**NAVAL MEDICAL LOGISTICS COMMAND (NMLC) ADDENDUM TO THE DoD GENERAL TERMS AND CONDITIONS AND NMLC PROGRAMMATIC REQUIREMENTS FOR INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NON-PROFIT ORGANIZATIONS**

**February 2019**

This award incorporates the Department of Defense (DoD) Research and Development Terms and Conditions (by reference. The DOD Research and Development Terms and Conditions are available at https://www.onr.navy.mil/work-with-us/manage-your-award/manage-grant-award/grants-terms-conditions. The “Addendum To The DOD General Terms And Conditions And NMLC Programmatic Requirements for Institutions Of Higher Education, Hospitals, And Other Non-Profit Organizations” provides additional content relevant to NMLC awards for sections of specified articles from those general research terms and conditions. The five asterisks indicate that there is content from the DoD R&D General Research Terms and Conditions within the identified parts and articles that remains unchanged and is not restated in this document. To understand the requirement for a given article, the DoD R&D General Research Terms and Conditions must be read in tandem with this NMLC Addendum. The second portion of this addendum is comprised of the programmatic requirements portion of the general terms and conditions.

**NMLC Addendum to the DoD R&D General Terms and Conditions**

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**Part 2: Financial and Program Management (FMS Articles)**

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**FMS Article II. Payments.**

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**Section C. Electronic funds transfer and other payment procedural instructions of information.**

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**2. Other payment procedural instructions or information**.

a. *Electronic Funds Transfer Information*. All payments will be made by funds transfers to the bank account registered in System for Award Management (SAM) at <https://www.sam.gov/portal/SAM/>. You must maintain the currency of information about yourself in SAM, including information necessary to facilitate payment via Electronic Funds Transfer (EFT). We cannot be held responsible for any misdirection or loss of payment which occurs as the result of your failure to maintain correct/current EFT information within your SAM registration.

b*. Electronic Payment Request Instructions*. You must submit payment requests through the Invoicing, Receipt, Acceptance, and Property Transfer (iRAPT) system, located at [https://wawf.eb.mil](https://wawf.eb.mil/). Within iRAPT, the following codes and information are required to initiate the “Grant Voucher” and assure successful flow of the payment request. The WAWF chart is located in the assistance agreement terms and conditions.

Instructions/Training for iRAPT are available at https://wawftraining.eb.mil/xhtml/unauth/help/help.xhtml.

c. *Questions for the Payment Office*. Questions concerning specific payments should be directed to the Defense Finance and Accounting Service (DFAS) Rome, Accounts Payable at 800-553-0527. You can also access payment information using the “myInvoice” button in iRAPT at [https://wawf.eb.mil](https://wawf.eb.mil/). The award number and voucher number will be required to inquire about the status of the payment.

d. *Instructions for the Payment Office*. The payment office must make payment by using the oldest fiscal year appropriations first, exhausting all funds in the previous fiscal year before disbursing from the next fiscal year. In the event there is more than one ACRN associated with the same fiscal year, payment will be made in sequential ACRN order within the award, exhausting all funds in the previous ACRN before paying from the next ACRN using the following sequential order: alpha/alpha; alpha/numeric; numeric/alpha; and numeric/numeric

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**FMS Article IV. Revision of budget and program plans.**

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**Section D. Procedures.**

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2. **Additional procedural instructions**.

a. NMLC does not require standard budget forms. Revised budgets, when required, may be submitted in the recipient’s format.

b. NMLC retains administration of assistance agreements awarded by NMLC. NMLC will consider (on a case by case basis) the issuance of an award modification that extends the period of performance beyond the expiration date of this award (without additional funds, i.e. a no cost extension).

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**FMS Article VI. Cost sharing or matching. Section A. Required cost sharing or matching.**

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2. You must obtain our prior approval if you wish to:

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a. Substitute alternative cost sharing or matching contributions in lieu of specific contributions included in the approved budget.

**Part 5: Financial, Programmatic, and Property Reporting (REP Articles) REP Article I. Performance management, monitoring, and reporting.**

**Section A. Required reporting form, format, or data elements for interim and final performance reports.**

1. **Interim Research Performance Progress Reports (RPPR)**.

a. Format: You must submit interim performance reports by using the RPPR format at the website [identifie](https://extranet.aro.army.mil/)d in paragraph F.1 of this article, unless an exception to online submission is approved by the GOR. The required format for interim performance reports excepted from the online submission requirement, as described in paragraph F.1 of this article, is provided at https://www.onr.navy.mil/Contracts-Grants/manage-grant/research-performance.

b. Data Elements: The data elements to be included in interim RPPRs (including those exempted from the online submission requirement) can be found at https://www.onr.navy.mil/Contracts-Grants/manage-grant/research-performance.

2. **Final RPPR.**

a. Format and Data Elements: You may use your own format for the final report, but must include the same data elements used for interim performance reports and indicate on the cover page of the report that it is the final performance report.

b. Other Requirements: You must include a completed "Report Documentation Page" Standard Form (SF) 298 as the last page of the final performance report. The form and instructions are available on the NMLC website at <http://www.med.navy.mil/sites/nmlc/Pages/DBU-RnG.aspx>. However, Block 12a. of the SF 298 should be completed with the following distribution/availability statement: "Approved for Public Release; Distribution is Unlimited." If you do not agree with that distribution/availability, you should contact the cognizant Administrative Grants Officer (AGO) at the NMLC.

**Section B. Frequency, reporting periods, and due dates for interim performance reports.**

1. You must submit interim performance reports annually.

2. The due date for each interim performance report is June 15th of each year during the period of performance.

3. Interim performance reports must cover the research progress for the current reporting period, which is defined as one year prior to the current progress report deadline or from the start of the award if this is a new award. However, if the start date of the award is on or between March 15th and June 15th, the first interim performance report submission is not due on June 15th of the year in which the award was made, but rather on June 15th of the subsequent year. In such instances, the initial interim performance report submitted would cover a period up to 15 months. An interim performance report is not required to be submitted for a particular year in which the final performance report is due on or between June 15th and September 15th of that year. An interim performance report is also not due at the end of the effort if the remaining interim reporting period would be less than a year (i.e., if the time between the submission of last interim performance report covering a full year and when the final performance report is due is less than a year).

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**Section F. Performance reporting procedures**

1. Interim Reports: You must submit interim performance reports through the electronic portal at the website <https://extranet.aro.army.mil/>. Interim performance reports submitted through this website are not required to be submitted to any other location. Exceptions to this online submission requirement will be considered by the Grants Officers Representative (GOR) on a case by case basis under unusual circumstances. If such exception is approved, the GOR will provide instructions on the appropriate means of submission and addressees.

2. Final Reports: You must submit final performance reports to the following:

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| --- |
| Addressee: |
| NMLC Grants Officer  |
| GOR |
| Defense Technical Information Center 8725 John J Kingman Road Ste 0944 Fort Belvoir, VA 22060-6218To submit reports electronically, go to the Submit home page of the DTIC Enterprise Contract Management System (ECMS): <http://www.dtic.mil/dtic/submit/submit.html>E-mail (**public release pdf documents only**): dtic.belvoir.ecm.mbx.tr@mail.mil |

\* You must submit the final performance report to the Administrative Office and GOR by email (unless otherwise specified).

3. You must submit any requests to extend the due date for a performance report to the NMLC Grants Officer by email.

4. You must report any significant developments specified in Section E of this article to the GOR with a copy to the NMLC Grants Officer. These reports shall be submitted by email.

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**REP Article II. Financial reporting.**

**Section A. Required reporting form, format, or data elements for interim and final financial reports.**

You must submit financial reports on the Standard Form 425 (SF 425), “Federal Financial Report.”

**Section B. Interim financial reports: frequency, reporting periods, and due dates.**

You are not required to submit interim financial reports unless otherwise specified in the award terms and conditions.

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**Section E. Where and how to submit financial reports.**

You must submit the final financial report by email to the NMLC Grants Officer and the GOR.

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**REP Article III. Reporting on property.**

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**Section D. Intangible property.**

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**1. Inventions developed under the award**.

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a. To comply with the requirement in paragraph D.1 for a final report listing all subject inventions, you must use the DD Form 882. The recipient shall use the Interagency Edison through the National Institutes of Health Commons (http://www.iedison.gov/) for filing of Patent Application and Invention Disclosure. Negative reports are required and shall be submitted on a DD Form 882 to the NMLC Grants Officer. A copy of DD Form 882 is located at <http://www.med.navy.mil/sites/nmlc/Pages/DBU-RnG.aspx>

b. If there were no subject inventions, you must still submit a final report indicating in section 5 of the DD Form 882 that no subject inventions were developed under the award.

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**Part 6: Other Administrative Requirements (OAR Articles)**

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**OAR Article IV. Claims, disputes, and appeals Section A. Definitions.**

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1. Grant Appeal Authority – James E. Watkins, NMLC, Chief of the Contracting Office, at james.e.watkins.civ@mail.mil.

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**Part 7: Subawards (SUB Articles)**

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**SUB Article V. Property requirements for subawards.**

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**Section B. Title to property.**

1. **Subawards to institutions of higher education, nonprofit organizations, States, local governments, or Indian tribes**.

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b. **Exceptions**. For a subaward to conduct basic or applied scientific research with a nonprofit institution of higher education or nonprofit organization whose primary purpose is conducting scientific research, you must include terms and conditions in that subaward that allow the title to all equipment and supplies acquired under that subaward and charged as direct costs to the project or program to vest with the subrecipient upon acquisition subject only to the following three conditions related to equipment:

i. The subrecipient uses the equipment for the authorized purposes of the project or program until the property is no longer needed for those purposes.

ii. The subrecipient manages the equipment as provided in PROP Article II of these general terms and conditions. This includes maintaining property records that include the percentage representing the Federal share of total project costs under the award to you (the recipient) under which the subrecipient acquired the exempt property, so that the subrecipient may deduct the Federal share if it wishes to use the property in future contributions for cost sharing or matching purposes on Federal awards. When both your award with the DoD Component has cost sharing requirements and your subaward allows for the purchase of exempt property, you must include in that subaward the percentage representing the Federal share of total project costs to enable the subrecipient’s compliance with this provision.

iii. NMLC reserves the right to transfer title to the equipment to another entity if the Principal Investigator of a subrecipient relocates his or her research program to that entity. If NMLC elects to exercise its right to transfer the title of equipment, NMLC will contact the recipient to discuss the transfer.

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**Part 8: National Policy Requirements**

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**NP Article III. National policy requirements concerning live organisms.**

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**Section B. Other requirements concerning live organisms.**

Human Subjects: The performance of research involving human subjects shall be conducted IAW The Common Federal Policy for the Protection of Human Subjects codified by the Department of Health and Human Services at 45 CFR 46 Part A, and implemented by the Department of Defense with 32 CFR 219 “The Common Rule,” 10 USC 980 “Limitation on Use of Humans as Experimental Subjects,” Department of Defense (DoD) Instruction 3216.02 “Protection of Human Subjects and Adherence to Ethical Standards in DoD-Supported Research,” and Secretary of the Navy Instruction 3900.39D (series) “Human Research Protection Program,” as well as other applicable federal and state law and regulations, and Department of the Navy guidance. The recipient must be cognizant of and abide by the additional restrictions and limitations imposed on the DoD regarding research involving human subjects, specifically as they regard vulnerable populations, recruitment of military research subjects, and informed consent and surrogate consent, and chemical and biological agent research. Food and Drug Administration regulation and policies may also apply. Department of the Navy, Human Research Protection Program (DON HRPP) guidance for human subject research is located at <http://www.med.navy.mil/bumed/humanresearch/>.

Any human subject research to be conducted under this cooperative agreement requires a Human Research Protection Officer (HRPO) approval. No funds are to be expended until the HRPO review has been received by the NMLC Grants Officer and a subsequent modification has been issued to the assistance agreement to list the approved human subject research protocol by name.

Example from the terms and conditions of a NMLC assistance agreement award:

“Human subject research is not allowed under this award, except under the protocol(s) named below:

A. Protocol A.

B. Protocol B.”

When a HRPO review has been received by the NMLC Grants Officer, the research protocol will be added to this list in the award terms and conditions and thereby lifting the restriction on human subject research under the named protocols only.

Animals: Intramural research is research (or services supporting the research) conducted by one or more Government agencies using Government facilities with Government staff (to include Principle Investigators) and under Government protocols and a Government IRB.

Please note that no assurances are required for intramural research that involves animals, however if the intramural research includes certain animal species (dog, cat, non-human primate, and marine mammals), the protocol must be approved by the Bureau of Medicine and Surgery Veterinary Affairs Department, prior to the initiation of work.

Failure of the awardee to comply with the listed requirements for intramural research will result in the issuance of a stop-work order to immediately suspend, in whole or in part, work and further payment under this award or will result in other issuance of suspension of work and further payment for as long as determined necessary at the discretion of the Grants Officer.

The listed requirements for intramural research are applicable to and shall be included in all subawards made by the awardee’s administrator to organizations that may conduct research involving animal species.

Extramural research is research that is funded by the Government, but that is conducted using awardee or subcontracted partner facilities with awardee staff (to include PI) and under the awardee’s protocols and IRB.

The awardee’s organization or associated partners conducting extramural research involving animal species must comply with the following requirements prior to the performance of research involving animal species or expenditure of funding on such effort (whichever occurs first):

a. A copy of the animal use protocol signed and submitted by the principle investigator to the supporting institute.

b. A copy of an approval letter from the IACUC (Institutional Animal Care and Use Committee) that is supporting the animal use.

c. A completed copy of the Navy Bureau of Medicine and Surgery (BUMED) Animal Use Appendix for Research Involving Animals.

d. Copies of the last two United States Department of Agriculture (USDA) Inspection reports from the supporting Institute.

e. Confirmation of institute’s National Institute of Health (NIH) Office of Laboratory Animal Welfare (OLAW) Assurance (if applicable).

f. Confirmation of institute’s Association for Assessment and Accreditation of Laboratory Animal Care International (AAALAC) Accreditation (if applicable).

g. If neither (e) or (f) applies then: A statement signed by the Institutional Official that states the care and use of animals will be conducted IAW the National Research Council's Guide for the Care and Use of Laboratory Animals and applicable Federal and DoD Regulations.

For extramural research involving certain animal species (dog, cat, non-human primate, and marine mammals), a site visit to the facility may be required at the discretion of the Bureau of Medicine and Surgery Veterinary Affairs Department.

Failure of the awardee to comply with the listed requirements for extramural research will result in the issuance of a stop-work order to immediately suspend, in whole or in part, work and further payment under this award or will result in other issuance of suspension of work and further payment for as long as determined necessary at the discretion of the NMLC Grants Officer.

The listed requirements for extramural research are applicable to and shall be included in all subawards made by the awardee to organizations that may research involving animals.

2. **Biosafety and Biosecurity Requirements**.

You must comply with applicable provisions of DOD 6055.18-M, Safety Standards for Microbiological and Biomedical Laboratories, including ensuring compliance with standards meeting at least the minimum applicable requirements of the current edition of Centers for Disease Control and Prevention, “Biosafety in Microbiological and Biomedical Laboratories (BMBL),” and National Institutes of Health, “The NIH Guidelines for Research Involving Recombinant or Synthetic Nucleic Acid Molecules (NIH Guidelines).” The NIH Guidelines are available at <https://osp.od.nih.gov/biotechnology/biosafety-and-recombinant-dna-activities/>.

3. **Research Involving Recombinant or Synthetic Nucleic Acid Molecules.**

You must not begin performance of research within the scope of “The NIH Guidelines for Research Involving Recombinant or Synthetic Nucleic Acid Molecules (NIH Guidelines)” until you receive notice from the NMLC Grants Officer that NMLC has reviewed and accepted your documentation. The NIH Guidelines are available at <https://osp.od.nih.gov/biotechnology/biosafety-and-recombinant-dna-activities/>.

In order for NMLC to accomplish that review, you must provide the NMLC Grants Officer, generally as part of your original proposal prior to award, sufficient documentation to enable the review that includes:

a. A written statement that your entity is in compliance with NIH Guidelines. This statement should be made by an official of the institution other than the Principal Investigator and should be on university or company letterhead.

b. Evidence demonstrating that your proposed research protocol has been approved by an Institutional Biosafety Committee (IBC); and a copy of the Department of Health and Human Services (DHHS) Letter of Approval of the IBC, or the most recent letter from DHHS stating the IBC is in compliance with the NIH Guidelines.

You will not receive a separate approval for your proposed research under this paragraph. If you received the award based on a proposal including the two aforementioned items, you can assume the NMLC Grants Officer has accepted that documentation. If you add such research later, you will have to provide the two items of documentation listed above and a revised proposal. If this research is approved, you will receive a modification incorporating the revised proposal.

For research involving countries outside the United States, if the host country has established rules for the conduct of recombinant or synthetic nucleic acid molecule research, then the research must be in compliance with those rules. If the host country does not have such rules, the proposed research must be reviewed and approved by an NIH-approved IBC or equivalent review body and accepted in writing by an appropriate national governmental authority of the host country. The safety practices that are employed abroad must be reasonably consistent with the NIH Guidelines.

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**Programmatic Requirements Portion of the General Terms and Conditions**

1. **Funding and Refunds**

a. The Government’s financial obligation is limited to the amount shown as Block 15G of the award document. NMLC does not amend awards to provide additional funds for such purposes as reimbursement for unrecovered indirect costs resulting from the establishment of final negotiated rates or for increases in salaries, fringe benefits, and other costs.

b. We do not require additional documentation from you to initiate a modification for providing incremental funding. However, you should note that low expenditure rates reported on payment requests might be cause for deferral of future funding increments.

c. If an awardee has unobligated balances of funds that must be refunded to the US Government, they shall contact the NMLC Grants Officer for instructions.

2. **Modifications**

Any request you make to modify an award must be in writing to the NMLC Grants Officer. Such requests are considered approved only when incorporated into the award by a modification issued by NMLC Grants Officer.

3. **Options**

If an option is indicated in the assistance agreement award, NMLC may elect to fund the performance of such optional research effort by issuing a modification to the award that exercises the option.

4. **Classified and Controlled Unclassified Information**

a. Reporting Potentially Classifiable Information

This award is intended for unclassified, publicly releasable research. We do not expect that the results of the research project will involve classified information. If, however, in conducting the activities supported under this award, the Principal Investigator (PI) or co- PI is concerned that any of the research results involve potentially classifiable information that may warrant Government restrictions on the dissemination of the results, the PI should promptly notify the NMLC Grants Officer.

b. Controlled Unclassified Information

Information and materials provided pursuant to or resulting from this award may be or may become export controlled, sensitive, for official use only or otherwise protected by law, executive order or regulation. You are responsible for compliance with all applicable laws and regulations concerning the handling of information. Nothing in this award must be construed to permit any disclosure in violation of those restrictions. If you are unsure whether information and materials provided to you or generated under this award is Controlled Unclassified Information, contact the NMLC Grants Officer as noted above.

5. **Activities Abroad**

You must ensure that project activities to be performed outside the United States are coordinated as necessary with appropriate governmental authorities and that required licenses, permits, or approvals are obtained prior to undertaking such activities. NMLC does not assume responsibility for your compliance with the laws and regulations of the country in which the activities are to be conducted.

6. **Publications and Acknowledgment of Sponsorship**

a. Publication of results of the research project in appropriate professional journals is encouraged as an important method of recording and reporting scientific information. You must submit information (e.g., journal paper was submitted to, title and abstract of paper/article, and relevant sponsoring award number(s)) related to each paper planned for publication to the NMLC Grants Officer, simultaneously with your submission for publication. Following publication, you must submit copies of published papers to the GOR.

b. When releasing information relating to this award, the release must include a statement to the effect that the project or effort undertaken was or is sponsored by the Department of the Navy, Naval Medical Logistics Command under NMLC award number(s) [enter the award number(s)].

c. Any publication resulting from work under this award shall contain the following on the title page or on the page immediately following the title page: “This work relates to Department of Navy award (insert award number) issued by the Naval Medical Logistics Command. The United States Government has a royalty-free license throughout the world in all copyrightable material contained herein.”

d. Any transfer of copyright ownership in such publication will provide that the transfer of copyright ownership is subject to the United States Government’s royalty-free license throughout the world in all copyrightable material contained in the publications.

e. You are responsible for ensuring that every publication of information (including World Wide Web pages) based on or developed under this award, except scientific articles or papers appearing in scientific, technical or professional journals, contains the following disclaimer: “Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the Naval Medical Logistics Command.”

f. For the purpose of this provision, information includes, but is not limited to, news releases, articles, manuscripts, brochures, advertisements, still and motion pictures, speeches, trade association proceedings, and symposia.

g. Nothing in the foregoing must affect compliance with the requirements of the paragraph 4 above, entitled “Classified and Controlled Unclassified Information”, or security- related provisions, if any, that are included in the terms and conditions of the assistance agreement award

**7. Food and Beverage**

Funds may not be used to pay for food or beverages (unless preapproved by the NMLC Grants Officer).

8. **Flow Down of Programmatic Requirements to Subrecipients**

You must flow down the provisions in paragraphs 4 – 7 of this programmatic requirements portion of the general terms and conditions to any subrecipient under this award.