Technical Report

Life Cycle Certification

Note: Reporting Requirements are subject to change via award modification.

General Terms and Conditions



- GTCs highlight those requirements which are especially pertinent to research grants in general.
- GTCs DO NOT represent an exhaustive listing of all requirements applicable to the Assistance Agreement.
- Highlights:
 - Revisions requiring Contracting Officer (CO) Approval
 - Property
 - SBIR/STTR Participation Requirements (Grantee and PI)
 - Patent Rights
 - Rights in Data

KNOW THE RULES!

PI/Key Personnel Changes

- Request submitted via Portfolio Analysis and Management System (PAMS)
- Selection of the new PI from registered PAMS users
 - Specify how to handle the current PI (remove from award or leave on award but change role to Other)
 - Attach resume or CV of the new PI.
- The Small Business Authorized Representative must submit the request.

Award Revisions – Other Types

- **Change/add Subcontractor**
- **Novation Agreement**
- **Change of Name Agreement**
- **Work outside of U.S.**
- **No Fund/Cost Extensions (NFX)**



Note: Contact your DOE Assistance Agreement Administrator if you anticipate any of these revisions.

No Fund Extensions

- Approvals for an NFX will not be granted for an award that contains a zero balance.
- Recipients are not authorized to grant themselves an extension.
- Submit request via PAMS at least one month prior to the expiration date.
- The request must be submitted by the Recipient Business Officer
- Info Required in Request:
 - Project status
 - Reason for extension
 - Extension date
 - Remaining Grant \$ Balance



After the expiration or termination of the award, the recipient must submit all financial, performance and other reports required as a condition of the award. These reports are listed in the Federal Assistance Reporting Checklist and may include, but are not limited to, the following:

- **Final Technical Report** (due 14 calendar days after expiration)
- **Final Financial Status Report** (due 120 calendar days after exp.)
- **Patent Certification** (due 120 calendar days after expiration)
- **Property Certification** (due 120 calendar days after expiration)
- **Life Cycle Certification** (at least 30 calendar days prior to exp.)
- **NDAA of 2019 Annual Technical or Business Assistance Report** (Submitted Annually in the Final Technical Report)

ALWAYS follow the instructions in your Reporting Checklist

Contacts

- Post award administration and budget-related questions may be directed to the DOE Assistance Agreement Administrator listed on page 2 of your Assistance Agreement.
- Post award technical and progress-related questions may be directed to the DOE Program Manager listed on page 2 of your Assistance Agreement.
- Patent and Intellectual Property-related questions may be directed to Cynthia Ridge at (630) 252-2175 or Cynthia.Ridge@science.doe.gov
- PAMS system requirements or any other technological issues should be directed to the DOE PAMS Support Center at 855-818-1846 or sc.pams-helpdesk@science.doe.gov