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This document replaces the PAM dated January 29, 2018.

Significant Changes and Clarifications to the *Proposal and Award Manual* (PAM)

Revision XXVI

Effective - March 18, 2019

Significant Changes

- **Chapter VI.F, New Awardee Considerations.** This section has been updated to reflect increases in the thresholds for new performer reviews and pre-award budget reviews.

- **Chapter VI.H.2.a, Delegation of Authority for Programmatic Approval of Award Recommendations.** This section has been revised to remove the maximum award amount that Division Directors may redelegate authority for award recommendations to Deputy Division Directors/Section Heads.

- **Chapter VII, NSB and DRB Review and Approval.** This chapter has been updated to provide a link to revised guidance for the Committee on Awards & Facilities (A&F) action approval process (NSB-AF-2018-39). This chapter has also been updated to include the requirement that all projects requiring DRB and NSB approval must address plans for recompetition. Specific guidance for the content of the Director's Memorandum to the NSB and the Memorandum for DRB Action Only has also been added.

- **Chapter IX.L, Awards to the National Academies of Science, Engineering and Medicine (NASEM).** A new section has been added to provide guidance on processing and management of NASEM consensus study proposals and awards.

- **Chapter XI.C. Other Post Award Considerations.** A new section has been added to provide guidance on the NSF policy regarding sexual harassment, other forms of harassment, or sexual assault.

Clarifications and Other Changes

- **Overall document.** Information that is no longer current or necessary to include in the PAM has been removed. Numerous editorial changes have been made to either clarify or enhance the intended meaning of a sentence or section. The document has been updated to ensure consistency with data contained in NSF systems or guidance located in other NSF or Federal policy documents. Throughout the PAM, website and document references and organizational names have been updated to reflect current information.

- **Chapter III.B.2, Merit Review Requirements.** This section has been updated to clarify the review requirements for non-binding preliminary proposals.

- **Chapter V.B.2, Exceptions to External Merit Review.** This section has been updated to include non-binding preliminary proposals.

- **Chapter VI.B.1.d, NSF Abstracts.** The process for correcting an abstract post-award has been added.

- **Chapter VI.B.4, Context Statement.** This section has been updated to clarify that context statements should be consistent with the Interim Guidance on the Sharing of Non-public NSF Information, O/D 18-10.

- **Chapter VI.C, Principal Investigator, Proposal and Award Data.** This section has been updated to specify that PIs/PDs and co-PIs/co-PDs may supply the requested information electronically via Research.gov.

- **Chapter VI.I.2, Authority to Approve and Sign Declinations.** This section has been updated to clarify that the official record of action is maintained in eJacket.

- **Chapter VIII.C.1, Program Income.** This section has been updated to include the definition of deductive treatment.

- **Chapter VIII.D, Protection of Human Research Subjects under NSF-Supported Projects.** Language has been added to clarify the process when the cognizant PO elects to fund a project without receipt of IRB approval or notification of exemption.

- **Chapter VIII.E, Use of Vertebrate Animals in NSF-Supported Activities.** Additional guidance has been added to clarify responsibilities of the cognizant program officer.

- **Chapter VIII.H, International Considerations.** This section has been updated to refer and link to the NSF Policies and Practices for International Engagements on OISE's website.

- **Chapter VIII.H.4, Foreign Policy Consistency.** This section has been updated to include the timeline for Department of State Clearance and the importance of involving OISE and DGA or DACS/CSB, as appropriate, early in the review process.

- **Chapter VIII.5, Awards to U.S. Organizations for Projects which include Funding for an International Branch Campus of a U.S. IHE or a Foreign Subaward/Consultant Arrangement.** This section has been updated to specify that instructions for completion of the recommendation process are available on the OISE internal website.

- **Chapter VIII.H.6, Awards to Foreign Organizations.** This section has been updated to specify that prior to performing PO recommend, the cognizant PO must consult with OISE and that instructions for this process are available on the OISE internal website.

- **Chapter VIII.I.5, Responsibilities for Environmental Compliance.** This section has been updated to include additional guidance to POs and to include a link to additional information on the OGC Environmental Compliance Collaboration page.

- **Chapter IX.A, Cooperative Agreements.** This section has been reorganized and updated to provide more clarity about the process.

- **Chapter IX.B.2, Interagency Agreements.** This section has been reorganized and updated to provide more clarity about the process. This section has also been updated to include additional guidance about NSF's administrative cost recovery (ACR) fee, including requirements for a waiver request.

- **Chapter XI, Post-Award Administration.** The title of this chapter has been changed to better reflect the nature of the guidance contained in the chapter.

- **Chapter XI.B.2, Continuing Grant Increments.** Updates have been made to this section to reflect current internal procedures and system functionality for processing forward funding actions.

- **Chapter XI.B.3, Supplemental Support.** A new category for Non-Academic Research Internships for Graduate Students (INTERN) has been added to the list of targeted supplemental programs that do not count toward the 20% threshold for external review.

- **Chapter XI.B.4, Reductions.** Updates have been made to this section to reflect current internal procedures and system functionality for processing reductions.

- **Chapter XI.C.2, Nondiscrimination Statutes and Regulations.** This section has been updated to specify that any discrimination issue must be immediately reported to ODI.

- **Chapter XI.C.3.d, Grantee-Initiated Termination or Cancelation.** Updates have been made to this section to reflect current internal procedures and system functionality for processing these types of actions.

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Acronyms

ACM$ -- Award Cash Management Service
ACR -- Administrative Cost Recovery
AD -- Assistant Director
ADA – Anti-Deficiency Act
AOR -- Authorized Organizational Representative
APE -- Area of Potential Effects
BETC -- Business Event Type Code
BFA -- Office of Budget, Finance and Award Management
BIIS -- Budget Internet Information System
BOA -- Basic Ordering Agreement
BPN – Business Partner Number
CA -- Cooperative Agreement
CA-FATC -- Cooperative Agreement Financial and Administrative Terms and Conditions
CAP -- Cost Analysis and Pre-Award Branch
CAREER -- Faculty Early Career Development Program
CATEX -- Categorical Exclusion
CEQ -- Council on Environmental Quality
CFO -- Chief Financial Officer
CFR -- Code of Federal Regulations
CGI -- Continuing Grant Increment
CMO -- Committee Management Officer
COI -- Conflict of Interest
COO -- Chief Operating Officer
co-PD -- co-Project Director
co-PI -- co-Principal Investigator
COR -- Contracting Officer Representative
CORF – Chief Officer for Research Facilities
COV -- Committee of Visitors
CP -- Current Plan
CSA -- Cooperative Support Agreement
CSB -- Cooperative Support Branch
CZMA -- Coastal Zone Management Act
DACS -- Division of Acquisition and Cooperative Support
DAD -- Deputy Assistant Director or Dynamic Award Document
DAS -- Division of Administrative Services
DCL -- Dear Colleague Letter
DD -- Division Director
DDD -- Deputy Division Director
DFM -- Division of Financial Management
DGA -- Division of Grants and Agreements
DHHS – Department of Health and Human Services
DIAS -- Division of Institution and Award Support
DIS -- Division of Information Systems
DoD –Department of Defense
DRB -- Director's Review Board
DURC -- Dual Use Research of Concern
EA -- Environmental Assessment
EAGER -- EArly-concept Grants for Exploratory Research
EIS -- Enterprise Information System or Environmental Impact Statement
ESA -- Endangered Species Act
F&A -- Facilities and Administrative Costs
FACA -- Federal Advisory Committee Act
FAPIIS -- Federal Awardee Performance and Integrity Information System
FAQs -- Frequently Asked Questions
FASED -- Facilitation Awards for Scientists and Engineers with Disabilities
FATC -- Financial and Administrative Terms and Conditions
FFRDC -- Federally Funded Research & Development Center
FL -- Form Letter
FOIA -- Freedom of Information Act
FONSI -- Finding of No Significant Impact
FPO -- Federal Preservation Officer
FPR -- Final Project Report
FTE -- Full Time Equivalency

FWA -- Federal Wide Assurance
FY -- Fiscal Year
GAO -- Government Accountability Office
GOALI -- Grant Opportunities for Academic Liaison with Industry
GRFP -- Graduate Research Fellowship Program
GSA -- General Services Administration
GT&C -- General Terms & Conditions
HBCU -- Historically Black Colleges and Universities
HSI -- Hispanic Serving Institutions
IAA -- Interagency Agreement
IACUC -- Institutional Animal Care and Use Committee
ICR -- Indirect Cost Rate
IDB -- Information Dissemination Branch
IHEs -- Institutions of Higher Education
INTERN -- Non-Academic Research Internships for Graduate Students
IPA -- Intergovernmental Personnel Act
IPS -- Interactive Panel System
IRB -- Institutional Review Board
IRD -- Independent Research and Development
JPL -- Jet Propulsion Laboratory
LFM -- Large Facilities Manual
LFO -- Large Facilities Office
LOI -- Letters of Intent
MIPR – Military Interdepartmental Procurement Request
MMPA -- Marine Mammal Protection Act
MOU -- Memorandum of Understanding
MREFC -- Major Research Equipment and Facilities Construction Account
MSI -- Minority Serving Institutions
NARA -- National Archives and Records Administration
NASEM -- National Academies of Science, Engineering and Medicine
NASA -- National Aeronautics and Space Administration
NCSES -- National Center for Science and Engineering Statistics
NDP -- Not Discussed in Panel
NEPA -- National Environmental Policy Act
NHPA -- National Historic Preservation Act
NICRA -- Negotiated Indirect Cost Rate Agreement
NIH -- National Institutes of Health
NSB -- National Science Board
NSF -- National Science Foundation
OD -- Office of the Director
ODI – Office of Diversity and Inclusion
OGC -- Office of the General Counsel
OHRP -- Office for Human Research Protections
OIA - Office of Integrative Activities
OIG -- Office of the Inspector General
OISE -- Office of International Science & Engineering
OLAW -- Office of Laboratory Animal Welfare
OLPA -- Office of Legislative and Public Affairs
O&M – Operations and Maintenance
OMB -- Office of Management and Budget
PAM -- Proposal and Award Manual
PAPPG -- Proposal & Award Policies & Procedures Guide
PARS -- Proposal and Reviewer System
PD -- Program Description or Project Director
PEC -- Program Element Code
PHS -- Public Health Service
PI -- Principal Investigator
PIMS -- Program Information Management System
PO -- Program Officer
POR -- Project Outcomes Report for the General Public
PPU -- Proposal Processing Unit
PRC -- Program Reference Code
PTC -- Programmatic Terms and Conditions
RAISE -- Research Advanced by Interdisciplinary Science and Engineering
RAM -- Resolution and Advanced Monitoring Branch
RAPID -- Rapid Response Research Grants
R&D -- Research and Development

R&RA -- Research and Related Account
REC – Record of Environmental Review
REM -- Research Experience and Mentoring
RET -- Research Experiences for Teachers
REU -- Research Experiences for Undergraduates
RFP -- Request for Proposals
ROA -- Research Opportunity Awards
RS&R -- Research Spending and Results
RTC -- Research Terms and Conditions
RWR -- Return without Review
S&E -- Science and Engineering
SAM -- System for Award Management
SBIR -- Small Business Innovation Research Program
S&E -- Science and Engineering
SHPO -- State Historic Preservation Officer
SI -- Smithsonian Institution
SPO -- Sponsored Projects Office
STTR -- Small Business Technology Transfer Program
TAS -- Treasury Account Symbol
THPO -- Tribal Historic Preservation Officer
TMS -- Thematic Management System
URL -- Uniform Resource Locator
USC -- United States Code
VoIP -- Voice-over-Internet Protocol
VSEE -- Visiting Scientist, Engineer or Educator

Chapter I - Introduction

The *Proposal and Award Manual* (PAM) is a compendium of National Science Foundation (NSF) internal policies and procedures and provides instructional guidance to NSF staff related to the review and processing of proposals and administration of assistance awards. The PAM complements the NSF *Proposal & Award Policies & Procedures Guide* (PAPPG), which contains the Foundation's policies on the proposal and award process for the assistance programs of the National Science Foundation. The PAM supplements the policies contained in other internal and external guidelines such as the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance), the applicable NSF grant conditions and the NSF Large Facilities Manual (LFM). All of these documents, with the exception of the PAM, can be used by proposing organizations and NSF grantees, as well as NSF staff; the PAM, however, is intended for NSF internal use only. For information regarding policies and procedures applicable to NSF contracts, consult the Division of Acquisition and Cooperative Support (DACS).

A. Award Types

The Foundation is authorized to use various types of awards, such as grants[1], cooperative agreements, contracts or other arrangements, to carry out its mission pursuant to the NSF Act of 1950, as amended. Guidance on and definitions of types of awards are contained in PAPPG Introduction, Section D. NSF will use the award type most consistent with programmatic objectives, sound business and management practices, the public interest and applicable statutory and regulatory requirements. Grants and cooperative agreements cannot be used for procurement actions.

B. Eligible Fields of NSF Support

Eligible fields of NSF support can be found on the NSF website. Program Officers (POs) who have questions about the eligibility of proposals whose goals appear disease-related should, depending on whether fundamental or engineering research is proposed, contact POs in the Directorate for Biological Sciences or the Directorate for Engineering, Division of Chemical, Bioengineering, Environmental and Transport Systems, for advice on this issue.

[1] For purposes of this Manual, except where explicitly noted, the term “grant” is interchangeable with the term “cooperative agreement or award” and the term “grantee” is interchangeable with the “awardee” of a cooperative agreement.

C. Eligible Categories of Proposers

Guidance on eligible categories of proposers is contained in PAPPG Chapter I.E. It is important for program staff to determine if there will be any restrictions on eligibility prior to initiating the development of a program solicitation. Care must be taken when establishing eligibility criteria to ensure that the criteria are no more restrictive than necessary to achieve programmatic purposes.

D. Funding Other Federal Agencies

Guidance regarding the eligibility of other Federal agencies is contained in PAPPG Chapter I.E.7.

NSF has express statutory authority to support research performed by other Federal agencies. Nonetheless, NSF support of research at other agencies could have the effect of augmenting their budgets beyond what the President and Congress have considered justified and could alter the allocation of national resources previously approved. Moreover, the Foundation believes that plurality of support for research has contributed greatly to the extraordinary success of U.S. science. NSF, therefore, tries to avoid actions that could lead other agencies to diminish support of research relevant to their missions, particularly basic research. In cases where funding support is recommended for another Federal agency (including Federally Funded Research and Development Centers (FFRDCs)), information on processing those agreements can be found in PAM Chapter IX.B.2.c(8). Proposals from other Federal agencies are subject to the same merit review procedures and exceptions from merit review as regular research proposals.

Special requirements for processing proposals from the Smithsonian Institution and Military Service Academies is provided below.

1. Smithsonian Institution

With regard to funding of proposals from the Smithsonian Institution (SI), it is expected that the Foundation will treat any proposal submitted by non-Federal employees of the Smithsonian whose salaries are not part of appropriated accounts in the same manner as any academic proposal.

A Federal Smithsonian researcher is formally defined as any Smithsonian researcher who is paid in whole or in part with appropriated funds. Smithsonian researchers whose salaries are paid with funds appropriated by Congress (as opposed to Trust Fund or other sources of salary) may be considered for funding, but only under the exceptions listed in PAPPG Chapter I.E.7. Further information on processing these actions can be found in PAM Chapter IX.B.2.c(8).

Proposals submitted by Smithsonian researchers who are not, and have not been Federal SI employees (i.e., employees who are paid in whole or in part with appropriated funds), should be reviewed in the same manner as proposals from institutions of higher education (IHE). Any resulting grants would be treated as providing funding to a non-academic, non-profit organization.

2. Military Service Academies

Proposals submitted on behalf of faculty members at the military service academies, including the Air Force Institute of Technology, U.S. Air Force Academy, U.S. Coast Guard Academy, U.S. Military Academy, U.S. Naval Academy, U.S. Naval Postgraduate School, and Uniformed Services University of the Health Sciences, will be accepted and subjected to the same competitive review and evaluation as are proposals from other IHEs. NSF will not ordinarily make an award to a service academy for major capital facilities and will not provide funding for routine functions of a service academy that normally would be funded from its own appropriations. Awards to Military Service Academies will be issued as interagency agreements in accordance with PAM Chapter IX.B.2.c(8).

Chapter II - Development, Clearance and Approval of Funding Opportunities and Other Related Documents

The Foundation uses various categories of funding opportunities, as well as other related documents to inform the research community of information regarding NSF programs, including program descriptions, program announcements, program solicitations and Dear Colleague Letters (DCLs) (see PAPPG Chapter I.C for a description of each category).

Questions regarding selection of the appropriate type of funding opportunity or other related documents should be directed to the NSF Clearance Coordinator in the Office of Budget, Finance and Award Management (BFA)/Division of Institution and Award Support (DIAS)/Policy Office. In addition, each Directorate/Office has a Clearance liaison who serves as a resource for staff on the preparation and clearance of official NSF documents. Staff preparing a program solicitation involving Major Research Equipment and Facilities Construction (MREFC) are required to consult with the BFA Large Facilities Office (LFO) and/or DACS/Cooperative Support Branch (CSB) during development of the document.

Public notice must be given for new funding opportunities to allow adequate time for proposal preparation. The NSF Customer Service Standard specifies that NSF will make new funding opportunities available to the proposer community at least ninety (90) days prior to the full proposal deadline or target date. Program staff should consult the 90-day requirement calculator in order to determine the latest day a document can be posted to the web and still meet the 90-day requirement. Customer service standards for Letters of Intent (LOIs) and Preliminary Proposals are contained in PAM Chapter III.A and III.B.3, respectively. Further information on the types of due dates utilized by NSF is contained in PAPPG Chapter I.F.

A calendar designed to assist program staff in choosing due dates is available on the Inside NSF website. This calendar displays all scheduled due dates for the current year as well as future years and includes information about the estimated number of proposal submissions for each date. It also includes advisories about dates that are unavailable because of an anticipated heavy proposal load. When a new funding opportunity is posted on the NSF website, the applicable due date(s) and proposal submission estimates also will be posted to the above-referenced calendar.

A. Clearance and Approval Process

All funding opportunities, including, if applicable, the management plans associated with them, are subject to the clearance process outlined in this chapter and Web publication policies. The Office of the Director reserves the right to review all funding opportunities, DCLs, and memoranda of understanding (MOUs). If more than one Directorate/Office is involved, approvals by all of the cognizant Assistant Directors/Office Heads must be documented. If a document contains an anticipated and clearly defined international dimension/component, it must be reviewed by and receive the concurrence of the Office Head of the Office of International Science and Engineering (OISE), or designee, prior to submission to BFA for clearance.

The Program Information Management System (PIMS) is used to create, review and publish program descriptions, program announcements and program solicitations on the NSF external website. If applicable, PIMS also is used to review and clear the associated management plan. PIMS allows for electronic Division and Directorate/Office review and approval; the capability to track comments through the development and issuance of a funding opportunity; and, if required, electronic BFA review, approval and clearance. A user guide and a number of "help" reference features to assist users are available on the site. If changes in the PIMS template (i.e., customized boilerplate) are anticipated, the NSF Clearance Coordinator or Directorate/Office Clearance Liaison should be contacted.

When appropriate, program announcements or solicitations may be augmented with a related DCL or set of Frequently Asked Questions (FAQs). The eClear system is used to electronically review, approve and publish DCLs, FAQs and newsletters and replaces the need to use the NSF Form 10 for clearance of those document types. eClear also may be used for the clearance and approval of other types of documents such as brochures, administrative guides and fellowship handbooks. eClear includes features such as electronic routing, version control and role-based authorizations similar to those in PIMS. Reference guides on eClear functionality and for specific users are available on the eClear site. DCLs, FAQs and newsletters also are subject to the NSF clearance process and web publication policies.

The NSF Form 10 must be used to clear MOUs; guidance on the review and clearance of MOUs is contained in PAM Chapter IX.B.

A summary table of the mechanism that staff should use to clear major categories of documents is shown below:

Document Category	Clearance Mechanism
Program Descriptions, Announcements and Solicitations	PIMS
Dear Colleague Letters	eClear
Memoranda of Understanding	Form 10
Frequently Asked Questions	eClear
Newsletters	eClear
Brochures/Handbooks/Administrative Guides	Form 10 or eClear

B. Internal Procedures for Categories of Funding Opportunities and Other Related Documents

Guidance on categories of funding opportunities and other related documents, is contained in PAPPG Chapter I.C. Internal procedures for their use are described below.

1. Program Descriptions

Guidance on program descriptions is contained in PAPPG Chapter I.C.1. All program descriptions must be prepared and cleared in PIMS (see section A above). Program descriptions are automatically assigned a Program Description (PD) number upon clearance, do not require a document to be generated and do not require BFA approval. Upon clearance by the Assistant Director (AD)/Office Head or designee, program descriptions are posted on the NSF external website. Notice of the funding opportunity and the associated application package also are posted on Grants.gov.

Directorates/Offices are responsible for reviewing, clearing and posting program descriptions on their websites, based on review and consideration of the factors listed below. If any one or more of those factors cannot be positively acknowledged by the cognizant Assistant Director/Office Head or designee (normally the Deputy Assistant Director (DAD) or other senior Directorate/Office official), then a program description cannot be used.

By posting a program description on a Directorate/Office website, the cognizant Assistant Director/Office Head or designee acknowledges that the program description **does not**:

- Deviate from, limit, restrict and/or exclude any of the eligible categories of proposers specified in the PAPPG;
- Limit or restrict the eligibility of Principal Investigators (PIs)/Project Directors (PDs) and co-PIs/co-PDs to submit proposals;

- Limit the number of proposals that may be submitted by an organization and/or PI/PD or co-PI/co-PD;

- Anticipate the use of a cooperative agreement;

- Provide supplemental proposal preparation guidelines and/or deviate from the guidelines established in the PAPPG, such as the 15-page limitation for the Project Description;

- Include any limitation on indirect costs (Facilities and Administrative costs (F&A)) ;

- Have any budgetary limitations or restrictions on individual line items or the bottom line amount;

- Require the submission of an optional or required LOI or preliminary proposal;

- Have target dates or a submission window with end dates that are less than 90 days after the program description is posted;

- Contain additional merit review criteria relevant to the program; only the National Science Board (NSB)-approved merit review criteria apply; and/or

- Specify additional grant conditions or reporting requirements.

2. Program Announcements

Guidance on program announcements is contained in PAPPG Chapter I.C.2. All program announcements require BFA approval and must be prepared and cleared in PIMS (see section A above). Upon final clearance by BFA, program announcements are automatically assigned an NSF number by PIMS and posted to the NSF external website typically within 24 hours. Notice of the funding opportunity and the associated application package also are posted on Grants.gov.

3. Program Solicitations

Guidance on program solicitations is contained in PAPPG Chapter I.C.3. Like program announcements, all program solicitations require BFA approval and must be prepared and cleared in PIMS (see section A. above). Upon final clearance by BFA, program solicitations are automatically assigned an NSF number by PIMS and posted to the NSF external website typically within 24 hours. Notice of the funding opportunity and the associated application package also are posted on Grants.gov.

4. Dear Colleague Letters

Guidance on DCLs is contained in [PAPPG Chapter I.C.4](). DCLs are intended to provide general information to the community, clarify or amend an existing policy or document, or inform the NSF proposer community about upcoming opportunities or special competitions for supplements to existing awards. They may also be used to announce NSF interest in receiving proposals in specified topical areas for certain proposal types contained in PAPPG Chapter II.E. It is important to note that DCLs may **not** be used to solicit full proposals for new NSF awards; rather, an announcement or solicitation must be used instead.
If a DCL is being used to clarify or amend an existing policy or publication, the original document should be cited by NSF number, if possible, and a direct link also should be included. In this way, requirements set forth in the original document do not have to be repeated in the DCL.

Regardless of the intended use, all DCLs are subject to the NSF clearance process and may require review by the Office of the Director (OD) (see section A above for more information on the clearance process for DCLs). Generally, only Assistant Directors/Office Heads or higher are authorized to sign DCLs on behalf of NSF.

For DCLs that provide supplemental funding, proposers should have not less than one month from availability of the DCL to submit the supplemental funding request.

C. Development of Program Announcements and Solicitations

Before developing a new program announcement or solicitation, POs, in consultation with their Division Directors (DDs), must determine whether issuance of a new document is necessary. Factors to be considered include:

- Whether an existing program announcement or solicitation could be updated to accomplish the intended purpose;
- Whether the new activity(ies) will generate sufficient interest in the targeted community;
- The intellectual reason for the Program, activity or initiative;
- How the Program, activity or initiative supports the long-range goals of the Directorate/Office and/or NSF;
- Whether the size of the effort justifies a separate program announcement or solicitation and/or competition;

- The total funding available for the proposal competition, including the estimated number of proposals and anticipated number of awards and funding levels;

- The timing of the program announcement or solicitation, including the issuance date, deadline for receipt of proposals, review panel dates (where applicable) and anticipated award dates; and

- The cross-Directorate participation (and implications) in the Program, if any.

D. Management Plans

1. Requirement

Every program announcement and solicitation must have an accompanying management plan. This requirement helps to ensure that plans for managing these activities are well coordinated and documented. The format for management plans is specified below.

2. Management Plan Format

The following annotated outline provides the general format for management plans. The basic elements are the same across different types of funding opportunities. The level of detail required, however, may differ depending on the complexity of the activity. Multi-Directorate activities require additional detail as specified below. Note: this format does not apply to large facility projects. See the Large Facilities Manual (LFM) for additional information.

a. Need, Objectives and Goals

Briefly describe the activity and put it in the context of NSF's overall portfolio of activities, including:

- Why the investment is important, relevant and appropriate;

- How the activity aligns with NSF's Strategic Plan objectives (each of NSF's strategic goals has associated objectives, described in the NSF Strategic Plan); and

- How the activity complements, or differs from, ongoing activities.

b. Deviations from the *Proposal & Award Policies & Procedures Guide*

Identify and provide a brief rationale for any significant deviation(s) from the PAPPG. For example:

- Restricted eligibility
  - o Any limitations on types of organizations and/or individuals; and/or
  - o Any limitations on numbers of proposals from organizations and/or individuals;
- Additional review criteria
- Additional reporting requirements and/or specialized terms and conditions of resulting awards[2].

c. Management, Budget, Staffing, Proposal and Award Processing and Monitoring and Assessment

Explain the program management responsibilities, budget, staffing, proposal review and award process and monitoring and assessment of the activity.

(1) Management. Describe who will be responsible for:

- Policy implementation, including oversight and general management of the review process; and
- Coordination when the activity is collaborative with other funding partners, including Federal funding agencies or other domestic or international partners (Note that an MOU, when required, should accompany the management plan. See PAM IX.B.1 for additional information on MOUs).

[2] Any request for additional reporting information for a group of proposals, beyond that required by the annual and final project reports, must receive approval from the Office of Management and Budget (OMB) prior to publication in a program solicitation. POs should consult with the Reports Clearance Officer in the Office of the General Counsel (OGC) to obtain any necessary approvals prior to submitting the solicitation to BFA for clearance. The OMB approval correspondence should be uploaded into the PIMS comment functionality. POs should be aware that the OMB approval process typically takes six months or more.

(2) Budget.

- Internal Administration

    - o Estimated costs of the review process (panelists, per diem, travel, site visits, etc.); and

    - o Estimated costs for post-award monitoring and assessment (attendance at PI meetings; site visits; Committee of Visitors (COVs); etc.)

- Award Funding

    - o Total funding available for awards

- Budget Availability

    - o Confirm (1) the source(s) of internal administrative and award budgets and (2) that the responsible NSF parties have sufficient funds.

For multi-Directorate activities, the Management Plan also must specify the type and duration of budget commitments, the mode of decision-making, the mechanism for documenting budgetary commitments and the tracking of actual spending from the options identified below.

(a) Type of Budget Commitment

- Option 1(a): Firm commitment to the specific funding opportunity

The participating Directorates/Offices commit to participate in and contribute funding to proposals submitted in response to the specific funding opportunity. The dollar amounts of the contributions must be specified.

- Option 1(b): Firm commitment to the overall activity

The participating Directorates/Offices commit to participate in and contribute funding to the overall activity, either by funding proposals submitted in response to the specific funding opportunity or via funding proposals submitted in response to the Directorates'/Offices' respective core programs. The dollar amounts of the contributions to the specific funding opportunity and the core programs must be specified separately.

- Option 2: Soft commitment

The participating Directorates/Offices intend to participate in the funding opportunity, but do not make any specific funding commitments.

Note: a participating Directorate is defined as an NSF Directorate or Office that commits to participate in and contribute to a multi-Directorate initiative. Being listed as a participating Directorate or Office necessitates neither the participation in any specific solicitations or DCLs associated with the initiative nor a firm budget commitment to a solicitation or DCL on which a Directorate or Office is being listed, except as articulated in the management plan as described above.

(b) Duration of Budget Commitment

- Option 1: Commitment over a defined period of time as specified in the management plan for the overall multi-Directorate activity

- Option 2: Commitment to the specific solicitation/DCL only

(c) Mode of Decision-Making

- Option 1: Joint decision-making with pooled funding (e.g., Critical Resilient Interdependent Infrastructure Systems and Processes; Dynamics of Coupled Natural and Human Systems; and National Research Traineeships)

The participating Directorates/Offices do not make independent decisions. The decisions are made by a designated working group, which is chaired by the lead program staff. The group makes decisions to create a balanced portfolio for the multi-Directorate activity with the ultimate goal of maximizing the impact. In other words, the funding contributed by participating Directorates/Offices may not be proportionally distributed to their disciplinary areas. In the case when not enough quality proposals are submitted to utilize all committed funding, the remaining funding will be returned to the participating Directorates/Offices proportionally to their contribution amount. A list of the members of the designated working group and an overview of the joint decision-making process that will be used must be specified. This option necessitates the Budget Commitment Option 1(a) Firm commitment and the Duration of Budget Commitment Option 1 Commitment over a defined period of time, as specified in the management plan for the overall multi-Directorate activity, to support long-term program planning and budgeting.

Sample decision-making language for management plans: The Directorate/Office commitments specified in this management plan will be pooled for the period FY XXXX-YY. For each competition during this period, members of the Program Officer Working Group will work together to consider *the advice of the review panel(s) and reach consensus on a set of proposals [submitted to this competition (if Option 1(a) under Type of Budget Commitment)] to be recommended for funding. These proposals will comprise a range of projects that collectively form a strong portfolio advancing the common goals of this competition. If members of the Program Officer Working Group are unable to recommend a set of projects that together utilize all funds designated for this competition, the uncommitted funds will be returned to the participating Directorates/Offices proportionately with the Directorates'/Offices' respective total contributions to the competition. In the case that a consensus cannot be reached by the Program Officer Working Group, the final decision will be made collectively by the Deputy Assistant Directors of the participating Directorates/Offices.*

- Option 2: Independent decision-making with joint discussions (e.g., Designing Materials to Revolutionize and Engineer Our Future; and Industry/University Cooperative Research Centers)

The participating Directorates/Offices make decisions independently after discussions with collaborating Directorates/Offices. Co-funding is optional. This option necessitates the Budget Commitment Option 1(a) Firm commitment and the Duration of Budget Commitment Option 1 Commitment over a defined period of time as specified in the management plan for the overall multi-Directorate activity, to support long-term program planning and budgeting.

Sample decision-making language for management plans: The overall budget for the activity is established through discussions with partnering Directorates/Offices. Each partnering Directorate/Office decides its contribution, manages and reviews its proposals and funds its awards independently of the other partners. Budget commitments are firm for each competition during the period FY XXXX-YY unless sufficient proposals related to Directorate/Office activities are not received. Proposals related to two or more Directorates/Offices may be co-reviewed and, if highly ranked, may be co-funded. One benefit of this approach is that potential overlap is avoided and a strong portfolio of collaborative projects is developed.

- Option 3: Independent decision-making (e.g., Faculty Early Career Development Program)

The participating Directorates/Offices make decisions independently without consulting with other Directorates/Offices.

Sample decision-making language for management plans: The overall funding for the program is established independently by each participating Directorate/Office. Budgets are not set aside separately but are instead parts of existing program budgets. Participating Directorates'/Offices' staffs manage, review and fund proposals and administer awards according to their own processes and without any central coordination.

- Option 4: Independent decision-making with matching fund (e.g., RAISE: Research Advanced by Interdisciplinary Science and Engineering)

Participating Directorates/Offices make decisions independently and seek matching funds according to processes specified in the corresponding funding opportunity.

Sample decision-making language for management plans: The overall budget for the program is held centrally with matching funds available for the participating Directorates/Offices. The primary proposal review and processing is de-centralized and managed through existing Programs and Divisions within the participating Directorates/Offices.

- Option 5: Other (e.g., ADVANCE: Increasing the Participation & Advancement of Women in Academic Science and Engineering Careers; the Graduate Research Fellowship Program; and Science & Technology Centers)

This option is reserved for unique circumstances not described above. The examples include programs that are of broad interest to NSF Directorates/Offices but require particular Program Office content expertise and/or use of specialized systems or management processes.

In these cases, the lead Directorate(s)/Office(s) are expected to fully describe the decision-making process in the management plan, including descriptions of how related working groups are formed and will participate in the decision-making process. The multi-Directorate programs in this category still need to address the other elements in this document. The management plan and the decision-making process will be reviewed and agreed to by all participating Directorates/Offices.

(d) Mechanism for Documenting Budgetary Commitments and the Tracking of Actual Spending for Multi-Directorate Activities

- Budgetary Commitment: The management plan should indicate how the budgetary commitment will be tracked. For investments that are captured in the Budget Division's Thematic Management System (TMS), TMS will be the system of record. For other funding opportunities, the management plan should specify the mechanism for recording the commitment.

- Tracking of Spending: Program reference codes (PRCs) may be developed to facilitate programmatic tracking of projects supported by the activity. All participating Directorates/Offices must agree to use the reference code(s). This is particularly important for Options 3, 4 and 5 under Mode of Decision-Making. However, while PRCs may be used to bin proposals and categorize awards in eJacket, FastLane and other systems, they are no longer valid for financial tracking with iTRAK. To track funding:

- o Divisions may continue using whatever mechanisms are currently used (e.g., key word searches, Awards System queries, proposal titles and PRCs as sorting tools).
- o Each funding Directorate/Office will delineate its tracking mechanism in the management plan. Advance consultation with support staff to discuss the best tracking method for a given situation is encouraged.
- o If a working group wishes to track overall activity funding (as opposed to self-reporting by individual Directorates/Offices), it will need to agree upon a common tracking mechanism in advance and record it in the management plan.

(3) Staffing.

- Staffing Requirements, including the number of Full Time Equivalency (FTE).
- Staffing Availability, including confirming that adequate staff resources are available and describing how the activity will be accommodated within existing resources (management plans should not include requests for additional resources). Specifically address responsibility for the following:
    - o Programmatic inquiries and logging or assigning incoming proposals;
    - o Award funding; and
    - o Broadening participation outreach: plans for increased participation of underrepresented groups and institutions (such as activities to advertise the Program; workshops for investigators; provisions for student participation; technical assistance for grantees).

For multi-Directorate activities, the management plan also should indicate:

- The scientific and administrative staffing commitments (i.e., number of FTEs) from each participating Directorate/Office; and

- For Option 1: Joint decision-making with pooled funding, the appropriate percent time commitments for the working group members (such commitments are important to support the time and effort required by staff to make joint working group decisions).

Note that consideration of monitoring and oversight responsibilities should be factored into the percent time commitment of working group members.

(4) Proposal and Award Processing.

- Type of Review
  - o Planned process for merit review. For panel review, include panel structure (e.g., single or multiple panels, plans for sub-panels, etc.)
- Calendar
  - o Schedule for processing, review and award (from receipt of proposals through availability of award documentation to the Division of Grants and Agreements (DGA) or DACS/CSB)

- Expected Duration of Funding Opportunity/Program

- Anticipated life of the Program – number of years

(5) Monitoring and Assessment.

Describe plans for monitoring and assessment. The plan may include such elements as:

- Annual and final reports;
- PI meetings;
- Site visits;
- Collaboration with DIAS, DGA, DACS/CSB and LFO, as applicable, on BFA Post Award Advanced Monitoring Activities;
- COVs - as scheduled for COV review cycle;
- Technical assistance to grantees;
- Data collection - consistent with NSF policies for information collection;
- External evaluations; and
- Other relevant elements.

For multi-Directorate activities, management plans also should include an overview of how the activity will be monitored and overseen through the duration of the activity and the role that the designated working group members and lead Directorate(s)/Office(s) have in these responsibilities.

E. Changes in Program Announcements and Solicitations

Once a program announcement or solicitation and its accompanying management plan have been approved by BFA, the author(s) of the document may edit or update the following sections and fields without additional BFA approval:

- Section VIII. Agency Contacts;
- Section IX. Other Information;
- Related NSF Documents;
- Related URLs; and
- Related Programs.

All other changes must be approved by BFA prior to issuance. Depending on the nature of the change, it may be necessary to extend the deadline date for proposals to make sure potential proposers have sufficient time to prepare or revise their proposals to take those changes into account.

Please contact the NSF Clearance Coordinator in the DIAS Policy Office to discuss changes other than those outlined above.

It is important that program information be kept current in PIMS, which electronically feeds data to the NSF website, FastLane and Grants.gov. Therefore, all funding opportunity documents (program descriptions, announcements and solicitations) as well as related documents (such as DCLs and FAQs) should be reviewed and updated, if necessary, by the cognizant program office staff on an annual basis.

F. Publication on the NSF Website

Once BFA has provided final clearance approval, the Division of Administrative Services (DAS)/Information Dissemination Branch (IDB) staff typically post documents within 24 hours to the NSF website. All funding opportunity documents posted on the website must have an internal PIMS status code associated with them. Information on the status codes can be found on the DIAS Policy Office Clearance webpage.

Chapter III - Letters of Intent and Preliminary Proposals

A. Letters of Intent

Guidance on Letters of Intent (LOIs) is contained in PAPPG Chapter I.D.1. LOIs are not binding documents and may not be used in the selection of proposals or in lieu of a preliminary proposal. An LOI is a statement of a proposer's preliminary plans for the project, with the understanding that the senior personnel, collaborating organizations or proposed plans may change between submission of the LOI and submission of the full proposal.

Staff must use PIMS to prepare LOI content instructions for proposers if they are adding LOI requirements during development of a program solicitation. Requirements can include dynamic text fields and solicitation specific instructions. Adding LOI requirements in Proposal Preparation Instructions allows LOI information to appear in FastLane once a program solicitation is cleared in PIMS.

Proposers should have not less than 30 days from availability of the program solicitation to submit the LOI. If a proposer fails to submit a required LOI identified in a program solicitation, program staff should return the full proposal without review by using the "Not Responsive to the NSF Funding Opportunity" category in eJacket.

B. Preliminary Proposals

Guidance on preliminary proposals is contained in PAPPG Chapter I.D.2. The content requirements for preliminary proposals should be tailored to the specific needs of the Program and must be clearly delineated in the program solicitation. Staff must use PIMS to specify preliminary proposal preparation and submission instructions. This allows preliminary proposal requirements to appear in FastLane once a program solicitation is cleared in PIMS.

After submission, preliminary proposals are stored in the eJacket system.

1. Types of Decisions

The program solicitation must identify the type of decision that will result from the review process: Binding or Non-Binding. Internal procedures for each type are noted below.

a. Binding (Invite/Not Invite) Decisions

Guidance on binding preliminary proposals is contained in PAPPG Chapter I.D.2.a. A review analysis must be completed by the cognizant PO to document the invite/not invite decision.

Upon completion of the review process and after concurrence by the DD on the invite/not invite decision, program staff must electronically notify the PI and the organization's Sponsored Projects Office (SPO) inviting submission of a full proposal or declining NSF support. Copies of reviews and/or panel summaries should be included in the correspondence to the PI only.

b. Non-Binding (Encourage/Discourage) Decisions

Guidance on non-binding preliminary proposals is contained in PAPPG Chapter I.D.2.b. A review analysis must be completed by the cognizant PO to document the encourage/discourage decision. DD concurrence is not required for encourage/discourage decisions.

Upon completion of the review process, program staff must electronically notify the PI and the organization's SPO encouraging or discouraging submission of a full proposal. Copies of reviews and/or panel summaries should be included in the correspondence to the PI only.

c. Returned without Review

Guidance on return without review policy is contained in PAPPG Chapter IV.B. Preliminary proposals must conform to the proposal preparation and submission requirements identified in the relevant program solicitation and preliminary proposals that are not in compliance with these requirements must be returned without review. Program staff should select the category in eJacket that corresponds to the reason the preliminary proposal was returned. The reasons a preliminary proposal may be returned without review differ slightly from the reasons for return of full proposals.

After concurrence by the DD that the preliminary proposal should be returned without review, program staff should promptly send a notification to the PI and the organization's SPO stating the reason why the proposal was returned without review.

2. Merit Review Requirements

External review is required for any binding decision made on a preliminary proposal (see PAM Chapter V.B.3). In unusual circumstances, use of internal review for binding decisions may be appropriate. In such cases, advance approval of internal review for binding decisions must be received from the NSF Director (or designee) in accordance with PAM Chapter V.B.2.

External review is not required for any non-binding decision made on a preliminary proposal. If internal review of non-binding proposals is anticipated, this must be clearly stated in the program solicitation.

3. Preliminary Proposal Customer Service Standards

For binding decisions, proposers must have:

- Not less than 90 days from availability of the program solicitation to submit a preliminary proposal.

For non-binding decisions, proposers must have:

- Not less than 60 days from availability of the program solicitation to submit a preliminary proposal.

C. Records Retention Requirements for Letters of Intent and Preliminary Proposals

Preliminary proposals for which a binding decision is made (invite/not invite) must follow the same NSF record retention schedules as awarded and declined proposals. An "invite" decision permits the proposer to submit a full proposal which may be awarded or declined. A "not invite" decision is equivalent to a decline action and therefore, the preliminary proposal information should be retired on the same schedule as declinations.

Preliminary proposals for which a non-binding decision is made (encourage/discourage) have been determined by the National Archives and Records Administration (NARA) to fall into the category of documents of short-term interest which have no documentary or evidential value.

LOIs also have been determined by NARA to fall into the category of documents of short-term interest that have no documentary or evidential value. See PAM Chapter XIII.D for further information regarding retention and retirement of other NSF proposal and award records.

Chapter IV - Proposal Receipt and Initial Administrative Handling

A. Initial Administrative Processing of Proposals

The NSF organization responsible for the initial administrative processing of proposals is the Proposal Processing Unit (PPU) within the Division of Administrative Services. PPU processes approximately 50,000 proposals annually. PPU accesses the proposals that are submitted to NSF after FastLane automatically assigns them a proposal number. PPU staff check the printed document for font and image issues and work with the Division of Information Systems (DIS) on an appropriate resolution.

B. Misdirected Proposals

When proposals first arrive in the program office, they are administratively screened by program staff to ensure that they conform to the proposal preparation requirements contained in the PAPPG, the NSF *Grants.gov Application Guide* and/or special requirements identified in the relevant program solicitation. Occasionally, a program officer may feel that a proposal is more appropriate for consideration by another NSF Program. When this occurs, representatives from the two Programs must consult and decide on the appropriate course of action. Program staff also make any necessary data entry changes at this stage.

C. Full Proposals Not Accepted or Returned Without Review

1. Policies and Procedures

Proposals may not be accepted or must be returned without review (RWR) if they are not in compliance with NSF proposal preparation requirements. A detailed list of compliance checks by type of proposal performed by NSF's electronic systems can be accessed on the DIAS Policy Office website. Guidance on full proposals not accepted or returned without review is contained in PAPPG Chapter IV.B.

Staff are reminded that proposals submitted via Grants.gov require additional administrative screening to ensure that they are submitted by the due date and comply with NSF proposal preparation requirements, given that Grants.gov does not perform the same level of automated compliance checking as FastLane. POs can determine if a proposal was received from Grants.gov by using the "Customize Columns" feature in eJacket "My Work" and adding the "Source" column to the display. A "G" indicates the proposal was submitted via Grants.gov; an "F" indicates it was submitted via FastLane.

After concurrence by the DD that the proposal should be returned without review, program staff should promptly send a notification to the PI and the organization's SPO stating the reason why the proposal was returned without review.

2. Reversal of a Final Action

In situations where a final action (award, decline, withdrawal or return without review) was erroneously performed and needs to be reversed, the following procedures should be followed. This process may be used to reverse final actions on full proposals and binding preliminary proposals.

Program staff must obtain the following documentation and upload it into eJacket for the affected proposal:

a. A re-signed FastLane Cover Sheet/Certification pages -- scanned and attached in an email to NSF. To access the Cover Sheet/Certification pages, the proposer should log into FastLane and access the affected proposal. Using the "View Submitted" function, they can view the completed document, print and re-sign it and email it to the cognizant PO;

b. A diary note which documents the rationale for reversing the final action;

c. A signed pdf file from the proposer that documents the continued availability of staff and resources; and

d. Concurrence of the DD.

Once all of the necessary documentation has been uploaded to eJacket, Program must contact the DIAS Policy Office (policy@nsf.gov), who will provide authorization that can be sent to DIS to reset the proposal to a pending status.

Should a DD wish to reverse the decision on a previously declined proposal and return it to a pending status for it to follow the recommendation process, then the procedure for reversal of decline decisions described in PAM Chapter VI.I.4.e must be followed.

D. Proposals Requiring Special Handling

Proposals from National Science Board members or appointees, or from former, current or prospective NSF employees, require special handling.

1. Procedures for Handling Proposals from National Science Board (NSB) Members and Appointees

NSB members and persons the President has announced an intent to appoint as members ('appointees') may submit proposals and may serve as PIs or co-PIs on awards. NSB members and appointees must inform the Board Office when they submit a proposal to NSF. The notification must include the funding opportunity number to which they applied and the name of the PO to whom the proposal is assigned, where known.

Proposals from NSB members or appointees will trigger a flag in the eJacket system. When a proposal is received that triggers the NSB flag, the cognizant PO must notify the Directorate Conflicts Official and the NSB Office that he/she has been assigned a proposal from an NSB member or appointee. The NSB Office will then discuss with the PO the procedures for handling proposals from NSB members or appointees.

All new, full proposals submitted by current NSB members must be externally reviewed, even when the proposal falls into one of the exception categories noted in PAM Chapter V.B.2.

The NSB Office will contact the PI to arrange for a substitute negotiator as documented by a Substitute Negotiator Letter, if one has not already been identified in a letter submitted with the proposal, and will notify the cognizant PO when this is complete. The NSB Office will forward the letter to the PO for uploading into the "Correspondence" folder in eJacket.

POs must not contact NSB members or appointees on any matter regarding the proposal. All contact must be through the designated substitute negotiator.

If the cognizant PO recommends a decline, no further special action is necessary.

If the cognizant PO recommends making an award:

- The NSB Office must be notified immediately;
- The PO will send the NSB Office the full proposal, panel summary (if applicable), all reviews and the review analysis for an information item that gives NSB members the opportunity to evaluate the merit review process. Board review may take place in Executive Closed Session of Board meetings or by polling Board members between meetings;
- Awards that trigger the Director's Review Board (DRB) thresholds (see PAM Chapter VII) require DRB approval before review by the Board;
- At the conclusion of the Board evaluation, the Board Office notifies the PO of the completion of the process.

The NSB Office will document completion of the Board's review in a memo to the cognizant PO which will be uploaded to eJacket in the "NSB Official Review Documentation" tab located in the "Non-award, Award, & Post-Award Documents" section of the Document Summary. The eJacket system will not allow the PO recommendation or DD concurrence of the proposal until the NSB document is uploaded. The substitute negotiator is notified only after the NSB review is complete. NSB members and appointees may not receive salary under any new award made during their tenure on the Board. NSB members' receipt of compensation or expenses from an NSF award is governed by NSF Regulation at 5 Code of Federal Regulations (CFR) 5301.105(b)(2).

2. Procedures for Handling Proposals from PIs Who Are Former, Current or Prospective NSF Employees[3] and IPAs

Current and prospective NSF employees, and former NSF employees for one year following separation, must designate a substitute PI or substitute negotiator in accordance with NSF Manual 15, *Conflicts of Interest and Standards of Ethical Conduct,* Section 34 and require conflicts of interest (COI) flags, which are set by NSF COI officials. These provisions apply to all NSF employees, Intergovernmental Personnel Act employees (IPAs) and special employees at grade 12 or equivalent and above.

Former NSF Employees - The NSF policy on handling proposals from PIs who are former NSF employees or IPAs is contained in PAPPG Chapters II.C.1.f and VII.B.2.e.

Current NSF Employees - Current NSF employees or IPAs may not submit new proposals to NSF during their tenure at the Foundation.[4] As such, any proposal must be a continuation or extension of support for work on which the employee or IPA played a role prior to his/her arrival at NSF. Any proposal for continuation of NSF support at essentially the same level (with reasonable allowance for inflation) will normally be considered a proposal for continuation or extension if it would support the work and the laboratory or group (if any) in the same general field of science, engineering or education, notwithstanding that the focus of the work may change in response to research opportunities or educational needs. Examples of proposals that will not be considered continuations of prior work include: a new EAGER proposal; a new Faculty Early Career Development Program (CAREER) proposal; a resubmission of a declined proposal; a proposal based on a grant that expired years ago; or a proposal based on an existing grant that has more than one year remaining until its end date. Advance approval prior to submission of a continuation proposal must be obtained from OGC and the cognizant Division COI Official. Such approval must be uploaded as a single-copy document.

Per NSF Manual 15, Section 34, someone other than the employee or IPA must submit any such proposal for continuation or extension of NSF-supported work and handle all negotiations with NSF. If the work would not begin until after the employee or IPA leaves NSF, the employee or IPA may be named as the PI, but a substitute negotiator must be named per the process outlined in the "Former NSF Employees" section above.

In cases where work under a resulting grant would begin before the employee or IPA leaves NSF, a substitute PI must be named. The substitute PI's name should

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[3] Includes those employees with Visiting Scientist, Engineer or Educator (VSEE) appointments.

[4] Preliminary proposals may be subject to similar limitations. Consult the Division COI Official or OGC.

appear on the Cover Sheet and the Budget, in place of the current NSF employee or IPA's name. In addition, the NSF employee or IPA should not include Results from Prior NSF Support in the Project Description; only the substitute PI's information should be included in that section of the proposal. Should the substitute PI have no prior NSF results that meet the criteria described in PAPPG Chapter II.C.2.d.(iii), then no Results from Prior NSF Support would need to be included in the Project Description for them. An explanatory note should be uploaded to the Supplementary Documentation section of the proposal, along with the NSF employee or IPA's Biographical Sketch, Current and Pending Support information and his/her Results from Prior NSF Support.

The managing PO, DD and administrative reviewer have full access to the proposal and review information. If other staff members require access, they must seek authority to do so from the Division COI Official who may consult OGC as needed.

Prospective NSF Employees - Before a tentative offer is made for employment or an IPA assignment with the Foundation, the recruiting organization's Conflicts Official must complete Part I of the NSF Form 1255 which asks whether the prospective employee has any pending NSF proposals or active grants. The employment or IPA assignment may begin any time after the recruiting organizations' Conflicts Official signs Part 2 of the form certifying conflicts resolution. See NSF Manual 15, Section 34 for additional information. A substitute negotiator does not need to be designated for a particular grant of a prospective NSF employee or IPA if the final project report has been submitted and the cognizant PO has approved the project report.

E. Proposal File Updates

1. Policy

Guidance on proposal file updates is contained in PAPPG Chapter III.C. POs should not approve changes to the content of a previously submitted proposal after the timeframes specified in the PAPPG.

When a request is accepted, the proposed files or revisions to proposal data will immediately replace the existing files or data and become part of the official proposal. An electronic stamp indicating the date that the proposal has been updated is placed on the proposal Cover Sheet by FastLane. If more than one file update for the proposal has been approved then the date will be that of the most recently approved request.

While organizations are able to request changes to many areas of the proposal via the Proposal File Update module, the following areas remain unavailable for change:

- Programs/NSF Unit of Consideration;

- Awardee Organization (changes are permitted if the proposer is an unaffiliated individual);
- Performing Organization;
- Due Date;
- Funding Opportunity number; and
- Letter of Reference Writers (associated with Postdoctoral fellowship proposals).

2. Responsibilities and Procedures

POs can approve or reject Proposal File Update requests via the "My Work" workflow in eJacket.

Reviewers/Panelists cannot be assigned to proposals that have a pending update request. POs must approve or reject the update request before assignment of reviewers can proceed. It is the responsibility of program staff to ensure that the latest version of a proposal is sent to reviewers.

Chapter V – Merit Review Process

A. NSF Merit Review Criteria

1. Policy

Guidance regarding the merit review process is contained in PAPPG Chapter III. Proposals that comply with NSF proposal preparation requirements must receive proper consideration in accordance with the general criteria established by the NSB. In addition, where applicable, proposals will be reviewed in accordance with any supplemental Program-specific criteria that have been made publicly available in relevant program solicitations. POs, however, may return without further review previously declined proposals that, in their judgment, have not been substantially revised to address comments of previous reviewers (see PAPPG Chapter IV.B for guidance). In such instances, the proposal should be assigned the "Returned without Review – Not revised after prior decline" category in eJacket.

2. Quality and Transparency of the Merit Review Process

NSF's task of identifying and funding work at the frontiers of science and engineering is not a "top-down" process. NSF operates from the "bottom up," meaning it is the job of the Program Officer to protect the integrity of the process, keep close track of research around the United States and the world, maintain constant contact with the research community to identify ever-moving horizons of inquiry, monitor the areas most likely to result in spectacular progress and choose the most promising people to conduct the research.

Nearly every proposal, whether solicited or unsolicited, receives the same rigorous and objective treatment, and it is the PO’s role to ensure that this takes place. Proposals are evaluated by independent reviewers consisting of scientists, engineers and educators, who do not work at NSF or for the organization that employs the proposing researchers. NSF selects the reviewers from among a pool of experts in each field and their evaluations are anonymous. The reviewer’s job is to provide advice on which projects are the very highest priorities. This competitive process, called "merit review," ensures that many voices are heard and that only the best projects make it to the funding stage. An enormous amount of research, deliberation, thought and discussion goes into the final recommendations of the independent reviewers.

The PO’s role is to provide an accurate summary of how a decision was reached to either fund or decline a given proposal and justify the expenditure of Federal funds.

The PO is responsible for shaping the nation's science and engineering (S&E) enterprise, developing the S&E workforce, development of scientific infrastructure and ensuring that underrepresented groups and diverse organizations across all geographic regions are included in the scientific enterprise of the Nation. POs are the heart and soul of this process and it is essential that they understand that their role is to protect the integrity of the merit review process while at the same time contribute to its quality and transparency.

The DD must ensure that programmatic priorities align well with the strategic goals of the Division, Directorate/Office and Foundation overall. To do this, the DD must create an atmosphere of collegiality in the Division that fosters open communication about standards and "best or effective practices" of the merit review process and the challenges and opportunities for the science and broader impacts supported through programs that reside in the Division. The DD is an executive and manager of people who through leadership must provide support and proper guidance to POs without directly managing the review process itself. In this role, it is imperative that the DD understand and oversee the work flow and work load in all aspects of merit review to maximize the effectiveness of all Division staff associated with proposal processing. See also PAM Chapter VI.H.2.a and VI.I.2 for additional information regarding the responsibility of the DD to make final programmatic decisions with respect to awards and declines.

Together, POs and DDs share responsibility for the public face of the NSF awards from their Division as represented by the award titles and abstracts. They also share responsibility to establish and maintain the highest standards of integrity and quality of the merit review process. Their roles are different and both are important.

3. Transformative Research

A core value for the Foundation is the support of potentially transformative research - research that revolutionizes disciplines, creates new fields or disrupts accepted theories and perspectives. All reviewers and all NSF staff are expected to identify proposals that have the potential for transformative advances in science and engineering research and education.

By its very nature, transformative research often is challenging and frequently crosses disciplines. It questions the status quo by proposing new (sometimes radically new) ways of approaching a fundamental scientific question.

For additional information about transformative research, see the NSF Transformative Research website.

B. Use of External Reviewers

1. Policy

The Foundation's merit review process relies on the use of knowledgeable experts from outside NSF (peer review). Proposals must be evaluated by reviewers external to the Foundation, except as noted in section 2 below.[5]

Programs obtain external peer review by three principal methods: "*ad hoc*-only"; "panel-only"; and "*ad hoc* + panel" review.

In the "*ad hoc*-only" review method, reviewers are sent links to proposals and asked to submit written comments to NSF through FastLane.

"Panel-only" refers to the process of soliciting reviews from panelists who convene to discuss their reviews and provide advice as a group to the cognizant PO.

Many proposals submitted to NSF are reviewed using some combination of these two processes. Those programs that employ the "*ad hoc* + panel" review process have developed several different configurations, such as:

- *Ad hoc* reviewers submit reviews before the panel convenes and the panel's discussion is informed by the *ad hoc* reviews.

- A panel meets to discuss proposals. The panel and/or program staff may identify proposals where additional reviewing expertise would be helpful. After the panel, appropriate reviewers are asked to submit *ad hoc* reviews to supplement the panel's advice.

2. Exceptions to External Merit Review

The following categories/types of proposals do not require external merit review:[6]

a. Proposals to provide goods or services normally obtained through procurement mechanisms such as contracts, purchase orders and requisitions; or formal Requests for Proposals governed by Federal Acquisition Regulations. These include contracts and interagency agreements for surveys and data processing, for evaluation of fellowship candidates and for international scientific exchange programs and multinational scientific organizations.

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[5] All new, full proposals, however, submitted by current NSB members must be externally reviewed, even when the proposal falls into one of the exemption categories noted in section 2.h.-q. Additional instructions for processing proposals submitted by NSB members are located in PAM Chapter IV.D.1.

[6] A PO may obtain external review of a proposal whenever he/she deems that such review is appropriate, even when the proposal falls into the categories/type of proposals noted in this section.

b. Proposals that are not within the areas set forth for support in, or otherwise do not comply with the requirements of, the PAPPG or the specific solicitation under which they were submitted.

c. Previously declined proposals that, in the judgment of the PO, have not been sufficiently modified to address comments of previous reviewers.

d. Proposals on topics explicitly excluded from funding eligibility by NSF policy as set forth by the NSB (such as clinical medical research or foreign organizations not meeting the criteria listed in PAM Chapter VIII.H).

e. Proposals withdrawn before external review is initiated.

f. Certain changes to proposals that have already been awarded, including:

(1) Incremental funding amendments to previously reviewed awards, within the time period and scope for which a prior commitment was made (e.g., out-year funding for continuing grants);

(2) No-cost extensions;

(3) Supplements, as defined in PAM Chapter XI.B.3;

(4) Supplements to add an international dimension to an active domestic research project;

(5) Supplements to cover increased costs due to changes in NSF grant administration requirements;

(6) Augmentations to active NSF grants for which funds have been transferred from another Federal agency;

(7) Awards resulting from a PI's change of organization, provided there is no substantial increase in the level of funding or change in the grant objectives;

(8) Ship operations in support of externally reviewed grants; and

(9) Services to a research community, the nature, quality, scope and cost of which have been examined within three years prior to the award by the appropriate advisory committee (a copy of the pertinent minutes will be included in eJacket instead of reviews).

g. Proposals for Intergovernmental Personnel Act awards.

h. Proposals for which external review has been waived by the NSF Director or his/her designee. Any such requests for a waiver should specify the class of proposal or Program for which the exception is requested, the justification for the exemption and the time period for which the request is made.

i. Non-binding (encourage/discourage) preliminary proposals, as defined in PAPPG Chapter I.D.2.

j. Proposals for Rapid Response Research (RAPID), as defined in PAPPG Chapter II.E.1.

k. Proposals for EArly-concept Grants for Exploratory Research (EAGER), as defined in PAPPG Chapter II.E.2.

l. Proposals for Research Advanced by Interdisciplinary Science and Engineering (RAISE), as defined in PAPPG Chapter II.E.3.

m. Proposals for services provided by another Federal agency (e.g., in support of Polar Programs).

n. Modifications, improvements or additions to ships in the "academic fleet," when required for reasons of safety.

o. Proposals for travel grants, either to an individual or to an organization.

p. Proposals for conferences, subject to the following guidelines:

- Proposals up to $50,000 do not require external merit review, but rather are subject to the judgment and recommendation of the cognizant PO.

- Proposals that exceed $50,000, but are up to $100,000, external review may be waived by the cognizant DD or Office Head. The waiver request must include a justification regarding why external review of the proposal should be waived. If the cognizant DD or Office Head approves the waiver, then an internal review performed by at least three POs, in addition to the cognizant PO, is required to guide the recommendation process. The funding decision must be fully justified and documented in eJacket. Should the cognizant DD or Office Head deny the waiver request, external review of the proposal must be conducted.

- Proposals that exceed $100,000 must be externally reviewed. Because conflicts of interest may make it challenging to conduct the review, the cognizant PO is urged to consult with POs from other Divisions to design an appropriate review process.

q. Proposals that are undertaken for the purposes of planning or assessment.

r. Proposals that are under the auspices of international cooperative scientific programs.

s. Proposals that present an extraordinary problem in obtaining external review (e.g., due to subject matter, potential conflicts, etc.). In such cases, the determination whether to seek external review is made by the NSF Director or the Director's designee on a case-by-case or class basis, and a copy of the determination is included in eJacket.

3. Number of External Reviewers To Be Used

Whichever method (or combination of methods) of merit review is used (as described in section B.1 above), programs are responsible for assuring that appropriate, qualified merit reviewers are selected and that an acceptable number of reviewers adequately address each of the merit review criteria. Except as noted in section B.2 above, all full proposals must be reviewed by three to eight reviewers. If the number of external reviews is less than three or when the number of panelists reviewing the proposal is less than three, the cognizant PO must provide a justification in the eJacket Review Record, which cites the relevant exemption from section B.2. If no reviews have been obtained, a waiver must be obtained from the NSF Director or the Director's designee, in accordance with section B.2.

4. Selection of *Ad Hoc* and Panel Reviewers

a. Guidance on the optimal characteristics of reviewers is contained in PAPPG Chapter III.B.

In addition to the guidance contained in the PAPPG, important factors to consider include the following:

(1) *Type of organization*. Reviewers should represent small, medium, and large organizations, including non-profit and for-profit organizations. Whenever possible, concurrent appointments of individuals from the same organization should be avoided.

(2) *Reviewer diversity*. Special attention should be paid to obtaining qualified persons from underrepresented groups and individuals with disabilities.

(3) *Age distribution*. Reviewers should be selected from as broad a range of age groups and stage of career as feasible.

(4) *Geographic balance*. Reviewers should be drawn from as broad a set of geographical areas as feasible.

b. It is seldom possible to meet all of the above criteria in a small group reviewing a variety of proposals. Nonetheless, POs should strive to achieve a wide representation in the groups of reviewers used. A regular rotation of participants should occur on continuing or standing review panels. Replacements for members of standing review panels should be chosen to preserve or enhance representation as outlined in these factors. Particular attention should be given to types of reviewers who should be well represented but presently are not.

5. Possible Reviewer Conflicts-of-Interest

a. Implicit in the goal of including differing points of view is the need for the PO to be conscious of possible biases in the selection of reviewers and to be alert to any bias in the reviews received. NSF Manual 15, *Conflicts of Interest and Standards of Ethical Conduct*, Part II § 20–21, provides guidance on identifying possible reviewer conflicts-of-interest. Panel reviewers are considered "special Government employees," so the rules contained in Manual 15, Part II, apply to them. On the other hand, although *ad hoc* reviewers are not considered to be employees, Part II should still be used as a guideline in addressing conflicts-of-interest questions when selecting particular *ad hoc* reviewers.

POs should not select individuals as reviewers who are known by the PO to have disqualifying relationships. For example, the reviewer and the PI are from the same organization.

b. The PO must ask each proposal reviewer to indicate any possible conflicts-of-interest that the individual might have. Section C.2. below provides specific instructions and required language for use with both *ad hoc* and panel reviewers.

c. The PO must use the lists of affiliations and relationships in NSF Manual 15, Part II § 20–21, for guidance in responding to reviewer questions about conflicts concerns.

d. In addition to the lists of affiliations and relationships identified in NSF Manual 15, Part II § 20–21, the following situations also might be considered potentially biasing:

(1) Reviewer and proposer are known to be close friends or open antagonists;

(2) Reviewer has a proposal currently under review within the same area of research; or

(3) Reviewer has had a recent declination, substantial budget reduction or other unfavorable action from the Foundation.

e. The cognizant PO must record in eJacket all interests, affiliations and relationships revealed by reviewers or otherwise known to the PO that are relevant to that proposal. The PO must determine how, if at all, those interests, affiliations or relationships ought to affect the use of the review in assessing the proposal. The PO must describe both the determination made and the reasoning behind it. If the PO has any doubt about how to handle an issue, he/she should consult a Conflicts Official (located in his/her Division or Office) or an Ethics Counselor in the Office of the General Counsel (OGC).

6. Use of Congressional Staff to Review Proposals

Invitations to review proposals must never be extended to staff associated with the budgeting, appropriating or legislating Congressional committees or subcommittees that deal with the Foundation. This restriction also applies to the personal staff of any member of these committees.

Except in special circumstances, other Congressional committee or personal staff must not be requested to review proposals submitted to NSF. Under no circumstances may they be appointed to proposal review committees/panels or used repeatedly as *ad hoc* reviewers.

If a situation warrants the selection of such a Congressional staff person for review of a proposal, justification for the exception must be provided to the cognizant DD and clearances secured from the Office Head, Office of Legislative and Public Affairs (OLPA) and the NSF General Counsel before the review is requested.

7. Use of National Science Board Members to Review Proposals

Members of the NSB may review proposals prior to NSF recommendation only with the approval of the NSF Director. (For information on how to handle proposals from NSB members, see PAM Chapter IV.D.1.)

8. Use of Special Government Employees to Review Proposals

Programs that are considering the use of an NSF intermittent expert or consultant (i.e., an individual who works for NSF no more than 130 days in a year) as an *ad hoc* reviewer or panelist, must consult with OGC prior to issuance of the invitation.

9. Use of Federally Registered Lobbyists

A Presidential memorandum directed Executive agencies, including NSF, not to appoint or re-appoint Federally registered lobbyists to advisory committees, review panels or other similar groups. Therefore, no Federally registered lobbyist may serve as a panel reviewer.

A Federally registered lobbyist is any individual who is subject to the registration and reporting requirements of the Lobbying Disclosure Act of 1995, as amended, 2 United States Code (USC) 1605. An individual cannot be a Federally registered lobbyist at the time of appointment or reappointment to an NSF advisory committee, review panel or other similar group.

The Office of Management and Budget (OMB) also published "Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions". The revised guidance clarifies that the ban applies to persons serving on advisory committees, boards and commissions in their individual capacity and does not apply if they are specifically appointed to represent the interests of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry sector, labor unions, environmental groups, etc.) or State or local governments. Generally, NSF does not make these types of appointments.

In order to comply with these directives, individuals who register in the FastLane Panelist Functions module will be required to certify that they are NOT a Federally registered lobbyist as defined above or that they have ceased active lobbying as reflected in a filed bona fide de-registration, or that they have been de-listed by their employer, or that they have been absent from a quarterly lobbying report for three consecutive quarters. NSF staff should strongly encourage all meeting participants to register in the FastLane Panelist Functions module prior to commencing their travel to the meeting.

During registration, if an individual identifies him/herself as a Federally registered lobbyist, the meeting creator will receive an e-mail instructing him/her to delete that individual from the meeting in the system. The individual will not be allowed to participate in the meeting. If it is not discovered that an individual is a Federally registered lobbyist until he/she arrives for the meeting, or until after the meeting has started, the individual should be asked to leave immediately. The individual is not entitled to receive compensation, but NSF will pay transportation expenses for the travel home.

C. Information for Reviewers

1. Soliciting Reviews

a. A request to review a proposal must direct the reviewer to the NSB-approved merit review criteria and the relative importance of these criteria. No criteria may be included that were not described in the solicitation. Programs must ensure that correspondence with reviewers includes:

- An explicit request for a review (which can be generated using the eCorrespondence “Reviewer Letter: Review Request template”);
- Reference to the review criteria included with the rating format;

- An explicit request for comments on the quality of the prior work described in the "Results from Prior NSF Support" section of the proposal, if applicable;

- The statements on confidentiality and potential for conflicts-of-interest from section C.2. below; and

- A desired deadline for submitting the review.

b. If the use of vertebrate animals is mentioned in the proposal, POs must ensure that both *ad hoc* and panel reviewers are reminded to be sensitive to animal welfare in their evaluations and to comment if there appears to be any mistreatment of vertebrate animals. Further information can be found in PAM Chapter VIII.E.

c. If Uniform Resource Locators (URLs) have been included in the Project Description, POs should inform reviewers that they are under no obligation to visit such sites when conducting their review of the proposal. Reviewers also should be cautioned that their anonymity might be compromised when they directly access a referenced URL.

d. Unless a specific program solicitation requires submission of letters of support, reviewers should be reminded not to take letters of support into consideration, as they are not a standard component of an NSF proposal.

e. All review materials and review formats used in requesting merit reviews must be approved by the responsible Assistant Director/Office Head or his/her designee.

2. Identifying Reviewers' Conflicts-of-Interest and Maintaining Confidentiality

Reviewers will be asked to indicate any possible conflicts-of-interest they might have and be informed about the confidential treatment of proposals, reviews and the review process.

a. *Ad Hoc* Reviews

In the case of *ad hoc* reviews, the correspondence requesting the review must include a verbatim copy of the text below (statements on confidentiality and the potential for conflicts-of-interest are automatically included when using the eCorrespondence "Reviewer Letter: Review Request template"):

"NSF keeps reviews and your identity as a reviewer of specific proposals confidential to the maximum extent possible, except that we routinely send to Principal Investigators (PIs) reviews of their own proposals without your name, affiliation, or other identifying information. Please respect the confidentiality of all Principal Investigators and other reviewers.

Unauthorized disclosure of confidential information could subject you to administrative sanctions.

If you have an affiliation or financial connection with the organization or person submitting the proposal that might be construed as creating a conflict of interest, describe those affiliations or interests in the Conflict of Interest section under "Prepare Review", and contact the cognizant NSF Program Officer before completing the review.

An NSF Program Officer will examine the statement of affiliations or interests for the existence of a conflict of interest. If you do not include a statement of potential conflicts of interest, NSF assumes that you have no conflicting affiliations or interests."

b. Panel Reviews

In the case of panel reviews, the cognizant PO or other responsible personnel must inform panelists of confidentiality and the potential for conflicts-of-interest by:

(1) Ensuring that, before serving on the panel, each panelist has signed NSF Form 1230P, "Conflict-of-Interests and Confidentiality Statement for NSF Panelists." This includes people who submit an independent review for only one proposal and also participate in the panel discussion only for that one proposal. They must sign Form 1230P and are subject to the same conflict-of-interest rules as reviewers who participated in the whole panel.

(2) Including in communications to panelists a verbatim copy of the text below (statements on confidentiality are automatically included when using the eCorrespondence "Panelist Letter: Review Request template"):

"The Foundation receives proposals in confidence and protects the confidentiality of their contents. As a reviewer, you are obligated to maintain the confidentiality of both the proposal you are reviewing and also of your review.

Please observe the following practices to maintain confidentiality:

- Do not copy, quote from or otherwise use or disclose to anyone, including your graduate students or postdoctoral or research associates, any material from any proposal you are asked to review.

- If you believe a colleague can make a substantial contribution to the review, please obtain permission from the NSF Program Officer *before* disclosing either the contents of the proposal or the name of any proposer or PI.

- When you have completed your review, please be certain to destroy the proposal and/or delete any electronic correspondence or files related to the proposal.

- Safeguard the password that NSF has assigned to this panel ID-panelist combination.

NSF keeps reviews and your identity as a reviewer of specific proposals confidential to the maximum extent possible, except that we routinely send to Principal Investigators (PIs) reviews of their own proposals without your name, affiliation or other identifying information. Please respect the confidentiality of all PIs and of other reviewers. Do not disclose their identities, the relative assessments or rankings of proposals by a merit review panel or other details about the merit review of proposals.

Unauthorized disclosure of confidential information could subject you to administrative sanctions.

As NSF protects the confidentiality of proposals and of reviewers, it is important that as a reviewer you do not reveal to others prior to, during or after a panel meeting, that you have served as a reviewer on a specific panel. It is, however, recognized that you may need to advise your supervisor as to your absence due to serving on a panel. And, you may wish to include on your personal resume that you have served as a reviewer for NSF in a given year. This is allowable, but you should not indicate the specific dates of the panels on which you have served."

(3) At the beginning of the panel meeting, apprising panelists of the potential for conflicts-of-interest by reading the following statement:

> "If, when we come to consider any particular proposal, you recognize that you have a relationship with the organization or persons involved in the proposal that could be construed as creating a conflict-of-interest, please let me know. I'll ask you to describe the relationship in your own words and will determine from your description whether you may participate in reviewing the proposal. You must not participate in reviewing any application in which you, your spouse, your minor child, your business partner or any organization of which you are or may become a part has a financial interest."

D. Additional Guidance on Use of Panels

1. Overview

The panel review can be an especially effective and efficient mechanism for review of a large number of proposals. Panel members' assessment of the intellectual merit, broader impacts and scope of a project can prove invaluable when the PO is weighing which proposals to recommend for funding. The PO also may ask the panelists to provide suggestions on the adequacy of organizational resources and infrastructure or whether the overall budget or certain line items seem appropriate. Convening a panel does involve substantially more care in planning and logistics than an *ad hoc* review. Note that the eJacket eCorrespondence module provides a means of communication with an entire panel or individual panelists.

2. Formulation of Panels

When formulating a panel, the PO should adhere to the guidelines mentioned in section B above. NSF review panels operate under the Federal Advisory Committee Act (FACA) (5 USC Appendix 1) and the General Services Administration (GSA) Rule, "Federal Advisory Committee Management" (41 CFR part 101-6). FACA requirements as they apply to review panels are described on the Inside NSF website. NSF staff also may contact the Committee Management Officer (CMO), who is located in the Office of Information and Resource Management. POs are advised to familiarize themselves with these requirements prior to the convening of any review panel. Three months prior to the start of the panel, program staff should prepare a Notice of Meeting to be published on the NSF website and send it to the CMO and OLPA. If the meeting is fewer than 30 calendar days away, the CMO should be contacted immediately about how to file a "late meeting" notice. **The Notice of Meeting must not be skipped.**

3. Use of Virtual Panels

Virtual panels provide an efficient and effective alternative to the traditional model of bringing panelists to NSF headquarters. Virtual panel technologies can be used either to conduct a wholly virtual panel or to enhance an on-site panel by including virtual participants. Virtual panelists participate in the merit review process remotely using technologies which include, but are not limited to: telephone, video and telephone, Voice-over-Internet Protocol (VoIP) or any combinations thereof.

Virtual panelists are expected to fully participate in the merit review process and shall be held to the same guidelines, including confidentiality and conflicts-of-interest expectations, as face-to-face panelists. Any conflicts-of-interest that develops during the review process shall be handled in a manner consistent with NSF conflicts-of-interest rules and procedures. Virtual participants shall use the same Interactive Panel System (IPS) used by face-to-face panelists and shall fully participate in discussions and the development of panel summary documentation.

Using virtual panelists is consistent with NSF interests in increasing broader participation in the merit review process. It also provides many other benefits, such as increasing the pool of potential panelists by enabling participation of those whose professional commitments, geographical location or family obligations make it difficult to attend an on-site panel, enabling greater meeting flexibility and reducing the need for conference space, saving travel costs and providing opportunities to hold panels on non-consecutive days to allow more flexible participation and meeting schedules. It also has been found to be beneficial in the event inclement weather makes on-site reviews difficult or impossible.

Virtual panelists complement, but do not replace, the face-to-face reviews that NSF currently employs. This mechanism should only be used as a way to augment the selection of reviewers described in section B.4 above, taking into account programmatic requirements and goals. More information on virtual panels can be found on the Inside NSF website.

4. Conduct of Meetings

Managing a panel involves a coordinated working relationship between the cognizant PO and the Program Assistant. It may be helpful for staff who have never coordinated a panel meeting to solicit suggestions from other program staff in the Division who have experience running successful panels. There is no specific format for conducting panels; however, there are some general points to remember (see also section V.C.1). POs should:

- Ensure the integrity of the process;
- Ensure reviewers have the opportunity to provide an independent evaluation of proposals;
- Ensure the panel considers both merit review criteria, as well as any solicitation specific review criteria;

- Ensure the panel considers *ad hoc* reviews for each proposal, if appropriate; and

- Address unacceptable comments in both *ad hoc* and panel reviews.

Although panelists may ask questions of the PO regarding NSF policies or procedures, panelists should provide an independent evaluation of the proposals based on their professional/technical expertise and the information contained in the proposals.

The PO should then weigh the panel's comments against his/her own evaluation and make the final recommendation. NSF program staff must be present during all panel discussions and deliberations.

At the beginning of the meeting, panelists must be reminded of:

- The NSF conflicts-of-interest rules;

- The confidentiality of all proposals, reviews, panel discussions and reviewer identities;

- The protection of proprietary information and/or technical data;

- The importance of both merit review criteria in the review of proposals submitted to NSF and that <u>both</u> criteria should be given <u>full consideration</u> during the review process. Each criterion is necessary but neither, by itself, is sufficient;

- The Foundation's commitment to supporting as diverse a group of researchers and educators as possible; and

- The fact that their ranking of proposals is only a recommendation and that NSF makes the final decisions regarding awards.

Per NSF Bulletin 16-15, the NSF organization responsible for a panel must ensure that all panelists sign into FastLane each day they attend. At the conclusion of the panel, administrative staff must verify that each panelist electronically signed-in for each day he/she was present, before submitting a request for payment through the Guest system. Further guidance on this process is contained in NSF Bulletin 16-15.

In addition, panelists should be reminded of the prohibition on recording the meeting, with technology such as Smartpens or any other method (with the exception of an approved accommodation of disability). If a panelist requires an accommodation, he/she should discuss the situation with the PO prior to the panel meeting. Any recordings must be erased at the end of the panel meeting. POs also should inform panelists that no information about the deliberations of the panel should be shared/posted on social media, in order to maintain the confidentiality of the review process.

Most panels will meet for more than one day. By the middle of the last day, the panel typically should have:

- Reached a general consensus on each proposal;
- Ordered the proposals, if requested by the PO;
- Formulated reviews for assigned proposals; and
- Prepared a panel summary, if requested to do so by the PO.

5. The FastLane Interactive Panel System (IPS)

IPS, which can be accessed via FastLane, is available to assist POs during panel meetings. It allows panelists to share information electronically, make recommendations to the PO and write panel summaries. IPS contains a template that prompts panelists to address both NSB-approved merit review criteria. Panelists must use the IPS to prepare all panel summaries. The preferred method for preparation of the panel summary is for a member of the panel to be named “scribe” and be assigned the responsibility of writing the panel summary for each proposal. Alternatively, a member of the program staff can be assigned this responsibility. In either case, the panel should review the summary in accordance with section 6 below.

MyNSF allows program staff to set up rules for conducting a panel meeting. These rules are applied to IPS and enable panelists to type their summaries, review other panelists' summaries and submit comments while at the panel meeting. Using MyNSF, POs can define the administrative rules for:

- Allowing access to other NSF staff;
- Establishing panel rules for viewing reviews (e.g., only after submitting one’s own review for a particular proposal);
- Blocking panelist access to *ad hoc*/written reviews that have been excluded from the review process because of a conflict of interest or other basis (see PAM Chapter VI.B.3.c(4)); and
- Defining categories for rating proposals to be reviewed by the panel.

POs also must use MyNSF to define rules for the approval of panel summaries. The available choices are:

- Lead Panelist Only;
- Scribe Only;
- All Assigned Panelists;
- All Panelists; or
- NSF Only.

Given that the preferred method is for panelists to prepare and approve panel summaries, once at least one panel summary has been approved by at least one panelist, the approval rule for that panel cannot be changed to 'NSF Only'. To illustrate, if the lead panelist has been tasked with preparing the panel summary and must leave before the panel ends, then for consistency, any remaining panel summary should be prepared by panel member(s) and not by an NSF staff member. The approval rule can still be changed to any of the other choices listed above. For example, if the rule is 'All Assigned Panelists', the rule can be changed to 'Scribe Only' but not to 'NSF Only'.

Once work begins on a panel summary, if the original scribe is a panelist, then MyNSF will not allow users to change the scribe to anyone other than a panelist.

The panel scribe will be able to enter and edit the panel summary via IPS. Program staff can extend the cutoff date via MyNSF. IPS will not allow the scribe to enter or make changes to a panel summary after the panel access cut off date has passed, nor will it allow users to change the date after the panel access cut off date has passed, unless the panel access cut off date is extended via MyNSF and a justification entered for the extension. eJacket will not allow users to mark panel summaries for redaction/strikethrough or release until the panel access cut off date has passed. Program staff should take all of these factors into consideration when selecting an appropriate panel access cut off date.

6. Documentation

POs should assure that panel summaries are prepared for all proposals discussed by the panel and that summaries are uploaded in the respective Panel Summary sections of eJacket (see also the triaged proposal process discussed in PAM Chapter VI.B.3.b). (Note: there is no requirement that there be a panel discussion for each proposal. If there are only ratings but no discussion of a specific proposal, then a summary is not needed.) POs should ensure that the panel addresses both NSB-approved merit review criteria, as well as any applicable solicitation-specific review criteria, and that this is reflected in the panel summary.

Each panel summary should accurately reflect the panel's discussion and consensus on the proposal. The panel should review the summary, and the panel summary should conclude with the statement, "The summary was read by/to the panel and the panel concurred that the summary accurately reflects the panel discussion." The panel scribe should electronically confirm, on behalf of the panel, that the panel has reviewed and concurred with the panel summary.

If a panel summary is modified after it has been confirmed by the panel scribe, the existing approvals in IPS will be removed. Once the panel scribe makes the necessary changes, the panel summary should be re-approved in IPS. The summary is included as part of the official record. POs may use either the PO comments function or their review analysis to provide additional comments or information regarding the panel to further document the record.

After the panel meeting begins, once the panel summary has been entered by the scribe in the IPS, it also will display in eJacket for viewing by program staff. If the panel summary is subsequently revised and resaved by the panel scribe via IPS during the panel meeting, eJacket will display the latest version. If the panel summary is not approved by the scribe by the end of the meeting, then once the panel cut-off date has passed, IPS will retain the latest version of the panel summary as the original version. At that time, eJacket will display the original version of the summary and allow the PO to make a copy of this version, in order to edit it for typographical and/or grammatical errors. The edited version must then be sent to the PI. All versions, however, will be retained in eJacket for archival purposes. The original version will remain accessible to the PI upon request under the Privacy Act.

In addition, minutes of the meeting must be composed. For guidance on the preparation of panel minutes, consult the internal "Advisory Committees Under FACA" website.

7. Internal Sharing of Review Information

For projects that are multidisciplinary in nature, the managing PO may seek co-funding from other Divisions/Offices. POs may use a matrix or other means of capturing information which may contain a list of proposal numbers, PI names and organizations, proposal titles, ratings given by panel members (for example, E, V, G or a number 1-5) and recommendations. Such information should only be shared with and used by internal staff that have a "need to know" the confidential data. Further information on internal use of proposal and review information can be found in the PAM Chapter XII.A.

As a reminder to staff to handle confidential review information appropriately, the following disclaimer must appear on all information used to request multidisciplinary support from sources outside the managing POs Division/Office:

> "This information is being shared to facilitate multidisciplinary support of proposals throughout NSF. As a reminder, program staff must not divulge or use any confidential information including the identity of the reviewers and the ranking of proposals to persons other than those with a "need to know". If you have a conflict with any organization or individual listed in the review information, you should delete the information without any

further action on your part. You may, however, inform the sender of the name of a more appropriate (unconflicted) PO who should receive the information."

E. Inventory of Reviewers

The Foundation maintains a list of names and affiliations of persons who have reviewed proposals. Individual reviewers will not, however, be identified with their review of specific proposals to non-NSF personnel.

F. Informing Reviewers of Action

NSF awards and their abstracts are publicly available through the NSF website, Research.gov's Research Spending and Results functionality and through other means. In general, workloads of NSF staff preclude notifying reviewers of the action taken on proposals that they have reviewed. Staff in some programs, however, prepare lists of grants awarded, either for press releases or for internal use. It is appropriate to send copies of such lists or press releases to persons who participated in the review process. Other methods of keeping reviewers informed are encouraged, so long as they do not disclose confidential information and can be accomplished at nominal expense and with reasonable effort.

Chapter VI - Processing of Proposals at the Program, Division and Directorate/Office Levels

A. Processing of Proposals

1. Roadmap of Process

The flowchart in Exhibit VI-1 depicts the general NSF proposal and award process, including standard timelines, whereby a submitted proposal is either not accepted, returned without review, withdrawn, declined or awarded. Detailed descriptions of all associated activities and decision points are provided in the relevant chapters of the PAM.

Emphasis in Exhibit VI-1 is placed upon the roles and responsibilities of the PO following proposal submission. Specifically, for a given proposal, one or more PO(s) is (are) responsible for conducting external review. Particular attention should be paid to the roles and responsibilities of the Program Office in conducting merit review, including interactions between POs and DDs around the DD concurrence process. Variations may exist in certain Divisions/Offices and in special circumstances.

Following input from *ad hoc* and/or panel reviewers, and in some cases with the benefit of additional discussion between the PO(s) and proposing PIs seeking clarification or involving budget negotiation, the PO(s) recommend(s) the proposal for award or declination to the DD. There may be discussion between the PO(s) and DD before and/or after the formal recommendation in eJacket. For example, in some Divisions/Offices, conversations between POs and DDs prior to recommendation in eJacket enable communication of additional context, such as how a given recommendation fits in the overall portfolio of awards. Following DD concurrence, notifications for those proposals that are returned without review or declined are immediately sent to the proposing organizations, while award recommendations are forwarded to DGA or DACS/CSB, as appropriate, for processing.

As illustrated in Exhibit VI-1, recommendations for funding that exceed certain budgetary thresholds must go through the DRB and, in some cases, the NSB, following DD concurrence and prior to being forwarded to DGA or DACS/CSB. Exhibit VI-2 depicts the general process for a proposal being recommended for funding that exceeds certain budgetary thresholds.

2. System Considerations

NSF's annual performance goal on time-to-decision or “dwell time” is to inform 75 percent of proposers whether their proposals have been declined or recommended for funding within six months (182 days), of deadline, target or receipt date. The six-month period includes final Directorate/Office action (returned without review, withdrawn, declined or recommended for award), but does not include the time after a proposal has been recommended for award (DD concurred in eJacket) by a Directorate/Office and sent to BFA. Refer to NSF's Performance Goal site for the most current standards for agency performance.

Reports listing all overage proposals (i.e., any proposals that exceed the "dwell time" goal) are available on Enterprise Reporting on MyNSF (Proposal Reporting). These reports assist in identifying and tracking overage proposals.

In addition, performance information for programs and Divisions is available in the Enterprise Information System (EIS) "Dwell Time" and "Program Management" modules.

Currently proposals are processed internally using various applications (i.e., eJacket, MyNSF, the Awards system and the financial accounting system (iTRAK)). The eJacket system serves as an electronic Web portal for NSF staff to perform essential business functions related to proposal and award processing. Each electronic jacket serves as a container for documents related to a specific proposal or award, regardless of the system in which the document originated. eJacket contains documents from various NSF central information systems: FastLane, Research.gov, Proposal and Reviewer System (PARS), iTRAK and the Awards System.

NSF program office award approvals are electronically executed within eJacket's Division Director concurrence functionality ('DD Concur'). The functionality includes an electronic 'Program Officer recommend,' a 'PO sign-off' and a 'DD concur' for award. The 'PO recommend' approval occurs when the cognizant PO electronically recommends a proposal for award. The 'PO recommend' indicates that a proposal is in compliance with NSF policies and all information is up-to-date and verifiable. An optional administrative review and a required financial operations specialist review follows. The cognizant PO then provides his/her approval of the award recommendation via 'PO sign off'. The electronic 'PO sign off' confirms that the proposal is in compliance with NSF's policies and approves any subsequent changes made since the 'PO recommend'.

The 'DD concur for award', also within eJacket, occurs when the cognizant Division Director electronically signs the award recommendation. The 'DD concur' indicates that the proposal is in compliance with NSF policies and the information is up-to-date and verifiable. The DD concur function also commits funds in iTRAK. 'DD concur' is the final step before the proposal is forwarded for BFA's business and financial review. The Delegation of Authority section (PAM Chapter VI.H) outlines policy regarding the commitment of funds.

To aid in the complete electronic processing of proposals, eJacket contains a "My Work" note functionality that allows users to create, edit and delete a note associated with a My Work list item. These are personal notes or reminders and must not contain text that could be considered evidentiary in regard to the recommendation decision for the proposal. Only one note per user is allowed for a My Work list item and the maximum limit of the "My Note" is 255 characters. These notes are viewable only by the user who created them and will not display if the proposal is assigned, transferred, shared, routed, reassigned or delegated. The note automatically will be deleted once the proposal has been taken to final action and is removed from the user's My Work list.

B. Documentation in Proposal Files

Certain documents are required in order for a proposal file to be considered complete. They collect information about the PI/PDs and any co-PIs/co-PDs, the organization requesting funding and the proposed project. They also document the program's recommendation for funding. NSF has received approval from the National Archives and Records Administration (NARA) to use the eJacket as the agency official record for proposal actions, including declinations and awards. Program staff should therefore ensure that eJacket contains all permanent documentation relating to the processing of a proposal. Note, however, that panel minutes should not be uploaded to eJacket, but should be maintained in a separate file in accordance with Division practice. The Administrative Manager should be consulted for Division-specific instructions.

Any internal communication, such as a PO note to the file or a PO's communication with other program staff, DGA or DACS/CSB, should be uploaded to the "Diary Notes" section of eJacket. No correspondence that is sent outside the Foundation should be included in diary notes; they should contain internal communications only. The diary note keyword should contain the proposal/award number and a concise, informative description of the content.

Any external communication, such as emails to and/or from PIs/PDs or co-PIs/co-PDs generated or received during proposal processing or post-award management of an award should be uploaded to the "Correspondence" section of eJacket. Strictly internal documentation should not be included in Correspondence; it should contain external communications only. All such documentation should be uploaded to Correspondence within 14 business days from when it is received. The Correspondence keyword should contain the proposal/award number, the date when the correspondence was sent and a concise, informative description of the content.

Each proposal decision must be clearly documented to assure a proper record of NSF decisions. Minimum proposal documentation includes the following items:

1. The Abstract (required only for awards);

2. The Proposal Budget;

3. The Review Record; and

4. The Context Statement, when applicable (see section B.4 below).

The "Required Documentation Matrix" (PAM Exhibit VI-3) indicates the documents required for each type of recommendation. Depending on the nature of the proposal or action, additional documentation, as specified in this Manual, also may be necessary. Once a proposal has been DD concurred, eJacket will not allow any edits to the documents originally submitted with the proposal nor any of the documents involved in the decision-making process (e.g., review analysis).

Some of these documentation requirements, however, may not be applicable to graduate and postdoctoral fellowships, travel grants or intergovernmental personnel recommendations. Program staff should consult with their Administrative Manager or other Division staff as to the requirements for these types of grants.

The following is a description of each of the documents identified above, how they are used and who should use them.

1. NSF Abstracts

a. Scope

Abstracts are a public record of active and expired awards and are an important source of information on NSF activities. The purpose of the abstract is to describe the project and justify the expenditure of Federal funds. For further guidance, see PAPPG Chapter III.E and Staff Memorandum OD 14-10 titled *Award Abstract and Title Policy Clarification.*

b. Policy

Abstracts must clearly describe how the project addresses both NSB-approved merit review criteria. Abstracts must not, however, contain inappropriate or confidential information such as references to reviews or reviewers, proposal ratings, the PI/PD's and co-PI/co-PD's qualifications, program recommendations, recommended award amounts, budget information or other confidential or proprietary information.

Because abstracts are available to such a wide audience, high standards of quality must be maintained in preparing them. OLPA distributes abstracts on request to members of Congress, the media and other individuals who may have no training in science. Abstracts also are available to the public via NSF's electronic systems.

Since preparation of abstracts differs across Directorates/Offices, the Administrative Manager should be consulted for Division-specific instructions.

c. Procedures

The NSF award abstract has two parts, which must appear in the following order:

- Part 1: A nontechnical description of the project, which explains the project's significance and importance. This description also serves as a public justification for NSF funding by articulating how the project serves the national interest, as stated by NSF's mission: "to promote the progress of science; to advance the national health, prosperity and welfare; and to secure the national defense". This part of the abstract should describe the fundamental issues the project seeks to address, as well as other potential benefits, such as how the project advances the field, supports education and diversity or benefits society. This part should be understandable to a broad audience.

- Part 2: A technical description of the project that states its goals and scope, the methods and approaches to be used and its potential contributions. In many cases, the technical project description may be a modified version of the project summary that is submitted with the proposal. However, the technical description should reflect any changes in the project's goals made after the review process.

In order to reinforce to the public that every NSF award aligns with our mission and is made in accordance with our merit review criteria, the following statement automatically appears after Parts 1 and 2 of the abstract:

> "This award reflects NSF's statutory mission and has been deemed worthy of support through evaluation using the Foundation's intellectual merit and broader impacts review criteria."

For new continuing grants, the abstract must summarize the project scope for the entire duration of the grant. A new abstract is not required for continuing grant increments unless there have been significant changes in the project scope and/or grant budget. For supplemental support, a new abstract is not required unless significant changes in the project scope are approved.

d. Responsibilities

The abstract is prepared by the appropriate program staff prior to DD concurrence for all new and renewal awards and entered into eJacket. POs are responsible for reviewing abstracts and ensuring that they clearly describe how the project addresses both NSB-approved merit review criteria. See also PAM Chapter VIII.K on responsibilities for review of the titles of NSF-supported projects.

If an abstract must be corrected after an award has been made, the Program Officer should contact DGA or DACS, as appropriate. The Program Office should provide an electronic version of the completed new abstract. DGA or DACS will then correct the abstract by using the new file.

2. Proposal Budget

a. Scope

A proposal budget is required for all funding actions for new, renewal or supplemental funding support. This budget must be prepared by the proposing organization.

b. Responsibilities and Procedures

Any changes made to the grantee's proposed budget by the cognizant PO or Grants Officer must be entered into eJacket if it has not already been uploaded in FastLane. Program staff should use the eJacket Budget module for internal budget tasks such as creating and maintaining funding lines and importing the FastLane budget. Guidance on changes to the proposal budget is contained in PAPPG Chapter III.D, section D.2. below and PAM Chapter XI.A.4.

3. Review Record

a. Scope

The Review Record contains information that must accompany every recommendation for a new award, renewal, declination and any other action that is subject to merit review. RAPID, EAGER and RAISE proposals also require the recommendation section. The cognizant PO's recommendation/review analysis is part of the Review Record.

b. Policy

The Review Record is used to list the name, gender (if provided), discipline or field of expertise, and organizational affiliation of every individual who is requested to review the proposal, as well as to record the reviewers' rating. Once the review package has been sent, a reviewer may not be removed from the Review Record. There is space on the Review Record to record the award number if the PI/PD and co-PI/co-PD has had NSF support in the last five years, and a space to record the reviewers' summary rating of work performed under prior support. eJacket must be used to create and store the review analysis for each proposal.

For withdrawals, no review analysis is required; however, the record of the review to date must be kept in eJacket and a statement of the reason(s) for the withdrawal, if known, should be included.

For new awards and renewals, the review analysis section should provide a summary of the major findings of any *ad hoc* reviews and/or panel reviews that justifies the favorable recommendation. The PO analysis should clearly describe how the project addresses both NSB-approved merit review criteria.

For declinations, the review analysis should describe how the project addresses both NSB-approved merit review criteria and any solicitation-specific review criteria and must contain a brief statement of the reason(s) for declination of the proposal. Significant comments and review ratings in apparent contradiction with the recommendation (i.e., "excellent") must be discussed.

Proposals that receive low *ad hoc* and/or individual panelist reviews prior to commencement of a panel may be triaged by POs. A list of the triaged proposals should be provided to the panel at the start of deliberations. Panelists may ask that proposals be removed from the triage list and discussed, if they believe there is merit in doing so. For proposals removed from the triage list, the procedures outlined in section 3.c and d below and in PAM Chapter V.D.6 should be followed.

Proposals not discussed by the panel should be given a ranking of Not Discussed in Panel (NDP), and the panel summary should be marked "unreleasable". The cognizant PO should note in the review analysis that the proposal was triaged. When triage is utilized, the Context Statement should indicate that proposals were reviewed by *ad hoc* and/or panel review.

In addition to the Review Record, review and evaluation documentation in eJacket should include:

- All merit reviews;
- Panel summaries, if applicable;
- Programmatic site visit reports, if applicable;
- Written documentation of telephone conversations or other correspondence with reviewers, senior personnel on the proposal or other personnel of the proposing organization documenting input received about proposals, if any (all correspondence should be dated); and
- Incoming and outgoing mail, including e-mail, relevant to the determination on a proposal, if any.

The Privacy Act requires agencies to maintain Privacy Act records that are used by the agency in making any determination about an individual with "such accuracy, relevance, timeliness and completeness as is necessary to assure fairness to the individual in the determination" (5 USC 552a (e)(5)).

Any review document that was incorrectly or erroneously placed in eJacket is neither "accurate" nor "relevant" and should be removed and uploaded to the proper place. Specific questions can be addressed to the NSF Privacy Act Officer and/or privacy attorney in OGC.

Any official correspondence sent to proposers by NSF (e.g., award or declination notices, approval of a grantee request, etc.), must be kept in eJacket and cannot be deleted. If the original decision is altered, new correspondence should be sent that modifies the previous correspondence. Please direct questions about documentation in the jacket to the NSF Privacy Act Officer and/or privacy attorney in OGC.

c. Procedures

The top portion of the Review Record is self-explanatory. Some parts, however, warrant further explanation. To ensure consistent reporting, the symbols and definitions have been established, as indicated below:

(1) Panelist/Reader/Review Writer

(a) Panelist: A person asked to participate in a panel meeting scheduled to review proposals, regardless of the degree to which the proposals are reviewed.

Primary, Secondary & Tertiary Panelists: Definitions vary across NSF. Assignments should be based on the managing Division’s classification.

(b) Reader: A person asked to read the proposal for discussion purposes but not assigned to write a review.

(c) Review Writer: A person asked to read the proposal for discussion purposes and write a review.

(2) Proposal Reviewed/Not Reviewed/Conflict-of-Interest

- "R" (Proposal Reviewed) — comments are provided on the investigator(s) or on the proposal and/or the reviewer who participated in the scheduled panel review of the proposal. Alternatively, if the Review Record reflects a "P" because the proposal was panel reviewed, program staff may continue using the "P" designation in the Review Record.

- "N" (No Response) — the review was not returned or the prospective reviewer did not attend the scheduled panel meeting.

- "D" (Declined To Review) — the reviewer notified NSF that he/she declined to review the proposal.

- "C" (Conflict-of-Interest) — the prospective reviewer was deemed to have a disqualifying conflict-of-interest based on NSF Manual 15, *NSF Conflicts of Interest and Standards of Ethical Conduct*.

- "L" (Late) — the review was received after the cognizant NSF PO made and documented his/her recommendation.

(3) Rating Column

Reviews should be submitted via FastLane. For each reviewer or panelist who completes an *ad hoc* review, except for Conflict-of-Interest and wholly unusable reviews (see "*Reviews Requiring Special Handling*" below), the rating will display on the Review Record. If the reviewer provides a rating of more than one letter (i.e., "excellent/very good"), the Review Record will display the multiple ratings in eJacket. If review(s) are submitted via email, Program staff must use the "Convert Email Review" module in eJacket to manually enter the rating(s). The review analysis must clearly indicate that multiple ratings were submitted. For panelists that do not submit an *ad hoc* review, the rating column should be left blank.

(4) Reviews Requiring Special Handling

Some reviews may be unusable in whole or in part:

- Conflict-of-Interest (COI) reviews. COI reviews are not used in the decision-making process. Program staff should document the Review Record (use "C" for COI reviews) and note that the rating is not recorded on the Review Record.

- Reviews Alleging Misconduct. Reviews alleging misconduct must be referred to the Office of the Inspector General (OIG). The OIG will decide whether to remove portions of the review and if so, will provide a redacted review for inclusion in eJacket. The cognizant PO should discuss with the OIG which information to convey to the PI if any redactions or deletions were made by the OIG. The cognizant PO must decide whether the non-allegation part of the review (if there is one) can be used in the review process. If part of the review is used, the rating should be recorded on the Review Record. In addition, the OIG must be contacted before any award is made for any proposal from which the OIG has partially redacted or removed a review.

- Unacceptable Reviews. Parts of a review (up to and including the entire review) may be excluded from use because they contain irrelevant, non-substantive or otherwise unusable statements, show evidence of bias or contain intemperate personal attacks or similar unacceptable statements. Excluded parts of a review (up to and including the entire review) must not be used in the selection process. The excluded parts should be identified using the “Ignore” functionality in the eJacket Review module. For situations where the “Ignore” functionality is not available (e.g., Graduate Research Fellowship Program (GRFP) applications), the excluded parts may be identified using strikethroughs (e.g., ~~strikethrough~~).

- Program staff must handle wholly or partially unusable "Misconduct" or "Unacceptable" reviews as follows:

  - Any unusable part(s) (up to the entire content) of the review not used must be clearly marked;

  - A program note explaining the reason part or all of the review was not used in the selection process must be uploaded as a diary note;

  - Ratings from the used review portions only must be recorded on the Review Record and entered into eJacket;

  - The review analysis section must be documented accordingly; and

  - Once a decision is made, if any part of the review was used in the decision, the PI must be sent a copy of the full review with the portion(s) not used clearly marked (see, however, procedure in section (5) below for necessary redactions or deletions).

Any reviewer identifying information (and any parts of the review that directly pertain to another proposal) must be redacted. No other redactions or deletions may be made without first getting the approval of OGC (see PAM Chapter XII.G.2.c). The cognizant PO must clearly convey to the PI how the review was handled. Comments can be entered using the "PO Comments" function in eJacket.

Note that POs must ensure that no reviewer identifying information is included in the PO Comments as this information is released to the PI. The comments become available to the PI once final action (i.e., award or decline) has been taken on a proposal and the PI can view these comments using the proposal status inquiry function in NSF's electronic systems.

(5) Release of Reviews

NSF routinely releases to the PI all reviews that are used to make the decision. Reviewer identifying information must be redacted before release of the reviews. If part of a review is excluded from use, the excluded portion should be marked accordingly and the review returned with the others. Unused reviews -- such as late reviews, COI reviews, wholly unacceptable reviews and any other reviews or related materials submitted by reviewers that the cognizant PO has not used in the decision-making process -- are not routinely disclosed. Late or COI reviews, however, may be sent to a PI at the discretion of the cognizant PO where the review's content might be useful to the PI and if its release is consistent with Division policy. Reviews should not be released prior to concurrence of the decision by the cognizant DD.

In rare situations, additional redaction of information may be necessary to protect certain other rights and interests. Such redactions must be made only with the approval of OGC. POs who believe redaction may be appropriate must consult with the privacy attorney in OGC. Written authorization from OGC will be sent, when appropriate, to the cognizant PO authorizing deletion of all or part of a document. The cognizant PO should upload the OGC authorization to eJacket as a diary note, thereby explaining the rationale for the redaction.

d. Responsibilities

Program staff normally must obtain external merit review (see PAM Chapter V.B.2 for exceptions). If the number of external reviews is less than three or when the number of panelists reviewing the proposal (when only a panel is used) is less than three, a PO justification must be given in the Review Record, which cites the relevant exception from PAM Chapter V.B.2.

In addition to the input received from external reviewers, POs consider several factors in developing a balanced portfolio of funded projects that address a variety of considerations and objectives. POs evaluate proposals in the larger context of their overall portfolio and consider issues such as:

- Different approaches to significant research and education questions;
- Capacity building in a new and promising research area;
- Support for high-risk proposals with potential for transformative advances in a field;
- Potential impact on human resources and infrastructure;
- NSF core strategies, such as the integration of research and education and broadening participation;
- Achievement of special program objectives and initiatives;

- Other available funding sources; and
- Geographic distribution.

In addition, decisions on a given proposal are made considering both other current proposals and previously funded projects. After scientific, technical and programmatic review and consideration of appropriate factors, the cognizant NSF PO makes an award/decline recommendation to the cognizant DD.

Program staff are responsible for making corrections to reviewer data (spelling, organization, address changes, etc.) in NSF's electronic systems. For reviews that are returned via FastLane, the ratings are automatically recorded and should not be changed.

In the case of non-FastLane submitted reviews, program staff are responsible for updating the Review Record and for accurately recording the ratings submitted by the reviewers.

e. Review Analysis by the Cognizant Program Officer

POs must comment on the intellectual merit and the broader impacts of the proposed activity and how the project addresses both criteria. Reviewer ratings and significant reviewer comments that are in apparent conflict with the PO's award recommendation should be addressed in the review analysis; "fair" and "poor" reviews **must** be addressed. The analysis should indicate how the PI responded to major criticisms, if applicable.

Any special feature of the review process (for example, a site visit or departure from the standard review procedure used by the cognizant Division) or other information (revised budgets, change of scope, etc.) relevant to the decision should be documented. If a person submitted an independent review for only one proposal and also participated in the panel discussion only for that one proposal that should be documented in the review analysis.

Special instructions and documentation relevant to DGA or DACS/CSB should be included at the bottom of the review analysis. This includes (but is not limited to):

- Documentation of budget changes;
- Recommendation to insert special language, automated clauses or grant conditions into the award notice including use of human subjects or vertebrate animals;
- Special reporting requirements, which may have required approval by OMB as discussed in PAM Chapter II.D.2.b; or
- Special payment arrangements.

POs must use eJacket to create and store the Review Analysis. eJacket contains separate areas for POs to address each of the merit review criteria and other review analysis information. While a proposal may not have multiple review analyses, a single review analysis may have separate sections. The review analysis should consist of one coherent statement documenting the review process for the proposal, but may contain more than one distinct part (i.e., both a file upload and direct entry into the Review Analysis text box). Other information related to the review of the proposal, however, such as the context statement or panel documentation, should not be included in the review analysis but should be filed in the appropriate section of eJacket.

POs also should comment briefly on the relationship of a recommended award to other current or potential research support of the PI. Such comments may range from "no other support" to "duplicate proposal to be withdrawn" to more extensive comments. POs are encouraged to contact staff at other agencies to obtain clarification of possible overlaps. Such contacts should be documented. If the PI submitted a response to reviewer comments, the cognizant NSF PO should address it in the Review Record.

4. Context Statement

Context statements provide PIs with the overall context in which all proposals considered by an NSF division or panel were reviewed. Context statements are created at the division, program or panel level and then are assigned to one or more proposals. They cannot be edited or deleted after PO Sign Off and are available to the PI in FastLane after DD concur of the proposal. Each proposal reviewed by NSF (whether externally or internally) requires a context statement, except for internally reviewed unsolicited proposals. Context statements should be consistent with the Interim Guidance on the Sharing of Non-public NSF Information, O/D 18-10.

C. Principal Investigator, Proposal and Award Data

NSF's databases hold information on PIs/PDs and co-PIs/co-PDs, as well as information on their proposals and awards. The information comes from a variety of sources; some examples are given below.

- **Information About PIs/PDs and co-PIs/co-PDs.** NSF has a continuing commitment to monitor the operation of its review and award processes in order to identify and address any inequities based on gender, race, ethnicity, disability or citizenship of the proposed PIs/PDs and co-PIs/co-PDs.

  PIs/PDs and co-PIs/co-PDs may supply this information electronically via the accounts management functionality in Research.gov. Submission of the requested information is not mandatory and is not a precondition of award. If all of the fields in the Information About PIs/PDs and co-PIs/co-PDs are not completed, program staff must change the blank fields to "Unknown" before a review package can be generated.

- **Cover Sheet for Proposal to NSF.** The Cover Sheet is a source of PI/PD and co-PI/co-PD information, which becomes part of the NSF PI database. It includes the department and organizational affiliation, phone, fax, e-mail address, highest degree and year obtained and NSF identifier (primary registered email address or NSF ID number). PIs/PDs and co-PIs/co-PDs can update their own data via NSF's electronic systems.

- **Biographical Sketch.** PIs/PDs and co-PIs/co-PDs must submit a Biographical Sketch with each proposal. The Biographical Sketch is stored in eJacket and FastLane. This information is helpful in determining the PI/PD's and co-PI/co-PD's qualifications, as well as the broader impact of the individual's professional and scholarly activities.

- **Current and Pending Support.** PIs/PDs and co-PIs/co-PDs must submit Current and Pending Support information with each proposal. The Current and Pending Support information is stored in eJacket and FastLane. This information is helpful in determining the reasonableness of the PI/PD's and co-PI/co-PD's total proposed time commitment.

- **PI History.** NSF's electronic systems store information regarding PI/PD's and co-PI/co-PD's prior history of proposal submission to the Foundation, including data on the disposition of the proposal (pending, returned without review, declined, withdrawn, awarded, closed out) and overdue project reports, if any. This history of proposal submission lists all proposals on which the PI/PD or co-PI/co-PD serves or has served in this capacity. If the PI/PD or co-PI/co-PD has never submitted a proposal to NSF, or has no active NSF awards, the system will indicate this.

D. Budgetary Considerations

1. Policy

Proposals forwarded for review and funding approval must accurately portray the scope, objectives, methodology and budget of the proposed project. They also must demonstrate the competence of the proposed research team and organization to carry out such a project. The NSF policy on budgetary considerations and revisions to proposals made during the review process is contained in PAPPG Chapter III.D.

2. Responsibilities and Procedures

a. NSF Program Officer

This section provides internal guidance for POs as they negotiate revised proposal budgets. Normally, the review and evaluation of proposed budgets by the PO should be conducted on a "bottom line" basis (i.e., the total intended award amount). The actual expenditures for NSF awards usually vary from the budget proposed and approved at the time of award. 2 CFR § 200 provides grantees considerable flexibility to reallocate and rebudget without prior NSF approval. Implementation of the OMB requirements is described in various NSF grant policy and administration guidelines (e.g., PAPPG, NSF grant conditions, etc).

A revised budget submitted by the proposer is not required if the reduction to the proposed budget is less than 10%. Such minor changes will be reflected in the budget sent out as part of the award. The cognizant Program Office is responsible for assuring that the budget revisions made in eJacket accurately reflect the recommended budget, including out-year budgets and the person-months of effort on NSF-funded salary support are up-to-date. The budget changes should be clearly documented in the review analysis.

For any type of budgetary revision, the cognizant PO should include documentation in eJacket that describes the process through which the revised budget was negotiated and any impact or changes that the revised budget will have on the conduct of the project.

b. Office of Budget, Finance and Award Management

DGA or DACS/CSB, as appropriate, may make administrative budgetary revisions which reduce a proposal budget (i.e., the total intended award amount) up to 10% or up to $100,000, whichever is less, without canceling the action and having the action re-committed/approved by the program office. Such revisions may be related to cost allowability, allocability or reasonableness issues, including indirect cost issues. After discussion of these recommended budget changes with the cognizant PO, the DGA or DACS/CSB Grants Officer, at his/her discretion, may modify the budget and document the changes in eJacket, in accordance with the guidance above or may return the proposal to program so that they can make the necessary changes. (See also PAM Chapter XI.A.4 for additional discussion on post-award budgetary changes.)

DGA or DACS/CSB will not routinely verify the F&A cost rate on proposals from IHEs. DGA or DACS/CSB will verify the indirect cost rate on all proposals from new awardees, for-profit organizations, non-profit organizations and other non-academic institutions. If the correct rate has not been used in the budget, DGA or DACS/CSB may need to change the budget by reducing the award or rebudgeting line item costs in consultation with the cognizant PO, as described in this section.

E. Proposal Withdrawal

1. Policy

The NSF policy on the proposal withdrawal process is contained in PAPPG Chapter IV.A.

2. Responsibilities and Procedures

A proposal can be withdrawn at any time before a funding recommendation is made by the cognizant PO. If the PO learns that funding for a proposal to NSF has been accepted from another sponsor, the PO will process an administrative withdrawal via eJacket by performing a PO Recommend and DD Concur, and choosing “Non-Award” for the action.

For proposals administratively withdrawn by POs for any reason, an e-mail should be sent (via eCorrespondence) to the SPO and the PI, notifying them of the administrative withdrawal.

When reviewers have already been assigned to a proposal that is withdrawn via the Withdrawals module in FastLane, the e-mail notification sent to the program staff will contain all the reviewer information. If a withdrawn proposal is accessed via either FastLane's Proposal Review or Panel Review systems, a message will be displayed to the reviewer that the proposal has been withdrawn and that no review is required. All proposal review and panelist functions are disabled in FastLane for withdrawn proposals.

3. Records Retention for Withdrawn Proposals

Withdrawn proposals must follow the same approved records retention and disposition schedule as other NSF proposal and award records (see PAM Chapter XIII.D*)*.

F. New Awardee Considerations

1. General

To successfully carry out projects supported by NSF, grantees must be responsible organizations, capable of appropriate stewardship of Federal funds and comply with grant conditions and requirements (see PAPPG Chapter I.E.5 and the introduction to PAPPG Chapter II for additional information). Some prospective grantees, especially those deemed "new awardees," may not be familiar with what is expected of them.

2. Policy

In order to assess the administrative and financial capability of a new awardee, which includes any prior grantee that has not had an active NSF award in five or more years (and are deactivated in the system), NSF requires the organization to submit information that will allow NSF to evaluate the administrative and financial systems in place at the prospective organization. Information on what NSF requires the organization to submit can be found in the NSF *Prospective New Awardee Guide*. DGA or DACS/CSB and, as appropriate, the Cost Analysis and Pre-Award (CAP) Branch in DIAS will conduct an evaluation of the submitted information and decide whether it is appropriate to provide Federal funds to the organization.

The fact that an organization may have an active grant does not preclude NSF from asking the organization to submit more detailed information. For example, if a new awardee's first proposal recommended for award is considered a small amount that does not pose significant risk, DGA may flag the grantee for future pre-award review. Once a "flagged" awardee's cumulative support is anticipated to reach $500,000 the grantee will then require additional review as a new awardee. The amount of risk involved determines the depth to which NSF examines a proposer's capability to handle a Federal grant and whether appropriate terms and conditions are required in order to protect the interests of the Government. New and flagged grantees will need to be DD concurred earlier in the fiscal year in accordance with published deadlines.

As part of its risk-based approach to oversight, NSF considers prospective awards of more than $20,000,000 to be a significant risk factor. As a result, all new or renewal proposals recommended with an anticipated total award amount of more than $20,000,000 over the entire award period must be forwarded by DGA or DACS/CSB to CAP, via an FL 99, for a pre-award review. In order to accommodate the time needed to conduct an in depth review of these large dollar awards, program offices are encouraged to coordinate with BFA early in the fiscal year and be aware of the early deadline to recommend these awards (see the Fiscal Yearend Closeout site).

3. Roles and Responsibilities

a. Program Officer

When program offices recommend a proposal for award, the system checks to determine if address details exist in the Awards System for the proposer. If the proposer is not in the Awards System, and the PO intends to recommend the proposal for award, then program staff must contact their DGA or DACS/CSB liaison and alert them that a New Awardee package should be sent to the proposer. (The only exception to this rule is for Small Business Innovation Research (SBIR) proposals. Instructions on how those proposals should be handled are contained in the SBIR Phase I program solicitation and Phase II Instructions.)

Program staff should consult with DGA or DACS/CSB if they are unsure whether an organization is a new awardee. Program staff also are encouraged to consult with DGA or DACS/CSB when they have concerns about the adequacy of organizational resources and systems or require assistance in resolving significant issues or questions.

The preparation and review of the information requested of a new awardee can sometimes add considerable delays to the review and processing of a grant. It is important therefore, that the program office promptly notify DGA or DACS/CSB when it anticipates making an award recommendation to a new awardee.

b. Office of Budget, Finance and Award Management

DGA or DACS/CSB, as appropriate, has primary NSF responsibility for assessing the financial and managerial capabilities of prospective grantees. As appropriate, DGA or DACS/CSB also may take the following steps to ensure that prospective grantees understand the requirements and can responsibly manage their grants:

(1) Pre-award Guidance and Reviews. DGA or DACS/CSB may provide guidance and information to prospective new awardees and other less experienced grantees.

DGA or DACS/CSB, assisted by the CAP Branch and/or others as appropriate, may make site visits to organizations that appear to need assistance in developing their financial and management control systems. The purpose of such pre-award reviews is to identify what type of assistance may be necessary and what actions need to be taken by the organization. DGA or DACS/CSB will make recommendations for system improvements as appropriate, including recommendations for organizations to obtain professional accounting or other expertise from sources experienced with Federal cost principles and requirements.

(2) Special Grant Considerations. In situations where questions, issues, concerns or material deficiencies are identified, DGA or DACS/CSB, in coordination with the cognizant PO, will consider appropriate actions, including the following:

(a) Conditional Grants. When appropriate, grants may be issued on a conditional basis. Such grants could include specific constraints on the use of grant funds and special considerations for future funding pending satisfactory grantee compliance with specific required actions.

(b) Financial Support for System Improvements. In rare circumstances DGA or DACS/CSB may recommend that funds for additional costs, direct or indirect, be included in a grant to be specifically used by the grantee to obtain necessary expertise for the development, review or certification of appropriate financial and management systems. If such a recommendation is made, the cognizant program will be responsible for providing funds for those costs in the grant budget. Special grant conditions and appropriate contingency language would be included in such grants.

(c) Increased Programmatic or Administrative Oversight. Where appropriate, it may be desirable to include special programmatic reporting requirements in the grant. POs should consult with the Reports Clearance Officer in OGC to determine if such special reporting requirements require OMB clearance as specified in PAM Chapter II.D.2.b. It also may be appropriate for the cognizant PO and/or DGA or DACS/CSB to more closely monitor various aspects of the project or grant to help ensure adequate accountability and to avoid or minimize later problems or concerns.

(d) Decline To Make an Award. PAPPG Chapter III.F.2 contains information on the appeal process for proposals declined for financial or administrative reasons. In some instances, given the nature and size of the proposed grant and the financial and managerial capabilities and situation of the prospective grantee, or other considerations, DGA or DACS/CSB may determine that an NSF grant is not appropriate. In cases where the cognizant Branch Chief in DGA or DACS/CSB decides to decline a proposal for financial or administrative reasons, the action should be decommitted in eJacket. DGA or DACS/CSB should coordinate with the DIAS Systems Office and DIS to generate a declination notice that will come from, and reflect the signature block of, the cognizant DGA or DACS/CSB Branch Chief.

(3) Special Funding or Payment Arrangements

(a) Fixed Amount Awards. In certain cases, when the nature or size of an award is appropriate or the ability to base payments on specific progress or deliverables exists, DGA or DACS/CSB will consider the use of a fixed amount award instrument. The use of fixed amount awards should be considered on a case-by-case basis and be consistent with the requirements in 2 CFR § 200.201. Because the amount of these awards are fixed, the CAP Branch pre-award assessments are critical to provide Grants Officers a basis for costs. CAP is responsible for determining the organization has the infrastructure to properly manage a fixed amount award, and if adequate cost, historical, or unit pricing data is available to establish a fixed amount award based on a reasonable estimate of actual cost. If a fixed amount award will be utilized, CAP and the cognizant PO, should thoroughly scrutinize proposed costs to ensure that they are realistic estimates to perform the work contemplated. Proposed costs must be allowable, allocable and reasonable under Federal cost principles.

This thorough pre-award review is necessary to minimize risk to both NSF and the grantee, as fixed amount awards are not subject to adjustment based on actual cost. DGA or DACS/CSB, in consultation with cognizant Program staff and the CAP Branch, will develop appropriate terms and conditions for such awards.

(b) Fixed Amounts or Percentages for Indirect Costs. When appropriate, DGA or DACS/CSB also will consider the use of fixed amounts or percentages, rather than negotiated or provisional rates, for indirect costs in cost reimbursement type awards. Considerations for use of this approach are similar to those noted in (3)(a) above.

(c) Special Payment Provisions. When appropriate, DGA or DACS/CSB will consider the use of special payment provisions in grants. Examples include:

- Providing a limited amount of cash advance funds made available to the grantee;

- Requiring detailed voucher billing for costs incurred, NSF programmatic or administrative concurrence with billings and/or satisfactory progress of the project prior to payment; or

- Withholding of interim or final payments pending receipt and acceptance by NSF of project reports.

G. Pre-award Proposal Transfers

If a PI has transferred to a new organization since the proposal was originally submitted (prior to DD concur), the original proposing organization's Authorized Organizational Representative (AOR) must submit to the cognizant PO an e-mail concurring with the transfer of the proposal to the PI's new organization. This documentation should be uploaded to the "Correspondence" section of eJacket, with a suggested keyword title of "Pre-award Transfer Documentation". The cognizant PO then should request that the new organization submit to NSF a revised:

- Cover Sheet and Certification pages signed by the AOR; and

- Budget and Budget Justification.

The program office will update the system with the new organizational and budget data so that processing of the proposal can proceed and should upload the revised documentation to the eJacket "Correspondence" section. The original organization's Cover Sheet and Certification pages submitted via FastLane will not be modified and will be retained in the proposal jacket.

If a proposal that was involved in a pre-award transfer subsequently has a decrease of 10% or more from the originally requested amount that would trigger a revised budget to be submitted, the new awardee organization cannot submit the budget via FastLane, since the system still recognizes the original awardee. The cognizant PO should upload a diary note that explains why the FastLane and eJacket budgets differ by more than 10%. The PO should then contact the DIAS Policy Office for approval to proceed with the pre-award transfer. If approved, the DIAS Policy Office or Systems Office will coordinate with the eJacket team to ensure that the new budget is inputted into eJacket and the 10% reduction edit is bypassed.

H. Delegation of Authority

1. Scope

The provisions of this section apply to all NSF grant, fellowship, interagency agreement and cooperative agreement recommendations except Intergovernmental Personnel Act agreements and reimbursable details.

2. Responsibilities and Procedures

a. Delegation of Authority for Programmatic Approval of Award Recommendations

Assistant Directors, Office Heads and persons acting in these capacities are authorized to review and make final programmatic decisions on award recommendations not requiring DRB and/or NSB review and approval.

Delegations can be performed electronically via eJacket. Delegations performed in eJacket capture the electronic signature of the person performing the delegation. eJacket maintains an electronic record of all delegations of authority, which serves as an audit trail of these actions.

Recommendations made under this authority must conform to the applicable NSF policies and administrative requirements in effect at the time of approval.

This authority may be redelegated by the cognizant Assistant Director/Office Head, or equivalent, to the following positions or persons acting in those positions as follows:

(1) Authority may be redelegated to Division Directors for award recommendations not requiring DRB or NSB review and approval. Division Directors may then redelegate authority for award recommendations to Deputy Division Directors/Section Heads.

(2) Authority may be redelegated to a Program Officer other than the cognizant Program Officer to whom the proposal is assigned, for the following award recommendations:

- REU (Research Experiences for Undergraduates), ROA (Research Opportunity Awards), RET (Research Experiences for Teachers) and Facilitation Awards for Scientists and Engineers with Disabilities (FASED) supplements;
- Other supplements up to 10 percent of the total intended award amount;
- Group travel awards up to $25,000;
- Doctoral dissertation awards;
- Conference proposals up to $50,000; and
- Additional NSF-wide categories of supplements or small awards as identified by the Director.

POs have authority to recommend no-cost extensions, PI changes (including transfers), continuing grant and other increments up to 120 percent of the level promised in the original award and other administrative changes with appropriate documentation and without further programmatic review and approval.

Additional redelegations may be made by the cognizant Assistant Director/Office Head, or equivalent, after consulting with the Chief Financial Officer and obtaining the written authorization of the NSF Director.

b. Delegation of Authority to Sign Award Notices

The Deputy Director and/or Chief Operating Officer and the Office Head of BFA/Chief Financial Officer are delegated the authority to make grants, contracts and other arrangements in accordance with applicable laws, regulations and policies of the Foundation. While these officials do not normally sign agreements or exercise operational authority, circumstances may necessitate the need to obligate the Foundation for administrative or other arrangements, including, but not limited to purposes of protocol or settling disputes or appeals.

The Division Director of DGA is delegated authority to obligate the Foundation under grants, cooperative agreements, other forms of assistance, and "outgoing" interagency agreements to support research proposals consistent with applicable NSF and Federal statutes, policies and regulations. The DGA Division Director is authorized to delegate this authority in writing to appointed Grants Officers with any further limitations set forth as appropriate in the delegations.

The Division Director of DACS, as the NSF Procurement Executive, is delegated authority to obligate the Foundation under cooperative agreements for major facilities and as such is authorized to delegate this authority in writing to Grants and Agreements Officers with any further limitations set forth as appropriate in the delegations.

The Division Director of DIAS is delegated authority to resolve all administrative matters for which DIAS has responsibility. The DIAS Division Director may redelegate this authority in writing to appointed staff provided with any further limitations set forth as appropriate in the delegations.[7]

I. Declined Proposals

1. Policy and Responsibilities

The NSF policy on declinations is contained in PAPPG Chapter IV.C. PAM Chapter XI.B.3 includes information on declinations for supplemental funding requests. All proposers for NSF grants, fellowships and other assistance awards for whom support is not approved receive an official NSF declination notice from the Program to which they applied (see section F above for procedures regarding declinations by DGA or DACS/CSB for financial or administrative reasons).

2. Authority to Approve and Sign Declinations

Assistant Directors/Office Heads (and other officials reporting to the Office of the Director), Division Directors, their Deputies and persons acting in these capacities are authorized to make final programmatic decisions on declinations.

Delegations can be performed electronically via eJacket. Delegations performed in eJacket capture the electronic signature of the person performing the delegation. eJacket maintains an electronic record of all delegations of authority, which serves as an audit trail of these actions.

The official record of action taken on the proposal is maintained in the Recommendation section of eJacket.

3. Cases Involving Policy Issues or Unusual Sensitivity

Declinations involving questions of policy or unusual sensitivity warranting consideration at higher levels are forwarded to the appropriate Assistant Director/Office Head for review. Cases that cannot be resolved at the Assistant Director/Office Head level are referred to the Office of the Director by the Assistant Director/Office Head concerned.

4. Procedures

a. Content of Declination Notice and Accompanying Materials

[7] Additional information describing the administrative responsibilities of DIAS relating to the award process is specified in PAM Chapter X.D.

In view of the seriousness of a declination by the Foundation of a proposal for a grant, fellowship or other assistance award, it is essential that declinations be phrased with the utmost care. The eCorrespondence system contains two declination notice templates: one for use with externally reviewed actions and one for internally reviewed actions. See PAM Chapter V.B.2 for a list of the categories/types of proposals that do not require external merit review. Declination notices that differ from the standard (especially those involving policy issues or unusual sensitivity) must be forwarded to the appropriate Assistant Director/Office Head for signature or approval.

b. Timing of Declination Notices

Declinations should be dispatched promptly after completion of evaluation procedures and Division Director concurrence.

c. Routing of Correspondence

For most types of proposals, the program office sends the original declination notice to the PI/PD and the AOR. Declinations sent in response to applications for fellowships to individuals are sent only to the proposer.

d. Additional Communications with Proposer

The use of approved formats is not intended to preclude PO or other staff members, as appropriate, from carrying on additional constructive communication with proposers who have received a declination.

e. Reversal of a Decline Decision

A reversal of decline decision functionality is available in eJacket and provides the capability for a DD to reverse the decision on a previously declined proposal and return it to a pending status for it to follow the recommendation process. Programs wishing to reverse a decline decision must follow the procedures outlined in the *Framework for Reversal of Decision* document and the *Reversal of Decision Quick Reference Guide*.

J. Reconsideration

1. Scope

The NSF policy on and procedures for the reconsideration process is contained in PAPPG Chapter IV.D. See also PAPPG Chapter III.F.2 for information on the appeal process for proposals declined for financial or administrative reasons.

2. Procedures

Records documenting the reconsideration process should be uploaded to the 'Reconsideration' link in the 'Non-Award, Award and Post-Award Documents' section of eJacket; program staff should select 'Reconsideration' as the Proposal Document Type. Such documentation includes:

- The request for reconsideration to an Assistant Director/Office Head or the Deputy Director along with any supplemental material;

- The memorandum to the Assistant Director/Office Head or DD if he/she delegates to someone else to assist in the determination;

- The request for and any additional information from the PI/PD or the proposing organization;

- Any additional reviews, where applicable; and

- The determination on a request for reconsideration.

3. Reporting Requirements

a. Each Directorate/Office will maintain a record of all requests for reconsideration by the Assistant Director/Office Head. The record should include the date of receipt, the name of the PI, the name of the proposing organization and the proposal number and title.

When the reconsideration is completed, the record should be updated to indicate the results of the reconsideration and when they were furnished to the PI. Within five working days after the end of each quarter of the fiscal year, each Directorate/Office will forward to the Deputy Director a copy of the record for all requests received and reconsiderations completed during the previous quarter.

b. The Office of the Deputy Director will maintain similar records on requests for further reconsideration from proposing organizations.

Exhibit VI-1
Flowchart of the Proposal Review and Award & Declination Process

*(*Letters of Intent and Preliminary Proposals are processed as described in PAM Chapter III)*
*(**The Division of Grants & Agreements (DGA) and the Division of Acquisition and Cooperative Support (DACS) have the ability to decline a proposal for financial or administrative reasons. See PAPPG Chapter III.F)*

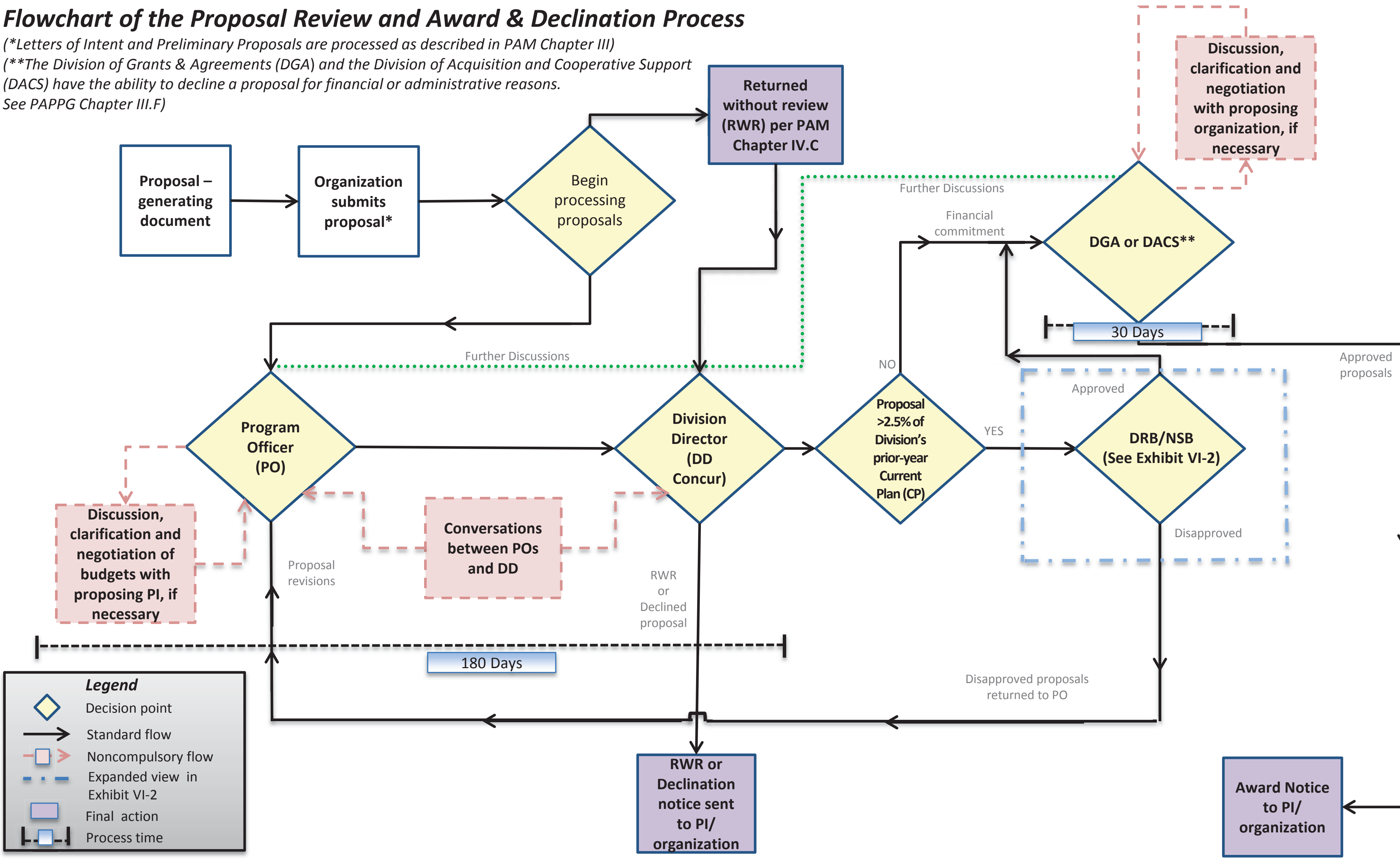

Exhibit VI-2
Expanded View of the Director's Review Board and National Science Board Process

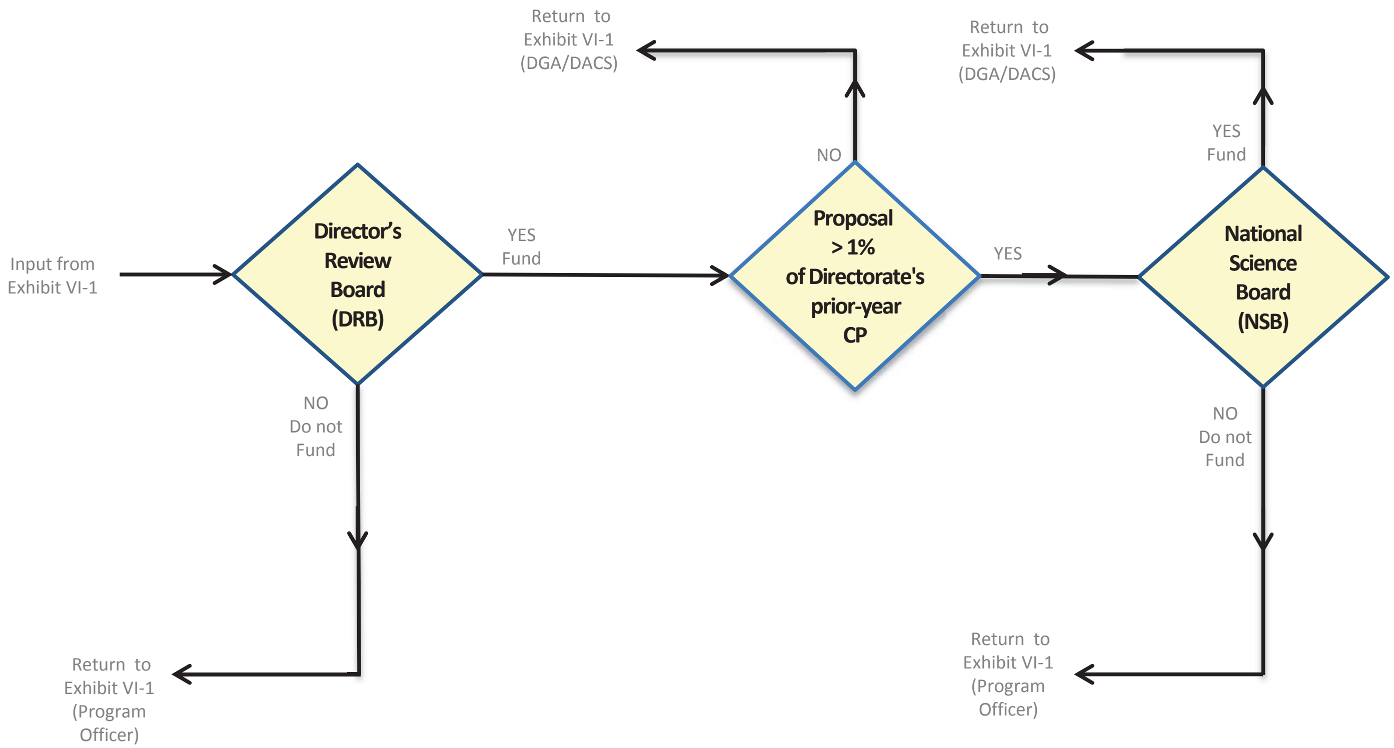

Exhibit VI-3

Required Documentation Matrix

	Abstract	Proposal Budget	Review Record	Context Statement
Returned without Review +				
Withdrawal			X *	
Declination			X	X
Standard Grant	X	X	X	X
Continuing Grant	X	X	X	X
Continuing Grant Increments		X **		
Cooperative Agreement	X	X	X	X
Supplemental Support ++	X ***	X	X ***	
Renewed Support	X	X	X	X

+ Although the documents referred to above are not required for proposals returned without review, the documentation requirements contained in PAM Chapter IV.C must be followed.

++ In addition to the documents referred to above, for supplemental funding requests beyond the original scope of work or that exceed 20% of the original award total, the documentation requirements contained in PAM Chapter XI.B.3 must be followed.

* A Review Record is required if the proposal was merit reviewed. If the proposal had not been merit reviewed yet, the record of review to date should be retained in eJacket.

** Documentation electronically signed by the AOR is required if the original award notice did not indicate specific increments or if an adjustment to the planned increment exceeds 10 percent or $10,000.

*** Required if there are significant changes in project objectives or scope.

Chapter VII - NSB and DRB Review and Approval

A. Scope

This section sets forth the context, policies and procedures governing the preparation and review of action and information items for the National Science Board (NSB) and the Director's Review Board (DRB).

Items requiring NSB action include:

(1) Large awards;

(2) Major Research Equipment and Facilities Construction projects;

(3) Certain Requests for Proposals (RFPs); and

(4) In special circumstances, waivers from NSB review.

The Director will continue to consult with the National Science Board on programs which represent a significant, long-term investment, divestment of major research facilities, particularly those which will be funded as an ongoing NSF-wide activity or which involve sensitive political, policy, interagency, or international issues.

In addition, items considered to be of special interest should be submitted to the NSB for information purposes. More comprehensive coverage of the items requiring NSB and DRB review is included in section C. below.

All items requiring NSB action as well as NSB information items are reviewed by the DRB prior to their submission to the NSB. Items requiring DRB action only include large awards and RFPs in a designated threshold range below the level requiring NSB action. For the current NSB and DRB threshold levels, see the DRB webpage on the internal NSF website.

B. Purpose and Function of the DRB

1. Purpose

The purpose of DRB review is to assure the Director that all recommendations and proposed action items have undergone thorough review, assessment and discussion. The DRB reviews proposed actions for adequacy of review and documentation; and consonance with Foundation policies, procedures and strategies. The DRB also brings to the Director’s attention any policy issues that have been identified.

The DRB is the Director's forum for reviewing timely recommendations to the NSB on a variety of critical NSF awards, actions and information items. The DRB reviews for responsiveness to questions that may be raised by the NSB.

2. DRB Membership

Members of the DRB include:

- NSF Deputy Director or Chief Operating Officer (chairperson);
- Three Assistant Directors, serving on a 3-year rotating basis;
- Three Division Directors/Deputy Division Directors/Program Directors, serving on a 3-year rotating basis;
- Chief Financial Officer;
- Staff Advisor, Office of the Director;
- Large Facilities Office Head;
- Executive Secretary, DRB; and
- Such other persons as the Director may designate.

3. Function

The DRB package (see section D. below for definition and procedures) is intended for the Director or the Director's designee and, in the case of packages that must be considered by the NSB, for the Director to forward to the NSB. As such, the awards or information items must reflect current NSF policy and budget priorities, and also the priorities of the NSB, which can change with time and different budget scenarios.

Feedback received from the DRB should not be construed as management criticism of any Directorate/Office or program officer's work. Rather, it is an important opportunity to anticipate and rectify, in advance of a formal presentation to the NSB, any perceived deficiencies in a Director's approval package. The DRB review process is intended to be a collegial, internal and candid discussion, focusing on the cogently expressed rationale for why a particular NSF award or information item is worthy of approval, both by the Director and the Board.

Program officers, Division Directors and others associated with the DRB process should avail themselves of the services of their Directorate/Office's DRB liaison. The DRB Executive Secretary also is available to answer any questions regarding the review process that might surface prior to any scheduled DRB session. These helpful resources are meant to assist NSF staff in consistently bringing the best possible presentations forward, Foundation-wide, for the Director's consideration and signature, and subsequent NSB approval, as necessary. Detailed procedures for submitting items to the DRB and NSB, including the requisite content requirements, are included in section D. below.

C. Items Requiring NSB and DRB Review

1. NSB Action Items

The following items must be submitted to the NSB for approval:

(a) Large Awards. Proposed awards where the anticipated average annual award amount is 1% or more of the awarding Directorate's or Office's prior year current plan or 0.1% or more of the prior year total NSF budget (enacted level), whichever is greater. This includes any funds transferred from other agencies to be awarded through NSF funding actions. Awards involving funds from two or more Directorates/Offices will be the responsibility of the managing Directorate/Office. NSB review will be determined by that Directorate's/Office's threshold, using the total amount of the award. See the DRB webpage for the current NSB thresholds.

In determining whether anticipated future commitments beyond an initial award amount for any award instrument meet or exceed the threshold for NSB approval, every additional anticipated funding action should be added to the initial award amount. Awards should be submitted for NSB approval under this criterion as soon as program staff anticipate that the total ultimately to be committed is likely to exceed the threshold established for their Directorate or Office.

(b) Major Research Equipment and Facilities Construction Projects. Prior NSB approval is required for all awards made from the Major Research Equipment and Facilities Construction (MREFC) account.

(c) Requests for Proposals. RFPs that expect to result in contracts that meet or exceed the NSB approval thresholds must be approved by the NSB prior to release.

(d) Waivers. Requests for exemption from NSB review and approval of a continuing project or logistics support arrangement may be requested in routine cases where there are no significant issues or policy implications. Additional information on obtaining waivers is contained in section D.6 below. Such waivers may be appropriate in a few special cases.

(e) Context Items. The context item is ordinarily presented at the NSB meeting that precedes the related NSB action item. See NSB-AF-2018-39 for additional information.

2. NSB Information Items

Any items considered to be of special interest should be submitted to the NSB for information purposes. The latter includes:

(a) Any award that may be considered of special interest to the Director or the NSB; or

(b) Special program reports, program reviews, plans or other information requested by either the NSB or its committees for official presentation to the NSB.

3. DRB Action Items: Awards and RFPs below the NSB Amount Threshold

Proposed awards with an average annual award amount of 2.5% or more of the awarding Division's prior year current plan will be reviewed by the DRB. (For standard grants, the project year limit applies to the annualized amount of the award.) Similarly, DRB review is required prior to release of proposed RFPs expected to result in contracts with average annual award amounts of 2.5% or more of the awarding Division's prior year current plan. Awards involving funds from two or more Divisions will be the responsibility of the managing Division. DRB review will be determined by that Division's threshold, using the total amount of the award. The DRB will annually assess the level of review necessary to provide sufficient accountability. See the DRB webpage for the current DRB thresholds.

The proposed items must meet the same standards of review and documentation as items that are submitted to the NSB. For items that receive a satisfactory review, the DRB will recommend that the Director delegate authority to the cognizant Assistant Director or Office Head to make the award.

D. Procedures for Submitting Action Items to the DRB and NSB

1. General

Each Directorate/Office has a DRB liaison, appointed to work with staff on the preparation of materials and to coordinate scheduling with the DRB Executive Secretary.

Prior to DRB review, conflicts-of-interest and internal clearance and approval should be addressed, as described below. Assistant Directors/Office Heads and cognizant program staff should be available to meet with the DRB for discussion of proposed items. DRB meetings are held at the call of the Chairperson, generally once a month.

Materials to be reviewed by the DRB should be prepared as outlined in the "Procedures" sections and the "Formats and Number of Copies" section below. The DRB may recommend that revisions be made to the materials prior to DRB approval. If so, the recommended changes and any subsequent review procedures will be communicated to the staff by the DRB Executive Secretary.

2. Conflicts-of-Interest

Items submitted to the DRB must first be reviewed by OGC for conflicts-of-interest, whether submitted for consideration by the NSB or for DRB action only. Programs will be provided instructions for completion of this step of the process as part of the DRB Executive Secretary's monthly call for items. Cognizant staff must provide OGC with the requisite information at least seven weeks prior to the relevant NSB meeting and four weeks prior to the DRB meeting.

3. Assistant Director/Office Head Endorsement

Items should be transmitted to the DRB and should be accompanied by a Memorandum from the Assistant Director/Office Head as described below:

A brief Memorandum of Endorsement should be provided by the Assistant Director/Office Head to the DRB. This Memorandum must include a clear and convincing preface that succinctly states the compelling reasons or context concerning why the Directorate/Office is considering this award or information item at this particular time, as well as a brief history of the award or decision, including any pertinent issues. The Memorandum should clearly state that the Assistant Director/Office Head endorses the action or information and recommends its approval.

4. Procedures for Awards

(a) General. Proposed awards requiring DRB or NSB action should first be reviewed using standard NSF procedures. Following programmatic review and approval, recommended awards should be forwarded to the DRB. MREFC account projects, however, should follow the NSB procedures set forth in the *Large Facilities Manual*.

(b) Preparation and Documentation for Proposed Award. An Assistant Director/Office Head endorsement is required for both NSB and DRB action items. For proposed awards submitted for DRB review only, item (1), the Director's Memorandum to the NSB, is replaced by (2) the Memorandum for DRB Action Only. The Memorandum for DRB Action Only should be routed via the Division Director and the Assistant Director/Office Head.

For all projects requiring DRB and/or NSB approval, the package must address plans for recompetition at the end of the award period, consistent with the resolution and policy statement passed by the NSB and/or discuss the planned process for assessment of possibilities for renewal or termination of the award. Significant planned investment by the prospective awardee does not negate this requirement. Determinations regarding recompetition decisions must follow the *Guidelines for Facilities Management Competition Decisions* (December 2017) and be discussed with the Facilities Governance Board and the Chief Officer for Research Facilities, who will present a recommendation to the NSF Director. For awards that require NSB approval and are proposed to be made without recompetition, programs must prepare an informational presentation at a meeting prior to the action item presentation which includes analysis of why the proposed course is in the best interest of U.S. science and engineering. See also PAM Chapter IX.A.7 on recompetition of cooperative agreements.

(1) Director's Memorandum to Members of the NSB. The Director's Memorandum should have a subject line in the following format:

Title of Award, Organization
($XXX,XXX,XXX; XX months; Proposal/Award number (if known))

The Memorandum should summarize information and issues related to the proposed award, and be organized as follows:

- **Introductory paragraph(s)** (<1 page). Describe what the Director is recommending to the NSB, and provide a high-level summary of its importance. Does not need a section heading.
- **Scientific Context (2-3 pages)**. Describe the overall scientific context, including scientific objectives, possible alternative ways (if any) to deliver the science, potential policy implications (e.g., White House or legislative interest, interagency or international involvement), scientific and programmatic history incorporating review of prior NSB discussion and any other factors that could be helpful to NSB members. Describe the context of the award within the discipline and other related research and research infrastructure investments, including those supported by other U.S. and non-U.S. sources. Reference decadal studies or other community-driven prioritization or support for the activity.
- **Merit Review Process and Results (2-4 pages)**. Provide a summary of the NSF oversight and review process and the evaluation of Intellectual Merit, Broader Impacts, and other merit-review criteria specific to the relevant solicitation. This should include a short description of how the proposer has or will respond to any major concerns raised by reviewers, and the steps that Program will take to assure effective implementation of the response. May include more detail and be slightly longer if the proposed award is substantially different from the activity described in the submitted proposal.
- **Budget Context (1 page)**. Give a summary of recent and proposed budget totals for this award and previous awards for a predecessor or related facility, as well as information on the proposed award budget as a percentage of the Program or Division budget and future budget implications related to full life-cycle costs.
- **Costs and Financial Analysis (1 -2 pages)**. Provide the current status of internal and external reviews of the budget and financial viability of the organization, including required cost reviews or financial analyses.
- **Risks and Oversight (1-2 pages)**. Summarize identifiable agency risks, including viability of the awardee and any risks associated with interagency or international contributions. Discuss Program's strategy for managing those risks.
- **Additional Considerations (~1 page).** If needed (this section is not required), provide any information unique to this particular award item or competition that is not covered above.

The Memorandum to the NSB should not include any attachments. The Memorandum should conclude with the following draft resolution:

> RESOLVED, that the National Science Board authorizes the Director at his/her discretion to make an award* {Proposal/Award number (if known)} to {Organization or Entity} for {Title} in an amount not to exceed $XX,XXX,XXX for XX month(s).

*If appropriate, substitute "an interagency transfer of funds."

If more than $10 million of interagency or international contributions are involved, the draft resolution should instead include:

> WHEREAS, the National Science Board is informed that international/agency partner(s) intend to contribute approximately $XX,XXX,XXX toward the {Title};
> RESOLVED, that the National Science Board authorizes the Director, at his/her discretion, to make an award to the {Organization or Entity} for the {Title} for a period of XX months from {Start}; the NSF appropriated amount is not to exceed $XXX,XXX,XXX.

OR-

(2) Memorandum for DRB Action Only. This is a memorandum from the Program Officer via the Division Director and Assistant Director/Office Head to the DRB. To the degree possible, the Memorandum should be organized in accordance with the guidance provided above for the Director’s Memorandum to the NSB, with one exception. The Memorandum to the DRB should NOT conclude with a resolution. For items that receive a satisfactory review, the DRB will recommend that the Director delegate authority to the cognizant Assistant Director or Office Head to make the award.

All packages for both DRB and NSB review must contain the remaining items (3-7) below.

(3) Award Abstract

(4) Budget (Including both the first year’s budget and the total award budget.)

(5) Program Officer’s Review Analysis and Recommendation. A program officer's review analysis and recommendation must include a substantive discussion of, and satisfactory response to, any critical comments made by panel or other outside reviewers. Any identified weaknesses must be addressed, and corrective actions to resolve such weaknesses must be outlined. In addition, the review analysis and recommendation must clearly describe how the project addresses both NSB-approved merit review criteria, including coverage relating to broadening participation and the educational outreach component of the proposed activity. For complex awards, a description of post-award oversight and internal NSF management plans should be provided, as well as the rationale for selection of the cooperative agreement mechanism, if applicable.

All requests to include an MREFC project in a future budget request and all requests to approve an award to spend an MREFC appropriation should follow the guidance set forth in the *Large Facilities Manual*.

(6) List of Reviewers and Ratings

(7) Reviews. These include all *ad hoc* and panel reviews, as well as site visit reports. Also included is any correspondence with the proposer responding to review comments or clarifying reviewer questions. The review materials should be presented in reverse chronological order with the most recent material first.

(c) Activation of Approved Award

(1) NSB Action. After approval by the NSB, the Program Office will forward the proposal through DGA or DACS in order for an award to be made. A copy of the NSB approval document (i.e., Director's Memorandum to the NSB and accompanying NSB resolution) must be included in eJacket. The Director's Memorandum to the NSB and accompanying NSB resolution (as well as any special conditions) will be provided through the DRB Executive Secretary and the Office of the Director, working together with the NSB Office, and must be included in eJacket.

(2) DRB Action Only. For items that receive a satisfactory DRB review, DRB will recommend that the Director delegate authority for the award to the Assistant Director/Office Head. The signed delegation of authority (as well as any special conditions) will be provided through the DRB Executive Secretary and the Office of the Director and must be included in eJacket.

(d) Additional Funding for Approved Award

(1) NSB Action. Unless otherwise stated in the specific award resolution, the award may be subsequently amended to change the end date of the award and/or to commit additional sums, not to exceed the lesser of 10 million dollars or 20 percent of the amount specified in the Board resolution without further NSB approval. In the case of procurements, when the Board approves or authorizes the Director to make an award and no amount is specified in the Board resolution, the award may be subsequently amended to change the end date of the award and/or to commit additional sums not to exceed the lesser of 10 million dollars or 20 percent of the contract ceiling award amount.[8]

[8] This NSB delegation provides the Director with some flexibility in managing procurement contracts by not requiring the Director to seek further Board approval whenever a contract award amount or end date is modified (within certain limits). It was intended to parallel the Director's similar authority with respect to Federal financial assistance awards. Given the non-fixed price nature of certain procurements, and the fact that the amount of a contract can only be negotiated by the Contracting Officer who makes the award, the resolution acknowledges that the $10 million or 20 percent flexibility provision in the delegation should be calculated from the maximum contract amount determined at the time of the initial award (i.e., contract ceiling award amount).

Procedures for submission of the requisite notification are as follows:

(a) A memorandum should be addressed to the Deputy Director or Chief Operating Officer from the cognizant Assistant Director or Office Head.

(b) The subject of the memorandum should specify:

"Notification of intent to expend additional funding beyond the NSB-approved amount"; reference PAM Chapter VII.D.4(d).

(c) The memorandum must include the following items:

- The applicable award number;
- The purpose of the additional funding;
- The total amount of funding approved by the NSB (cite the NSB resolution number and include as an attachment to the memorandum);
- The initial award amount, if different from the NSB approved level (e.g., if initial award is made for less than the approved level, and subsequent amendments will then take the award above the approved level);
- The amount of additional funding to be provided;
- The new total for the award, and the percentage above the NSB approved total; and
- A statement that no additional funding is anticipated.

(d) The memorandum should be acknowledged or otherwise cleared by the Deputy Director.

(e) The memorandum should be routed (via use of a Form 10) as follows:

- Originating office(s)
- Cognizant Assistant Director(s)/Office Head(s)
- BFA
- OGC
- OD
- DIAS Systems Office
- DRB Executive Secretary

(f) A copy of the signed memorandum should be included in eJacket.

(2) DRB Action Only. Unless otherwise stated in the Delegation of Authority, additional funding not to exceed 20 percent of the DRB approved amount may be made without further DRB approval except when the increased total would exceed the NSB award amount threshold. The Director must be notified in writing, by the cognizant Assistant Director/Office Head prior to the expenditure of additional funding beyond the DRB approved amount. The end date of the award may be amended without further DRB approval. Procedures for submission of the requisite notification are as follows:

(a) The memorandum should be addressed to the Deputy Director or Chief Operating Officer from the cognizant Assistant Director or Office Head.

(b) The subject of the memorandum should specify:

"Notification of intent to expend additional funding beyond the DRB-approved amount"; reference PAM Chapter VII.D.4(d).

(c) The memorandum must include the following items:

- The applicable award number;
- The purpose of the additional funding;
- The total amount of funding approved by the DRB (provide a copy of the Delegation of Authority as an attachment to the memorandum);
- The initial award amount, if different from the DRB approved level (e.g., if initial award is made for less than the approved level, and subsequent amendments will then take the award above the approved level);
- The amount of additional funding to be provided;
- The new total for the award, and the percentage above the DRB approved total; and
- A statement that no additional funding is anticipated.

(d) The memorandum should be acknowledged or otherwise cleared by the Deputy Director.

(e) The memorandum should be routed (via use of a Form 10) as follows:

- Originating office(s)

- Cognizant Assistant Director(s)/Office Head(s)
- BFA
- OGC
- OD
- DIAS Systems Office
- DRB Executive Secretary

(f) A copy of the signed memorandum should be included in eJacket.

5. Procedures for Waivers

(a) General. NSB policy permits the Director to request the NSB to waive its review and approval of a continuing project, facility or "logistics-support" arrangement that would otherwise require NSB approval. The use of waivers is limited to routine cases where there are no significant issues or policy implications (for example, awards to institutions for NSF Graduate Fellowship support where the number of Fellows enrolled determines the award amount to the administering institution). Such waiver authority also may be appropriate for actions that would require re-review by the NSB within a short timeframe (e.g., extending Science & Technology Centers a year or two prior to a major recompetition).

(b) Preparation and Documentation for Proposed Waivers. In addition to the Assistant Director/Office Head endorsement, the Director's memorandum to members of the NSB should be submitted. The memorandum summarizes the justification for the waiver, review process and analysis and funding recommendation, and notes the most recent NSB action and plan for future NSB approval. The memorandum should conclude with a draft resolution naming the award or action and stating the duration of the project. For example:

> RESOLVED, that the National Science Board waives its right to review and approve the award(s) for <topic ---- e.g. fellowship support agreements> to <institution(s) or other entity> for fiscal years XXXX through XXXX, and authorizes the Director to approve such awards.

The draft resolution should incorporate any special considerations or conditions (e.g., "The Director will notify the Board of any significant proposed changes in the award(s)").

6. Procedures for Requests for Proposals

Procedures for RFP approval should be discussed with the Division of Acquisition and Cooperative Support.

E. Information Items

Information items are usually brief memoranda from an Assistant Director/Office Head, via the Director, to the appropriate NSB committee.

An information item written to the NSB must be reviewed by the DRB when the item is directly related to areas of DRB responsibility (for example, an award previously reviewed by NSB or other item referred to the DRB by the Director). Information items should be prepared in an appropriate format as determined by the originating Office and forwarded to the DRB Executive Secretary. Many – but not necessarily all – of the items noted above in section D.4(b)(1) for the Director's Memorandum to Members of the NSB should be used to create a comprehensive information item.

Written information items that do not fall into these categories should be discussed with the Director's Liaison to the DRB to determine appropriate review prior to submission to an NSB committee.

F. Scheduling

The NSB calendar includes four to five regular business meetings a year during which NSF awards may be considered. The schedule of NSB meetings is published by the NSB office. The DRB usually meets monthly. Items to be considered by the NSB must follow the procedures for transmitting DRB packages to the NSB.

A Summary of Critical Dates for NSB and DRB Activities is available on the DRB webpage.

G. Formats and Number of Copies

1. Formats for Action and Information Item Memoranda

(a) Director's Memorandum to the NSB. The memorandum from the Director to members of the NSB should be prepared for the signature of the Director on the Director's letterhead. This signature will come after the DRB review and any necessary revisions.

If OGC determines that a conflict exists for the Director, the memo should be prepared for the signature of the Deputy Director or other designated person.

(b) DRB Action Only. The memorandum from the Program Officer to the DRB, via the Division Director and Assistant Director/Office Head should be printed on the Directorate's/Office's letterhead.

(c) NSB Information Item. The memorandum from the Assistant Director/Office Head to the NSB committee, via the Director, should be on Assistant Director/Office Head letterhead and addressed to the appropriate NSB committee. It should be signed by the Assistant Director/Office Head and will be initialed by the Director after DRB review and any necessary revisions.

2. Number of Copies of Material

(a) For DRB Review (NSB and DRB Items). For NSB Action and Information items, as well as for DRB Action Only items, the original plus one hard copy of all materials (including Assistant Director/Office Head endorsements) must be submitted to the DRB Executive Secretary at least 2 weeks before the DRB meeting. An electronic version (pdf file with sections of the package bookmarked) of these materials also must be provided to the DRB Executive Secretary at least 2 weeks prior to the meeting.

(b) Following DRB Review: NSB Action Items

(1) Director's Memorandum to the NSB. Once this memorandum has been reviewed by the DRB and signed by the Director, a copy is provided to the NSB Office for distribution to Board Members.

(2) Supporting Material. Copies of supporting material should be provided by the cognizant Program Office to the Executive Secretary of the NSB committee considering the action item. Programs will be provided specific instructions for this step of the process by the DRB Executive Secretary.

(c) Following DRB Review: NSB Information Items. Once the information memorandum has been reviewed by the DRB and initialed by the Director, copies are prepared by the Executive Secretary of the relevant NSB committee. If additional material(s) accompanies the memorandum, the cognizant Program should provide the number of copies requested by the Executive Secretary of the relevant NSB committee.

Chapter VIII – Proposal- and Award-Related Considerations

This chapter discusses topics that may need to be considered during proposal review and/or post-award management of projects. The NSF policy on each area is contained in PAPPG, where applicable. Each section provides the internal procedures that should be followed by NSF staff, and the chapter is organized to parallel the order in which the topics are found in the PAPPG.

A. Mentoring of Postdoctoral Researchers

1. Policy and Procedures

The NSF policy on mentoring of postdoctoral researchers is contained in PAPPG Chapters II.C.2.j and VII.B.4. If funding to support postdoctoral researcher(s) has been included, the cognizant PO should then review the plan that has been included in the Supplementary Documentation section addressing the mentoring activities that will be provided to such person(s). The requirement applies even if a specific person has not been selected for the postdoctoral position.

2. Addition of a Postdoctoral Researcher After Proposal Submission

In cases where a postdoctoral researcher is added after the proposal has been submitted and reviewed, but before an award is made, the following procedure should be followed. The PI should submit to the cognizant PO a description (email is acceptable) of the mentoring activities that will be provided to the individual. The PO should review the description and ensure that it is uploaded to the Correspondence section of eJacket, with “Addition of Postdoc” as a keyword.

B. Cost Sharing

The NSF policy on cost sharing is contained in PAPPG Chapters II.C.2.g(xii), II.C.2.i, VII.B.1 and VII.C.

Mandatory programmatic cost sharing will rarely be approved for an NSF program. If program staff are contemplating requiring cost sharing, they should be aware that program solicitations are the only funding opportunities that can require cost sharing, in accordance with the NSF *Revised Cost Sharing Policy Statement*. Any program that would like to require cost sharing in an NSF solicitation should first consult with the DIAS Policy Office, prior to discussing the matter with the Office of the Director. Program must develop a compelling justification regarding why non-Federal financial support and commitment is considered foundational to programmatic success. The justification should be vetted and approved by the cognizant Assistant Director/Office Head. Such requests to require cost sharing must be explicitly authorized by the NSF Director.

C. Program Income

1. Policy

The NSF policy on program income is contained in PAPPG Chapter VIII.D.4. The two methods used for the treatment of program income are additive and deductive.

Additive treatment assures that grantees do not divert revenue from NSF-supported research to other uses while the costs of producing that revenue are still being borne by the taxpayer. License fees and royalties for copyrighted material, patents, patent applications, trademarks and inventions are excluded from this requirement because: (1) a grantee often must incur substantial expense (not chargeable to the grant) to secure legal protection and locate licensees; (2) associating income from intellectual property with a particular research project would be administratively burdensome; and (3) most significantly, because such income is seldom received during the grant period.

Deductive treatment means that program income that the proposing organization did not anticipate at the time of the NSF award must be used to reduce the NSF award and proposing organization contributions rather than to increase the funds committed to the project. Deductive treatment is permitted when specified in the solicitation, the award specific terms and conditions (e.g., Administration of NSF Conference or Group Travel Grant Special Conditions (FL 26)) and/or via a clause in the award notice.

2. Responsibilities

a. Program Officers

POs should be alert for and bring to the attention of the cognizant Grants Officer any circumstances that suggest that program income resulting from a recommended award be given special treatment.

b. Grants Officers

Grants Officers are responsible for determining whether special treatment of program income is required, for assuring that the proper program income provision is included in each grant, and for determining whether such special treatment should continue.

c. Division of Financial Management

DFM is responsible for receiving program income data as reported by NSF grantees and for providing that data to the other BFA Divisions for consideration in the program income monitoring process described in PAPPG Chapter VIII.D.4.

d. Division Director, DGA or DACS

The DGA or DACS DD will decide appeals from their respective grantees, determining the appropriateness of any imposed or continued special treatment of program income.

D. Protection of Human Research Subjects under NSF-Supported Projects

1. Policy

The NSF policy regarding use of human subjects under NSF-supported projects is contained in PAPPG Chapters II.D.5 and XI.B.1.

2. Responsibilities

a. Proposer/Grantee

(1) An Institutional Review Board (IRB) approval document that clearly references the project by its title must be provided. The title on the IRB approval document and the title of the submitted proposal are not required to match exactly, but it should be clear that they are referencing the same project. Changes to the project title made by the NSF PO or DD do not require that the IRB protocol be reapproved.

(2) It is the grantee's responsibility to ensure that the IRB approval remains valid at all times that human subjects work is conducted under the grant.

(3) Forward Funding of CGIs does not require a separate IRB approval, unless the award was made pursuant to section D.2.b.(4) below.

(4) Proposers must provide a currently approved Federal Wide Assurance (FWA) number that is on file with the DHHS Office for Human Research Protections (OHRP). If the proposer does not have an FWA number and has no possibility of obtaining assurance from OHRP or any other Federal agency participating in the Common Rule, the PI may arrange for the IRB at a nearby organization to review the proposal and certify it as conforming to the human subjects' regulations.

b. Program Officer

(1) It is the cognizant PO's responsibility to affirm that an IRB approval or exemption has been obtained. If the IRB approval is listed as "Pending" on the Cover Sheet, the PO must, prior to issuance of an award, obtain a signed IRB approval letter from the proposer which indicates approval of the proposed activities. This documentation should be uploaded into the "Human Subjects and Vertebrate Animals Documents" section of eJacket before the proposal is forwarded to DGA or DACS/CSB for processing. See section D.2.b.(4) below for guidance on projects lacking definite plans for the use of human subjects, their data or their specimens.

(2) If the cognizant PO determines that the project contains a human subjects component, but the "Human Subjects" box on the Cover Sheet has not been checked, the PO is responsible for obtaining an IRB approval or exemption from the proposer before forwarding the proposal to DGA or DACS/CSB for processing.

(3) When collaborative proposals involving human subjects are submitted by multiple organizations, it is the cognizant PO's responsibility to ensure that IRB approval has been obtained by each collaborating organization that will be conducting human subjects research. If the "Human Subjects" box on at least one of the Cover Sheets is checked, the PO should include a discussion in the review analysis which verifies that human subjects issues are appropriately addressed.

The discussion should indicate that human subjects research is being conducted only by those collaborating organization(s) that have received IRB approval for the project, or that a single IRB has assumed responsibility for review, approval and oversight of the human subjects research being conducted by the other collaborating organizations. If the IRBs of the collaborating organizations have signed an IRB Authorization Agreement, where one organization's IRB has agreed to rely on the other IRB's review and continuing oversight of human subjects research, the PO may upload this document to the "Human Subjects and Vertebrate Animals Documents" section of eJacket.

(4) The cognizant PO may elect to fund a project without receipt of IRB approval or notification of exemption. This typically occurs pursuant to 45 CFR § 690.118, in accordance with PAPPG Chapter II.D.5.b.(iv). In these situations, the IRB will issue a determination that the project lacks definite plans for the involvement of human subjects. IRBs are invited, but not required, to use the template provided in the PAPPG. Any IRB determination that the project is under review, or in a developmental or proof of concept state constitutes acceptable verification that the project lacks definite plans pursuant to 45 CFR § 690.118, provided that such a determination makes it clear that no human subjects work, including recruitment, may take place until the project has been approved or declared exempt. The PO must upload the determination notice provided by the IRB in the "Human Subjects and Vertebrate Animals Documents" section of eJacket. The cognizant PO also must describe the relevant circumstances and provide the following instructions in his/her review analysis for DGA or DACS/CSB:

> "IRB HUMAN SUBJECTS APPROVAL/NOTE TO DGA/DACS: This project may involve the use of human subjects during the life of the award, but it is not feasible for the IRB to approve the use of human subjects at the time of the award recommendation due to a lack of definite plans for the use of human subjects, their data or their specimens.
>
> In accordance with PAM Chapter VIII.D.2.b.(4), I have elected to recommend this project for funding before IRB approval has been completed, so that the PI can begin the work on the project that does not involve the use of human subjects. In accordance with the determination notice provided, the PI and the PI's AOR are aware that no work with human subjects, including recruitment, may be conducted until the full IRB approval is obtained. I am also requesting that the following language be added to the award notice:

Use of Human Subjects Clause:

A determination notice was submitted to NSF by the grantee which specified that that the human subject protocol for this award meets the requirements of 45 CFR 690.118. The study will involve research with human subjects for which the protocol is not yet fully developed.

One year from the date specified on the determination notice, the Authorized Organizational Representative is required to either:

1. Verify that the project continues to lack immediate plans for the involvement of human subjects, their data, or their specimens; or

2. Provide documentation to the cognizant NSF Program Officer to demonstrate that IRB approval has been obtained.

No work with human subjects, including recruitment, may be conducted under this award until the protocol has either been declared exempt or the protocol has been reviewed and approved by the organization's Institutional Review Board, and certification has been submitted to the cognizant NSF Program Officer."

(5) POs may NOT waive the applicability of the Common Rule to nonexempt research activities. Waiver requests must be submitted to the NSF Director or Deputy Director, for necessary review and approval.

(6) In most cases the PO will accept the validity of an IRB certification, but in rare cases more oversight for the protection of human subjects may be deemed necessary before an award is recommended. After consultation with the NSF Human Subjects Research Protection Officer, the PO may ask DGA or DACS/CSB to impose additional conditions prior to making the award. See section d. below for information on the responsibilities of the Human Subjects Research Officer.

(7) POs are responsible for selecting the appropriate human subjects option on the eJacket data maintenance screen. The options available are as follows:

(a) No Human Subject involvement.

(b) IRB documentation has been obtained indicating that the project complies with the NSF Human Subjects regulations (45 CFR 690). The PO affirms that IRB approval documentation (either an approval document or IRB determination that the project does not have definite plans for the involvement of human subjects pursuant to 45 CFR 690.118) has been uploaded in the eJacket.

(c) The project has been designated as exempt and the requisite documentation has been uploaded in the eJacket.

(d) The project has been approved by an IRB, with an approval date on the cover sheet that covers the period at which the project is initiated, or it has been designated as exempt and the IRB exemption number corresponding to one or more of the exemption categories has been provided on the cover sheet.

Option (b) should be chosen for situations outlined in section D.2.b(4) above. In the case of Forward Funded CGIs, or supplements where the scope of the project has not been expanded, Option (c) should be chosen and the following text should be uploaded to the "Human Subjects and Vertebrate Animals Documents" section of eJacket:

> "At the time of the original award, the appropriate IRB approval was obtained. Documentation of this IRB approval can be found in the proposal jacket for the original award. The grantee is bound under the Common Rule for the Protection of Human Subjects to conduct continuing review of the research as appropriate. No additional IRB documentation is required."

c. Office of Budget, Finance and Award Management

(1) DGA or DACS/CSB, as appropriate, will review recommended awards involving the use of human subjects to ensure that the project has been approved as specified above. DGA or DACS/CSB may return incomplete files to the cognizant Program and will contact the cognizant PO for resolution where a coding or documentation discrepancy exists or when human subjects will be used in the project but no evidence of IRB approval is present.

(2) DGA or DACS/CSB will ensure that all NSF grants that involve human subjects, for which IRB approval is required, include in the award notice the language referenced in [PAPPG Chapter XI.B.1.c] that addresses organizational responsibility for compliance with the Common Rule as specified in Section D.2.a.(2) above.

(3) DGA or DACS/CSB will ensure that the clause referenced in section D.2.b.(4) above is included in the award notice, where applicable.

d. Human Subjects Research Officer

(1) The Human Subjects Research Officer must be informed when notice is received that an organization's FWA, or IRB approval, has lapsed or has been suspended or revoked. Such notification typically originates with the cognizant Program or Grants Officer or OHRP. In coordination with DGA or DACS/CSB, the Human Subjects Research Officer will determine which currently active NSF awards and pending proposals are affected by any lapse, suspension or revocation of a FWA. The Human Subjects Research Officer will then notify the cognizant Assistant Directors/Office Heads, DDs and POs.

(2) It is the responsibility of the Human Subjects Research Officer to notify the OIG, which will investigate the conditions responsible for the lapse, suspension or revocation.

The Human Subjects Research Officer will then recommend an appropriate course of action on a case-by-case basis. Final decisions concerning the appropriate course of action should be discussed with the cognizant Assistant Director/Office Head, DD, PO and DGA or DACS/CSB before any action is initiated.

All questions or inquiries related to the implementation or interpretation of human subjects policies or procedures should be directed to the Human Subjects Research Officer listed on the Human Subjects webpage.

E. Use of Vertebrate Animals in NSF-Supported Activities

1. Policy

The NSF policy regarding the use of vertebrate animals in NSF-supported projects is contained in PAPPG Chapters II.D.4 and XI.B.3.

2. Responsibilities

a. Proposer/Grantee

(1) Any work involving vertebrate animals must be approved by the Institutional Animal Care and Use Committee (IACUC), where required.

(2) It is the grantee's responsibility to ensure that the IACUC approval remains valid at all times that vertebrate animal work is conducted under the award.

b. Program Officer

(1) It is the cognizant PO's responsibility to ensure that the proposer's IACUC has reviewed and approved the project, prior to award, and to contact the PI if this has not been completed. No award involving vertebrate animals may be made without this certification. If a valid IACUC approval date is provided on the Cover Sheet, no additional information is required for processing the award. If the IACUC approval date is listed as "Pending" on the Cover Sheet, the PO must obtain signed IACUC approval documentation as specified in PAPPG Chapter II.D.4.e(iii). This documentation should be uploaded into the "Human Subjects and Vertebrate Animals Documents" section of eJacket before the proposal is forwarded to DGA or DACS/CSB for processing. See section E.2.b.(8) below for guidance on projects funded without receipt of IACUC approval.

(2) If a PO intends to make an award to an organization that does not currently hold a Public Health Service (PHS) Assurance, the PO should contact the NSF Animal Welfare Officer as soon as possible. See section d. below for information on the responsibilities of the NSF Animal Welfare Officer.

(3) If the cognizant PO determines that the project contains a vertebrate animal component, but the Cover Sheet has not been checked, the PO is responsible for

obtaining IACUC approval documentation as specified in PAPPG Chapter II.D.4.e(iii) from the proposer before forwarding the proposal to DGA or DACS/CSB for processing. Conversely, if it is determined that the project does not contain a vertebrate animal component, but the Vertebrate Animal box on the Cover Sheet has been checked, the PO is responsible for obtaining documentation, via the proposer, from the IACUC or the Sponsored Projects Office confirming that the project does not involve vertebrate animal work. This documentation should be uploaded as a Diary Note before forwarding the proposal to DGA or DACS/CSB for processing.

(4) When collaborative proposals involving vertebrate animals are submitted by multiple organizations, it is the cognizant PO's responsibility to ensure that IACUC approval and PHS assurance have been obtained by each collaborating organization that will be conducting vertebrate animal research. If the "Vertebrate Animals" box on at least one of the Cover Sheets is checked, the PO should include a diary note in eJacket for the proposals that do not involve vertebrate animal work explaining that those proposals do not require IACUC approval or PHS assurance. The diary note should indicate that vertebrate animal research is being conducted only by those collaborating organization(s) for which there is demonstration of IACUC approval for the project and PHS assurance, or that a single IACUC of a PHS-assured organization has assumed responsibility for review, approval and oversight of the vertebrate animal research being conducted by the other collaborating organizations.

(5) When collaborative proposals involving vertebrate animals are submitted by a single organization, it is the cognizant PO's responsibility to ensure that IACUC approval and PHS assurance has been obtained by each collaborating organization that will be conducting vertebrate animal research. The cognizant PO should include a diary note in eJacket indicating that vertebrate animal research is being conducted only by those organization(s) (lead or subawardee) for which there is demonstration of IACUC approval for the project and PHS Assurance, or that a single IACUC of a PHS-assured organization has assumed responsibility for review, approval, and oversight of the vertebrate animal research being conducted by the other collaborating organizations.

(6) For proposals that include multiple activities involving separate vertebrate animal protocols (e.g., REU sites), separate IACUC approval documentation must be obtained for each activity.

(7) For proposals to be funded through an award to an international organization or through an individual fellowship award that will support activities at an international organization, it is the cognizant PO's responsibility to obtain, via the PI, a statement from the international organization explicitly listing the proposer's name and referencing the title of the project to confirm that the activities will be conducted in accordance with all applicable laws in the international country and that the International Guiding Principles for Biomedical Research Involving Animals (see: http://www.cioms.ch/) will be followed. This documentation should be uploaded as a Diary Note before forwarding the proposal to DGA or DACS/CSB for processing.

(8) In rare circumstances, a cognizant PO may elect to fund a project without receipt of an IACUC-approved animal use protocol. This option should only be pursued in circumstances in which funding the award prior to IACUC approval best serves both the research and the animal welfare (e.g., funds will be used to inform animal use protocol development). This option may not be used for simple delays, or oversights on the part of the PI, to account for the IACUC review schedule, or for expediency in processing an award at the end of the fiscal year. Illustrative examples of when this may be appropriate are if the PI will be negotiating the research design with the community or if the vertebrate animal protections cannot be presented to an IACUC until preliminary work has been completed. In these situations, the PO should describe the relevant circumstances in their review analysis and upload a justification in the "Human Subjects and Vertebrate Animals Documents" section of eJacket. In addition, the PO should include the following special language in the review analysis for inclusion by DGA or DACs/CSB in the award notice:

> "No work on vertebrate animals may be conducted on the project until an animal use protocol covering the proposed work has been reviewed and approved by the organization's Institutional Animal Care and Use Committee, and certification has been submitted to the cognizant NSF Program Officer."

If this option is utilized, the cognizant PO is responsible for obtaining a copy of the IACUC approval from the grantee once it is received. The PO also must include a diary note detailing his/her request to DGA or DACS/CSB and the circumstances surrounding the request.

In the case of continuing grants, the PO should ensure that he/she does not approve any continuing grant increment until the IACUC approval is uploaded or until he/she has documented that the circumstance justifying the funding of the project without receipt of an IACUC approval still exists. In addition, all copies of the PO's communication with the grantee regarding this issue should be uploaded to the "Correspondence" section of eJacket.

(9) The following special procedures must be followed in the review process when the proposal involves vertebrate animals:

(a) Review Request notice. Review request notices for proposals involving activities with vertebrate animals must include the following statement:

> "Please comment if you have any concerns regarding the violation of animal welfare laws or guidelines, the exposure of animals to unnecessary pain or mistreatment, or the use of excessive numbers of animals. If the species being used is not the one most appropriate or if alternative or adjunct methods could be used to eliminate or reduce the need for animal experimentation, please explain."

(b) Panel Review. At the beginning of each panel meeting, panelists should be reminded to be sensitive to animal welfare in their evaluations and to comment if possible violations or mistreatment are evident. If all appears to be in order, panel comment is not required.

(c) Clarification of Reviewer Concerns. If a proposal is scientifically worthy of support but concerns regarding animal welfare are expressed by the reviewers, the cognizant PO must work with the NSF Animal Welfare Officer and the Office of Laboratory Animal Welfare (OLAW) to clarify and favorably resolve the animal welfare concerns before making an award recommendation. In certain cases, this might require a site visit by OLAW to the organization in question to resolve the matter fully. The resolution of the animal welfare concerns must be documented in eJacket.

(10) In most cases, the cognizant PO will accept the validity of an IACUC review and approval, but in rare cases, more oversight for the protection of vertebrate animals may be necessary before an award is made. After consultation with the NSF Animal Welfare Officer, the PO may ask DGA or DACS/CSB to impose additional conditions prior to making the award.

(11) If vertebrate animals are involved, the data maintenance screen must reflect that.

c. Office of Budget, Finance and Award Management

(1) DGA or DACS/CSB, as appropriate, will review recommended awards involving the use of vertebrate animals to ensure that these provisions are followed, and, when applicable, prior to award, that the IACUC approval date or documentation has been provided. DGA or DACS/CSB may return incomplete files to the cognizant Program and will contact the cognizant PO for resolution where a coding or documentation discrepancy exists.

(2) DGA or DACS/CSB will ensure that all NSF awards that involve the care and use of vertebrate animals for which IACUC approval is required include the language referenced in PAPPG Chapter XI.B.3.c that addresses organizational responsibility for compliance with the Animal Welfare Act.

d. NSF Animal Welfare Officer

(1) The NSF Animal Welfare Officer is the point of contact for initiating the PHS assurance process with OLAW and for receiving information from OLAW regarding irregularity or noncompliance with standards for the care and use of laboratory animals.

(2) In addition, the NSF Animal Welfare Officer will be informed by the cognizant Grants Officer whenever notice is received that an organization's PHS Animal Welfare Assurance, or the IACUC approval for an NSF award, has lapsed or has been suspended or revoked. In coordination with DGA or DACS/CSB, the NSF Animal Welfare Officer will determine which currently active NSF awards and pending proposals are affected by any lapse, suspension or revocation of a PHS Animal Welfare Assurance. The NSF

Animal Welfare Officer will then notify the cognizant Assistant Directors/Office Heads, DDs and POs, and discuss with them, in consultation with DGA or DACS/CSB, before any action is initiated.

All questions or inquiries related to the implementation or interpretation of animal welfare policies or procedures should be directed to the NSF Animal Welfare Officer. Additional information, including contact information, is contained in the Frequently Asked Questions related to the NSF – NIH/OLAW MOU Regarding Vertebrate Animal Welfare Issues.

F. Life Sciences Dual Use Research of Concern (DURC)

The NSF policy on life sciences DURC is contained in PAPPG Chapters II.C.1.d, II.D.6 and XI.B.5.

Should POs need assistance with DURC-related issues, either during their review of proposals or in communication with proposers or grantees, they may consult the NSF point of contact for DURC matters, located in the Directorate for Biological Sciences, who may then discuss the matter with the DIAS Policy Office or OGC, as needed.

G. Intangible Property

1. Rights in Inventions Made Under NSF Awards

NSF's implementation of the Bayh-Dole Act (NSF's policy is contained in PAPPG Chapter XI.D.1) provides that small business firms, large business firms and non-profit organizations, including IHEs, may normally retain the principal patent rights to inventions made during research, development or experimentation. The NSF policy on intangible (intellectual) property is contained in PAPPG Chapter XI.D.

2. Rights in Copyrighted Material Produced Under NSF Awards

a. Background

(1) Government-wide requirements affecting copyrighted material are contained in 2 CFR §§ 315 and 448. The NSF policy on copyrights is contained in PAPPG Chapter XI.D.

(2) *Subject writing* means any material that:

- Is or may be copyrighted under USC Title 17; and
- Is produced by the grantee or its employees in the performance of work under the grant.

Subject writings include such items as reports, books, journal articles, software, databases, sound recordings, videotapes and videodiscs.

b. Dissemination and Sharing of Research Results

The following statement on sharing of research results and data, most of which are copyrightable, reflects the policies established by the NSB Task Committee on Openness of Scientific Communication:[9]

Sharing of Findings, Data and Other Research Products

> The National Science Foundation advocates and encourages open scientific communication. The NSF expects significant findings from research and education activities it supports to be promptly submitted for publication, with authorship that accurately reflects the contributions of those involved. It expects investigators to share with other researchers, at no more than incremental cost and within a reasonable time, the data, samples, physical collections, and other supporting materials created or gathered in the course of the work. It also encourages awardees to share software and inventions or otherwise act to make the innovations they embody widely useful and usable.
>
> NSF Program management will implement these policies, in ways appropriate to the field and circumstances, through the proposal review process; through award negotiations and conditions; and through appropriate support and incentives for data cleanup, documentation, dissemination, storage, and the like. Adjustments and, where essential, exceptions may be allowed to safeguard the rights of individuals and subjects, the validity of results, or the integrity of collections or to accommodate legitimate interests of investigators.

c. Public Access to Copyrighted Material

A policy memorandum was issued on February 22nd, 2013, by the White House Office of Science and Technology Policy to make the direct results of Federally funded research available to and useful to the public, industry and scientific community. NSF's policy on public access to copyrighted material (Public Access Policy) is contained in PAPPG Chapter XI.D.2.c.

[9] The policies were established at the December 2, 1988 Board meeting and are contained in NSB 88-215.

H. International Considerations

1. Scope

This section establishes internal NSF policies and procedures governing the support of research and related activities in foreign countries or in cooperation with foreign partners. It covers awards to U.S. grantees for work in or with other countries, awards to foreign grantees and other arrangements for international cooperative research activities. PAPPG Chapters II.E.9 and XI.F contain NSF policies regarding these subjects. The OISE website provides links to important information and documents including the NSF Policies and Practices for International Engagements, an internal compendium of policies, practices, procedures and guidelines that provides instructional guidance on international engagements to NSF staff.

2. Definitions

a. A *foreign award* is a direct award to either a foreign IHEs, a foreign governmental agency or an international organization based in a foreign country; or an award to an individual, other than a U.S. citizen or permanent resident, who is a resident in a foreign country.

b. A *foreign country* is any geographic area subject to a foreign (non-U.S.) sovereign power; excluding Antarctica and the areas of the ocean not subject to foreign jurisdiction.

c. An *award which includes foreign travel* may involve support for: (1) U.S. scientists and engineers or organizations for travel performed to, between or within any area situated outside of the U.S.; and/or (2) foreign scientists and engineers or organizations for travel outside the boundaries of the country (including its possessions and territories) in which the grantee is located.

3. Policy

The NSF Act recognizes and encourages the international activities of the Foundation. By supporting research, education and related cooperative activities with colleagues outside of the United States, U.S. scientists and engineers gain access to unique facilities, research sites and partnerships with the global research community. Programs may consider proposals from U.S. organizations that propose collaborative work with any country in the world that is not explicitly proscribed by the Department of State. Certain explicit conditions or restrictions may apply for work in some countries.

NSF rarely makes awards directly to foreign organizations (NSF's policy is contained in PAPPG Chapter I.E; see also sections 6 and 7 below). For exceptions, contact the NSF Office of International Science and Engineering (OISE), the overall coordinator for international activities at NSF.

In cases where foreign involvement is essential to the project, POs have discretion to support, by multiple mechanisms (e.g., subawards or consultant arrangements), foreign participation, as long as that action is well justified in eJacket (see section 5 below).

For awards which include foreign travel, it is the policy of NSF to provide support for scientists and engineers in accordance with the following general principles:

a. If the U.S. research community is to be represented at an international meeting, then a reasonable number of U.S. scientists and engineers should attend; and

b. Decisions on the support of specific foreign travel must be made within the framework of the prevailing U.S. foreign policy and in light of existing budgetary constraints.

The following points should be considered prior to pursuing international programmatic engagements beyond single research projects:

- Would the arrangement result in proposals for international cooperation that lead to novel insights or yield special access to required expertise, sites or facilities?

- Would the arrangement create new opportunities for nurturing a globally engaged U.S. science and engineering workforce?

- Would the arrangement be open to any foreign counterpart funding organization or be restricted to specific regional, country or organizational partners? If the latter, are they the best global partners for long-term benefit to the U.S. research community?

- What is the expected timeframe of the activity? If a decision is made to pursue any type of programmatic engagement, the foreign partner organization should be informed up front that implementation may take considerable time.

- Would NSF funds be committed? If yes, could the commitment be made in the requisite timeframe given the NSF budget process?

- Would the arrangement result in efficient administration and implementation?

- How would the arrangement be documented and formalized? Does the arrangement require a Memorandum of Understanding (MOU)? For further information, see PAM Chapter IX.B.1 for requirements on preparation and clearance of MOUs.

- Would the arrangement involve joint review of proposals with a counterpart organization?

With respect to joint review, proposals submitted to NSF, as well as proposal reviews, often contain confidential information that is protected from disclosure. NSF does not disclose records linking the identification of a particular reviewer to the proposals reviewed; nor does NSF release information on unfunded proposals. Disclosure of proposals and reviews may occur as part of a joint review of proposals with other U.S. or foreign government agencies and nongovernmental NSF counterparts, provided NSF has an MOU or other agreement in place documenting the terms of the joint review and disclosure restrictions. If the joint review process is tied to a specific NSF solicitation, the document should expressly indicate that the review process will involve the sharing of proposals and reviews with organizations outside the U.S.

Observers from foreign organizations that have not been specified in an MOU or other agreement are not permitted to attend or participate in NSF review panels. For further information regarding the joint review of proposals, contact OISE or OGC.

4. Foreign Policy Consistency

Each recommendation for a foreign award must include a record of approval by the Secretary of State to ensure the activity is consistent with US foreign policy objectives (see section 8.b below). Normally, a minimum of nine weeks is required for Department of State clearance for anticipated direct awards to foreign organizations and therefore, such actions should be brought to the attention of OISE and DGA or DACS/CSB, as appropriate, as early in the review process as possible;

5. Awards to U.S. Organizations for Projects which include Funding for an International Branch Campus of a U.S. IHE or a Foreign Subaward/Consultant Arrangement

a. Proposed support must be in consonance with the prevailing research policies and practices of the country, countries or foreign organization where the activities are to be performed. Where a conflict of foreign and U.S. law is identified or suspected, the matter should be brought to the attention of OISE for guidance and assistance with resolution.

b. A close working arrangement with local scientists and engineers in all foreign components of research projects is desirable and aids in obtaining local clearances and approvals. International scientific ethics require not only adherence to the local, formal requirements but also sensitivity to the interests of the other country's research community and local customs.

c. Additional procedures must be followed and documentation is required when recommending for award a proposal that includes funding for an international branch campus of a U.S. IHEs, or involvement of a foreign organization (e.g., through use of subawards or consultant arrangements), as described in PAPPG Chapter I.E. In these cases, the cognizant PO should inform reviewers of such proposals and solicit any relevant comments they may have as to whether the PAPPG Chapter I.E conditions have been met.

The cognizant PO must document in the review analysis the reviewers' feedback and the PO's concurrence regarding the necessity of the international branch campus or foreign organization's involvement. In the latter case, the PO also must include in the review analysis an assessment of how one or both of the conditions contained in PAPPG Chapter I.E.6 have been met. See PAM Chapter XI.A.2 for the documentation that is required when adding a subaward to a foreign organization post-award.

Prior to performing PO recommend, the cognizant PO must consult with OISE and document the interaction via a diary note uploaded to eJacket. Instructions for completion of this process are available on the OISE internal website.

DGA or DACS/CSB will not approve awards to U.S. organizations for projects which include funding for an international branch campus of a U.S. IHEs or a foreign subaward/consultant arrangement unless eJacket contains the requisite documentation.

6. Awards to Foreign Organizations

The NSF policy on awards to foreign organizations is contained in PAPPG Chapter I.E.6.

Prior to performing PO recommend, the cognizant PO must consult with OISE and document the interaction via a diary note uploaded to eJacket. Instructions for completion of this process are available on the OISE internal website.

An Assistant Director/Office Head may, by approving the program recommendations, waive the PAPPG conditions for certain international activities or programs in which the Foundation participates or provides leadership. The reasons for the waiver should be documented in a diary note uploaded to eJacket.

See PAPPG Chapter II.C.2.g.(viii) for information on indirect cost recovery for foreign organizations.

7. Other Arrangements for International Collaboration

Consistent with their priorities, NSF Directorates and Offices support research in cooperation with foreign organizations, both multinational and non-governmental. The level and nature of NSF cooperation with foreign organizations varies greatly. In rare instances, some foreign organizations may receive support directly from NSF; others may receive NSF support through other U.S. agencies, or through a U.S. affiliate on behalf of NSF or other U.S. agencies. Types of international cooperation and support can include:

a. Travel Grants

Proposals for U.S. participation in international meetings held abroad are handled by the NSF organizational units with programmatic responsibility for those specific areas of scientific or engineering interest. See [PAPPG Chapter II.E.9]() for additional information on these types of proposals.

b. International Travel Support for Employees of Other Federal Agencies

NSF has explicit authority to defray the expenses of representatives of Federal agencies to attend accredited international scientific or engineering conferences and meetings and may consider a proposal for an international travel grant from an employee of another Federal agency. The proposal should include a statement from the agency authorizing the employee to perform the proposed travel and explaining why that agency is not providing funds for the trip. The statement must be signed by a responsible official of the agency. In addition, the travel must contribute generally to NSF objectives.

c. Formal International Agreements

NSF manages international collaborative research programs under formal agreements and informal arrangements. From time to time, NSF also manages participation in official joint commission activities. In most cases, these formal international bilateral programs and activities are overseen by OISE. Additional specialized collaborative projects related to particular well-defined programs and projects (e.g., Ocean Drilling and Polar research), are overseen by the cognizant Directorate or Office.

d. Agreements with Agencies of a Foreign Government

(1) The Foundation is authorized to execute agreements with agencies of foreign countries and with organizations or individuals in foreign countries. According to the NSF Act, these agreements must have the approval of the Secretary of State. Any international agreement must be prepared and internally cleared as provided in PAM Chapter IX.B.1. OISE, in conjunction with OGC, will handle the Department of State clearance as provided in PAM Chapter IX.B.1.e. These agreements must be filed with OISE and the Office of the Director.

(2) NSF staff working to execute agreements with agencies of foreign governments should coordinate their plans within their Directorates and Offices and with OISE well in advance of any scheduled milestones or meetings with foreign representatives. Timely coordination ensures adequate opportunity to obtain required external as well as internal agency clearances and provides OISE with a comprehensive view of the Foundation's broad international portfolio.

e. Requests from Other U.S. Agencies

NSF may respond to requests from other Federal departments or agencies to support activities abroad. These activities must be unclassified and shall be identified by the Foundation in the award notice as being undertaken at the request of the appropriate official of the requesting Federal department or agency. Such activities shall be financed wherever feasible from funds transferred to NSF by the requesting department or agency.

8. Responsibilities

a. Office of International Science and Engineering

OISE is responsible for:

- Coordinating international Foundation activities and providing guidance as needed;

- Providing up-to-date advice regarding Department of State and other agencies' guidelines and policies that affect NSF's international programs, especially as related to foreign policy and national security; and

- Together with the Office of General Counsel, managing the Department of State clearance process for all MOUs with foreign organizations.

b. Program Officers

POs have general responsibility to:

- Ensure that any funding opportunity they are developing that contains an anticipated and clearly defined international dimension/component is reviewed by and receives the concurrence of the OISE Office Head, or designee, prior to submission to BFA for clearance;

- Inform OISE of pending international agreements being developed within their program (see also PAM Chapter IX.B.1);

- Consult with the cognizant PO in the Office of Polar Programs before taking any action that would commit NSF to any form of international cooperation related to Polar activities;

- Consult with the cognizant PO for other large international programs, particularly when an action would entail the use of MOUs and interagency agreements;

- Prepare documentation to obtain required Department of State clearance for anticipated awards to foreign organizations (see section 4 above for further information);

- Consult with OISE before recommending an initial award that provides funding for a U.S. researcher to visit a foreign country for a month or longer. In many cases, existing NSF international programs may leverage funding at the foreign site or organization and should be considered before making final budget recommendations. OISE staff can advise and facilitate where applicable. Similarly, early consultations with OISE can help reduce problems related to compliance with foreign country laws, obtaining visas or any required coordination with NSF foreign counterparts, the Department of State and U.S. embassies abroad;

- Accurately identify grants with international implications and enter appropriate data on the International Implications screen in the Data Maintenance section of eJacket. The question "Any Foreign or International Activity?" must be answered either "Yes" or "No". If a grant includes NSF support for any international activity, including, but not limited to, OISE funding or budgeted foreign travel, the box must be checked "Yes" and the two follow-on questions answered; and

- Obtain travel clearance for official international travel. International travel authorizations must be signed by the cognizant Assistant Director/Office Head or by the Deputy Director, as appropriate, and include a statement of justification for the proposed international travel. Country clearances must be obtained for all international travel by Foundation staff; NSF employees cannot travel on official business, including Independent Research and Development (IRD) travel, without country clearance. OISE is responsible for securing the required country clearance(s) from the Department of State and U.S. embassy(ies), as well as obtaining National Security Council approval for travel by the Director or Deputy Director. Travel orders must be received by OISE at least three weeks prior to the start of travel. Travelers who cancel a trip after country clearance has been sought should notify OISE, who will then inform the Department of State and relevant embassy(ies) (see NSF Form 1520 which describes travel clearance procedures).

POs are requested to assist OISE by:

(i) Providing copies of trip reports relating to official international travel; and

(ii) Participating in the review process for international programs managed by OISE.

c. Office of Budget, Finance and Award Management

DGA or DACS/CSB, as appropriate, is responsible for incorporating into the award notice the appropriate grant terms and conditions and any special provisions required by an applicable international agreement. Awards to foreign organizations will not be made until appropriate notification is received from OISE that all required documentation and clearances (for example, Department of State clearance) have been obtained.

I. Environmental Considerations

1. Scope

This section describes the responsibilities and procedures for the evaluation of environmental impacts anticipated from NSF's funding activities (see also PAPPG Chapter II.C.2.j). This guidance supplements the numerous Federal, State and local environmental laws and regulations that may apply to NSF actions (e.g., the National Environmental Policy Act (NEPA), 42 USC §§ 4321, *et seq.;* the National Historic Preservation Act (NHPA), 54 USC §§ 300101, *et seq.;* and the Endangered Species Act (ESA), 16 USC §§ 1531, *et seq.)* To the extent that this guidance is inconsistent with any law or regulation, the legal authority shall govern.

Activities proposed to take place in or near the marine environment also may involve compliance with the Marine Mammal Protection Act (MMPA), 16 USC §§ 1361, *et seq*. and the Coastal Zone Management Act (CZMA), 16 USC §§ 1451, *et seq*. The Environmental Compliance Team in OGC can provide assistance to POs in determining whether Federal environmental laws are involved and, if so, how to proceed with completing the appropriate level of environmental compliance.

Listed below is a brief summary of compliance activities associated with each of the three primary environmental statutes, followed by an outline of the responsibilities of the cognizant PO and the NSF Committee on Environmental Matters (chaired by OGC) in meeting NSF's environmental compliance requirements.

2. Compliance with the National Environmental Policy Act

NEPA requires Federal agencies to consider the impacts of their proposed actions on the environment as part of their decision-making processes. For NSF, this means that, before a decision is made to fund a proposal, identification and consideration of environmental impacts stemming from the proposed activities must occur. The primary regulations governing the NEPA process for Federal agencies are those issued by the Council on Environmental Quality (CEQ), which are published at 40 CFR §§ 1500-1508. NSF issued supplemental regulations governing compliance with NEPA, which can be found at 45 CFR Part 640.

While NEPA and its implementing regulations focus on activities that take place within the United States, proposed activities that take place outside the United States also may be subject to NEPA. Guidance as to how to apply NEPA to such extraterritorial activities is provided by Executive Order 12114.

The NEPA process involves three levels of evaluation of the environmental impacts of a proposed project: Categorical Exclusion (CATEX), Environmental Assessment (EA) and Environmental Impact Statement (EIS). These levels reflect a more thorough degree of environmental analysis as the potential for significant environmental impacts increases. All three levels of review are briefly discussed below.

a. Categorical Exclusion

Most NSF awards support individual scientific research projects that are not anticipated to result in environmental impacts and, thus, are not considered under NEPA to be major Federal actions significantly affecting the quality of the environment. Accordingly, the majority of NSF awards properly reside in a category of exclusion from further environmental review and analysis (see 45 CFR § 640.3(b) and the CEQ regulations that implement NEPA, 40 CFR §§ 1500-1508).

NSF has determined in its regulations that such activities are not likely to result in significant environmental impacts. Examples of activities that fall under the category of CATEX include, but are not limited to, interior alterations/renovations; theoretical and/or laboratory research; data analysis/modeling; planning/conducting scientific workshops/conferences; conducting day-to-day management activities of FFRDCs; and acquisition, installation and/or operation of scientific instrumentation not affecting the environment.

b. Environmental Assessment

In some cases, the activities involved in an NSF proposal may result in environmental impacts, especially when a project requires significant construction activities or a major disturbance to the local environment. If it is unclear whether proposed activities would fit into a category of CATEX, or whether a more rigorous environmental analysis is required, then an EA should be prepared.

An EA is intended to briefly provide sufficient information and analysis to determine whether to prepare an EIS or to reach a Finding of No Significant Impact (FONSI). It is important to note, however, that very few NSF actions are likely to require an EIS, which is prepared for those proposals with the potential to significantly impact the natural and/or cultural environment, as provided for in the CEQ regulations. NSF is required to consider the environmental impacts of the activities involved in NSF proposals and, if possible, identify ways to reduce those impacts (mitigation measures).

The requirements for preparing an EA are described in CEQ's regulations at 40 CFR § 1508.9 and supplemented by NSF's NEPA regulations at 45 CFR § 640.4. Categories of activities for which a cognizant PO may be required to prepare an EA are set forth at 45 CFR § 640.3(b), however, NSF has issued Legal Guidelines that eliminate the need for preparation of an EA for certain proposed activities falling under 45 CFR §§ 640.3(b)(3) and (4) (i.e., non-intrusive and non-invasive field work, drilling of the earth, excavation and blasting activities that will not result in significant impacts to the resource areas identified in Part II of the Organization Environmental Impacts Checklist; see section 5 below). If an EA is prepared and a FONSI issued, a copy of the completed documents must be uploaded to the "Diary Notes" section of eJacket by the cognizant PO and sent to the Chair of the NSF Committee on Environmental Matters (see section 5.b below) prior to award.

c. Environmental Impact Statement

If significant environmental impacts are anticipated for activities under a proposal, an EIS must be prepared. An EIS, in accordance with both the CEQ regulations and NSF's supplemental NEPA regulations, must address short- and long-term and direct and indirect environmental impacts, including cumulative impacts. It also must address unavoidable adverse effects, alternatives and irreversible and irretrievable commitments of resources.

An EIS should be started at the earliest possible juncture because the process is comprehensive, providing for public scoping, preparation of a draft and final EIS, a public meeting and a public comment period. No irreversible commitments can be made by a Federal agency until the NEPA process is completed and a Record of Decision, weighing all relevant information, is issued.

Requirements for preparing an EIS are specifically outlined in the CEQ regulations at 40 CFR § Part 1502 and NSF's regulations at 45 CFR § 640.5. Both draft and final Environmental Impact Statements must be submitted to the Chair of NSF's Committee on Environmental Matters for review and approval. The cognizant PO should ensure that the final documentation is uploaded into eJacket.

3. Compliance with the National Historic Preservation Act

The NSF policy on the protection of properties covered by the National Historic Preservation Act (NHPA) is contained in PAPPG Chapter XI.J. Effects on archaeological, historic and/or cultural resources (referred to under the NHPA as "historic properties") must be considered by NSF before a final agency decision is made.

a. Statutory and Regulatory Requirements

The NHPA compliance process, which is typically referred to as the "Section 106 consultation process," requires the Federal agency to define the geographical area of potential impact known as the "Area of Potential Effects" (APE), and then determine if there are any historic properties eligible for inclusion in or listed on the National Register of Historic Places (National Register) within that APE. If there are historic properties located within the APE, a determination will then need to be made whether the proposal or proposed agency action is likely to result in direct, indirect or cumulative "effects" to those historic properties.

If effects are anticipated, then a determination will need to be made, in consultation with the applicable State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) and other interested parties (consulting parties) regarding whether those "effects" are anticipated to be adverse or not. If adverse effects are likely, NSF must attempt to resolve those effects through additional consultation with the SHPO/THPO and other consulting parties through avoidance, minimization and/or mitigation measures. The end result is typically the development of a Memorandum of

Agreement or Programmatic Agreement that sets forth ways in which the proposal, if awarded, or agency activity is to be carried out.

The steps for complying with the Section 106 consultation process are specifically outlined in 36 CFR § Part 800. Once compliance with the NHPA has been completed, the cognizant PO should ensure that all relevant compliance steps are documented and uploaded into eJacket.

b. Responsibilities

The responsibility within NSF for determining what documentation and consultation, if any, may be necessary for NSF to properly comply with the requirements of Section 106 of the NHPA has been assigned to the NSF Federal Preservation Officer (FPO). The FPO is located within OGC. NSF POs are responsible for bringing to the attention of the FPO any projects or proposals that are being considered for NSF funding that may involve effects on historic properties listed on or eligible for inclusion in the National Register. Those projects and proposals brought to the attention of the NSF FPO will be reviewed, in conjunction with the cognizant PO, to determine what further action, if any, should be taken by NSF. Once compliance with the NHPA has been completed, the cognizant PO should ensure that all relevant compliance documents are uploaded into eJacket.

4. Compliance with the Endangered Species Act

Before an NSF award decision is made, the Foundation must consider whether the proposed activities may impact threatened or endangered species or their habitat under the Endangered Species Act. If it is determined that such an impact may occur, NSF must coordinate with the relevant office of the U.S. Fish and Wildlife Service or, if appropriate, the National Marine Fisheries Service. Part of that coordination may include NSF's preparation of a Biological Assessment in which impacts to threatened and/or endangered species and/or their habitats are analyzed.

As is true for compliance with NEPA and the NHPA, the Environmental Compliance Team is available to assist POs with the ESA compliance process. When necessary, the cognizant PO should ensure that ESA compliance documents are uploaded into eJacket.

5. Responsibilities for Environmental Compliance

a. Program Officers

POs, as the first decision-making point of contact in the proposal review process, are required by NSF regulation (45 CFR § 640.4(a)) to determine the appropriate level of environmental review for proposals being considered for NSF funding. That determination can be made in consultation with the Environmental Compliance Team.

The first step in the environmental compliance process is to determine whether there are direct, indirect and/or cumulative environmental impacts associated with the activities involved in the proposal. As indicated above, most NSF awards do not result in environmental impacts and are therefore categorically excluded (CATEX) from further environmental review. If it is unclear to the cognizant PO whether there might be environmental impacts and additional information is needed from the PI to make a determination, the PO may request that the PI's Organization complete the Organization Environmental Impacts Checklist (Checklist), a one-page tool used to assist in making this determination. See also PAPPG Chapter II.C.2.j and the accompanying instructions for the Checklist for additional information.

If, after reviewing the Checklist completed by the PI's Organization, the PO has any questions about the potential for environmental impacts of the proposed activities, it is strongly recommended that the PO discuss those questions with the PI or the PI's Organization to seek a better understanding about the likelihood of potential impacts. In cases where environmental impacts are anticipated and further environmental compliance is required, the PO can also discuss the potential for environmental impacts with a member of the Environmental Compliance Team by contacting nsf_eco@nsf.gov.

At the conclusion of the environmental compliance process, the cognizant PO should ensure that all relevant compliance documents are uploaded into eJacket. The PO may also wish to document NSF's compliance efforts by using one of the tools created by the Environmental Compliance Team, the Record of Environmental Review (REC). The REC is a one-page document that reflects the environmental compliance process that was followed and the conclusions reached. The REC, Checklist, and additional information regarding how to conduct environmental compliance at NSF are available on the Environmental Compliance Collaboration page at: https://collaboration.inside.nsf.gov/od/ogc/env-compliance.

b. NSF Committee on Environmental Matters

The NSF NEPA regulations (45 CFR § 640.2) created the Committee on Environmental Matters, which is chaired by a member of the Office of the General Counsel (Chair), and consists of one representative from each of the Directorates. Given the potential complexity of environmental compliance requirements, POs should refer to the information included on the OGC Environmental Compliance Collaboration page located at: https://collaboration.inside.nsf.gov/od/ogc/env-compliance. POs can also consult with the Chair on any questions concerning environmental evaluations or documentation of environmental reviews, if needed, as well as any other procedural questions. A member of the Environmental Compliance Team also may be contacted for assistance in initiating and/or completing NSF's environmental compliance obligations.

J. Pre-College Curriculum Development Grants

The Foundation is required by statutes (42 USC 1869a and 1869b; the so-called "Myers" and "Dornan" Amendments) to include special conditions in every grant made for the purpose of pre-college science curriculum development. The cognizant program officer must clearly state in the review analysis (see also PAM Chapter VI.B.3.e) that a grant is for pre-college curriculum development and the cognizant Grants Officer will assure that the appropriate clause is made applicable to the grant.

K. Titles of NSF-Supported Projects

1. Background

Congress has expressed its concern that "titles of research projects have, on occasion, generated public misunderstanding of the purpose and significance of research supported by the National Science Foundation." Based on this concern, Section 20 of the National Science Foundation Act of 1950 as amended, provides:

> "The Director of the National Science Foundation shall require the titles of all its grants to contain a brief statement of the purpose of the research being undertaken. Insofar as possible, such statements shall be in layman's language."

2. Policy

The Foundation recognizes its shared responsibility with the scientific and engineering communities to communicate the purposes of research to the public that is supporting it. NSF is committed to improving this communication and has reinforced this commitment in Staff Memorandum OD 14-10 titled *Award Abstract and Title Policy Clarification.* To further this effort, each abstract includes a statement affirming that the award aligns with NSF's mission and was made in accordance with our merit review criteria. See PAM Chapter VI.B.1 for further information.

NSF has considered various means to ensure that the Congressional intent regarding award titles is met. In order to achieve the desired objectives within the capacity of NSF's electronic systems, the following approach is used:

Recognizing the allowance of 180 characters for award titles, the cognizant PO should assure that recommended award titles adequately describe the purpose of the research in nontechnical terms to the fullest possible extent. When necessary, the PO should change the title of the proposed project prior to recommending it for award through the DD concur stage.

3. Responsibilities of the Program Officer, Office of Legislative and Public Affairs and Office of Budget, Finance and Award Management

The cognizant PO and other reviewing officials are responsible for assuring that all recommended grant titles are consistent with the guidance provided above. OLPA will continue to monitor the progress of clarifying award titles.

DGA or DACS/CSB, as appropriate, will coordinate with programs on recommended awards currently under review by DGA or DACS/CSB whose titles are not consistent with this guidance. As needed, DGA or DACS/CSB will obtain OLPA recommendations and PO approval for any title changes prior to award.

Chapter IX - Procedures for Processing Special Categories of Awards

A. Cooperative Agreements

1. Background

The NSF policy on the definition and use of cooperative agreements is contained in PAPPG Introduction Section D.

Responsibility for negotiating, awarding and providing post-award financial and administrative management of cooperative agreements within BFA is handled either by DGA or DACS/CSB, depending on the purpose of the cooperative agreement. See Exhibit IX-1 for a description of the categories of cooperative agreements that each Division handles. All major facility awards funded through cooperative agreements are handled by DACS/CSB, with additional project management and business-related support provided by the Large Facilities Office (LFO). Guidance on major facility awards for all life-cycle stages is contained in the *Large Facilities Manual*.

2. Policy

Foundation involvement with cooperative agreements should be limited to the extent necessary to ensure that program requirements are met. Excessive involvement could result in the Agency being held responsible for project non-compliance and may even cause a loss of Federal immunity from tort liability. For direction on what constitutes proper NSF involvement, program staff should refer to Exhibit IX-2 and may also consult with BFA and OGC for advice.

When reviewing cooperative agreement proposals, Grants and Agreements Officers are responsible for determining the allowability of costs per the applicable cost principles and making a determination as to the sufficiency of documentation presented in such proposals. The cognizant Grants and Agreements Officer has the discretion to request cost analysis or other services if they believe those are necessary.

3. Types of Cooperative Agreements

NSF utilizes two types of cooperative agreements: the standalone Cooperative Agreement (CA), which is a single award agreement, and the Master Cooperative Agreement/Cooperative Support Agreement (CA/CSA), which consists of a master or overall agreement having separate and specific awards (CSAs) that are funded individually under the umbrella CA. See PAPPG Introduction Section D.2, NSF-Grantee Relationships for further explanation of these two types of cooperative agreements.

An example of the first type of CA is a single award to design an experiment for use in a facility that is sponsored by NSF and managed by another organization. The CA also may be appropriate for management and operation of a research center if NSF has no need to provide separate, discrete funding and oversight for the projects or programs under that award.

An example of a CA/CSA is a master or overall agreement to manage and operate an FFRDC or major facility. In this case, separate CSAs might be established for operations and maintenance (O&M); major facility construction or up-grade, such as additional laboratory space funded through the MREFC account; design, fabrication, testing and installation of research equipment; interagency support for related projects or programs; and other activities sufficiently complex to warrant a focused financial agreement.

The scope of each CSA must fall within the overall scope of the master agreement. Terms and conditions in the master agreement flow down to the CSA, unless exceptions are noted. CSAs should not be issued for research projects when separate grants are more appropriate, as indicated by the extent of NSF involvement in the conduct or performance of the project.

Each CSA has its own distinct award number and funding based on its approved budget. No funding is attached to the master CA, but the NSB-approved funding ceiling is incorporated and applies to the aggregate total of all CSAs unless stated otherwise.

4. Solicitation Development

It is critical that POs work collaboratively with BFA staff during solicitation development to ensure that NSF business practices are incorporated as appropriate. For example, the Policy Office in DIAS can assist with the resolution of policy questions involving complex issues that sometimes arise with cooperative agreements. The Policy Office also serves as a resource for program staff during development of program solicitations that include cooperative agreements and provides official clearance of all funding opportunities. Some of the services that the cognizant Grants and Agreements Officer and LFO provide include: facilitating pre-award project planning; assisting in the selection and negotiation of terms and conditions; ensuring compliance with current policies and procedures for awarding cooperative agreements, including re-competition; and, when applicable, assisting with drafting the program solicitation.

When a PO contemplates use of a cooperative agreement, before development of the program solicitation, he/she must consult with the cognizant Grants and Agreements Officer from DGA or DACS/CSB, as appropriate, to obtain advice as to whether involvement by NSF is substantial enough to warrant use of this funding instrument (see also section A.2 above). If appropriate, the program solicitation should explicitly state that award of one or more cooperative agreements is anticipated. Clearance of the program solicitation must follow the process outlined in PAM Chapter II. In addition, the Special Award Conditions section of the program solicitation must clearly define the provisions and special conditions that will govern the level and nature of NSF's involvement in the project.

The cognizant Grants and Agreements Officer and LFO can provide advice on the adequacy of any award-specific merit review criteria, instructions to proposers, and any special business requirements that should be included as well as a non-technical review of the program solicitation for clarity and sufficiency.

Early interaction with BFA helps reduce processing time, allows adequate discussion of any special provisions and helps facilitate the proposal review and award process. BFA can also assist in development of the program's Internal Management Plan, if required, particularly if re-competition is envisioned.

5. Review Process

Proposals for cooperative agreements must comply with the merit review process guidelines specified in PAM Chapter V. Any additional Directorate/Office policies and procedures for merit review that apply to grants will also apply to cooperative agreements unless otherwise determined by the issuing Directorate/Office. The cognizant PO should make appropriate DGA or DACS/CSB staff aware of any special review requirements in advance for possible inclusion in the solicitation and document them in the review analysis.

Depending on the dollar amount to be awarded, cooperative agreements may require review and approval by the DRB or the NSB in accordance with the criteria established in "*NSB and DRB Review and Approval*" (PAM Chapter VII). The review package prepared for the DRB or the NSB must specifically state the total intended award amount and explain the extent of NSF involvement in the proposed activity. For specific instructions on how to submit a review package to the DRB or the NSB, see PAM Chapter VII and the DRB webpage.

The cognizant PO should consult with the DRB Executive Secretary and appropriate BFA staff prior to finalizing the review package. If DRB/NSB approval is granted, the title and number, institution, duration and total intended award amount will be stated in the cooperative agreement. The total award amount approved by the DRB or NSB also will be flagged in the Awards System as a threshold not to be exceeded without prior authorization or approval as specified in PAM Chapter VII.

6. Development of Cooperative Agreement Terms and Conditions

NSF's business model for BFA cooperative agreements includes different types of terms and conditions: Cooperative Agreement Financial and Administrative Terms and Conditions (CA-FATCs) and Programmatic Terms and Conditions (PTCs). General CA-FATCs apply to all CAs with additional award-specific FATCs incorporated as needed; the PTCs may apply to all CAs supported only under a specific program (i.e., "general") and/or to a particular project (i.e., "award-specific").

NSF's business model for DACS/CSB cooperative agreements includes three types of terms and conditions — Cooperative Agreement Financial and Administrative Terms and Conditions (CA-FATCs), Cooperative Agreement Modifications and Supplemental

Financial & Administrative Terms and Conditions for Major Multi-User Research Facility Projects and Federally Funded Research and Development Centers, and Programmatic Terms and Conditions.

a. Cooperative Agreement Financial and Administrative Terms and Conditions

(1) General CA-FATCs

These non-negotiable conditions convey the standard administrative and management requirements for the awardee on all cooperative agreements. The CA FATCs are posted on the NSF website. Grants and Agreements Officers should ensure that the applicable terms and conditions are referenced in the appropriate section of the cooperative agreement.

For major facilities and FFRDCs, the cognizant DACS/CSB Grants and Agreements Officer will incorporate the Modifications and Supplemental Financial and Administrative Terms and Conditions for Major Research Facility Projects and Federally Funded Research and Development Centers.

(2) Award-specific CA-FATCs

The cognizant Grants and Agreements Officer may determine the need for additional award-specific administrative conditions based on review of the proposed activity and prospective awardee organization. For example, the nature of the work to be performed may require setting thresholds higher or lower than those in the general terms and conditions for significant program changes requiring reallocation of budget, or for subawards that require NSF approval. The Grants and Agreements Officer will work with the cognizant PO to discuss and/or develop any specific requirements prior to issuing the award.

If the cognizant PO is planning to include fees in a solicitation, he/she shall consult with the appropriate BFA Division handling the CA or CSA. Generally, inclusion of a fee is allowable only if specifically permitted by a program solicitation and only to the extent that they do not exceed the amount negotiated by the PO and Grants and Agreements Officer. The negotiated fee will be incorporated in an award-specific CA-FATC.

b. Programmatic Terms and Conditions

(1) General PTCs

For multiple cooperative agreements awarded under a specific solicitation, general PTCs may be developed to cover general areas of responsibility and technical requirements that would apply to all agreements. These conditions are drafted by the cognizant PO and Grants and Agreements Officer to ensure that all requirements and policies are satisfied prior to recommending the proposal for award in similar format as discussed below for award-specific PTCs. General PTCs developed for a specific program solicitation may be published at a web address and then embedded in all the eventual cooperative agreements issued under that specific solicitation or simply added to the award-specific PTC section in the CA award document.

(2) Award-specific PTCs

Cooperative agreements are generally prepared in a standard format that supports NSF oversight for the type of award being made. The format will address topics such as key personnel, the program/project description, project governance and awardee responsibilities, additional reporting requirements, the awardee management and NSF oversight activities that may include other award-specific requirements that are tailored and negotiated for a specific awardee or project The cognizant Grants and Agreements Officer provides the format for drafting PTCs and determines the overall sufficiency of the terms and conditions prior to award. The final negotiated PTCs are then added by Grants Officer to the award-specific PTC section in the CA award document.

c. Negotiation and Acceptance of the Cooperative Agreement Conditions

NSF and the prospective awardee work collaboratively to negotiate the award-specific terms of the cooperative agreement. Normally NSF obtains the awardee's written concurrence (which may take the form of an email) that the terms of the agreement are acceptable prior to DD concurrence and submission of the action to DGA or DACS/CSB for award. Documentation of the completion of this negotiation process must be uploaded to eJacket.

7. Processing of Cooperative Agreements in NSF Electronic Systems

a. Proposal Requirements and Processing in eJacket

To begin the process of awarding a CA either as a standalone CA or as part of a CA/CSA, a proposal is needed. Because of the way cooperative agreement award notices are generated by the system, the proposal DD concurred in eJacket with instrument type of cooperative agreement should be the one originally submitted by the prospective awardee organization. This process ensures the automatic data-capture of the submitted proposal information directly into eJacket and creates the proposal number for the NSF electronic systems to use throughout the processing of the proposal/award.

In terms of the CSA, a separate proposal should be submitted via FastLane for each CSA to be awarded. Each CSA should include its own scope of work and related budget. When processing the CA/CSA, the master CA must be awarded first (without funds) so that the CSA may be correctly linked to the master CA by DGA or DACS/CSB as they perform their processing.

In addition, all planned outyear increments for CAs or CSAs should be added to the proposal in eJacket prior to DD concurrence of the CA or CSA proposal. The base year of funding should include the total expected duration of the award, and the outyears should have "0" (zero) months of duration. The outyear increments for CAs and CSAs may be adjusted at the time of actual processing in the subsequent fiscal year in which they are due to be obligated.

b. Electronic Award Notice for Cooperative Agreements

Once a proposal coded as a cooperative agreement is DD concurred in eJacket, it is electronically entered into the Awards System for processing by DGA and DACS/CSB, which utilizes a Dynamic Award Document (DAD) mechanism to generate the actual cooperative agreement notice of award. The DAD increases the reliability, accuracy and accessibility of the cooperative agreement by NSF staff and the awardee community through a web-based "living" award document.

Key elements of the DAD are as follows:

- The DAD's web-based format automatically displays the most current version of the cooperative agreement. The DAD includes hypertext links to the applicable terms and conditions including the CA-FATCs and the PTCs. Other links currently embedded in the DAD include the proposal abstract, program solicitation (or PAPPG), as well as links to all awards made under a solicitation. DGA and DACS/CSB coordinate the posting of any new terms and conditions, as well as changes to the posted terms and conditions, with the DIAS Systems and Policy Offices.

- A copy of each prior version of a cooperative agreement issued utilizing DAD is archived and dated for historical reference as amendments are made throughout the performance period of the award. In addition, historical data changed post-award (e.g., as added funding increments or supplements, extensions, and PI changes) may be accessed by use of dropdown menus throughout the document.

- Upon award of the cooperative agreement by the cognizant Grants and Agreements Officer, an electronic notice is e-mailed to the awardee with the appropriate links to access the award document in FastLane.

- Notification of post-award changes (e.g., incremental funding, extensions, changes to terms and conditions, etc.) are also transmitted to the awardee via email, thereby eliminating the need for issuance of separate amendments. When the cooperative agreement is amended, the revised version is immediately accessible by both NSF staff in eJacket, as well as the awardee via FastLane.

- Note that award system functionality is migrating to MyNSF on an incremental basis. New cooperative agreement awards and amendments issued from MyNSF will have a different look and feel, though the fundamental elements of the CA will remain.

c. Award Reporting Schedule

Upon approval of the CA or CSA, a report requirement schedule is created based upon the duration of the award and defines the minimum number of project reports required by policy that are due for the award. Because cooperative agreements typically have more reporting requirements, the cognizant PO should review the report schedule for accuracy upon award notification. If additional information is required by the cognizant PO on a more frequent basis than accounted for by the set reporting periods, the awardee may use the Interim Reports function in Research.gov for that purpose. If any errors are noted, the DIAS Systems Office should be contacted.

CAs in the CA/CSA model do not have reporting requirements. The reporting requirements are provided under the CSA(s).

8. Post-Award Processing of Cooperative Agreement Increments and Supplements

Cooperative agreement outyear increments, unlike continuing grant increments (CGIs), are processed from eJacket and require a proposal ID and DD concurrence. Program office staff should use the ‘Create Funding Action’ functionality in eJacket to create the increment proposal. If any changes or updates need to be made to the original budget, the revised budget should be submitted by the awardee via email to the cognizant Program Office.

For cooperative agreement increments, no edit currently exists against the bottom line amount for a given fiscal year. Cooperative agreement increments may be funded in one or more post-award actions (award type code ‘32’), including forward funding of future fiscal year CA increments. If a cooperative agreement increment is forward funded, the program office is responsible for tracking and documenting the action to ensure that funding is adjusted in subsequent fiscal years.

Supplements to a CA or a CSA may be submitted by the awardee in FastLane or may be created by the program office using the ‘Create Funding Action’ functionality in eJacket. The benefit of using FastLane is that the budget may be included by the awardee as part of the submission and does not need to be manually entered by the program office. Depending on the dollar amount of the supplemental funding request, external reviews, cost analysis or additional DRB or NSB approvals may be required. Outyear incremental funding should <u>not</u> be processed as a supplement action. If a FastLane-submitted supplemental funding request is reduced by 10% or more, a revised budget must be submitted via FastLane for the supplement proposal. Given this edit in the system, the cognizant PO may wish to begin discussions with the grantee prior to submission of the supplemental funding request via FastLane.

Cooperative agreement increments cannot be DD concurred in eJacket until the annual project report associated with the current fiscal year is approved and any required cost sharing notification is acknowledged by the cognizant PO in eJacket. An annual report must be approved within the current fiscal year to release increments or supplements; if multiple increments are released, only one annual report is required. All documentation related to the cooperative agreement increment should be uploaded to eJacket.

9. Post-award No Cost Changes to Cooperative Agreements

Any changes to terms and conditions of a cooperative agreement must be made in accordance with the CA-FATCs, PTCs and PAPPG Part II. Requests for post-award changes are submitted by the PI/PD or AOR via the use of NSF's electronic systems, in accordance with PAPPG Chapter X.A.3 and the *Research Terms and Conditions* Appendix A (NSF column). These requests route to the cognizant PO and Grants and Agreements Officer for approval, where applicable. Awardees will be formally notified of any changes and the cooperative agreement will be amended to reflect any approved extensions.

B. Agreements with Other Entities

1. Memoranda of Understanding

a. Definition

(1) The guidance in this section (IX.B.1) applies to Memoranda of Understanding (MOUs) as well as Memoranda of Agreement and other comparable arrangements.

(2) An MOU is usually a broad, general agreement between two (or more) parties to pursue activities of mutual interest and to cooperate in areas where the scientific, technical or other interests of the parties coincide. Decisions to pursue such agreements should be considered in the context of NSF's strategic plan.

(3) MOUs may be between NSF and one or more entities, including Federal agencies, private non-profit organizations, industrial groups, foreign governments, industry consortium, for-profits and other private organizations.

(4) MOUs may or may not contain specific details on the support or services to be provided and the commitment of funds or resources for such activities. MOUs, regardless of whether they include specifics, always include statements of intent that may have legal, policy, administrative, management or procedural implications when implemented.

b. Guidance on Use of MOUs and Other Comparable Arrangements

Before negotiating and committing NSF to a course of action under an MOU, NSF programs should carefully consider the need and desirability of such an MOU, including staff time, budgetary resources, impact and opportunity costs of engagement. Examples of previously cleared MOUs can be found in the MOU database. An MOU should be considered only if it results in an activity that is consistent with the NSF Organic Act, policies and procedures and contributes to the achievement of NSF's mission and strategic goals. In order to assist programs in making such an assessment, a list of questions to consider can be found on the MOU webpage.

If another entity is partnering with NSF on a joint program solicitation, regardless of which organization is issuing the solicitation, a clear understanding of the parties' intentions must be documented. An MOU or comparable arrangement will normally be required and will be subject to the NSF clearance process before any solicitation is issued. In cases where the partner intends to use the NSF logo or refer to the NSF as a co-sponsor or funding partner, the cognizant NSF Program Office should proceed with an MOU or consult the NSF Clearance Officer in the DIAS Policy Office regarding appropriate alternative approaches. In cases where funds will be transferred between agencies, a separate interagency agreement is required.

For MOUs that will generate proposals via an NSF funding opportunity, a management plan must be provided in the PIMS system and clearance folder (see PAM Chapter II.D.1). It is permissible to allow links to *existing* NSF funding opportunities in another organization's publications without additional clearance. When NSF is partnering with an external organization on a funding activity, however, details of the activity must be posted on the webpage of the cognizant NSF Division/Office.

c. MOUs Involving an International Component/Dimension

MOUs that are anticipated to have an international component/dimension should address the questions listed below (see also PAM Chapter VIII.H.5 for additional information).

Internal considerations for international activity/involvement:

- Is the contemplated MOU consistent with the NSF mission, strategic plan, policies and practices?

- Is this an appropriate use of the NSF "brand?"

- What benefit does the contemplated MOU offer NSF and/or the U.S. science and engineering research and education community? Does it support access by NSF and/or U.S. researchers to expertise, facilities, research sites, data or other resources not otherwise available?

- Has OISE been consulted? (They should be consulted early in the process.)

- Will the MOU require Department of State clearance, and is it consistent with U.S. foreign policy as set forth in the C-175 Process and the related Department of State handbooks? Please note that the C-175 Process provides other Federal agencies an opportunity to comment on a proposed agreement. For further information, see C-175 and Supplementary Handbook on C-175 Process for Routine International Science and Technology Agreements.

- What other NSF Directorates/Offices besides the originating Program should be involved? (They should be consulted early in the process.)

- Would the activity require NSB approval or an NSB information item?

<u>External considerations for international activity/involvement:</u>

- How was this activity originated/generated (e.g., statutory requirement, treaty, other agency request, request by OD, generated by program, request from foreign partners)?

- Is this a renewal of a previous MOU? If so, were lessons learned that require revisions to the document beyond administrative updates?

- Who are the participating non-NSF parties (e.g., U.S. Government agency, State or local government, foreign government or organizations, non-profit, for profit)?

- Are the participating non-NSF parties' missions, policies, standards and practices consistent with those of NSF? Are designated contacts authorized to speak for their organization(s)?

- If non-governmental entities are involved, was the opportunity to participate made available to others in a fair and equitable way? Would participation give a firm an unfair commercial advantage?

<u>Resource considerations for international activity/involvement:</u>

- Are there adequate staff and financial resources available to implement?

- Would the MOU obligate NSF funds, and if so, at what level and for how long? Are funds provided in NSF appropriations?

- Would the MOU require fund transfers or dedication of agency funds? If transfers to NSF: Dollar amount? Fiscal year(s)? Will any funds be from a non-Federal source? If transfers from NSF: Dollar amount? Fiscal year(s)? Multi-year commitments? Are funds already appropriated?

- If international fund transactions would be involved, is it clear what the commitment would be in U.S. dollars and how the amount would be affected by exchange rates?

<u>Implementation for international activity/involvement:</u>

- Are there any timing sensitivities? If there would be grants or other follow up steps, what would be the timeline?

- Would the MOU generate unilateral or collaborative proposals and awards?

- Would NSF review proposals independently or jointly?

- Would the MOU use an existing program solicitation or would a new solicitation need to be created and cleared?

- Would the activity generate OMB, Congressional and/or press interest?

d. MOU Content

Key elements of a MOU normally include:

- Statement of intent;
- Citation of the NSF Act/Authority and the other organization(s) authority to enter into the MOU;
- Scope of work that includes how responsibilities will be shared;
- Title and Synopsis of program;
- Duration of Agreement;
- Proposal submission and review process;
- Sharing of information;
- Termination provisions;
- Reporting requirements;
- Funding and resource commitments that will be clearly detailed at a later date through an interagency agreement or some other vehicle of delivery; and
- Resolution of disagreements.

To assist programs in the development of MOUs, a sample template is available on the MOU webpage.

Administrative details to be specified are dependent on whether or not the MOU will involve proposal preparation, submission and review. Any agreements involving the expenditure of NSF funds must follow NSF policies. Items that may be appropriate for inclusion are:

- Responsibility for development of program solicitations;
- Responsibility for receipt and processing of proposals;
- Merit review and conflict of interest issues (additional information and guidance are available in PAM Chapters V.C.2 and XII.G);
- Language acknowledging the partnership in awards;
- Reporting requirements;
- Intellectual property, proprietary information and confidentiality; and
- Competition Issues.

e. Review and Clearance of MOUs

(1) The MOU Review team (via the NSF Clearance Coordinator in the DIAS Policy Office) should be consulted as soon as possible by the cognizant Directorate/Office in order to obtain appropriate guidance when MOUs are being prepared. If the proposed MOU involves an international partner, OISE must be consulted prior to the development of the document.

Although MOUs and program solicitations may involve the eventual transfer of funds to NSF, the interagency transfer documents are processed separately and should not be included in the MOU clearance folder.

The MOU also should present a clear understanding that once a solicitation is made available to the proposing community, the other organization is obligated to fulfill its commitment to provide the amount of funds agreed upon (if funds are involved).

(2) Appropriate NSF review and clearance of all MOUs is required to assure that:

- Programmatic approval has been secured;
- Any legal, policy, financial or management questions have been resolved;
- Commitment of NSF funds or other resources is appropriate; and
- Other organization's policies and procedures do not conflict with NSF's under any resultant agreements or actions.

(3) MOUs must be reviewed and cleared via a Form 10 (a sample Form 10 is available on the MOU webpage) by the:

(a) Cognizant DD;

(b) Responsible Assistant Director/Office Head;

(c) Other Assistant Directors/Office Heads, if involved;

(d) NSF Clearance Officer;

(i) Clearance folders must be delivered to the BFA Front Office to be logged in and assigned to the appropriate BFA Division(s) for review.

(ii) The DIAS Policy Office will coordinate the review of MOUs within BFA and provide final BFA clearance approval.

(e) OISE; Some arrangements with foreign governments and organizations are subject to additional Department of State clearance requirements, including C-175 clearance and clearance for certain sensitive countries. The Office Head, OISE, must review and clear the MOU prior to sending to the Department of State. Department of State clearance normally takes approximately six weeks. OISE and OGC should be consulted early in the international arrangement development process for guidance on State Department clearance.

(f) OGC; and

(g) NSF Deputy Director or Chief Operating Officer (or designee).

(4) After appropriate reviews and clearance have been secured and depending on the nature and content of the MOU, an agency official will be authorized to sign the MOU on behalf of NSF. Individuals authorized to sign MOUs on behalf of NSF include the Director, Deputy Director, Chief Operating Officer, Assistant Directors/Office Heads or their equivalent. NSF Grants Officers or their equivalent are authorized to sign in cases involving a transfer of funds. **The MOU should not be signed by any party until it is cleared by the NSF Deputy Director or Chief Operating Officer or his/her designee**.

(5) It is vital that an executed copy of each MOU must be provided electronically to the Office of Integrative Activities (OIA) and the NSF Clearance Coordinator for their files as soon as all agencies and parties have signed. It is essential that a copy of the MOU be provided to OIA so that it can be uploaded to the MOU database. This ensures that the Foundation has a complete record of all MOUs that have been negotiated, implemented and established by NSF.

2. Interagency Agreements

a. Definitions

An interagency agreement (IAA) is a reimbursable agreement between Federal agencies through which one agency (the Servicing Agency) agrees to provide goods, services or otherwise perform some specific activity on behalf of the other agency (the Requesting Agency). An IAA is a bilateral agreement to which both agencies must agree and sign. Acceptance of an IAA by both agencies transfers reimbursable budget authority to the Servicing Agency to perform as agreed and establishes a legal obligation of funds for the Requesting Agency. As performance occurs, the Servicing Agency can bill and collect funds and the Requesting Agency will pay out funds in accordance with the terms and conditions identified in the IAA.

Interagency agreements are classified as either:

- “Incoming” IAAs where NSF is the Servicing Agency that receives funding from another agency to be obligated by NSF on a particular project, program or other activity; or

- "Outgoing" IAAs where NSF is the Requesting Agency that transfers funding to another Federal agency to perform some specific activity or provide goods or services for NSF.

b. "Incoming" Interagency Agreements

The type of activities covered under an "incoming" IAA may include, but are not limited to, jointly funded projects and programs, support of research operations and logistics and access to research facilities. Depending on the scope of the arrangements between NSF and the partnering Federal agency, NSF may require an MOU or other comparable arrangement between the parties, in accordance with the policies and procedures under section B.1 above. For example, agreeing to issue a joint solicitation and to co-fund the resulting projects with another Federal agency would first require an MOU to express the terms of the joint program. An IAA will be necessary to transfer any funding referenced in the approved MOU. In contrast, funding support from another agency for a specific NSF project would not require an MOU.

Funds accepted by NSF under an "incoming" IAA must be committed and obligated for the specific purpose referenced or identified in the agreement and may not be applied to other programmatic activities. Program offices shall not commit NSF funds for obligation on an award in advance of receiving the other agency's reimbursable budget authority through an IAA. In the event of a delay in receipt of an IAA from the other agency, NSF can proceed with funding its portion of the project. The other agency's funds can later be added through a supplemental funding action after the IAA has been accepted.

Award actions using funds received from another agency under an "incoming" IAA are subject to the same review, approval and processing policies and procedures as all NSF grants. Supplemental funding (see PAM Chapter XI.B.3) from another Federal agency may be used to support the original scope of work. Funds to support additional activities not included in the original scope of work, however, are subject to external merit review by NSF or the funding agency.

(1) Program Office Responsibilities

An "incoming" IAA is an agreement that conveys specific requirements of the Requesting (funding) Agency that sufficiently establishes a bona fide need and specifies the funds to be provided for the performance of a specific activity or service by NSF as the Servicing Agency, either directly or through one of its grantees or vendors. Although these agreements are typically initiated by the Requesting Agency using their own agency-specific form or in the case of Department of Defense agencies, through use of a Military Interdepartmental Procurement Request (MIPR), the NSF is responsible for ensuring that the IAA is compliant with current Federal requirements and guidelines for intragovernmental transactions. Therefore, the cognizant Program Officer (PO) will need to instruct the Requesting Agency to clearly identify on the agreement the NSF program or project being supported by the IAA, all required financial data and billing terms, NSF's authority as Servicing Agency and any other terms and conditions, if appropriate, as outlined below.

Although "incoming" IAAs are based on negotiation of a paper document signed by both agencies, NSF has implemented an electronic workflow in iTRAK to capture the internal review by the appropriate units of BFA, as outlined in this section, prior to approval of the IAA. After the IAA is approved in iTRAK, the cognizant Program Office's designated Authorized Official will sign to accept the IAA on behalf of NSF. The program office is then responsible for uploading the final IAA and a complete copy of supporting documentation to eJacket under the "Other Agreements" section for all grants and cooperative agreements that utilize funds from other agencies.

The program office is also monitoring the IAA, providing deliverables to the Requesting Agency (where appropriate), ensuring that requests for extensions to the IAA coincide with approved extensions of the applicable grant and confirming that funds are properly accounted for so NSF can accurately bill and collect from the Requesting Agency.

(a) Authority to Sign the Agreement

The purpose of signing the IAA to accept funds as the Servicing Agency is two-fold: (1) to ensure that the scope of work is properly defined and can be fulfilled by NSF; and (2) that the managing service office is ready to start work, bill, collect and properly account for the funds (i.e., the managing Program Office is signing off to indicate that it is ready to use and account for the funds to accomplish the work of the agreement). Acceptance of the IAA by NSF as the Servicing Agency does not involve an obligation by NSF. Only after the funds are accepted and subsequently committed by program on a grant will a Grants Officer be required to approve obligation of the transferred funds. Therefore, the managing Program Office that will service the agreement shall identify permanent NSF staff that have the appropriate knowledge to attest to starting work and account for use of the funds being transferred to NSF to sign any IAA as an Authorized Official (i.e., Servicing Agency Funding Official).

Authority to sign the IAA as the Authorized Official for NSF must be delegated in writing either for the Directorate/Office or cognizant Division by the Deputy Assistant Director/Deputy Office Head or the Program's DD or Deputy DD to a permanent NSF employee. This written delegation shall be maintained by the Directorate/Office in a centralized file for reference and updated periodically as appropriate (a sample Delegation Memo template for Incoming IAAs can be accessed from the Incoming Agreements site).

(b) Statutory Authority for "Incoming" Interagency Agreements

All "incoming" IAAs must refer to the NSF Act of 1950, as amended (42 USC 1873(f)), as the Servicing Agency legal authority for NSF regardless of the authority used by the Requesting Agency.

If the Requesting Agency has its own specific statutory authority for entering into interagency agreements, it can use its authority, as long as the IAA specifies that NSF will be using the NSF Act. Examples of other agencies' acceptable statutory authorities are the National Aeronautics and Space Administration (NASA) Space Act and the National Institutes of Health (NIH) Act.

Any questions about statutory authority should be directed to OGC.

(c) Negotiation of the Agreement

The cognizant Program Office, as the managing service office, will ensure the following aspects of the IAA are addressed while negotiating the agreement with the Requesting Agency:

- Scope of work identifies the specific activities to be supported by the IAA and verifies the scope of work can be fulfilled;

- Stated statutory authorities are properly defined as noted above;

- Any special clauses, requirements or terms and conditions included in the IAA do not conflict with NSF policies and procedures for issuing grants (in consultation with a Grants Officer, as needed);

- Performance period of the IAA sufficiently covers the proposed grant period that will be obligated to perform work requested by the Requesting Agency, including time to bill for those expenses incurred by the grantee;

- NSF's administrative cost recovery (ACR) fee based on the current fiscal year ACR rate has been properly calculated as a deduction from the total amount transferred in accordance with NSF policy and procedures note in section 3 below;

- Funds are represented in whole dollars only (NSF cannot process acceptance of cents);

- Complete financial information is obtained from the Requesting Agency consistent with the Order Line/Funding Information identified in block 28 of Treasury Form 7600B (forms and related resources can be accessed on the Incoming Agreements site;

- Payment/billing is specified as "reimbursement" unless the Requesting Agency has a documented justification for why NSF must advance billing (in consultation with DFM);

- NSF's financial information is provided to the Requesting Agency for recording and billing under the agreement (email any questions to dfm-ipac@nsf.gov) as follows:

- Agency Location Code (ALC): 49-00-0001 (the first two digits identify NSF's Trading Partner Code and Treasury Agency Code);
- Treasury Account Symbol (TAS): This depends on the program account (i.e., Research and Related, Education and Human Resources, etc.) that will be used for the transferred funds and the fiscal year of the IAA. (Refer to the current TAS list on the Managing Incoming IAAs site);
- Business Event Type Code (BETC) as Servicing Agency: COLL;
- DUNS or Business Partner Number (BPN): 74811803;

- Special requirements, conditions or revisions to the IAA are specifically addressed in the agreement or incorporated by reference to other documentation (by email or other written documentation) that shows concurrence by the Requesting Agency of any changes;

- All appropriate officials from the Requesting Agency sign the IAA; and

- The IAA is reviewed, approved and accepted/signed by NSF according to section (c) below.

(d) Routing and Review/Approval of the IAA in iTRAK

Program office staff will enter the IAA financial data into the iTRAK Projects Module, upload the IAA and related documentation into iTRAK, and route it electronically to the program-designated Authorized Official for review. It is acceptable for the Directorate/Office/Division to identify program staff to review and approve the IAA in iTRAK separate from the Authorized Official who signs the paper agreement. This may also be the same individual who enters the data into iTRAK if that is the preferred process established by the program office. However, this approval in iTRAK shall be consistent with the signed agreement, which is the legal document that binds NSF to perform the scope of work in the IAA.

Procedures for saving and uploading documentation, including saving/uploading documentation and standards for document file names and placement within iTRAK, can be found in the iTRAK User Handbook. Documentation to be uploaded to iTRAK includes, but is not limited to: the IAA, all attachments and correspondence including a statement of work or documentation of goods or services being provided, copy of MOU (if one exists), and ACR waiver (if applicable).

Program will forward the IAA electronically in iTRAK for review by BFA (see the Incoming IAA Workflow on the Incoming Agreements site). This begins the iTRAK workflow process that allows each reviewer to electronically approve or reject the IAA in accordance with the responsibilities outlined below for BFA staff. DGA or DACS will review and approve the IAA in iTRAK and forward it for Budget's review/approval and then on to DFM for review/approval. At any point in the workflow, if there are issues to be resolved, BFA can return the IAA to program by rejecting it in iTRAK, which will require the program office to resubmit the IAA through the iTRAK workflow. Throughout each step of the review, comments and documents can be added in iTRAK, as appropriate.

Upon approval of the IAA in the iTRAK workflow by DFM, the IAA is returned to the Program Office for final approval in iTRAK and for acceptance/signature of the paper agreement by the Program-delegated Authorized Official as detailed below. Program staff must ensure that the final signed IAA is uploaded to iTRAK, as well as sent to the Requesting Agency. Program Offices may create and include a transmittal letter with the signed IAA to be sent to the Requesting Agency, however, this letter is not generated by iTRAK.

Final approval of the IAA in iTRAK by the program office triggers generation of budget documents that must be approved in iTRAK by the Budget Division before funds become available for commitment in the Program operating budget (typically after an overnight batch process).

(e) Final Acceptance of the Agreement

The Program-delegated Authorized Official shall sign the IAA after it has been routed electronically through iTRAK for review and approval by the various units of BFA detailed below. The Program Office will forward the fully executed (signed) IAA to the Requesting Agency to acknowledge NSF's acceptance of the funds. Program Offices may include a transmittal letter to the Requesting Agency; however, only the signed IAA represents the binding bi-lateral agreement between the agencies. After funds are accepted from another agency and made available in the operating plan, the servicing Program Office will utilize the funds as appropriate to fulfill the scope of the agreement. NSF program offices should process all "incoming" IAAs as early in the fiscal year as possible so that the other agency's funds may be committed and obligated in accordance with the annual critical dates bulletin issued by BFA and posted on the Fiscal Yearend Closeout site.

(i) NSF Signature Requirements as Servicing Agency

Depending on the type of agreement utilized by the Requesting Agency, there may be separate signature blocks to allow multiple NSF staff to sign off on the scope of work and using the funds to start work as follows:

If **Treasury Forms 7600A/B** are being used, the delegated Authorized Official for the NSF Program Office is required to sign as the Funding Official. Requirements for all signature blocks in the 7600A/B forms are as follows:

- Form 7600A (General Terms and Conditions section) Block 23, Servicing Agency Official, who is agreeing to the general terms and conditions of the agreement, must be signed by the cognizant DD (or his/her designee acting on behalf of the DD);

- Form 7600B (Order section) Block 37, Servicing Agency Program Official, who is ensuring that the scope of work is properly defined, must be signed by the cognizant NSF PO (or his/her designee acting on behalf of the PO);

- Form 7600B (Order section) Block 38, Servicing Agency Funding Official, who is agreeing that NSF can start work and account for use of the funds, must be signed by the Authorized Official who has been delegated that authority in writing by the cognizant Program Office; and

- Form 7600B (Order section) Blocks 39 and 40, Finance Office and Additional Points of Contacts, do not have to be signed by NSF.

If a **MIPR, Department of Defense (DD) Form 448**, is being used in place of an IAA, NSF will be required to complete and sign the Acceptance of MIPR, DD Form 448-2, as follows:

- Block 13, Remarks, should include the name and contact information for the cognizant NSF PO, as well as any other relevant NSF information not explicitly covered on the MIPR such as NSF's statutory authority, financial data, and correct ACR fee;

- Block 14, Accepting Activity, should be the cognizant NSF Program Office and mailing address; and

- Blocks 15 and 16 are the Typed Name/Title of Authorized Official, who has been delegated that authority in writing by the cognizant NSF Program Office.

If other forms are being used by the Requesting Agency:

- Acceptance of the IAA must be acknowledged by the cognizant NSF Program Office through signature on the form by the Authorized Official who has been delegated that authority in writing.

- If the other agency does not have a signature block on their agreement, then a signature block should be added for the NSF Program-delegated Authorized Official because IAAs are bi-lateral agreements that must be agreed upon by both agencies.

(ii) Signature Requirements of Modifications to Prior Agreements

As noted above, an Authorized Official for the program office must be delegated in writing by either the DD, Deputy DD or Deputy Assistant Director/Office Head for the Directorate/Office. Modifications to prior agreements that were previously signed by DGA or DACS should be signed by the Program-delegated Authorized Official. Some types of agreements may have signature blocks for additional NSF officials; however, signature by a Grants Officer is not required for any "incoming" IAAs because there is no obligation of funds by NSF to accept the agreement.

(2) Office of Budget, Finance and Award Management Responsibilities

The internal review of an "incoming" IAA involves several BFA operating units:

(a) Division of Grants and Agreements and Division of Acquisition and Cooperative Support

DGA or DACS will review the IAA to ensure any special clauses, requirements or terms and conditions included in the IAA do not conflict with NSF policies and procedures. The IAA must be forwarded electronically in iTRAK to the cognizant NSF Grants Officer in DGA (Team Lead assigned by Directorate/Office) or the DACS Cooperative Support Branch (or DACS Contracting Officer, if appropriate). Program Offices are encouraged to consult with DGA and/or DACS during the negotiation stage if the Requesting Agency includes terms that may impact NSF's ability to make an award. Questions about statutory authority should be directed to OGC.

If the IAA covers activities that involve both grants/cooperative agreements and/or contracts, then program should route the IAA for electronic approval in iTRAK to the BFA official who will obligate the preponderance of funds. In addition, DGA or DACS will verify that the correct dollar amount and administrative recovery fee have been properly entered in the iTRAK Projects Module for the IAA.

(b) Budget Division

The Budget Division will review the NSF thematic and funding code information (refer to the NSF Program and Financial Coding Manual). In addition, Budget will approve the iTRAK budget documents generated after final approval of the IAA by the program office, thus making funds available for commitment in the program operating budget (typically after an overnight batch process).

(c) Division of Financial Management

DFM will review the financial and billing information entered in iTRAK. Program offices are encouraged to consult with DFM during the IAA negotiation stage if there are any questions about obtaining necessary financial and/or billing information from the Requesting Agency prior to routing the IAA through iTRAK. In addition, DFM can assist program offices with tracking liquidation of the other agency's funds in iTRAK.

Any questions about financial information or payments under the agreement can be emailed to dfm-ipac@nsf.gov.

(3) NSF's Administrative Cost Recovery (ACR) Fee

(a) Policy

Consistent with applicable legislation and Government Accountability Office (GAO) decisions, NSF must recover the costs incurred for management, administration and oversight of activities authorized and/or funded by interagency agreements (including those affected by MOUs). These costs are typically recovered under "incoming" IAAs by deducting a percentage of the total funds being transferred as an administrative cost recovery fee. This ensures that NSF is fully reimbursed and not augmenting another agency's appropriation, which could result in an Anti-Deficiency Act (ADA) violation.

The ACR fee is based on a percentage rate that is derived using an established NSF algorithm for determining the Foundation's administrative costs. The rate is reviewed annually and is published in a Bulletin by the Chief Financial Officer (CFO) as the ACR Bulletin, which can be found on the Incoming Agreements site. In rare circumstances, NSF may consider a lower ACR. If a lower administrative fee must be negotiated, it will require a waiver in accordance with section (d) below.

(i) Allocation of ACR within NSF

Funds collected as reimbursement of NSF's administrative costs under interagency agreements will be allocated such that 53% goes to the cognizant Directorates/Offices and 47% to the administrative operations, as appropriate, or until otherwise superseded. Recovered administrative costs may be used for all expenses that are otherwise funded by the Agency Operations and Award Management account.

(ii) Waiver of Administrative Costs

In exceptional cases, NSF may waive a portion of the administrative costs if doing so does not result in augmentation of the other agency's appropriation (Program offices should consult with OGC for assistance with this issue). In such cases where a waiver is possible, the Assistant Directors/Office Heads may waive in writing recovery of all or part of the programmatic portion of administrative costs, which is currently allocated as 53% of the fee amount. Similarly, the CFO is authorized to waive recovery of all or part of the administrative operations (remaining 47%) portion of administrative costs. A waiver request submitted to the CFO should include the following: 1) requested waiver amount of the administrative operations part of the ACR fee; 2) estimated total amount of the IAA; 3) percentage or dollar amount of programmatic ACR waiver approved; 4) description of the exceptional circumstances leading to the waiver request; and 5) AD/OH concurrence with the request. Waiver of any portion of the administrative cost recovery fee should be documented in writing, signed by the respective authorized official(s) and included with the IAA documentation uploaded to iTRAK for review and approval.

(iii) Extraordinary Direct Costs

Recovery of administrative costs does not include reimbursement for additional direct costs resulting from work done for other Federal agencies. Thus, NSF also should seek to recover any significant direct costs (e.g., costs involved in creating additional dedicated full-time equivalencies [FTEs]) anticipated as a result of undertaking such activities. “Incoming” IAAs should specifically address such additional amounts and the purposes for which the additional funds will be used, when appropriate.

(b) Application of NSF’s ACR Fee in “Incoming” IAAs

The cognizant NSF PO should ensure that the current fiscal year’s rate is included in all “incoming” -IAAs, noting that the ACR rate should be multiplied by the total funds transferred and <u>not</u> just applied to the programmatic portion. (Refer to the ACR calculator tool to confirm the correct calculation.) The methodology used by NSF to develop the rate requires that it be deducted from the total funds being transferred to ensure that NSF is fully reimbursed and not augmenting the other agency’s appropriation, which would be an ADA violation. If the other agency wants to calculate the ACR by applying the rate to only the program portion of funds, then NSF’s effective ACR rate would be higher. This is NOT double-dipping, but ensures that all agencies cover NSF’s administrative fee on an equivalent basis.

If the Requesting Agency incorrectly calculates NSF’s administrative fee, the program support portion of the funds will need to be reduced, which will require concurrence by the other agency. When the Requesting Agency does not concur with adjusting the programmatic portion to retain the same bottom-line total, program can proceed as follows:

- Renegotiate the agreement to add funds to ensure that NSF’s full ACR fee is met while maintaining the original level of programmatic support;

- Return the agreement unaccepted; or

- In rare circumstances, waive part of the administrative costs in accordance with NSF policy above, but only if doing so does not result in augmentation of the other agency’s appropriation. Any waiver of ACR must be documented in writing, signed by the respective authorized official(s), and included with the IAA documentation uploaded to iTRAK for review and approval.

c. “Outgoing” Interagency Agreements

NSF distinguishes its “outgoing” IAAs based on the nature of the work to be performed by another Federal agency as follows:

- A *support-type agreement* provides funds for research, education, conferences or other research-related activities performed by another agency (including via an

FFRDC). Support-type agreements may be considered similar to grants because a research-related proposal is submitted by the Federal agency, lab, or FFRDC to supports a public benefit rather than provide services to NSF. These proposals are subject to the same merit review procedures and exceptions as research proposals from non-Federal organizations, except that funding must be provided through an “outgoing” IAA rather than a grant if recommended for funding and are not subject to NSF grant terms and conditions.

- A *service-type agreement* transfers funds to another agency to support of Foundation activities (e.g., the operation of vessels or facilities, studies conducted for the Foundation or fees to use Government-wide services). Service-type agreements are handled by the Contracts Branch in DACS, may be similar to contracts in that the services to be performed by the other agency supports NSF, and are not subject to the merit review requirements for research proposals.

(1) Policy for Proposals for Support-type Agreements

“Outgoing” IAAs may be initiated when a PO or other NSF official completes preliminary discussions about the scope of work to be performed with a representative of another Federal agency. Proposals from other Federal agencies are not required to be submitted through FastLane except for FFRDCs, the Smithsonian Institution, and Military Service Academies, in accordance with PAM Chapter I.D, or collaborative research proposals with non-Federal organizations. Depending on the scope of the arrangements between NSF and the partnering Federal agency, NSF may also require an MOU in accordance with NSF policies and procedures.

Program Officers must ensure that NSF can provide funding for research or education activities by scientists, engineers or educators employed by other Federal agencies or FFRDCs in accordance with the PAPPG Chapter I.E.7. If the proposed project meets these guidelines, then it will be subject to the same merit review procedures and exceptions as regular research proposals.

(2) Authority for “Outgoing” Interagency Agreements

For a Federal agency to transfer funds appropriated by Congress to another agency, both agencies must have legal authority to enter into the agreement. The NSF Act of 1950, as amended (42 USC 1861-75), provides the NSF authority as the Requesting Agency to enter into IAAs in support of the Foundation’s mission.

When negotiating an “outgoing” IAA, the Servicing Agency also must have the authority to perform the work being requested by NSF. In some cases, this may be a programmatic authority for research-related activities or the Economy Act if the other agency does not have any other specific authority. If the Servicing Agency does not have any other specific authority, they may accept the transfer of funds using NSF’s authority.

(3) Proposal Preparation for “Outgoing” Interagency Agreements

Once a funding decision on the proposed scope of work is ready to be recommended for award (i.e., the proposal has been merit reviewed or falls under an exception), an IAA must be prepared by the program office.

To ensure that the Foundation’s “outgoing” IAAs comply with current Federal rules and guidelines for intragovernmental transactions, NSF uses Treasury’s Standard IAA Forms 7600A and B. The link to this pdf fillable form and specific instructions on completing the forms can be found on the Managing Interagency Agreements site.

Because FastLane does not block a Federal agency from submitting proposals if it is registered in the System for Award Management (SAM) and has set up a FastLane account, the program office may use this FastLane proposal ID for processing a recommended action for funding. Otherwise, the program office will need to generate a proposal number in eJacket, which will be used to commit funds in eJacket, and upload any documentation received from the other agency. All “outgoing” IAA files will need a clear statement of work to be performed by the Servicing Agency and a detailed budget breakdown or cost estimate with supporting documentation to justify any overhead charges or fees.

IAA proposals may also be generated internally using eJacket. The Program Office may use the “Create Funding Action” functionality to create the proposal, which will require PO Recommendation and Sign-Off as well as DD Concurrence.

(4) Preparation of the Agreement Forms

An IAA form must be prepared by the program office and a file assembled to document the proposed request for research support proposals. All documents, including the signed IAA forms explained below should be uploaded to eJacket for support agreements to be processed by DGA.

The standard IAA form currently consists of two sections: the 7600A-General Terms & Conditions (GT&Cs) section and the 7600B-Order Requirements and Funding Information (Order) section. The IAA must contain one GT&C and at least one Order. An Order cannot exist without a fully executed GT&C. One GT&C can and may have multiple Orders. The proposal number in eJacket will be used as the IAA number on these forms. The requirements for each section of the IAA standard forms is provided below:

(a) 7600A - GT&Cs

This section is an umbrella agreement, which identifies the terms and conditions, but does not transfer actual funding, contains the following:

- The agencies and their authorities for entering into the agreement as noted above;

- The general scope of the proposed project, which may include incorporation of an MOU by reference;

- Estimated total anticipated amount over the life of the agreement;

- Agreement period to be covered for the entire project; and

- Any terms and conditions agreed to by both the Requesting Agency (NSF) and the Servicing Agency.

The Outgoing IAA Walkthrough linked to the Outgoing Agreements site includes terms (e.g., change in PI/PD, annual reports and disclaimer) that can be added as clauses to support-type agreements.

(b) 7600B-Order

This section will create the legal obligation of NSF's funds once the IAA is fully executed by both agencies. The Order contains:

- The current funding to be committed and obligated for the effort;

- The financial data and the billing requirements of both agencies;

- NSF's financial information as the Requesting Agency:

    - Agency Location Code (ALC): 49-00-0001 (the first two digits identify NSF's Trading Partner Code and Treasury Agency Code);
    - DUNS or Business Partner Number (BPN): 74811803;
    - Business Event Type Code (BETC) as Requesting Agency: DISB; and
    - Treasury Account Symbol (TAS): This depends on the program account (i.e., Research and Related, Education and Human Resources, etc.) that will be obligated under the Order;

- The specific scope and period of performance; and

- Any funding limitations or clauses.

In the case of a research support-type agreement, the funding structure of an IAA can be similar to either a standard grant or funded over multiple years like a continuing grant. The total estimated agreement amount anticipated for the entire agreement period is included on the 7600A-GT&C, and the current funding to be approved/obligated is identified on the 7600B-Order section. Future funding can be provided through issuing new 7600B–Orders under the same GT&Cs to transfer additional funding.

(5) Program Processing of Agreement Forms

To prepare the "outgoing" IAA forms for approval (prior to DD concur or commitment of funds), the program office first completes all of the Requesting Agency sections of the 7600A-GT&C and 7600B-Order form as outlined above. The program office can consult with DGA or DACS as needed for assistance during preparation of the IAA forms or contact DFM (email dfm-ipac@nsf.gov) for questions regarding the financial data or billing requirements.

The program officer then sends an electronic copy of the IAA to the Servicing Agency. The Servicing Agency completes its sections of the form and returns the draft IAA to NSF. The program office then determines if the IAA captures the required data elements. Once the draft is complete, the designated NSF approving official (typically the DD or his/her designee) signs the Requesting Agency sections of the IAA (block 23 of the GT&Cs and block 37 of the Order) and sends the signed document back to the Servicing Agency for their signatures (blocks 23, 37 and 38). The Requesting Agency Funding Official (block 38) will be signed last as part of the final approval of the IAA and obligation of funds by the cognizant NSF Grants Officer as noted below.

As part of determining if the IAA captures the required data elements, the program office also must ensure that there is a clear statement of work and a detailed budget breakdown or cost estimate with supporting documentation to justify any overhead charges or fees.

After the Servicing Agency signs the IAA, the cognizant NSF PO will need to recommend the funding for approval in eJacket so that it can be DD concurred. For support-type proposals that will be reviewed and processed by DGA, the Award Type Code of "4", which is "interagency agreement," must be used so that the action will be electronically transmitted to DGA's Awards System log. (Note: For service-type agreements, DACS requires a paper file copy of the IAA documentation to be submitted for review and processing even though funds must be committed in eJacket using the Award Type Code "C" for "contract interagency agreement".)

(6) Grants Officer Processing of the Agreement Forms

DGA will review the final IAA form, including any attachments, the proposal/scope of work and the budget. DGA may incorporate or remove additional terms and conditions as necessary and may instruct the program office to obtain new signatures if the IAA needs to be revised. The cognizant NSF Grants Officer will then sign block 38 as the Requesting Agency Funding Official.

Once the IAA has been signed by all parties, the Grants Officer will approve the action in the Awards System, which will post the funds as an obligation in iTRAK. Any subsequent changes to the IAA GT&Cs or Order must be approved by both agencies.

(7) Project Reporting and Post-Award Actions

Federal agencies are not subject to grant terms and are restricted from submitting annual and final reports using the Project Reports module in Research.gov. However, Federal entities that have a Research.gov account may utilize the Interim Report function if a proposal was originally submitted through FastLane and project reporting was incorporated into the actual agreement.

Post-award requests for prior approval on “outgoing” IAAs, such as no cost-extensions or change of PI, cannot be submitted through NSF’s electronic systems regardless of whether the original proposal was submitted through FastLane. In addition, NSF’s systems cannot accommodate transfers from an IAA to a grant. In such cases, the remaining level of effort may be issued as a subaward, or a new proposal action may be needed to fund the remaining time at the new grantee organization if a transfer is warranted. The Requesting Agency must submit a written request to the cognizant PO for any modifications to the approved agreement. POs should contact the cognizant Grants Officer in DGA to discuss how to proceed with any post-award requests and/or closeout of the agreement.

(8) Special Categories of Federal Entities

Additional guidance on processing agreements with special categories of Federal entities is provided below:

(a) Federally Funded Research & Development Centers

Although FFRDCs are not Federal agencies, each was essentially created by a Federal agency and receives the preponderance of its resources from that particular agency. NSF’s policy is to recognize these organizations under the same eligibility rules as other Federal agencies. A list of all current facilities can be found on the NCSES website.

Since NSF’s corporate Institution System identifies these facilities as FFRDCs, they may submit proposals via FastLane. The proposal Cover Sheet may be electronically signed by the FFRDC Project Director or designee. If a proposal from an FFRDC is selected for funding, then an IAA will need to be negotiated with the sponsoring Federal agency except as noted below.

Prior to recommending funds for an FFRDC proposal in eJacket, the program office will need to be sure that the “awardee organization code” properly identifies the Federal agency and the “performing institution code” reflects the FFRDC in the Proposal Data Maintenance screen. Support for the FFRDC is essentially a subaward under the IAA to the sponsoring Federal agency. The IAA should refer to any special requirements of the Servicing Agency, as appropriate.

(i) Jet Propulsion Laboratory

For proposals submitted by NASA's Jet Propulsion Laboratory (JPL) that total less than $50,000, NSF can award a grant to the lab administrator, California Institute of Technology (Caltech), instead of an interagency agreement to NASA. JPL should identify in the submission of the proposal whether it will fall under the terms of its NASA contract and thus require an IAA. In either case, JPL should only be identified as the "performing institution" in the Proposal Data Maintenance screen and for the "awardee organization" it should be Caltech if awarding a grant or NASA if approving an IAA.

(ii) Brookhaven National Laboratory

This FFRDC is sponsored by the Department of Energy. Awards for Brookhaven National Laboratory can be made as grants to the managing partner, Brookhaven Associates, LLC.

(iii) Aerospace

This FFRDC is sponsored by the United States Air Force. However, all proposals are submitted by Aerospace, Inc., and are awarded as grants.

(b) Smithsonian Institution

Some organizations, such as the Smithsonian Institution (SI), can be considered as both a non-profit organization or as a Federal entity depending on whether the request for support is for an SI employee that is paid in whole or in part by appropriated funds. If the SI employee is paid by appropriated funds, then any NSF support must be provided through an interagency agreement; otherwise, the Smithsonian can be treated as a non-academic, non-profit institution and is eligible to receive a grant.

(c) Military Service Academies

These entities are identified as academic institutions, rather than as Federal agencies in NSF's corporate Institution System, and therefore are subject to the same competitive review and evaluation as proposals from other academic institutions. PAM Chapter I.D contains a listing of the military service academies.

Awards to military service academies must be processed as interagency agreements (consistent with the procedures above), unless the academy has a non-profit foundation under which it has submitted its proposal. In such cases, the resulting award would be reviewed and approved as a grant. Currently, only the US Merchant Marine Academy has a Foundation (the US Merchant Marine Academy Foundation, Kings Point, New York).

C. Fellowships

Fellowships are awards for individuals selected by NSF at the graduate and/or postdoctoral level. Awards are made directly to individual fellows or via standard or continuing grants to eligible organizations. Section 10 of the NSF Act of 1950, as amended (42 USC 1869), requires that persons be selected for scholarships and fellowships from among citizens, nationals or lawfully admitted permanent resident aliens of the U.S. solely on the basis of ability. Procedures for the various NSF fellowship programs are specified in the relevant program solicitation or fellowship administrative guide.

1. Graduate Level

NSF sponsors the Graduate Research Fellowship Program (GRFP). These fellowships are earned through a national competition among applicant individuals; NSF selects the recipients and supports their graduate education. More information on GRFP is contained in Section A of the PAPPG Introduction.

2. Postdoctoral Level

NSF sponsors a number of postdoctoral fellowship programs in science and engineering disciplines and education in a number of Divisions, agency-wide. Most of these fellowships have specific procedures for submission of the application and management of the resulting awards.

D. Collaborative Proposals

1. Policy

The NSF policy regarding the preparation and submission of collaborative proposals is contained in PAPPG Chapter II.D.3.

2. Processing of Separately Submitted Collaborative Proposals

A separately submitted collaborative proposal is processed as a "single package" from submission of the proposal by the collaborating organizations to final award approval by DGA or DACS/CSB. Collaborative proposals are linked by the collaborating organizations before the proposals are submitted to NSF and cannot be linked post-submission nor unlinked and processed as separate individual actions. Proposals included in a collaborative group cannot be delinked and awarded across different fiscal years. The linkage of the collaborative proposals only may be changed for purposes of declination of a portion of the collaborative, or for NSF-initiated withdrawal of a piece of the collaborative if it is being funded elsewhere. The declination or withdrawal action will occur at the time of DD concur. Those proposals remaining in the collaborative package are then DD concurred for award.

Note that while the lead proposal can be awarded and some or all of the non-lead proposals declined, the reverse is not possible given that a declination of the lead proposal also declines all the non-lead proposals. The DD concur process will log the collaborative proposals into DGA's or DACS/CSB's award log as a single package. The proposals in the collaborative package will not be logged into the Awards System until all the proposals that are part of the collaborative are final acted upon—DD Concurred for Decline, Award or Withdrawn, Funded Elsewhere.

The Awards System will assign all proposals in the collaborative to one Grants Officer. All proposals in the collaborative package will have the same effective date and will be awarded in one approval action. The individual proposals may be awarded as different award instrument types—allowing a mix of standard grants, continuing grants, cooperative agreements and even outgoing interagency agreements. All proposals being awarded must have funding awarded in the same fiscal year and the approved budgets must be commensurate with the scope of work to be performed.

E. Grants for Rapid Response Research

Information on, and proposal preparation instructions for, Grants for Rapid Response Research (RAPID) proposals are contained in PAPPG Chapter II.E.1.

1. Policy

Recommendations by POs should typically be made within one month but not to exceed three months after receipt of a RAPID proposal. POs are authorized to recommend award or declination of RAPID proposals that meet the criteria specified in the PAPPG; however, DD concurrence is required.

Generally, a program may obligate no more than five percent of its program budget per fiscal year for RAPID, EAGER and RAISE awards. Supplemental funding is allowable and may result in a total award amount greater than $200,000.

2. Procedures

Internal documentation should be brief but sufficient to justify an award decision or declination. In addition to intellectual merit and broader impacts, POs must address how the project is better suited for RAPID than the regular NSF review process. The cognizant PO must link an award recommendation to one or more of the specified RAPID purposes.

Program Reference Code 7914 must be assigned to all RAPID proposals. Information contained in the project reports, which are required, may be used to evaluate the merits of the RAPID grant.

F. EArly-Concept Grants for Exploratory Research

Information on, and proposal preparation instructions for, Early-Concept Grants for Exploratory Research (EAGER) proposals are contained in PAPPG Chapter II.E.2.

1. Policy

Recommendations by POs should typically be made within one month but in most cases within three months after receipt of an EAGER proposal. POs are authorized to recommend award or declination of EAGER proposals that meet the criteria specified in the PAPPG; however, DD concurrence is required.

Generally, a program may obligate no more than five percent of its program budget per fiscal year for RAPID, EAGER and RAISE awards. Supplemental funding is allowable and may result in a total award amount greater than $300,000.

2. Procedures

Internal documentation should be brief but sufficient to justify an award decision or declination. In addition to intellectual merit and broader impacts, POs must address how the project is better suited for EAGER than the regular NSF review process. The cognizant PO must link an award recommendation to one or more of the specified EAGER purposes.

Program Reference Code 7916 must be assigned to all EAGER proposals. Information contained in the project reports, which are required, may be used to evaluate the merits of the EAGER grant.

G. Research Advanced by Interdisciplinary Science and Engineering

1. Policy

Information on, and proposal preparation instructions for, Research Advanced by Interdisciplinary Science and Engineering (RAISE) proposals are contained in PAPPG Chapter II.E.3.

Generally, a program may obligate no more than five percent of its program budget per fiscal year for RAPID, EAGER and RAISE awards.

2. Procedures

Internal documentation should be sufficient to justify an award decision or declination. In addition to intellectual merit and broader impacts, POs must address how the project is better suited for RAISE than the regular NSF review process. The review analysis must address:

- Intellectual distinctiveness of the programs involved;

- How scientific advances lie outside the scope of a single program or discipline, such that substantial funding support from more than one program or discipline is necessary;

- How lines of research promise transformational advances; and

- How prospective discoveries reside at the interface of disciplinary boundaries that may not be recognized through traditional review or co-review.

The RAISE program requires the approval of two POs in order for a PI to submit a proposal; one of the POs will serve as the lead PO. The lead Program Officer must contact the RAISE Working Group indicating his/her intent to recommend a RAISE award. The RAISE Working Group is comprised of one representative from each Directorate as well as OIA and OISE. The Working Group will review the proposal processing documentation in eJacket and provide a non-binding advisory memo as a diary note, indicating whether the proposal meets the overall intent of RAISE. This diary note is required for DD concurrence. Prior to the required DD concur by each of the co-funding programs, the review analysis also must address issues identified by the Working Group, including any divergent opinions as to whether the proposal meets the overall intent of RAISE.

To ensure that a RAISE award represents a truly interdisciplinary effort, substantial contribution from two intellectually distinct programs is required; no one program should contribute more than two-thirds of the award total. Program Reference Code 049Z must be assigned to all RAISE proposals.

H. Grant Opportunities for Academic Liaison with Industry

Information on, and proposal preparation instructions for, Grant Opportunities for Academic Liaison with Industry (GOALI) proposals are contained in PAPPG Chapter II.E.4. Program Reference Code 1504 must be assigned to all GOALI proposals. In addition to the intellectual merit and broader impacts, the review analysis must address the following aspects of the proposed work:

- What new knowledge could the proposed work generate that could enable technology creation that addresses industrial needs?

- Is there a clearly defined intellectual property agreement presented governing the parties involved in the collaborative work proposed?

- What critical role does the industry partner bring to the collaboration without which the proposed project cannot be successfully executed?

- What is the anticipated longer term societal impact coming forth from the GOALI research project if successful?

- What opportunities for industrial experience and training could the proposed GOALI project create for students/postdoctoral researchers/faculty?

I. Ideas Lab

The NSF policy on Ideas Labs is contained in PAPPG Chapter II.E.5. Internal policies and procedures for Ideas Labs are specified below.

1. Policy

Approval by the cognizant Assistant Director(s)/Office Head(s) for an Ideas Lab must be obtained in advance of preparing an Ideas Lab solicitation. The request for Assistant Director/Office Head approval may take the form of a memo that explains the proposed Ideas Lab, including a justification for the need to use this approach. If the Ideas Lab will involve multiple Directorates and Offices, approval should be obtained from all relevant Assistant Directors/Office Heads. The approval memo must be attached to the management plan, so that it may be reviewed during the clearance of the solicitation.

An Ideas Lab solicitation must identify the specific focus of the workshop and solicit applications for participants. The selection of participants for each workshop must incorporate external review of the submitted applications, resulting in an invite/do not invite decision. While POs are authorized to recommend invite/do not invite decisions, DD concurrence is required in accordance with standard NSF policies. Similarly, evaluation of project ideas that are developed during the Ideas Lab must incorporate review by a panel of external subject matter experts.

POs are authorized to invite the submission of full proposals based on the project ideas developed and evaluated during the Ideas Lab. The requirement for external review of the full proposals will be satisfied by the combination of the evaluation of the initial project idea developed at the workshop and a review of the full proposal by external reviewers. The expectation is that the majority of these projects will be high-risk/high-impact feasibility studies, and, as such, will ordinarily not exceed three years in duration.

2. Procedures

a. Stage 1: Selection of Panelists

POs are responsible for establishing two separate panels for the Ideas Lab: a selection panel and an Ideas Lab panel. When formulating these panels, POs should adhere to the guidelines described in PAM Chapter V.B.

At the PO’s discretion, the Ideas Lab panelists may be asked to provide reviews of the full proposals submitted after the Ideas Lab is over.

b. Stage 2: Selection of Participants

A "call for participants" solicitation must be issued at least 60 days prior to the deadline for submission of applications.

Selection of participants should be done via panel review, utilizing a separate set of panelists (i.e., the selection panel) than those who will be on the Ideas Lab panel. The selection panel meeting should take place a minimum of 6-8 weeks prior to the Ideas Lab. The selection panel should provide recommendations to the NSF POs on a pool of applicants as potential participants. All panelists are expected to read all applications and participate in the development of a brief panel summary report that captures the relevant issues influencing the panel's final recommendations.

The applications for the pool of potential participants may subsequently be reviewed by an organizational psychologist, to provide advice on assembling a productive and creative mix of individuals. POs are responsible for selecting the final set of participants from the pool recommended by the panel.

Internal documentation supporting the invite/do not invite decision should be brief, summarizing the overall recommendations of the panel and organizational psychologist. Applicants should be notified electronically of the invite/do not invite decision and receive the panel summary. A brief program note also should be provided for those applicants who were placed in the "invite" pool by the panel but were not selected by NSF.

c. Stage 3: Ideas Lab

Information regarding this stage of the process is contained in PAPPG Chapter II.E.5.c.

d. Stage 4: Review and recommendation of full proposals

Review of the full Ideas Lab proposals should provide an assessment of the intellectual merit and broader impacts of the project, and, in addition, determine if:

(i) The scientific themes/objectives in the project are congruent with the ideas presented at the Ideas Lab; and

(ii) Any significant changes in project scope or resources from those presented at the Ideas Lab have been justified.

In addition to the standard documentation required for supporting an award or decline decision, the following internal documentation should be included as diary notes in eJacket:

(i) The panel's consensus report evaluating the original concept as presented at the Ideas Lab workshop, as well as any final peer review comments from the participants, if applicable; and

(ii) A copy of the final workshop presentation of the original concept.

Program Reference Code 8500 (Ideas Lab project) must be assigned to all proposals arising from an Ideas Lab. Information contained in the project reports, which are required, may be used as one vehicle to evaluate the merits of the Ideas Lab mechanism.

J. Facilitation Awards for Scientists and Engineers with Disabilities

Information on and proposal preparation instructions for Facilitation Awards for Scientists and Engineers with Disabilities (FASED) proposals are contained in PAPPG Chapter II.E.6. There is no separate program for funding of special equipment or assistance. Requests are made in conjunction with regular competitive proposals, or as a supplemental funding request to an existing NSF award. Program Reference Code 9260 must be assigned to all FASED proposals.

K. Research Center Programs

Information on Research Center proposals is contained in PAPPG Chapter II.E.10.

NSB guidance on and NSF senior management principles regarding Center programs provide a framework and a baseline from which NSF Center programs can innovate and experiment with the management and oversight practices that work best for carrying out program operations. These principles are not meant to be prescriptive and there likely will be variations in how Center programs implement the NSB and senior management guidance and principles. Cognizant POs should communicate to Center staff and management their intentions for how these principles and this guidance should be used and implemented. If POs supplement this guidance when communicating it to Center programs, that should be documented in eJacket and shared with NSF staff from other Center programs, as appropriate.

L. Awards to the National Academies of Science, Engineering and Medicine (NASEM)

1. Background

NSF has always maintained a close working relationship with the National Academies of Science, Engineering and Medicine (NASEM). Both NASEM and NSF have mutual interest in matters of scientific importance to the country. Because of its unique status, membership and prestige, NASEM can undertake efforts that could not be duplicated easily by other organizations. A listing of the Program Units and associated Committees can be found on the NASEM website.

Proposals submitted from NASEM must adhere to the PAPPG proposal preparation requirements, the specific requirements listed below and any other requirements specified in the solicitation to which the proposal is being submitted. Awards to NASEM are subject to the terms and conditions contained in the relevant Master Agreement. The Foundation established an internal NASEM Team (see section 2.c) to ensure awards issued to NASEM adhere to the guidance provided below. The NASEM Team also maintains a spreadsheet that tracks all active NASEM projects.

2. Roles and Responsibilities

a. National Academies of Science, Engineering and Medicine

All proposals from NASEM must provide the information outlined below.

The Project Description should discuss:

- Why NASEM is the appropriate organization to conduct the proposed activity;
- The origin of the project idea (e.g., is the project Congressionally mandated? Did the idea originate with NASEM or NSF?);
- The emerging need or challenge that the proposed activity intends to address and how the activity will provide significant added value to current knowledge; and
- Whether the topic has been addressed by other NASEM Boards, Committees or Programs or elsewhere and how the proposed activity fits into or builds on prior work and other activities related to the proposed activity.

The above information also must be summarized in a statement that may not exceed two pages and be included in the Supplementary Documents section of FastLane.

The proposal must include a statement that the originating Board, Committee or Program has sufficient staff and resources necessary to complete the activity by the end date of the award, should NSF decide to fund the proposal. This statement also must address whether reports or other products resulting from recent NSF awards to the Board, Committee or Program were completed by the original deadline or were delayed. Information on awards made within the past five years is required to be provided, including award numbers. The statement, not to exceed two pages, must be signed by the Director of the Board, Committee or Program that would be managing the activity and included in the proposal as a Single Copy document.

b. Program Officers

Each cognizant PO who has received a proposal from NASEM is responsible for informing his/her DD and the NASEM Directorate/Office representative of the timeline for processing the proposal. Proposals should be processed in accordance with general

NSF policy, including evaluation using the Intellectual Merit and Broader Impacts review criteria (and solicitation-specific review criteria, when applicable).

If the cognizant PO recommends a decline, no special action is necessary.

If the cognizant PO recommends making an award, he/she should ensure that the following information is included in the review analysis:

- Proposal Number;
- Project Title;
- Cognizant NSF PO for the Project;
- Name of Division/Directorate/Office Contact for all NASEM Projects (this person must be a career NSF employee);
- NASEM Point of Contact; and
- Name of Submitting NASEM Board, Committee or Program.

In a separate, clearly-identified section, the review analysis also should include responses to the following questions:

- How did the project originate (e.g., Congress, NSF, NASEM)? Provide a brief description of how this project came about.

- What is the emerging need or challenge the proposed activity intends to address that provides significant added value to current knowledge?

- How does the new activity fit into or build on prior activities related to the proposed project? Has the topic been addressed elsewhere or by other activities?

- How does the proposal address an important issue or concern that advances the NSF mission? Why is the activity of programmatic interest to the Directorate, Division or Office?

- How will the impact of the proposed activity be assessed?

- Will the proposed report(s) or other deliverables be obtained in time to make the intended impact? Does the Board, Committee or Program have the capacity to deliver products in the proposed timeframe?

- Why is NASEM the most appropriate institution to conduct the proposed activity?

- What does the NSF program intend to do with the products of the proposed activity?

- Are other external partners (other agencies, non-profits, etc.) engaged in this activity? If so, who, and how much are they contributing?

After completion of the review analysis and award recommendation in eJacket, but prior to PO Sign Off, the cognizant PO is responsible for notifying his/her NASEM Directorate/Office representative that the proposal is ready for NASEM Team review. Once the cognizant PO has received notification from the NASEM Team that their review is complete, the PO will upload the NASEM Team concurrence memo as a diary note into eJacket and may proceed with PO Sign Off.

c. NASEM Team

The Foundation's internal NASEM Team will query NSF's systems on a regular basis to keep apprised of new submissions from NASEM. After notification by the cognizant PO, the Directorate/Office representative will review the proposal documentation in eJacket for adherence to the NASEM requirements and general NSF proposal processing procedures. The Directorate/Office representative will then email the NASEM Team co-Chairs, informing them that the eJacket is ready for the Team's review.

The co-Chairs will request Team members examine the proposal and related documentation for compliance with this section. Team members will respond via email to the co-Chairs within one week regarding any concerns they have regarding the proposal, some of which may be unrelated to NASEM-specific procedures. The co-Chairs will send a compilation of the feedback to the Team members, for discussion at the subsequent NASEM Team meeting, if necessary.

The co-Chairs will summarize the results of this review and the cognizant PO will receive one of four possible outcomes:

(1) The proposal and its related documentation have no issues.

The co-Chairs will send the cognizant PO a memo, with a copy to the cognizant DD, Deputy Division Director (DDD) and NASEM Team representative, indicating that the documentation is compliant with these requirements. This memo must be uploaded as a diary note in eJacket.

(2) The proposal and its related documentation are *not* compliant with these requirements but have no other issues.

The co-Chairs will send summary comments to the cognizant PO requesting correction(s). The co-Chairs will review the corrective action taken and once the jacket is compliant with these requirements, the co-Chairs will send the cognizant PO a memo, with a copy to the cognizant DD, DDD, and NASEM Team representative indicating such. This memo must be uploaded as a diary note in eJacket.

(3) The proposal and its related documentation are compliant with these requirements but have other issues.

The co-Chairs will send the cognizant PO a memo, with a copy to the cognizant DD, DDD and NASEM Team representative indicating that (a) the documentation is compliant with NASEM-specific requirements; and (b) there are other unrelated issues that should be corrected. This memo must be uploaded as a diary note in eJacket. The Team will not monitor these issues for correction, but the co-Chairs will ask the cognizant PO to inform the Team if they plan on correcting the other issues.

If the cognizant PO chooses to correct these other issues after the memo is uploaded, the co-Chairs will: (i) require the PO to summarize the corrective action taken; and (ii) review those actions to ensure that the documentation still complies with the NASEM-specific requirements. If appropriate, the co-Chairs will send the cognizant PO an updated memo, which must be uploaded as a diary note in eJacket. In all cases, a copy of the memo(s) will be sent to the cognizant DD, DDD and NASEM Team representative.

(4) The proposal and its related documentation are *not* compliant with these requirements and also have other unrelated issues that should be corrected.

The co-Chairs will send a summary of the Team's findings to the cognizant PO requesting correction(s). The co-Chairs will review all corrective actions taken. If the PO resolves all issues, the co-Chairs will send the cognizant PO a memo, with a copy to the cognizant DD, DDD and NASEM Team representative, indicating that the documentation is compliant with NASEM-specific requirements. If the PO resolves the NASEM-related issues but not the others, the co-Chairs will send the cognizant PO a memo indicating that: (a) the documentation is compliant with NASEM-specific requirements; and (b) there are other unrelated issues that should be corrected. This memo must be uploaded as a diary note in eJacket. The Team will not monitor these issues for correction, but the co-Chairs will ask the cognizant PO to inform the Team if they plan on correcting the other issues.

If the cognizant PO chooses to correct these other issues after the memo is uploaded, the co-Chairs will: (i) require the PO to summarize the corrective action taken; and (ii) review those actions to ensure that the documentation still complies with NASEM-specific requirements. If appropriate, the co-Chairs will send the cognizant PO an updated memo, which must be uploaded as a diary note in eJacket. In all cases, a copy of the memo(s) will be sent to the cognizant DD, DDD and NASEM Team representative.

d. DGA and DACS/CSB

A complete NASEM award recommendation must include the NASEM Team concurrence memo. Once the cognizant PO has uploaded this memo as a diary note in eJacket, the cognizant DD can proceed with DD concurrence. DGA and DACS/CSB will return to Program any NASEM proposal that does not contain the NASEM Team concurrence memo.

e. Management of NASEM Consensus Study Proposals and Awards

NSF and NASEM have jointly identified several best practices for project management of consensus studies that can help ensure the projects result in effective, high-impact products. These practices are based on a recent assessment of NSF investments in NASEM consensus studies: https://www.nsf.gov/od/oia/publications/NASEM-Report.pdf.

This section provides guidance for processing such proposals and managing the subsequent awards. While some practices are long-standing, like charging the study group at the beginning, participating in public workshops and meetings during the course of the study, staying in touch with the study director, and attending the final briefings, there are two recommended practices that are new and based on the recent assessment mentioned above. These are: (1) inclusion of a discussion section about the potential impacts of the project in the initial proposal, and (2) a mid-project meeting between NSF and NASEM program staff to discuss project progress.

(1) Proposal Preparation

Proposals submitted by NASEM to NSF for consensus study projects should, to the extent possible, include a discussion section about the project's potential impacts on targeted audiences, i.e., those that are most likely to use the findings and/or recommendations of the study report. In considering the potential impacts of a project, there should be no a priori assumptions about the outcome of the study or the findings, conclusions and recommendations of the study committee's report. For each primary or targeted audience, this discussion should address:

- **Opportunities for impact**: Identify opportunities where the report may have an impact and note any specific time constraints that may limit the opportunity.
- **Planned exposure strategies**: Outline a plan to reach each targeted audience.
- **Feedback processes:** Discuss how feedback will be obtained from each audience after a report has been published.

This discussion should allow the NSF PO and NASEM staff to pay attention to making those expectations explicit and mutually agreed upon. One goal is to increase the likelihood that consensus studies do indeed achieve impact for some stakeholders.

(2) Project Initiation

As is typical, early in the project the NSF PO and NASEM staff should map out and clarify the project's tasks and workplan – keeping in mind the policy contexts and potential impacts – helping to ensure success.

It continues to be important that NASEM works with NSF to craft a well-defined charge and ensure that the project committee fully understands the project aims. Relevant timelines (e.g., importance of completion before a budget cycle) or audiences (e.g., specific Congressional committees or agencies) should be mentioned in the charge as appropriate. The cognizant NSF PO typically reviews the charge, provides feedback to the NASEM study director, and attends the first project meeting to clarify the charge with the study committee.

(3) Mid-Project Check-in

Prior to recommending the award, the cognizant NSF PO should work with NASEM staff to develop an appropriate timeframe within which a mid-project meeting is planned to discuss the progress of the project. The award jacket should include documentation of the agreed upon timeframe or window of opportunity for this meeting.

Some of the following individuals might be appropriate participants in the mid-project meeting:

- NSF's cognizant PO for the award;
- The NSF NASEM Team Directorate representative from the cognizant Directorate;
- NSF Division and/or Directorate leadership;
- The NASEM study director; and
- The Chair(s) of the NASEM study committee.

Remote participation is encouraged for non-local participants.

The primary goals of the mid-project meeting are a) to assess whether the project is on track for success, b) discuss alterations to the work plan, if necessary, and c) to provide general feedback.

Participants should consider the following:

- Timeline – Has the project made progress consistent with the workplan described in the proposal? If not, what progress has been made? How have delays impacted the project?
- Policy context – Have the policy contexts motivating the report changed? Are opportunities for impact still available? Have new opportunities emerged?
- Intended impact – Given project progress and any changes in policy context, is the project still on track to achieve the intended impact? If necessary, how will the project be amended to ensure success?
- Project direction – Does the overall project direction appear to be appropriately tailored to the relevant policy contexts?

NASEM staff must not discuss with NSF staff the substance of the study committee's deliberations or the direction of its thinking regarding findings, conclusions or recommendations. The NSF PO may provide general feedback on progress and course corrections but must refrain from any suggestions regarding the outcome of the study or the substance of the study committee's report.

The cognizant PO should prepare a summary of the discussion at the mid-project meeting for inclusion in the award jacket. If significant changes to the project or work plan are required, NASEM must submit a change of scope request in accordance with the NSF's policy (see PAPPG Chapter VII.B.1).

(4) Project Conclusion

As typical, as each consensus study concludes, the cognizant PO and study director arrange for a briefing on the project either at NSF or at the National Academies, or both. NASEM and NSF may engage in other dissemination activities to enhance impact and additional follow-up evaluation of the anticipated impacts of the study as appropriate. NASEM should inform the cognizant NSF PO and the NSF's NASEM Team of the pending report's publication date and any planned public briefings as soon as that information becomes available.

M. Prize Competitions

1. Policy

Prize competitions are funding mechanisms that may be used to increase innovation and public engagement in problem solving. The Foundation's authorizing legislation (i.e., the NSF Act of 1950, as amended (42 USC 1861-75)) provides NSF with the authority to fund and conduct prize competitions. Prizes may be made to individuals or organizations and should be consistent with the Foundation's mission.

The America COMPETES Act of 2007 and the American Innovation and Competitiveness Act provide NSF with additional authority to use appropriated funds to design, administer and offer prizes, and authorizes agency heads to conduct prize competitions in cooperation with other agencies and accept funds to support prize competitions. Under these two authorities, to be eligible to win a prize, a private entity must be incorporated in and maintain a primary place of business in the United States. Individuals, whether participating singly or in a group, must be citizens or permanent residents of the United States.

2. Procedures

Program staff who are interested in conducting a prize competition are required to consult with the Foundation's Prizes/Challenges team, consisting of representatives from OIA, OGC and the DIAS Policy Office, before development of a prize competition.

If approval is granted by the NSF Prizes/Challenges team to proceed with conducting a prize competition, guidance can be found in Section 105 of the America Competes Act, 15 USC section 3719 (the American Innovation and Competitiveness Act), the OMB M-10-11 Memorandum for the Heads of Executive Departments and Agencies and the OMB

Memorandum for General Counsels and Chief Information Officers for Executive Departments and Agencies. Guidance includes information on funding, fairness and transparency, contestant eligibility, insurance and liability and administering the competition.

Exhibit IX-1

Cooperative Agreement Assignments by BFA Division

DGA has responsibility for the administrative management of most NSF cooperative agreements to support research and education projects necessitating substantial NSF involvement, except for the major facilities awards overseen by DACS/CSB noted below.

DACS/CSB should be contacted if the proposed project involves:

- The design, construction, management and operation of major facilities;
- The use of the Major Research Equipment and Facilities Construction Account;
- Federally Funded Research and Development Centers; or
- In depth life cycle cost analysis (i.e., major instrumentation and construction activities).

Exhibit IX-2

Characteristics of Cooperative Agreements

The following list may be used to help determine the need for a cooperative agreement rather than the use of a grant. Although this list is not to be considered all-inclusive, the following provides examples of what may be considered "substantial involvement":

- Participation by NSF program in the resolution of technical, managerial or scheduling problems;
- Program anticipation of direct operational involvement or participation during the course of the assisted activity;
- Agency monitoring to permit specified kinds of direction or redirection of the work because of interrelationships with other projects, organizations or agencies;
- Active program participation in the preparation of joint progress or other substantive reports;
- Existence of goals which were established before the award and which must be met before proceeding to additional objectives, or before receiving additional funding;
- Program participants convening, and/or program involvement on, project advisory committees;
- Program approval required prior to changes in scientific or engineering support personnel (in addition to the PI/PD); program participation in selection of new and replacement personnel;
- Approval and/or involvement by NSF in selection process, source selection and resulting documents for subawards;
- Need for NSF authority to immediately halt an activity if performance specifications are not met;
- Periodic reports required; work may not proceed without NSF approval;
- Construction of major research facilities, where NSF may retain all or part of the facility; or
- Major research facilities that are in the Operations and Maintenance stage.

Chapter X - Proposal- and Award-Related Roles and Responsibilities of the Office of Budget, Finance and Award Management

A. Overview

BFA centralizes and integrates the Foundation's budget, finance and award operations. The BFA Office Head also serves as NSF's Chief Financial Officer. BFA administers the Foundation's annual budget, involving the award and administration of grants, contracts, cooperative agreements and other funding agreements to approximately 2,000 colleges, universities and other research and education organizations in all parts of the U.S. The BFA office consists of five divisions: Budget Division; Division of Grants and Agreements (DGA); Division of Institution and Award Support (DIAS); Division of Acquisition and Cooperative Support (DACS); and Division of Financial Management (DFM). Descriptions of each of the Division's functions follow below. Additional information on BFA is contained in PAPPG Introduction, Section E.

B. Budget Division

The Budget Division is responsible for the development, analysis and execution of the Foundation's annual budget and prepares reports to submit to OMB and Congress. The Division's responsibilities include budget formulation and development, implementation and management of appropriate budget operations and control processes. In carrying out this work, the Division develops operating plans and special analyses and provides assistance in developing long-range plans for the Foundation.

As part of its duties, the Budget Division, in conjunction with DIAS and the cognizant BFA award Division (if appropriate), reviews program announcements and solicitations. The Budget Division review seeks to determine whether or not the proposed activities are: (a) being implemented so that they meet established agency goals and objectives; (b) in compliance with applicable laws and policy guidance; (c) consistent with national science priorities; (d) adequately and effectively integrated and coordinated with related programs; (e) responsive to Congressional directives, guidance and intent; and (f) consistent with agency budgets. In addition, the Budget Division reviews all NSF publications to ensure that they accurately reflect NSF priorities, historical and current budget information and future resource commitments.

In reviewing program announcements and solicitations and their associated management plans, the Budget Division specifically examines funding amounts and sources, cross-Directorate or interagency funding and management coordination, proposal and award timing, review processes and evaluation criteria and any need for NSB notification or approval.

The Budget Division also is responsible for maintaining EIS and the Budget Internet Information System (BIIS). The BIIS contains information on topics of interest to stakeholders such as appropriations history, funding by State and organization, proposal processing times, funding rate and award size. It is easily accessible to the public via the NSF website and is used extensively by the grantee community, Congressional staff and the Research and Development (R&D) press.

The EIS is an on-line system that informs and empowers NSF program and financial managers as they make budget and planning decisions. Any budgetary or trend information authorized for release outside the Foundation as an official representation of the Foundation's budgetary and program information must be consistent with data presented in the EIS.

POs having further questions about any aspect of the Budget Division's functions should contact their Directorate's/Office's budget liaison.

C. Division of Grants and Agreements

DGA reviews recommended grants, cooperative agreements and other assistance awards to assure that they are consistent with applicable NSF and Federal policies. NSF Grants Officers provide pre- and post-award technical assistance in the aforementioned areas both to NSF POs and grantees. Such assistance is provided through a variety of venues, including on-site visits to grantees, and through various outreach forums.

1. Pre-award Responsibilities

Program staff with questions involving business, administrative or financial aspects of the award administration process should consult with their DGA liaison prior to forwarding a proposal to DGA. If POs are developing a program solicitation and want to include specialized language, such as special conditions, requirements or cost limitations that may apply, the NSF Clearance Coordinator in the DIAS Policy Office should be contacted for assistance. Sometimes POs may want special language or award conditions inserted into the award notice, or they may think it advisable to recommend a special payment arrangement (such as award expenditure or "drawdown" limits) for the proposed grantee. In these cases, DGA should be consulted in advance and POs should provide clear recommendations to DGA in their review analysis. Also, if there is a group of awards resulting from a specific solicitation and the same special language is requested for all of them, POs should contact the DGA liaison for their Division and formulate a new automated award clause that can be inserted into the entire grouping of awards.

2. Proposal Review and Award Issuance

DGA processes several different kinds of award instruments, including standard and continuing grants, cooperative agreements, fellowships and outgoing interagency agreements that support research proposals. DGA also processes continuing grant increments and award supplements (see PAM Chapter XI.B for details).

Program Offices should assure that proposals for award are fully documented in eJacket in accordance with NSF policy and submitted to DGA as soon as they are approved by the DD or other responsible Directorate/Office. The DD concur function in eJacket commits the funds in the accounting system and logs an action into the Awards System for DGA to review and approve.

A Grants Officer examines the business, financial, management and other non-research aspects of proposals to ensure consistency with applicable laws, regulations, policies and directives. Questions or concerns related to the budget or other aspects of a proposal will normally be discussed with the SPO or AOR and, in some cases, with the PI. DGA may decline to make an award for financial or administrative reasons as mentioned in PAPPG Chapter III.F.

Within the parameters set forth in 2 CFR § 200, indirect cost recovery for awards to organizations without a formally negotiated indirect cost rate agreement may be determined by the cognizant NSF Grants Officer. DGA, with assistance from DIAS, may set an award specific rate, a fixed amount toward indirect costs or make other arrangements. Prior to issuance of an award, the cognizant NSF Grants Officer verifies whether the grantee and the PI/PD or co-PI(s)/co-PD(s) on the project are an excluded party via Do Not Pay or SAM.

Except as noted below, DGA's principle regarding the queuing of proposals is "first in/first out." Sufficient lead time must be allowed for DGA processing of award recommendations. Programs should allow a minimum of 30 calendar days for DGA processing of new and renewal grants. Negotiation of new or renewal cooperative agreements and outgoing IAAs that support research proposals require advance coordination with DGA prior to DD concur in eJacket. Awards may take longer to process at the end of the fiscal year. Critical Dates for yearend closeout are published annually by BFA and include early deadlines for awards that require additional pre-award review (see the Fiscal Yearend Closeout site for current Critical Dates). Program offices are urged to prepare proposals in advance of end of year deadlines and, to the extent possible, make award decisions throughout the fiscal year. If a program office has a particular proposal that needs urgent attention, the cognizant DGA Branch Chief should be consulted. In order to be fair to all programs, exceptions are only made in unusual situations.

During the course of DGA's review, there may be instances where a proposal must be sent back to program for correction or revision. If financial information has to be updated, such as a change of Organization (Org) code, DGA will use the 'Decommit' functionality in eJacket. The cognizant NSF Grants Officer must enter remarks on the eJacket 'Decommit' screen explaining the reason for the decommitment. Clicking the "Decommit" button decommits the funds associated with the pending award action and returns the action to the managing PO's "My Work" queue for revision. The Proposal Status is updated to "Pending, De-commited," and all prior signatures in eJacket are undone. Program staff must then make the necessary changes and complete the entire approval workflow again in order to forward the action back to DGA – this includes any co-funding approvals.

In cases where certain non-financial revisions must be made, such as additional information must be included in the review analysis, DGA may use the 'Return to Program' functionality in eJacket. The cognizant NSF Grants Officer must enter remarks on the eJacket 'Return to Program' screen explaining the reason for the return. Clicking the "Return to Program" button will return the pending award action to the managing PO's "My Work" queue with the workflow status "Returned to Program, at PO Sign Off." The funding, however, will remain committed and all approval signatures prior to PO sign off will remain intact. Program staff must make the necessary changes and then the proposal must receive PO Sign Off and DD concurrence only in order to forward the action back to DGA. Should circumstances warrant it, DGA does have the option to decommit an action after returning it to the cognizant Program. Further information on both of these functionalities can be found on the eJacket Decommit and Return to Program SharePoint site.

Pending award actions that are returned to program, decommitted, or, in the case of PI Transfers, canceled in eJacket, are removed from the DGA pending actions log in the Awards System. Consequently, it is the cognizant NSF PO's responsibility to address any issues identified in the cognizant NSF Grants Officer's remarks and follow-up as necessary to ensure that the action is re-forwarded to DGA for further review and processing.

Once a proposal has been reviewed by DGA staff and the award notice has been prepared, the cognizant NSF Grants Officer obligates the funds for the award by electronically signing the award notice in the Awards System. Upon approval of the award, notification is sent electronically to the AOR, along with a copy to the cognizant NSF PO and the Program Office's cognizant Administrative Manager via e-mail or the eCorrespondence system. Due to current system limitations, the award notice is not sent to the PI, but is accessible in FastLane and can be forwarded by the PO. The award notice also is available in eJacket and the Awards System.

3. Post-award Administration

After a proposal is awarded, DGA's role in award administration is to work with programs and grantees as issues arise. In addition, DGA, in conjunction with DACS, implements the Federal Awardee Performance and Integrity Information System (FAPIIS). NSF's policy on FAPIIS is contained in PAPPG Chapters III.F and XII.A.2.

In general, grantees are responsible for the day-to-day management of their awards. A number of situations, however, require the grantee to notify NSF and/or request approval for a change to the grant. Further information on grantee notifications and requests is contained in PAPPG Chapters VII.A.2 and X.A.3 and the *Research Terms and Conditions* Appendix A (NSF column).

Requests for NSF approval will appear in the managing PO's "My Work" folder in eJacket and should be processed in a timely manner. POs approve or reject each request in eJacket, which results in transmission of an electronic notice to the grantee if the action does not require an amendment to the award. For those requests that do require approval by DGA through an amendment to the award, PO approval of such actions must include a clear statement of recommendation. These actions log to the Awards System for DGA review and approval—including issuing an amendment Notice for the award.

D. Division of Institution and Award Support

DIAS' mission is to provide stewardship of NSF funding to support science, technology and engineering research and education in the U.S., to provide innovative public service, including financial and administrative assistance to implement these business models, processes and practices to grantees and throughout the NSF Directorates/Offices, and to ensure that business practices support the Foundation's mission oriented outcome goals.

In addition, DIAS staff work with DIS to ensure that new and evolving policies and procedures are integrated into NSF corporate systems. DIAS staff ensure that enhancements to systems meet the business needs of the Foundation and do not create undue administrative burden on the research community and NSF staff. DIAS provides approval for system releases, as well as for all related communication to NSF staff and external stakeholders.

DIAS is comprised of four distinct components – the Policy Office, the Cost Analysis and Pre-Award Branch, the Resolution and Advanced Monitoring Branch and the Systems Office. The functions of each component are described below.

1. Policy Office

The Policy Office has responsibility for various manuals and publications that provide Foundation-wide proposal processing and award administration guidance. These include the PAPPG, PAM, the *Grants.gov Application Guide* and NSF *Grant and Agreement Conditions*. The Policy Office also provides guidance on policies and procedures related to FastLane, Research.gov, Grants.gov, eJacket, the Awards System, PIMS and eClear.

The responsibility for reviewing and providing official clearance approval for all NSF funding opportunities and official publications related to NSF programs resides in the Policy Office (see PAM Chapter II for more information). Program offices should consult with the NSF Clearance Coordinator when they are in the process of developing any funding opportunities. Early consultation helps identify and resolve potential problem areas before the final document is circulated for approval.

The Clearance Coordinator, in conjunction with BFA staff (as appropriate) and the NSF Clearance Officer, ensures that the documents are in compliance with NSF administrative requirements and policies, reasonable proposal review and processing schedules and sound business practices. As applicable, all funding opportunities must be prepared electronically using PIMS. See PAM Chapter II.A for further information on PIMS.

The Policy Office assists Grants Officers, NSF senior program and administrative officers and the grantee community on resolution of policy questions involving complex issues. Through its outreach function, the office works closely with professional research administration associations to provide periodic updates to pre- and post-award policy requirements. In addition to these traditional outreach opportunities, the Policy Office is tasked with further engaging “non-traditional” grantees such as tribal colleges, Historically Black Colleges and Universities (HBCUs), Hispanic Serving Institutions (HSIs), Minority Serving Institutions (MSIs) and community colleges. Further information on all outreach opportunities can be found on the Policy Office website.

The Policy Office also provides leadership to and participates in a number of interagency and Government-wide working groups and committees related to easing the administrative burden on the research community. This includes standardizing practices related to proposal submission, reporting requirements and research terms and conditions.

2. Cost Analysis and Pre-Award Branch

The Cost Analysis and Pre-Award Branch (CAP) within DIAS has two primary areas of responsibility, as described below:

Pre-award Review - CAP pre-award reviews are typically undertaken at the request of DGA or DACS/CSB when a proposal is being considered for award by new awardees to NSF. These reviews may include accounting system and financial capability assessments to ensure that proposing organizations are capable of managing and accounting for expenditures of Federal funds. These reviews normally include an assessment of proposal budgets. A more thorough review of indirect costs is likely when a prospective awardee does not have a Federally-negotiated indirect cost rate agreement. These reviews typically take 30 days after receiving the request, including the new performer package, if applicable.

For new or renewal proposals with a prospective total award amount of $20,000,000 or more, pre-award review by CAP is required. Based on risk, these awards typically warrant further scrutiny and often require CAP to request additional information from the prospective awardee. These reviews typically take 90 days to complete for cooperative agreements managed by DGA, and frequently longer for the large facility projects managed by DACS/CSB. Due to the extended lead time necessary for pre-award review, POs must plan ahead to allow sufficient time for DGA or DACS/CSB to complete their own analysis and, if required, negotiate with prospective awardees, after receipt of the CAP pre-award report.

CAP also conducts pre-award assessments of all Small Business Innovation Research (SBIR) & Small Business Technology Transfer (STTR) Phase II proposals. Because SBIR & STTR Phase II awards are fixed-price, CAP's pre-award assessments are critical to provide Grants Officers a basis for the estimated costs.

Indirect Cost Rate Negotiation - CAP is committed to ensuring that grantees are able to recover an equitable share of overhead costs resulting from NSF-funded awards.

If an organization does not have a current negotiated indirect cost rate agreement (NICRA) and is requesting indirect costs in excess of the 2 CFR § 200.414 de minimis rate of 10% Modified Total Direct Costs, CAP requires the submission of an ICR proposal. CAP uses the submitting organization's ICR proposals to either negotiate NICRAs (with NSF-cognizant organizations) or to make recommendations on the funding of indirect costs either as a specific dollar amount or as an award-specific rate. CAP reviews indirect cost rate proposals to ensure that costs are allowable, reasonable and necessary. CAP also ensures that similar types of costs are afforded consistent treatment. The rates delineated in a NICRA must be used in proposals/awards issued by other Federal agencies; an award-specific rate only may be used for the award for which it was issued and may not be used in other awards issued by NSF or other agencies. A NICRA will take approximately 6 months to complete, although award specific indirect cost rate recommendations may be included under the new performer review.

3. Resolution and Advanced Monitoring Branch

The Resolution and Advanced Monitoring Branch (RAM) within DIAS has three primary areas of responsibility, as described below:

Audit Resolution - RAM is responsible for the resolution of audit findings and recommendations identified for NSF grantees in OIG audit reports, and in audit reports required in accordance with 2 CFR § 200, Subpart F (Single Audits). In resolving audit findings, RAM determines whether or not non-compliance with NSF terms and conditions occurred, and whether questioned costs identified in the audit report should be disallowed and returned to NSF. When internal control and compliance deficiencies identified in the audit report are sustained, RAM is responsible for ensuring that grantees implement actions to correct the internal control and compliance deficiencies.

When technical, project-related information is required to resolve audit findings and questioned costs, RAM will seek input from NSF POs for consideration in determining appropriate resolutions to audit findings. On occasion, the OIG may advise NSF POs about findings of non-compliance affecting grantees and/or may provide a copy of an audit report to them. RAM is the NSF office designated to resolve OIG and Single Audit report findings on behalf of NSF. Therefore, audit reports provided to, or discussed with, POs are intended for informational purposes only, and contact with grantees regarding audit reports is highly discouraged.

Advanced Monitoring – Based on an annual risk assessment of all NSF awards, RAM performs advanced monitoring activities to assess grantees' capability, performance and compliance with Federal requirements, as well as NSF grant terms and conditions. RAM works closely with other NSF offices, including DGA, DACS/CSB and various NSF program offices when developing, planning and conducting advanced monitoring activities, which may include: grantee site visits (on-site or virtual); desk reviews to assess grantee organizational structure and internal controls; and other reviews necessary to mitigate risk to NSF funding and programs.

Post-award Adjustment Reviews – Grantees may request upward adjustments to increase expenditures charged to their NSF awards that have been financially closed out by DFM. When an upward adjustment is equal to or greater than $25,000, RAM requires grantees to submit detailed supporting documentation of the expenditures that make up the adjustment. Based on the documentation provided by the grantee, RAM makes a determination on the reasonableness, allocability and allowability of the costs in accordance with 2 CFR § 200 and the grant terms and conditions, and issues a formal decision to the grantee. Costs reviewed by RAM may be allowed in whole or in part, and those costs determined to be unallowable must be returned to NSF.

4. Systems Office

The Systems Office oversees the continuing grant increment process, trouble shoots recurring system problems for DGA, DACS, DIAS and program office staff, and provides NSF Grants Officer delegation of authority oversight and accountability. Systems Office staff serve as information technology liaisons with DIS on Awards System concerns, are responsible for report administration for assistance awards, and provide monitoring and oversight of NSB and DRB award package approval data tracking across NSF's systems.

The Systems Office provides monitoring and oversight of the e-mail award notification process on the Awards and eJacket systems; administration and oversight of awardee profile data on the FastLane, Awards, and Institution Systems; develops tools to support award oversight and risk monitoring activities; and supplies systems guidance and business rule review on processing of large complex projects. Technical information such as Performer and Award Type codes and post-award system status codes can be found on the internal Systems Office webpage.

E. Division of Acquisition and Cooperative Support

DACS is organized into two branches, whose responsibilities are described below.

The DACS DD also serves as the Procurement Executive for the Foundation and is responsible for all of NSF's acquisition policy and activities. In addition, the Procurement Executive represents NSF on the Chief Acquisition Officers' Council headed by the Office of Federal Procurement Policy.

1. Contracts Branch

The Contracts Branch is responsible for cradle-to-grave administration of a wide variety of specialized professional and nonprofessional service contracts that support the day-to-day work of the Foundation. Services are acquired by contract or purchase order, depending on the dollar value and complexity of the requirement.

Contracts staff is available to provide comprehensive acquisition planning services to NSF program offices and to assist in the preparation of required documentation. POs and staff are encouraged to contact the Contracts Branch as early in the process as possible for advice and assistance.

2. Cooperative Support Branch

The Cooperative Support Branch (CSB) staff provide complete business process support to NSF program offices for all phases of planning and solicitation of complex cooperative agreements for FFRDCs and major research facilities and will assist in the preparation of required documentation including the preparation of strategic presentations to the various NSF internal program approval and review Boards. POs and staff are encouraged to contact CSB staff as early in the process as possible for advice and assistance. All CSB Grants and Agreements Officers generally follow the same guidance listed in section C.1-3 above. CSB may decline to make an award for financial or administrative reasons, as mentioned in PAPPG Chapter III.F and PAM Chapter VI.F.

F. Division of Financial Management

DFM services over 2,000 grantees with 41,000 active grants on a daily basis. DFM conducts a full range of grant payment, cash management and financial monitoring processes utilizing the Award Cash Management Service (ACM$) and other NSF systems such as FastLane, the Awards System and the financial accounting system (iTRAK). DFM also is responsible for the billing and receipt of payments from other Federal agencies.

Information concerning significant financial policies and procedures of the Foundation can be obtained from the following sources:

- Financial Management Policy Manual (NSF Manual 17);
- PAPPG Chapter VIII; and
- The DFM website.

Chapter XI – Post-Award Administration

This chapter provides the internal procedures that should be followed by NSF staff during the post-award management phase based on the NSF policy found in the PAPPG, where applicable.

A. Post-award Administrative Issues

1. Disposition of a Grant When a PI/PD Transfers from One Organization to Another Organization

The NSF policy on grant transfers is contained in PAPPG Chapter VII.B.2.f. Standard grants will not be transferred to a new organization if zero dollars remain in the original award.

If the original award was a continuing grant with no obligated funds remaining (zero balance), the following process should be used when initiating a grant transfer for any remaining increments. The current year's continuing grant increment should be released to the original organization. This will provide funds in the grant account, allowing for the organization to initiate a transfer via NSF's electronic systems.

NSF does not normally permit grant transfers to foreign organizations, nor between other Federal agencies or labs if the award instrument involves an interagency agreement. In both instances a subaward arrangement may be more appropriate.

2. Subawarding or Transferring Part of an NSF Award (Subaward)

a. Policy

NSF policy on subawards is contained in PAPPG Chapters II.C.2.g(vi)(e) and VII.B.3. After an award is made, it may be necessary for an organization to subaward or transfer part of an NSF award.

b. Procedures and Responsibilities

The primary grantee is responsible for the programmatic and administrative performance of its subrecipients. NSF's role focuses on: (1) evaluating the desirability and need for transferring substantive work from the grantee to a subrecipient; (2) monitoring the work performed by the prime grantee to ensure that it is consistent with the primary objectives of the program as reflected in the award; and (3) monitoring the progress of the work to ensure that the programmatic and administrative management of the project comply with NSF's policies, procedures and terms of the award and to standards of good business management practices.

The cognizant PO is responsible for reviewing the material submitted via NSF's electronic systems to ensure that the:

- Proposed subaward budget is reasonable for the proposed effort; and

- Work proposed is appropriate and necessary for the overall project and appropriate technical oversight is in place.

If the subaward is to a foreign organization, the cognizant PO must document via a diary note in eJacket his/her concurrence regarding the necessity of the foreign organization's involvement and how one or both of the conditions contained in PAPPG Chapter I.E.6 have been met. Prior to recommending the request for approval, the cognizant PO must consult with OISE and document that interaction in the diary note as well.

DGA or DACS/CSB is responsible for reviewing the PO's recommendation and the submitted material to ensure that the proposed subaward(s) meets the applicable requirements specified in 2 CFR § 200 and is allowable in accordance with the applicable Federal cost principles. DGA or DACS/CSB will not approve subawards to foreign organizations unless eJacket contains the requisite documentation specified above. Issuance of an amendment to the award that includes the reviewed budget indicates NSF's approval to enter into the proposed subaward(s). It should be noted that approval is being given only to enter into the subaward, not for the content of the subaward itself or its terms and conditions.

3. Pre-award Costs

Staff should be aware that there are no mechanisms available, in either NSF's electronic systems or the Awards System, to make post-award start date changes. Grantees may approve pre-award costs as outlined in PAPPG Chapter X.A.2.b.

4. Changes in the Grant Budget

a. Policy

On occasion after an award has been made, it may be necessary for an organization to provide a revised budget to NSF. Circumstances that warrant submission of a revised budget and level of approval are explained below. (See also PAM Chapter VI.D for procedures on pre-award budget revisions).

b. Revised Post-award Budgets

Revised post-award budgets may be required for continuing grant increments that are initially listed as placeholders in the original award notice and require subsequent negotiations of the bottom line by the cognizant PO. Revised post-award budgets also may be required for cooperative agreement increments if the anticipated increment amount has changed since the initial award was made. Revised post-award budgets should be submitted by the AOR using the budget template downloaded from FastLane and forwarded to the cognizant PO as an e-mail attachment. The program office is responsible for copying the e-mail and attachment into eJacket and entering the revised budget data into the system.

c. Procedures and Responsibilities

Most transfers between direct and indirect cost categories of the budget can be made by the grantee without prior NSF approval (see PAPPG Chapter X.A.3). If a PI and/or grantee requests PO approval for such grantee-authorized actions, the PO should remind the PI and/or grantee that such changes in the budget should be made in accordance with organizational policies and procedures. POs should not offer any approval (by email or phone) of any post-award budgetary changes as this could improperly constitute "agency approval" and should contact DGA if they have questions.

Only Grants Officers have the authority to approve any amendment to an award. Therefore, staff must be careful not to approve any reallocation of funds if it is not required as part of the prior NSF approvals outlined in the PAPPG. All post-award budget changes that require prior approval by NSF should be submitted in Research.gov/FastLane to facilitate the processing of the request and have defined internal workflow routing for the approval process.

5. Reporting Requirements

The NSF policy on technical reporting requirements is contained in PAPPG Chapter VII.D. See also PAM Chapter XIII.B on reporting mechanisms.

The Project Report System tracks annual, final and project outcomes reports (PORs) for standard and continuing grants, individual fellowships and cooperative agreements via Research.gov. The report module presets reporting periods in one-year intervals based on the start/end date and duration of the award. The final reporting period may be less than one year if the duration of the award is not evenly divisible by 12 months. A notification system generates reminders to PIs/PDs when a report is due and when it is overdue.

The purpose of the Project Report System is to assist POs, PIs/PDs and the grantee community to better track project reports and project outcomes reports requirements.

The key aspects of the Project Report System are that it:

- Generates pre-set project reporting periods at initial award approval;

- Adds new reporting periods when additional time, via no-cost extensions or supplemental funding request approval, is added to the end of a project;

- Displays the project reporting periods, types of required reports (annual, final and/or project outcomes reports) and status of reports on Research.gov and eJacket, and across NSF's web-based systems;

- Makes system tools such as reports of due/overdue reports available on Research.gov and eJacket;

- Generates e-mail notifications to PIs/PDs, co-PIs/co-PDs and SPOs when project reports are due and overdue;

    - Annual report reminders will be sent 90 days prior to the end of the current budget period and every 30 days thereafter until the report is submitted or becomes overdue. Overdue notices for annual reports will be sent after the end date of the grant period has passed. For overdue annual reports, notices are sent every two weeks until the report is submitted. No notices are sent once the report has been submitted, but the report must be approved to remove any overdue status.

  - Final project report notices will be sent when the award expires and every 30 days thereafter until the report is submitted. For all new awards made on or after January 25, 2016, and awards that receive new funding on or after that date, the PI, co-PIs and SPO receive email notifications that their reports are due one day after the grant end date and every 30 days thereafter until the end of the 120-day reporting period. On the 121st day after the end date, if the final project report has not been approved, overdue notices are sent. Standard grants made prior to January 25, 2016 that have not received supplemental funding retain the requirement to submit final project reports no later than 90 days following the end date of the grant. In such cases, they will receive email notifications that their reports are due one day after the grant end date and every 30 days thereafter until the end of the 90-day reporting period.

  A report requirement is not cleared until the annual and/or final report has been approved by the cognizant PO, however, notices to the grantee are stopped upon submission of the report.

- Includes hard edit stops for overdue annual and final reports and overdue project outcomes reports involving all funding for the subject award and any awards associated with the PI/PD and co-PIs/co-PDs, as well as post-award administrative actions such as no-cost extensions; and

- Includes a link to Research.gov in award notices, which highlights the PAPPG coverage on project reports.

The following section describes special processing procedures for the various types of reports utilized by NSF:

a. Technical Reports

Any request for additional reporting information for a group of proposals, beyond that required by the annual and final project reports, must receive approval from OMB prior to publication in a program solicitation. POs should consult with the Reports Clearance Officer in OGC to obtain any necessary approvals prior to submitting the solicitation to BFA for clearance. The OMB approval correspondence should be uploaded into the PIMS comment functionality. Program Officers should be aware that the OMB approval process typically takes six months or more.

Submission of annual and final project reports for research fellows and postdoctoral fellowship awards is program-specific. Fellowship programs that require annual reports should coordinate with the Systems Office in DIAS.

b. Annual Project Reports

When an annual project report is submitted, it will be listed in the cognizant PO's eJacket "My Work" folder as requiring action. The PO will be able to view, print, reject (return to the PI/PD) or approve the report. PO approval or rejection of all annual reports should be done in eJacket. Annual project reports are submitted in sequential order and must be approved by the PO in the same order as they are received. A PI/PD may not have multiple reports for the same award pending approval – NSF's electronic systems and eJacket only allow one pending report at a time. Therefore, NSF's electronic systems and eJacket ensure that all previous year's reports are approved before allowing the cognizant PO to approve the current year annual report. Programs are reminded that, in accordance with 2 CFR § 200, standard grants, continuing grants and cooperative agreements require submission of project reports on an annual basis. The annual period is defined as a 12-month period commencing with the start date of the award. Annual reports are not required for interagency agreements.

The Project Report System creates a start date and an end date for the report period. The report may be submitted at any time during that scheduled reporting period. If the report is submitted in the early part of the reporting period, any time not accounted for in the report should be included in the next annual report. By the end of the award, the entire period of performance of the award should be included in the reports supplied to the NSF.

Once approved, an annual project report may not be reset to pending.

c. Final Project Reports

When a final project report is submitted, it will be listed in the cognizant PO's eJacket "My Work" folder as requiring action. The PO will be able to view, print, reject (return to PI/PD) or approve the report or, if the final report was already approved, reset it to pending (until 30 days after the final report was approved).

Final project reports may not be required for institutional graduate research fellowships and are not required for interagency agreements.

d. Project Outcomes Report for the General Public

Information regarding PORs is contained in PAPPG Chapter VII.D.3 and PAM Chapter XIII.B.2. PORs are not approved by NSF program officers and POs should not direct PIs to make corrections or changes to PORs once they are posted.

e. Waiver of Annual and Final Project Reports

POs are responsible for monitoring compliance with NSF award requirements, including submission of required project reports and project outcomes reports. A reporting tool in MyNSF allows POs to track overdue reports. In extenuating circumstances, waiver of a project report may be done on an award-specific basis or, on a grantee-basis, depending on the circumstance(s).

Factors to be considered by a PO when determining whether waiver of a project report is appropriate include: length of time the report has been overdue; feasibility of obtaining the reports; whether the project results are current; efforts expended to receive the delinquent report; and the funding level and purpose of the award.

The Awards System and/or eJacket record must be appropriately annotated/documented with regard to the rationale for waiver of a project report, to include addressing the factors identified above. Once the record has been appropriately documented, the cognizant PO must forward a request to the DIAS Systems Office to have the overdue report flag lifted in the Awards System. The Systems Office also may require DGA or DACS input on the waiver request. The Systems Office will notify the cognizant PO via e-mail of the final disposition of the overdue project report. If the request to lift a flag involves permitting new funding in absence of the report or a temporary waiver, additional documentation may be required.

DGA or DACS/CSB may determine it is reasonable to waive project report(s) when an award has been suspended or terminated (either by NSF or by mutual agreement). Factors to be considered include, but are not limited to, research misconduct, the grantee's failure to comply with the terms and conditions of the award, and any other situations in which NSF has cause to suspend or terminate an award. DGA or DACS/CSB will document the record explaining the rationale for waiving the report, and then submit a request to the DIAS Systems Office requesting the project report(s) be waived, either temporarily or permanently.

DIAS periodically will review the universe of over-aged project reports to determine whether there are systemic issues that warrant further follow-up from NSF with a particular organization or whether a mass waiver should be granted based upon the factors listed above.

f. Resources for Program Officers, Sponsored Projects Offices and Principal Investigators

The eJacket application has functionality for POs to search project reports. The "Project Reports and Outcomes" link under the Search category in eJacket allows POs or program office staff to search annual, final and project outcomes reports. The functionality will allow the NSF user to find due and overdue reports, which may be filtered by report status, PI, Awardee and Program, as well as other criteria.

In addition to the eJacket search capability, the DIAS Systems Office periodically sends a reminder email to DDs, DDDs and POs encouraging them to access MyNSF to generate and review the reporting tool that shows overdue reports. The report details any overdue reports, sorted by Division, to allow for additional follow-up with PIs/PDs by the program offices.

Through Research.gov, SPOs and PIs/PDs have similar tools available to search and view report requirements, including searching for overdue reports. The system includes an indicator for due/overdue status. The report requirements data also may be filtered using various criteria.

B. Award Amendment Transactions

1. Two-Year Extensions for Special Creativity

a. Policy

The NSF policy on special creativity extensions is contained in PAPPG Chapter VI.D.3.d.

b. Procedures and Responsibilities

The extension process involves three separate steps:

(1) The cognizant PO writes a memo identifying the PI's/PD's specific creative accomplishments upon which the recommendation for extension is to be based. The PO's memo should then be forwarded to the DD for review. After DD approval, the cognizant PO notifies the PI/PD and offers the extension opportunity for special creativity.

(2) POs should instruct PIs/PDs to create the special creativity extension via the "Supplemental Funding Request" function when the offer for the extension opportunity is made. The AOR is responsible for submitting the request via NSF's electronic systems.

(3) After receipt and review of the documentation, the cognizant PO approves and forwards the action to the DD for approval. Program staff should consult with DGA or DACS if they have any questions regarding how to process these extensions. If approved by the DD, the action is sent to DGA or DACS for final processing and award. Reporting and documentation requirements are the same as the requirements for the existing grant.

2. Continuing Grant Increments

Continuing grants (see PAM Chapter I for definition and PAPPG Chapter VI.E.3 for the NSF policy on CGIs) are normally made for periods of 18 to 60 months (five years) with an initial budget period of at least 12 months.

All commitments for future incremental grant support, regardless of whether the commitments are to be explicitly stated in the award, are entered in the Awards System. The award notice along with the project justification and recommendation for the initial support period will stipulate an approximate level of funding for each future increment.

If another Federal agency was scheduled to provide funds to NSF in support of a project in a planned CGI, the out year should have been entered in the eJacket Funding Lines using the placeholder Program Element Code (PEC) 9179, Reimbursable/Reserved Out-year. During the subsequent fiscal year when the funds are actually received, a new PEC will need to be entered in eJacket to replace the 9179 PEC. This will enable the other agency's funds to be committed and the increment forwarded to DGA for approval as noted below.

a. Proposals and Merit Reviews

The original proposal and reviews should cover all proposed increments of a continuing grant. Thus, neither a new proposal nor new reviews are required for later increments unless a special need for new reviews is indicated based on: (a) project reports or monitoring of the project; (b) major changes in the project or the senior personnel involved; or (c) proposed increments substantially greater than initially approved (see also section 3 below).

b. Continued Support

Any planned CGI may be released after the cognizant PO has determined that satisfactory progress has been made as evidenced in the required annual project report. A new, revised budget is not required unless stipulated in the original award notice or as outlined in section A.4.b above. The PI/PD must, however, submit a summary of progress. The following information also is required, if applicable: (1) a budget, signed by the AOR, if the original award notice did not indicate specific incremental funding; (2) information on any significant deviations, unexpected outcomes or changes in approved protocols for those projects involving human subjects or vertebrate animals; and (3) annual cost sharing notification by the grantee.

c. Review and Processing of Recommendations for Continued Funding

POs are responsible for reviewing the annual project report for satisfactory scientific progress and have the capability to approve CGIs via eJacket based on the availability of funds, and if any other special conditions are met. Approval of a CGI by the cognizant PO completes the programmatic requirements as agreed to in the original award.

CGIs fall into one of two categories – eligible or not eligible for automatic processing (i.e., auto-CGI release). The cognizant PO certifies that the annual project report has been received and is satisfactory and any required cost sharing notifications have been received and taken into consideration.

CGIs funded at a level equal to the originally promised amount can be electronically approved by the cognizant PO via eJacket and are automatically released with the approval of the annual project report as long as the CGI has been committed and there are no overdue reports for the PI/PD and any co-PIs/co-PDs. An e-mail notification is transmitted to the AOR and PI/PD.

Certain CGIs will continue to be logged into DGA for final approval, after the annual report has been approved by the cognizant PO. These include CGIs:

- That have been flagged in year one of the continuing grant, such as grants with other agency funding (note that only CGIs which include other agency funding will be forwarded to DGA);
- With amounts to be negotiated (so-called “placeholder” amounts);
- To individuals or foreign organizations;

- Where the PI/PD and/or co-PI/co-PD has an overdue project report on another award (these CGIs would not have been mass committed); or

- That contain any other special conditions.

If additional funding is needed beyond the originally promised increment amount, program should consider awarding a supplement to provide an increase in funds or consider awarding next fiscal year's CGI as a forward funded CGI.

System edits in eJacket allow for flexibility in CGI funding. Program Offices can change funding year amounts within the "bottom line" of what was setup in the original award. If a Program Office wishes to increase the funding amount in one increment year, eJacket will allow this as long as another increment or multiple increments are reduced by the same amount as the planned increase. Any changes in the planned increments require an update to the funding line information as well as the budgets for the increments impacted.

If, at the end of the award, with the release of the final increment, the total funding of the awarded increments is less than the original amount, the cognizant PO will need to provide a justification for the decreased funding and the increment will be forwarded to DGA for review and final approval.

Only one CGI action (award type '22') can be awarded per grant per fiscal year. A CGI may not be awarded in the same fiscal year as the original award (base funding). Programs may forward fund (accelerate funding) a future year CGI by coding the action 2F for Continuing Grant Increment Forward Funded. Forward funded CGIs require a proposal number and explanatory documentation in the review analysis for DGA or DACS, explaining which fiscal year(s) funding is represented. The forward funded (2F) proposal should be generated in eJacket using the 'Create Funding Action' functionality and requires PO Recommend and DD Concur in eJacket.

If the Program Office is aware that forward funding will be accomplished, they may increase the amount of the current fiscal year's increment before it is awarded. eJacket will require the Program to adjust future out years to account for any increase in the current FY's CGI.

If a Program Office determines that a forward funded action is needed after the awarding of the current FY's CGI, a forward fund action coded as 2F is required. A 2F proposal may include the next fiscal year's scheduled funding or multiple FYs. It may provide partial or full funding. eJacket will enforce a "bottom dollar" limit based upon the original approved award, which will prevent awarding more than the total of the originally planned amount except under special circumstances. The managing Program Office may need to manually adjust out years to adjust for any multi-year forward funded actions, especially in the case of liquidating co-funding over multiple years. The Program Office should always double check an award's out year funding to insure they are accurate. The increment schedule may be checked in the eJacket Award Budget or MyNSF, Award information.

The Awards System will attempt to set the status of the future year's CGI to 'W' for withdrawn, as appropriate. If the future fiscal year CGI is partially funded as a forward funded CGI (2F action), then the Awards System will attempt to reduce the future fiscal year's CGI budget amount by the amount being funded by the 2F action. The remaining amount of the future CGI will then be funded in the subsequent fiscal year as a CGI action (22). The Program Office should always double check an award's out year funding to insure they are accurate.

In addition, for CGIs associated with grants that have a cost sharing requirement, an annual cost share notification must be submitted via NSF's electronic systems. The cost share notification will appear in the cognizant PO's "My Work" log of eJacket for acknowledgment. eJacket will not permit the cognizant PO to approve the CGI unless the cost share notification has been submitted by the grantee and acknowledged by NSF. A cost sharing certification is required for the entire period of performance of the award—i.e., each fiscal year—even if the Awardee has already met their cost sharing requirement. If they have already met their requirement, they would submit a certification for $0.

d. Limitations on Program Use of Continuing Grants

The total of all continuing grant increments any program or activity has committed for any future fiscal year may not exceed 65% of its current fiscal year operating plan. Continuing grant recommendations that would result in future commitments in excess of 65% of the current year plan for a program or activity require the written approval of the cognizant Assistant Director/Office Head. Enterprise Reporting and EIS may be used to track future year commitments.

3. Supplemental Support

a. Policy

The NSF policy on supplemental support is contained in PAPPG Chapter VI.E.4.

Additional external review is required if the request is beyond the original scope of work or if total funding, including all actual and anticipated increments, exceeds 20% of the original award total. Funds that represent support for a special targeted supplemental program (e.g., Research Experiences for Undergraduates (REU), Research Opportunity Awards (ROA), Research Experiences for Teachers (RET), Research Experience and Mentoring (REM) and Non-Academic Research Internships for Graduate Students (INTERN) do not count toward the 20% threshold. For information on funding supplements from another Federal agency, see PAM Chapter IX.B on how to accept an "incoming" IAA.

Other requirements and considerations:

- A supplement that provides additional funds during the originally-contemplated support period will contain the same indirect cost rate(s) as a grant being amended; and

- Supplements are not to be used to restore activities excluded from the scope of work during the review and negotiation process unless a special condition (e.g., meeting a specific milestone or providing a proof of concept) is indicated as a grant condition in the original program recommendation. Additional external review should be sought before restoring a portion of work that received poor reviews and/or was deleted.

b. Responsibility

Programs are responsible for the review and final programmatic approval and recommendation of supplemental funding actions (see PAM Chapter VI.H.2.a), which will be forwarded to DGA or DACS for review and approval.

When recommending supplements, the cognizant PO's sign-off in eJacket serves as certification that all Foundation review requirements have been met and that the recommendation has been properly documented. Documentation includes the grantee's request for supplemental funding, diary notes and all documents supporting the funding recommendation. A new abstract and Review Record are not required. The documentation should be complete in case subsequent review of the file is necessary. For internally-generated supplements, the minimum documentation required for processing is a summary of the proposed work and a submitted budget.

c. Supplemental Funding Request Declinations

Supplemental funding requests may be declined in eJacket by the cognizant PO with concurrence by the cognizant DD. Program staff are responsible for providing the appropriate justification of the declination and placing this documentation in eJacket for any subsequent review. eJacket requirements for supplement funding request declinations follow the same process as for other types of proposal declinations. For further details on processing declinations, see PAM Chapter VI.I.4.

4. Reductions

It may be necessary to reduce the amount of an active grant for various reasons (e.g., to correct an administrative error or to reflect the voluntary curtailment of a portion of the originally approved scope of work when the grantee has received funding from other sources). Reductions are processed as amendments by DGA or DACS/CSB to deobligate the award funds and are normally based on a notification from the grantee to the NSF program office. If current fiscal year funds are involved in the reduction, the funds will automatically be returned to the cognizant Program's operating plan once deobligated. If the funds are from a prior fiscal year appropriation, but still within the period of availability to obligate (e.g., second year of a two-year program appropriation), the PO can work with their budget liaison about recovering the funds for their program.

In addition to reductions made at the request of the grantee, NSF is required to reduce awards that have canceling appropriations[10] that are not liquidated by the grantee

[10] In accordance with 31 USC 1552(a), funds will no longer be available for expenditure for any purpose beyond September 30th of the fifth fiscal year after the expiration of a fixed appropriation's period of availability for incurring new obligations.

before the fiscal yearend closeout deadlines. Grantees are notified of any awards with canceling funds as explained in PAPPG Chapter VIII.E.6. POs are encouraged to contact their PIs about finishing any affected projects. For any active awards with a mix of canceling and non-canceling funds at the end of the fiscal year, DGA will process an amendment to deobligate the canceling portion of the award funds. Any funds that are reduced for this purpose may be restored, if deemed appropriate and necessary, to the award by the Program Office use of supplemental funding using current FY funds.

A reduction may also be used to terminate an award early—i.e., prior to the scheduled end date. DGA or DACS would change the end date of the award as part of the reduction action. DGA or DACS should ensure that any reductions of time result in the appropriate changes in the award's technical reporting requirements.

C. Other Post-Award Considerations

1. NSF Policy on Sexual Harassment, Other Forms of Harassment, or Sexual Assault

a. The NSF policy regarding sexual harassment, other forms of harassment, or sexual assault is contained in PAPPG Chapter XI.A.

If any NSF staff member becomes aware of a harassment issue in an NSF-funded program, project, or institution, including a complaint of sexual harassment, whether the issue occurred on campus, in the field, at a conference, at a facility, or elsewhere, he/she must immediately notify ODI. If an acknowledgement is not received within 48 hours, the staff member must follow up with ODI to ensure the communication has been received. ODI will then determine an appropriate course of action.

b. In accordance with the NSF term and condition entitled, *Notification Requirements Regarding Sexual Harassment, Other Forms of Harassment or Sexual Assault*, the awardee is required to notify NSF of: (1) Any finding/determination regarding the PI or any co-PI[11] that demonstrates a violation of awardee policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault; and/or (2) if the PI or any co-PI is placed on administrative leave or if any administrative action has been imposed on the PI or any co-PI by the awardee relating to any finding/determination or an investigation of an alleged violation of awardee policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault.

Each notification must be submitted by the Authorized Organizational Representative (AOR) to NSF's Office of Diversity and Inclusion at www.nsf.gov/harassment within ten business days from the date of the finding/determination, or the date of the placement of a PI or co-PI by the awardee on administrative leave or the imposition of an administrative action, whichever is sooner. Upon receipt, ODI will involve appropriate NSF staff in review of the information provided. The following factors will be considered by NSF:

[11] If a co-PI is affiliated with a subawardee organization, the Authorized Organizational Representative of the subawardee must provide the requisite information directly to NSF, as instructed in this paragraph.

(1) The safety and security of personnel supported by the NSF award;

(2) The overall impact to the NSF-funded activity;

(3) The continued advancement of taxpayer-funded investments in science and scientists; and

(4) Whether the awardee has taken appropriate action(s) to ensure the continuity of science and that continued progress under the funded project can be made.

Upon completion of the internal review of the information provided, ODI will consult with the AOR, or designee. Based on the results of this review and consultation, the Foundation may, if necessary, assert its programmatic stewardship responsibilities and oversight authority to initiate the substitution or removal of the PI or any co-PI, reduce the award funding amount, or where neither of those previous options is available or adequate, to suspend or terminate the award. (NSF policies on suspension or termination of a grant are contained in PAPPG Chapter XII.A and PAM Chapter XI.C.3.c.) ODI will be responsible for maintaining the notifications records in their official record-keeping systems.

c. An updated sexual harassment website has been released to provide additional coverage regarding this important topic. The page includes a promising practices portal that will serve as a living resource for NSF-funded organizations to utilize in bolstering their harassment policies. It also provides a collection of federal definitions, approaches, practices, policies, and procedures, that were established by various organizations and entities, to improve climate and culture. This portal also contains promising practices on standards of professional behavior which are tailored to specific research and learning environments.

In addition, the sexual harassment website provides links to the Federal Register Notices issues by NSF, Frequently Asked Questions, as well as the electronic form for use by the organization in notifying NSF as specified in paragraph b. above.

2. Nondiscrimination Statutes and Regulations

The NSF policy regarding nondiscrimination statutes and regulations is contained in PAPPG Chapter XI.A.

If any NSF employee becomes aware of a discrimination issue in an NSF-funded program, project, or organization, he/she must immediately notify ODI. ODI will then determine the appropriate course of action.

3. Compliance and Related Issues

a. Cooperation with the Office of the Inspector General

Every employee is responsible for:

- promptly reporting to the OIG allegations of misconduct, fraud, waste, abuse or corruption involving NSF, NSF employees, NSF-funded activities or proposals for NSF funding. OIG will maintain confidentiality, if so requested; and

- fully and promptly cooperating with OIG requests, including providing records, interviews and briefings to OIG employees or agents.

NSF policies related to research misconduct are contained in PAPPG Chapter XII.C.

b. NSF Project Watch List

One of the management tools that may be used by NSF to ensure the effective and accountable investment of Foundation resources is the NSF Project Watch List ("NSF Watch List"). Establishment of the NSF Watch List was announced in Staff Memorandum OD 15-22.

The NSF Director will determine which projects are placed on the NSF Watch List, using the following criteria. The project:

- Poses a credible threat of not meeting its baseline (i.e., experiencing a cost or schedule overrun);

- Has performance issues; or

- Constitutes a new, high-risk, large-scale endeavor for the agency.

Any NSF project that meets one or more of these criteria may be added to the list; inclusion is not limited to large infrastructure and facility development activities.

Projects on the NSF Watch List will receive timely reviews by the top levels of NSF management. These reviews will be face-to-face briefings for the Director and will include NSF staff and senior management directly involved in project assurance and oversight. The frequency of the reviews will be dependent upon the issues, risks, opportunities or other needs. These special reviews are not intended to change individual or team responsibilities, nor are they meant to modify NSF's normal operating procedures, written reporting requirements or other established management activities. Instead, these reviews are opportunities to ensure that complex programmatic issues are fully understood at all levels and can be properly articulated both inside and outside of the agency. These reviews allow the Foundation to allocate the necessary NSF scientific, human and financial resources to best resolve existing or emerging problems and exploit new opportunities. The NSF Director will determine when projects may be removed from the list. Normally this will occur when the project no longer meets any of the criteria relied upon for initial placement on the list.

c. Suspension, Termination or Cancelation of NSF Grants

NSF policies on suspension or termination of a grant are contained in PAPPG Chapter XII.A. If a cognizant PO has concerns about the management of an active grant, such that he/she believes suspension or termination may be warranted, he/she should consult with DGA or DACS as soon as possible when such a situation arises. Programs are responsible for documenting their reasons for recommending a suspension or termination of an NSF grant. Concurrence of the cognizant DD and Assistant Director/Office Head is necessary when such actions are initiated by program staff. If suspension or termination is initiated by BFA, then BFA is responsible for documenting the rationale and advising the cognizant PO and DD of such actions. NSF staff are strongly encouraged to seek negotiated rather than adversarial solutions whenever feasible and appropriate.

NSF programs may decide to discontinue funding during grant out-years when progress is insufficient and/or when special grant conditions are not met. Unless the grantee failed to submit its request for additional funding (generally via submission of an acceptable project report), programs are responsible for documenting the award record in eJacket to reflect the reasons for discontinuing funds. If more than one year of future funding is involved, or if the award is a cooperative agreement, the award should be amended to reflect the cancelation of future commitments. In some cases, cooperative agreements may require a negotiated phase out period. If the grantee materially failed to meet grant conditions that could affect other funding actions (e.g., call into question the grantee's ability to manage Federal funds), DGA or DACS should be advised as soon as possible.

d. Grantee-Initiated Termination or Cancelation

In some instances, grantees will request that an award be terminated or canceled – e.g., because the work cannot be completed or transferred or the grantee does not want to accept the award. For grants, these actions may be treated as routine administrative transactions with the cognizant PO recommending that the grant be amended. If no work has commenced and no funds drawn down, then DGA will process a cancelation amendment to deobligate all award funds; however, if any funds have been used, then DGA will need to process a reduction as explained above in Section B.4. Depending on the timing and availability of the appropriated funds, program may be able to recover the deobligated funds and should consult with their budget liaison. If the reason for termination by the grantee is because the work was completed early and no funds are remaining, then DGA can amend the award to change the end date, which will adjust the final report period. For cooperative agreements, advance consultation with DGA or DACS/CSB is recommended.

Chapter XII - Information Collection, Release and Dissemination

A. Internal NSF Access and Use of Proposal and Review Information

1. Policy on Sensitive Proposal and Review Information

NSF employees (and authorized NSF contractors) may, in the course of performing their official duties, have a wide variety of sensitive information about individuals available to them electronically and in hard copy. Sensitive data includes unfunded proposals, proprietary parts of funded proposals, reviews, reviewer identity tied to reviews, Social Security Numbers, date and place of birth, demographic data, home addresses/telephone numbers, bank account numbers and other similar information. Most of this sensitive information is maintained by NSF in systems of records protected under the Privacy Act including proposal, PI/PD and reviewer files.

Internal access to these sensitive records is restricted to personnel who require the information in the performance of their official duties. NSF staff should use care in the handling, distribution and disposal of records or electronic files that may contain sensitive data. Sensitive records and files should be secured against unauthorized access, use or disclosure.

2. Internal Access/Use/Disclosure and "Need to Know"[12]

Sensitive proposal and review information should only be accessed if there is a need to know in order to perform official duties. Discretion should be utilized to avoid disclosing sensitive data to others unless they have a legitimate need for the information in their official duties. Curiosity or personal interest is not a "need to know". NSF staff should exercise care in applying the "need to know" standard when fulfilling requests for information obtained (directly or indirectly) from databases, records or systems that contain information covered by the Privacy Act. Employees or contractors should consult with their supervisor or Contracting Officer Representative (COR), as appropriate, if there are questions about disclosing and/or accessing sensitive information.

3. Privacy Act Application to Proposal Files

OGC has published a Legal Advisory that discusses in detail the Privacy Act's application to proposal files. Specific questions about handling sensitive information can be addressed to the NSF Privacy Act Officer or the privacy attorney in OGC.

B. External Release of Proposal and Review Records

Sensitive and/or personally identifiable information must not be disclosed outside of NSF except as authorized by the Freedom of Information Act (FOIA) or the Privacy Act.

[12] See Staff Memorandum OD 18-10, Sharing of Non-public NSF Information – Interim Guidance.

The following provisions of this chapter apply to external requests for release of information contained in or related to:

- Funded or unfunded (pending, returned without review, withdrawn or declined) proposals, awards, grants, fellowships, contracts, cooperative agreements and interagency agreements, including patentable or proprietary information; and

- Merit review of these documents.

This includes requests that cite FOIA and/or the Privacy Act and those that do not. Whether the requester cites either Act may affect the procedural requirements that apply, but normally not the information ultimately released to the requester.

In general, the Privacy Act provides individual PIs/PDs access to information about themselves contained in their proposal files but excludes the identity of reviewers.

All other requesters have the access rights granted to the general public under FOIA. These other requesters may generally access funded proposals (minus certain personal and patentable or proprietary information), but may not receive information about, or have copies of, unfunded (pending, returned without review, withdrawn or declined) proposals nor merit review information.

C. Release of Information Under the Freedom of Information Act

1. FOIA Overview and NSF Policy

FOIA is a public disclosure or access statute. Its purpose is to reveal the operations of the Federal government to the general public. It requires the disclosure of "agency" (NSF) "records" upon request unless an official exemption applies. NSF policy is to make the fullest disclosure of information to any requester.

2. Disclosures Under FOIA

Under FOIA:

- Any person can make a request for a proposal or an award;

- The requester must reasonably describe the records requested and follow NSF procedures in making a request. NSF requires that FOIA requests be in writing and include agreement to pay applicable fees;

- NSF normally must respond to the requester within 20 working days (except in "unusual circumstances") with a determination on whether the records will be released; and

- Any withholding of information must cite the exemption used, provide the name and position or title of the responsible individual and inform the requester of the right to appeal the withholding.

The NSF FOIA Officer and FOIA Information Specialist in OGC coordinate the Foundation's response to all FOIA requests. The NSF FOIA Officer and FOIA Information Specialist authorize all "unusual circumstances", delays and any withholding of information. Requests for records maintained by the OIG should be forwarded to foia@nsf.gov for direct response.

Requests for copies of funded proposals and awards are processed in accordance with sections F.1 through F.6 below.

3. Requirements, Exemptions and Implementation of FOIA

Further details on the requirements, exemptions and implementation of FOIA at NSF, for all records, can be found in 45 CFR § 612 and on the Freedom of Information Act and Privacy Act webpage. Specific questions can be addressed to the NSF FOIA Officer.

D. Release of Information under the Privacy Act

1. Privacy Act Overview and Policy

The Privacy Act is primarily a records maintenance statute. The Act applies to records maintained by a Federal agency that are retrieved by an individual's name or other personal identifier. Its purpose is to regulate the collection, maintenance, use and disclosure of information about individuals.

The Act provides for greater access by an individual to records about him/herself to assure accuracy of those records but limits access to that information by others.

Privacy Act provisions are applicable to proposals, awards and related documents maintained by NSF and documents maintained by contractors operating a system of records by or on behalf of NSF to accomplish an agency function.

2. Disclosures Under the Privacy Act

a. The Privacy Act prohibits disclosure of information about an individual from any system of records (i.e., a group of records containing information about individuals from which records are retrieved by personal identifier) without the consent of that individual unless authorized by an exception.

b. The three exceptions that most generally apply to proposal and award records are outlined below:

(1) Internal Use - NSF employees who have a "need to know" may access the records in the performance of their duties. Employees involved in processing a proposal, such

as POs, DDs, Administrative Managers, DGA, DACS or DIAS personnel and associated support staff, may use information in files as needed. An employee who is curious about the proposal of a friend may **not**. NSF contractors who assist with proposal processing also may use information as needed to carry out their work under the contract and must follow the Act's requirements.

(2) Qualified External Reviewers - External merit reviewers who provide their opinion and evaluation of proposers and proposals as part of the evaluation process. In general:

- Reviewers may receive copies of proposals and supporting data;
- Review panelists may see copies of proposals and supporting data and proposal evaluations from previous *ad hoc* reviews; and
- Reviewers must maintain the confidentiality of reviews and the review process.

(3) Collaborating Partners - Collaborating partners needing data regarding PIs/PDs and their proposals in order to coordinate programs. These disclosures should be restricted to instances of joint review by NSF and another collaborating partner and to those intended to prevent duplicate funding of a proposal by another sponsor. Before making disclosures to collaborating partners for other purposes, NSF staff should discuss the proposed disclosure with NSF's privacy attorney.

In addition, certain information (but not merit reviews) may be provided to the proposer/grantee to provide or obtain information regarding the proposal review process, award decisions (including the status of NSF review), or grant administration.

Other disclosures may be permitted. Contact the NSF Privacy Act Officer or the privacy attorney in OGC for advice before making other disclosures.

c. Upon request, individuals may have access to their own Privacy Act-protected records (with certain exceptions) and typically receive greater access than other requesters. Individuals must provide proper identification to assure NSF discloses an individual's records only to that individual. See NSF Privacy regulations at 45 CFR 613. Responses to requests for access to one's own records under the Privacy Act are coordinated by the NSF Privacy Act Officer, or, in the case of combined FOIA/Privacy Act requests, the NSF FOIA Officer in OGC. All other individuals requesting information contained in Privacy Act-protected records have access rights under FOIA, but not the Privacy Act. Generally, this FOIA access will be more restrictive than an individual's access to his/her own records.

3. Relationship to FOIA

The Privacy Act allows disclosure when required by FOIA. If requested information is not properly withholdable under a specific FOIA exemption, it must be disclosed.

Requesters therefore get the maximum information disclosable under either FOIA or the Privacy Act.

4. Requirements, Exemptions and Implementation of the Privacy Act

Further details on the requirements, exemptions and implementation of the Privacy Act at NSF can be found in 45 CFR 613 and on the Freedom of Information Act and Privacy Act webpage . Specific questions can be addressed to the NSF Privacy Act Officer.

E. Status of Pending Grants and Cooperative Agreements

1. Questions from the General Public

Program staff may provide to public requesters (non-proposers) general information about NSF proposal and review procedures and the approximate time required to complete each stage of the process. General information about programs, announcements or solicitations can be released to the public as long as no information is given about individual proposals – for example, any requester can be told about general program plans, requirements and deadlines; overall numbers of proposals received; and approximate times until final decisions will be made. No information however, should be released about specific pending or unfunded applications or proposals.

Information on the status of particular pending proposals, such as specific actions by merit review panels or NSF officials, is available only to proposers through NSF's electronic systems. Information about funded proposals should not be released until after the funds are legally obligated by NSF (see section F. below).

2. Questions from Proposers regarding the Status of a Submission

Status information on NSF processing of proposals is available through NSF's electronic systems, which provides registered users, such as PIs/PDs and proposers, with review information on their proposals, as applicable, including:

- The date external review began and any program panel meeting date(s);
- Recommendations for awards where they exist;
- The dates of Division or Directorate/Office concurrence and date of receipt in BFA where there exists a recommendation for award; and
- The recommended amount, duration and start date (all subject to change).

The cognizant Program or Grants Officer also may provide the above information only to the PI/PD or AOR.

Proposers must understand that at any point before official obligation of funds, circumstances or the judgment of other NSF officials might change the disposition of the proposal or the timing of the grant.

F. Release of Proposals

1. Release of Awarded Proposals

Grants should be publicly announced only after the cognizant Grants Officer has signed the award and the organization has been formally notified or notice of the award has been formally released to the press.

Awarded proposals (including award notices) are available to the public, subject to FOIA exemptions protecting confidential commercial information, personal privacy and NSF's decision-making process. Copies of awarded proposals are provided to requesters according to the procedures and subject to the limitations described below.

2. Procedures for Releasing Awarded Proposals

- Requests for proposals that cite FOIA should be referred to NSF's FOIA Officer in OGC and/or directed to foia@nsf.gov. FOIA requests must be in writing. The NSF FOIA Officer will handle processing of these requests in conjunction with the appropriate program office.

- OGC personnel automatically remove any personal information from the proposal under exemption 6 of FOIA (see section 4 below).

- OGC personnel also contact the submitter, usually the PI, to provide him/her an opportunity to request withholding of proprietary information contained in the proposal (including potentially patentable subject matter, information that would provide unfair advantage to a competitor, etc.) under exemption 4 of FOIA (see section 5 below).

Requests for documents in awarded proposal files other than the proposal itself are coordinated by the NSF FOIA Officer.

3. Information Routinely Released

The following information in NSF proposal, award and related records is routinely released to all requesters because it is not withholdable under FOIA:

- The identity, business address and business phone number of a grantee (PI/PD or co-PI/co-PD, and/or AOR) receiving funding from NSF for a particular grant (the identity of unsuccessful proposers is not released);

- Titles, proposal numbers, NSF program(s), award amounts and duration of any awards for which a particular individual is the PI/PD; and

- Name, title, business address, e-mail address and phone number of an NSF employee.

4. Limitations on Release - Personal Information

The following information routinely will be removed by the NSF FOIA Officer before release of proposal(s): Social Security Number; individual salaries and salary rates; pending support and information on non-Federal support; gender; race/ethnicity; citizenship; disability; and any other information that is personal to the submitting individuals (frequently found on resumes or vita) such as date/place of birth, marital status, dependents, home address and home telephone number.

A proposer may show salary data on a separate schedule instead of in the proposal budget as provided in PAPPG Chapter II.

5. Limitations on Release - Proprietary Information, including Description of Inventions

Some proposals contain descriptions of inventions that, for a variety of reasons, may not be recognized as such or may not be shown to have commercial potential until after the proposal has been submitted and an award made. To ensure that valuable U.S. and foreign patent rights are not adversely affected, NSF prohibits disclosure, except for evaluation purposes, of portions of proposals that describe inventions until a reasonable period of time has passed for the filing of a patent application.

A submitter may indicate (either upon initial submission or after notification by NSF of a request for an awarded proposal) that descriptions of inventions or proprietary or patentable information should be withheld. When contacted by NSF, the submitting PI/PD must specifically identify the pages (or portions of pages) of the proposal that contain the descriptions or proprietary information and describe how release would be harmful. NSF is obligated under FOIA to determine when the proposed withholding is justified by the exemption for proprietary information. NSF staff will review the justification for the withholding to determine if the agency agrees that the information should be withheld.

Information found to be privileged will be held in confidence to the extent permitted by law, including FOIA.

Further information on processing awarded proposals can be found in 45 CFR 612; and on the Freedom of Information Act and Privacy Act webpage. Specific questions can be addressed to the NSF FOIA Officer in OGC.

6. Pending, Returned without Review, Withdrawn or Declined Proposals

With few exceptions, NSF will not release any information on pending, returned without review, withdrawn or declined proposals to anyone but the submitting PI(s)/PD(s) or AOR. Copies of unfunded proposals should not be released to anyone (except reviewers as part of the review process) without the specific written agreement of the submitting PI(s)/PD(s) or the approval of OGC.

G. Release of Merit Review Information

1. Policy

a. After a decision is reached on funding, NSF provides the PI/PD or co-PI/co-PD of the proposal with verbatim copies of the reviews used, excluding the reviewer's identity.

b. In cases where a reviewer’s comment raises substantive questions that the PO would like the submitter to address, the pertinent portion of the review (minus all indicators of the reviewer’s identity) may be provided to the proposer prior to the final decision on funding, as part of a request for additional information.

c. In addition, on a declined proposal, the program office provides the proposers, upon request, additional information about the declination (see PAM Chapter VI.I). Normally such information shall not be given to other parties. At the discretion of the appropriate Assistant Director/Office Head or Deputy Director, however, this information may be provided to the AOR of the proposing organization.

2. Confidential Reviewer Information

a. The identity of merit reviewers and their connection with specific proposals is kept confidential by NSF. Documents that are to be released should be reviewed and all reviewer-identifying information should be redacted. This includes all names and any information that discloses a reviewer’s identity—whether it is the reviewer’s organizational affiliation (letterheads or other symbols that identify reviewers’ organizations) or statements that directly or indirectly identify a reviewer.

b. NSF does not release information that would connect an individual reviewer’s name with his/her review of a particular proposal. Reviewer names and identifying information contained in proposal files, both on written reviews and panel member lists, are confidential. Consult with OGC before disclosing the identity of reviewers.

A reviewer’s identity can be withheld from the PI/PD or co-PI/co-PD only if the reviewer was given an express promise of confidentiality. NSF Form 1 (for *ad hoc* reviewers) and NSF Form 1230P (for review panel members) contain an express promise of confidentiality to reviewers who complete the form. The identities of those who receive no promise (for example, persons who submit unsolicited comments) cannot be withheld from a PI/PD or co-PI/co-PD who requests them.

c. In rare situations, additional redactions of information may be necessary to protect certain other rights and interests. Such redactions will be made only with the approval of the General Counsel or designee. Program officers who believe that additional redactions may be appropriate must consult with the privacy attorney in OGC.

3. Release of Merit Review Documents to PIs/PDs and co-PIs/co-PDs

Under the following guidelines, PIs/PDs and co-PIs/co-PDs are allowed to review their own records:

- Under NSF policy, PIs/PDs and co-PIs/co-PDs are routinely sent copies of proposal reviews and any panel summaries (with reviewer identities redacted) used in the decision process.

- The Privacy Act gives PIs/PDs and co-PIs/co-PDs the right, upon request, to access everything about themselves in their proposal files (excluding reviewer identities). If the documents contain information about other individuals such as review analyses that mention other PIs/PDs and co-PIs/co-PDs that information must be redacted before records are released to the PI/PD and co-PIs/co-PDs.

- Verbatim copies of the following types of documents maintained in the file (excluding reviewer identifying information) are subject to release to the PI/PD and co-PIs/co-PDs upon receipt of a proper Privacy Act request:

    - All written reviews and ratings of the proposal, including those from NSF staff or other Federal personnel, that were solicited as merit reviews using program procedures (other documents accompanying reviews that contain review comments also must be released);

    - Other documents containing merit reviewer comments on the technical or scientific content of the proposal or scientific competence of the PI/PD and co-PIs/co-PDs, if any;

    - Diary notes of telephone discussions and electronic correspondence with reviewers concerning the proposal, if any;

    - Summaries of committee or panel discussions relating to the proposal, if any; and

    - Written reports by merit reviewers of site visits made in connection with the evaluation of the proposal, if any.

Other persons, including other PIs/PDs and co-PIs/co-PDs, have access rights to a proposal file, including merit review information, only as granted to the general public under FOIA.

4. Release of Merit Review Documents to Others

a. NSF Committees of Visitors

The cognizant DD should provide approval before verbatim copies of reviews are made available to members of NSF Committees of Visitors.

b. U.S. Government Accountability Office

Release of merit review information to representatives of the Government Accountability Office (GAO) should be discussed with OGC prior to any documentation being shared with GAO.

c. Other Federal Government Personnel

Merit review information should not be released to employees of other Federal agencies except as described in section D.2.b(3) above, without the approval of OGC.

d. Congressional Members and Staff

Reviews should be released only in response to formal written requests from chairpersons of Congressional committees having legislative jurisdiction over the Foundation. Such release must be arranged through the appropriate Assistant Director/Office Head, OGC and OLPA.

H. Congressional and Press Contacts

OLPA is the primary point of contact between NSF and the press, members of Congress and Congressional staffers. Contacts with Congressional staff or the news media should be reported immediately to OLPA, which will provide guidance to NSF staff in dealing with outside information requests. Although publicly available information may be provided, the matter should be promptly referred to the appropriate DD and Assistant Director/Office Head, as well as OLPA, so that prompt and thorough assistance can be assured.

Generally, NSF staff below the level of Assistant Director/Office Head should not initiate contacts with Congressional staff or the news media.

Chapter XIII - Final Reports and Closeout of Awards

A. Policy

NSF policies on technical reporting requirements are contained in PAPPG Chapter VII.D. The Foundation's final reporting requirements and closeout procedures seek to ensure that funds have been properly used without imposing complex or overly burdensome requirements on grantees, as well as to provide the public with information on outcomes of NSF-funded research.

B. Project Reports Required for Closeout

1. Final Project Report

Information regarding final project reports (FPRs) is contained in PAPPG Chapter VII.D.2.

The Project Report System automatically generates reminders to the PI, co-PI(s) and SPO that the report is due. Once overdue, funding and non-funding actions are blocked from approval for the subject grant and any other associated grants that list the PI and any active co-PIs as personnel.

In general, the submission of the FPR indicates that the PI believes that the project has been completed. A "banner" is provided in Research.gov that informs the PI of this. If a PI transfer, no cost extension or supplement is pending or required, the FPR should not be submitted, even if the report is overdue.

2. Project Outcomes Report for the General Public

a. Policy

The Project Outcomes Report for the General Public (POR) is a vital and required part of the award closeout process. Requests by NSF staff to remove a posted POR will be reviewed on a case by case basis and may be directed to the DIAS Systems Office. In general, such requests will be considered only in exceptional cases.

The Project Report System generates reminders for PORs following the same procedures described in section B.1 above.

Similar to FPRs, the submission of the POR indicates that the PI believes that the project has been completed. A "banner" is provided in Research.gov that informs the PI of this. If a PI transfer, no cost extension or supplement is pending or required, the FPR should not be submitted, even if the report is overdue. Once submitted, the award is blocked from further actions.

b. Procedure for Responding to Public Comments

PORs display in Research.gov in the Research Spending and Results (RS&R) section and a link at the bottom of the page allows the public to submit comments about the report. Those comments are sent directly to DIS.

Where comments or complaints express concern about whether the content of a POR is appropriate for public posting, an *initial* screening will be conducted to determine whether there is sufficient reason to remove a POR from public view, pending an internal review of the report. If there is a concern submitted about content, DIS will inform the DIAS Policy Office, who will consult with OGC and the cognizant PO and DD, as needed. Within two business days of receiving the notification from DIS, the DIAS Policy Office will respond with an initial decision on whether or not to remove the report. If it is determined the report should be removed, while NSF's internal resolution process takes place, DIS will usually remove the entire report from public view, including any associated images, within one business day of notification.

Once a decision to *initially* remove a report from RS&R has been made, the report will no longer be visible or accessible while NSF's internal resolution process is underway.

This review and resolution process is *not* an alternative means of challenging the scientific accuracy or quality of PI-submitted PORs. Such challenges are handled under NSF's Information Quality Act Guidelines, which exclude:

> "Research data, findings, reports and other materials published or otherwise distributed by employees or by agency contractors or grantees that are clearly identified as not representing NSF views. NSF grantees are wholly responsible for conducting their project activities and preparing the results for publication or other distribution. . . ."

While the report has been removed from public view, it is still considered a submitted report. The PI, therefore, has fulfilled the requisite reporting requirement and NSF systems will reflect the report status as submitted. A PI/co-PI will not be permitted to view or edit the removed report, nor will he/she be permitted to add an addendum, unless and until such time that a decision is made to "re-publish" the report, as described below.

The DIAS Policy Office and OGC will make a determination on whether any further action on a specific comment or complaint is needed. Where modification or permanent removal is a possibility, the DIAS Policy Office and OGC will consult with the cognizant PO and DD, and others as necessary, such as OLPA. The PI/grantee also may be consulted, as appropriate, in reaching a resolution. Following such consultation, the DIAS Policy Office will decide to make no change to a POR and re-publish it as is, re-publish a modified POR or permanently remove the report from RS&R. The DIAS Policy Office will communicate the decision to DIS to re-publish or remove a POR. All involved parties should be notified of a decision on a given report.

The cognizant PO will notify the PI of the NSF decision to re-publish or permanently remove the report, including the rationale for this decision.

The cognizant Grants Officer in DGA or DACS/CSB will notify the organization's AOR of the decision to permanently remove a report.

C. Responsibilities relating to Grant Closeout

1. Program Officers

Program Officers have general responsibility with regard to final project reports to:[13]

- Promptly review reports and take appropriate action;
- Certify acceptance of the report in eJacket. Failure to approve the FPR will delay processing of pending proposals for all identified PIs and co-PIs on a given grant;
- Routinely review eJacket reports of PIs who have overdue final reports and follow up, as required, to obtain completed reports and any documentation required by a solicitation-specific requirement such as cost share certifications (see PAM Chapter XI.A.5.f and PAPPG Chapter VII.C.3); and
- Consult with DGA or DACS/CSB and DIAS in special situations where follow-up efforts have been exhausted (see PAM Chapter XI.A.5.e for further information).

2. Division of Financial Management

DFM has general responsibility to record final disbursement data and financially closeout grants based on the end date. In most cases, this is done automatically 120 days after the end date of the award. DFM also may manually closeout an award financially by using ACM$. The award must be financially closed out before administrative closeout may proceed.

[13] The content of the project outcomes report is solely the responsibility of the PI/PD and co-PIs/co-PDs and will be displayed on the NSF website as submitted by the PI/PD or co-PIs/co-PDs.

3. Division of Grants and Agreements/Division of Acquisition and Cooperative Support

In most cases, once the financial closeout has occurred, the award is administratively closed out automatically via a nightly batch process. In cases where special circumstances require a manual closeout, DGA and DACS/CSB are responsible for the administrative review and closeout of the award.

DGA and DACS/CSB, where appropriate, have general responsibility to:

- Administratively close out assistance awards when the final expenditure date has been posted in the Awards System from the financial accounting system (iTRAK), and ensure that any unique reporting requirements (such as those involving the disposition of property) have been met;

- Upon notification from DIAS, take appropriate action when organizations have excessive numbers of delinquent or unsatisfactory project reports; and

- Make appropriate determinations in special cases where reasonable follow-up efforts have been exhausted (for example, when a PI cannot be reached or is no longer doing research) (see PAM Chapter XI.A.5.e for further information).

4. Systems Office, Division of Institution and Award Support

The DIAS Systems Office has responsibilities relative to project reporting, as identified in PAM Chapter XI.A.5.e.

5. Division of Information Systems

DIS has general responsibility to:

- Generate reminder notices when reports are due and overdue (see section B.1 above); and

- Maintain the electronic record of overdue project reports and generate information on such reports for each grantee organization through the NSF Project Report system.

D. Retention and Retirement of Proposal and Award Records

Managing recorded information is an important responsibility of every Federal agency. NSF records (award files, declined or withdrawn proposal files, etc. whether in electronic or paper form) must be retained and either retired or disposed of in accordance with Federal law and regulation. Detailed information about retention and retirement of NSF records can be found on the DAS website; questions should be directed to the DAS Records Manager. For information on records retention requirements for letters of intent and preliminary proposals, see PAM Chapter III.C.

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