

1. DATE ISSUED MM/DD/YYYY 04/09/2018 2. CFDA NO. 97.108 3. ASSISTANCE TYPE Cooperative Agreement

Department of Homeland Security

DHS Grants and Financial Assistance Division (GFAD)

245 Murray Lane, SW
Mail Stop 0115
Washington, DC 20528

NOTICE OF AWARD

AUTHORIZATION (Legislation/Regulations)
Homeland Security Act of 2002, Section 308, as amended, P.L. 107-296
codified at 6 U.S.C. 188

1a. SUPERSEDES AWARD NOTICE dated
except that any additions or restrictions previously imposed remain
in effect unless specifically rescinded

4. GRANT NO.
18STFRG00004-01-00
Formerly

5. ACTION TYPE
New

6. PROJECT PERIOD MM/DD/YYYY
From 04/09/2018 Through 09/30/2019

7. BUDGET PERIOD MM/DD/YYYY
From 04/09/2018 Through 09/30/2019

8. TITLE OF PROJECT (OR PROGRAM)
First Responders NOFO

9a. GRANTEE NAME AND ADDRESS
TDA Research, Inc.
12345 W 52nd Ave
Wheat Ridge, CO 80033-1916

9b. GRANTEE PROJECT DIRECTOR
[REDACTED]
12345 W 52nd Ave
Wheat Ridge, CO 80033-1916
[REDACTED]

10a. GRANTEE AUTHORIZING OFFICIAL
[REDACTED]
12345 W. 52nd Ave.
Wheat Ridge, CO 80033-1916
[REDACTED]

10b. FEDERAL PROJECT OFFICER
[REDACTED]
7th and D Street, SW
Washington, DC 20407
[REDACTED]

ALL AMOUNTS ARE SHOWN IN USD

11. APPROVED BUDGET (Excludes Direct Assistance)

I Financial Assistance from the Federal Awarding Agency Only ☒ II

II Total project costs including grant funds and all other financial participation

a. Salaries and Wages	220,489.00
b. Fringe Benefits	209,420.00
c. Total Personnel Costs	429,909.00
d. Equipment	0.00
e. Supplies	84,620.00
f. Travel	1,664.00
g. Construction	0.00
h. Other	42,320.00
i. Contractual	235,640.00
j. TOTAL DIRECT COSTS →	794,153.00
k. INDIRECT COSTS	89,242.00
l. TOTAL APPROVED BUDGET	883,395.00
m. Federal Share	883,395.00
n. Non-Federal Share	0.00

12. AWARD COMPUTATION

a. Amount of Federal Financial Assistance (from item 11m)	883,395.00
b. Less Unobligated Balance From Prior Budget Periods	0.00
c. Less Cumulative Prior Award(s) This Budget Period	0.00
d. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION	883,395.00
13. Total Federal Funds Awarded to Date for Project Period	883,395.00

14. RECOMMENDED FUTURE SUPPORT
(Subject to the availability of funds and satisfactory progress of the project):

YEAR	TOTAL DIRECT COSTS	YEAR	TOTAL DIRECT COSTS
a. 2		d. 5	
b. 3		e. 6	
c. 4		f. 7	

15. PROGRAM INCOME SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES:

a. DEDUCTION	<input checked="" type="checkbox"/> b
b. ADDITIONAL COSTS	
c. MATCHING	
d. OTHER RESEARCH (Add / Deduct Option)	
e. OTHER (See REMARKS)	

16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY, THE FEDERAL AWARDING AGENCY ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING:

a. The grant program legislation
b. The grant program regulations.
c. This award notice including terms and conditions, if any, noted below under REMARKS.
d. Federal administrative requirements, cost principles and audit requirements applicable to this grant.

In the event there are conflicting or otherwise inconsistent policies applicable to the grant, the above order of precedence shall prevail. Acceptance of the grant terms and conditions is acknowledged by the grantee when funds are drawn or otherwise obtained from the grant payment system.

REMARKS (Other Terms and Conditions Attached - ☒ Yes ☐ No)

GRANTS MANAGEMENT OFFICIAL: Janet Bailey

17. OBJ CLASS 4102	18a. VENDOR CODE 841043375	18b. EIN 841043375	19. DUNS 181947730	20. CONG. DIST. 07
FY-ACCOUNT NO.	DOCUMENT NO.	ADMINISTRATIVE CODE	AMT ACTION FIN ASST	APPROPRIATION
21. a. 779C70790803	b. STFRG00004A	c. FRG1	d. \$883,395.00	e. 70-79-0803
22. a.	b.	c.	d.	e.
23. a.	b.	c.	d.	e.

REL0001347861

AWARD ATTACHMENTS

TDA Research, Inc.

18STFRG00004-01-00

1. DHS Terms
2. GFAD Terms

2018 DHS Standard Terms and Conditions

(Long Format for Reference Purposes Only)

The 2018 DHS Standard Terms and Conditions apply to all new federal financial assistance awards funded in FY 2018. The DHS financial assistance awards terms and conditions flow down to subrecipients, unless a particular award term or condition specifically indicates otherwise.

Assurances, Administrative Requirements and Cost Principles

DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions.

DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at 2 C.F.R. Part 200, and adopted by DHS at 2 C.F.R. Part 3002.

DHS Specific Acknowledgements and Assurances

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS.
2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, recipients have been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency (LEP)), sex, age, disability, religion, or familial status, recipients must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS FAO and the DHS Office of Civil Rights and Civil Liberties (CRCL) by e-mail at crcl@hq.dhs.gov or by mail at U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Building 410, Mail Stop #0190 Washington, D.C. 20528.
6. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including LEP), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS FAO and the CRCL office by e-mail or mail at the addresses listed above.

The United States has the right to seek judicial enforcement of these obligations.

Standard Terms & Conditions

I. Acknowledgement of Federal Funding from DHS

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

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II. Activities Conducted Abroad

Recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

III. Age Discrimination Act of 1975

Recipients must comply with the requirements of the *Age Discrimination Act of 1975* (Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

IV. Americans with Disabilities Act of 1990

Recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities. (See 42 U.S.C. §§ 12101–12213.)

V. Best Practices for Collection and Use of Personally Identifiable Information (PII)

Recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template as useful resources respectively.

VI. Civil Rights Act of 1964 – Title VI

Recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* (42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

VII. Civil Rights Act of 1968

recipients must comply with Title VIII of the *Civil Rights Act of 1968*, Public Law 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (See 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. § 100.201.)

VIII. Copyright

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

IX. Debarment and Suspension

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, and 2 C.F.R. Part 180. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

X. Drug-Free Workplace Regulations

You as the recipient must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 CFR part 3001, which adopts the Government-wide implementation (2 CFR part 182) of sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 8101).

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- XI. Duplication of Benefits**
Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.
- XII. Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX**
Recipients must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.
- XIII. Energy Policy and Conservation Act**
Recipients must comply with the requirements of The Energy Policy and Conservation Act (42 U.S.C. § 6201) which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
- XIV. False Claims Act and Program Fraud Civil Remedies**
Recipients must comply with the requirements of The False Claims Act (31 U.S.C. § 3729-3733) which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.)
- XV. Federal Debt Status**
All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)
- XVI. Federal Leadership on Reducing Text Messaging while Driving**
Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.
- XVII. Fly America Act of 1974**
Recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974* (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.
- XVIII. Hotel and Motel Fire Safety Act of 1990**
In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. § 2225a, recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, as amended, 15 U.S.C. § 2225.
- XIX. Limited English Proficiency (Civil Rights Act of 1964, Title VI)**
Recipients must comply with the *Title VI of the Civil Rights Act of 1964* (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

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XX. Lobbying Prohibitions

Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under an federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

XXI. National Environmental Policy Act

Recipients must comply with the requirements of the National Environmental Policy Act, 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 97-258 § 4(b), (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

XXII. Nondiscrimination in Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

XXIII. Non-supplanting Requirement

Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

XXIV. Notice of Funding Opportunity Requirements

All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.

XXV. Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the *Bayh-Dole Act*, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

XXVI. Procurement of Recovered Materials

Recipients must comply with Section 6002 of the *Solid Waste Disposal Act*, as amended by the *Resource Conservation and Recovery Act*, 49 U.S.C. § 6901. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

XXVII. Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, (29 U.S.C. § 794), as amended, which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

XXVIII. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, the recipient must comply with the requirements set forth in the government-wide award term and condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, which states, if the total value of the recipient's currently active

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grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of the federal financial assistance award, then recipients during that period of time must maintain the currency of information reported to SAM that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIS)) about civil, criminal, or administrative proceedings described in paragraph 1 of this award term and condition. This is a statutory requirement under Pub. L. 110-417 § 872, as amended (41 U.S.C. § 2313). As required by Pub. L. 111-212, § 3010, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for federal procurement contracts, will be publicly available.

1. Proceedings About Which You Must Report

Recipients must submit the required information about each proceeding that is:

- a. In connection with the award or performance of a grant, cooperative agreement, or procurement contract from the federal government;
- b. Reached its final disposition during the most recent five year period; and
- c. One or more of the following:
 - 1) A criminal proceeding that resulted in a conviction;
 - 2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 - 3) An administrative proceeding that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
 - 4) Any other criminal, civil, or administrative proceeding if:
 - a) It could have led to an outcome described in paragraph 1c.1), 2), or 3) of this award term and condition;
 - b) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
 - c) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

2. Reporting Procedures

Recipients must enter the information that SAM requires about each proceeding described above into the SAM Entity Management area. Recipients do not need to submit the information a second time under financial assistance awards that have been received if the information have already been entered into SAM based on federal procurement contracts requirements.

3. Reporting Frequency

During any period of time when recipients are subject to the main requirement of this award term and condition, recipients must report proceedings information through SAM for the most recent five year period, either to report new information about any proceeding(s) that recipients have not reported previously or affirm that there is no new information to report. Recipients that have federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose any information about the criminal, civil, and administrative proceedings semiannually.

XXIX. Reporting Subawards and Executive Compensation

Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A.

1. Reporting of First-tier Subawards

Unless recipients are exempt as provided in paragraph d. of this award term, recipients must report each action that obligates \$25,000 or more in federal funds that does not include recovery funds as defined in the *American Recovery and Reinvestment Act of 2009*, Pub. L. 111-5, § 1512(a)(2) for a subaward to an entity.

- a. *Where and when to report.*
 - 1) Recipients must report each obligating action described in paragraph a(1) of this award term to <http://www.fsrs.gov>.
 - 2) Subrecipients must report subaward information no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
- b. *What to report.*

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Recipients must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

2. Reporting Total Compensation of Recipient Executives

- a. *Applicability and what to report.* Recipients must report total compensation for each of the five most highly compensated executives for the preceding completed fiscal year, if—
 - 1) The total federal funding authorized to date under this financial assistance award is \$25,000 or more;
 - 2) In the preceding fiscal year, recipient's received—
 - a) 80 percent or more of recipients annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. § 170.320 (and subawards); and
 - b) \$25,000,000 or more in annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. § 170.320 (and subawards); and
 - 3) The public does not have access to information about the compensation of the executives through periodic reports filed under Section 13(a) or 15(d) of the *Securities Exchange Act of 1934*, 15 U.S.C. 78, as amended by Pub. L. 112-158 or Section 6104 of the Internal Revenue Code of 1986. (See the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm> to determine if the public has access to the compensation information.)
- b. *Where and when to report.* Recipients must report executive total compensation described in paragraph b(1) of this award term as part of the registration profile in the System for Award Management (SAM) at <https://www.sam.gov> by the end of the month following the month in which this award is closed out and annually thereafter.

3. Reporting of Total Compensation of Subrecipient Executives

- a. *Applicability and what to report.* Unless recipients are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, recipients shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—
 - 1) In the subrecipient's preceding fiscal year, the subrecipient received—
 - a) 80 percent or more of its annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. § 170.320 (and subawards); and
 - b) \$25,000,000 or more in annual gross revenues from federal procurement contracts (and subcontracts), and federal financial assistance subject to the Transparency Act (and subawards); and
 - 2) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the *Securities Exchange Act of 1934*, 15 U.S.C. 78, as amended by Pub. L. 112-158 or Section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
- b. *Where and when to report.* Subrecipients must report subrecipient executive total compensation described in paragraph c(1) of this award term to the recipient by the end of the month following the month during which recipients make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (*i.e.*, between October 1 and 31), subrecipients must report any required compensation information of the subrecipient by November 30 of that year.
- c. *Exemptions*

If, in the previous tax year, recipients had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

 - 1) Subawards; and
 - 2) The total compensation of the five most highly compensated executives of any subrecipient.

XXX. SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

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XXXI. Terrorist Financing

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

XXXII. Trafficking Victims Protection Act of 2000

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the *Trafficking Victims Protection Act of 2000*, (TVPA) as amended (22 U.S.C. § 7104). The award term, located at 2 C.F.R. § 175.15, states:

- a. A federal awarding agency (DHS) must include the award term in paragraph b of this section in—
 - 1) A grant or cooperative agreement to a private entity, as defined in §175.25(d); and
 - 2) A grant or cooperative agreement to a state, local government, Indian tribe or foreign public entity, if funding could be provided under the federal financial assistance award to a private entity as a subrecipient.
- b. The award term that recipients must include, as described in paragraph a of this section for trafficking in persons, is:
 - 1) *Provisions applicable to a recipient that is a private entity.*
 - a) Recipients, the employees, subrecipients under this award, and subrecipients' employees may not—
 1. Engage in severe forms of trafficking in persons during the period of time the award is in effect;
 2. Procure a commercial sex act during the period of time that the award is in effect; or
 3. Use forced labor in the performance of the award or subawards under the award.
 - b) DHS may unilaterally terminate this award, without penalty, if recipients or subrecipients that is a private entity —
 1. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
 2. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—
 - i. Associated with performance under this award; or
 - ii. Imputed to recipients or subrecipients using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by our agency at [agency must insert reference here to its regulatory implementation of the OMB guidelines in 2 C.F.R. Part 180 (e.g., "2 C.F.R. Part XX")].
 - 2) *Provision applicable to recipients other than a private entity.* DHS may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—
 - a) Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
 - b) Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—
 1. Associated with performance under this award; or
 2. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by our agency at [agency must insert reference here to its regulatory implementation of the OMB guidelines in 2 C.F.R. Part 180 (e.g., "2 C.F.R. Part XX")].
 - 3) *Provisions applicable to any recipient.*
 - a) Recipients must inform DHS immediately of any information received from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
 - b) It is DHS's right to terminate unilaterally that is described in paragraph a(2) or (b) of this section:
 1. Implements Section 106(g) of the TVPA, as amended by 22 U.S.C. 7104(g)), and
 2. Is in addition to all other remedies for noncompliance that are available to us under this award.
 - c) Recipients must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

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(Long Format for Reference Purposes Only)

XXXIII. Universal Identifier and System of Award Management

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the Universal Identifier Requirements and SAM located at 2 C.F.R. Part 25, Appendix A, which states, unless recipients are exempted from this requirement under 2 C.F.R. § 25.110, recipients must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term. Requirement for unique entity identifier if recipients are authorized to make subawards under this award, recipients must:

1. Notify potential subrecipients that no entity may receive a subaward from you unless the entity has provided its unique entity identifier to recipients.
2. Not make a subaward to an entity unless the entity has provided its unique entity identifier to recipients.

XXXIV. USA Patriot Act of 2001

Recipients must comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

XXXV. Use of DHS Seal, Logo and Flags

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

XXXVI. Whistleblower Protection Act

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

COOPERATIVE AGREEMENT TERMS AND CONDITIONS
GRANTS AND FINANCIAL ASSISTANCE DIVISION (GFAD)

In addition to the **DHS Standard Terms and Conditions** as outlined here: <http://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions>, the following Terms and Conditions apply specifically to this award as administered by the Grants and Financial Assistance Division (GFAD):

ARTICLE I. GENERAL ADMINISTRATIVE TERMS AND CONDITIONS

A. AWARD SPECIFIC TERMS AND CONDITIONS

PROJECT PHASES

The work for this Project shall be divided into Phases. Successful completion of each Phase is required to progress to the following Phase. DHS obligation to provide funding for each Phase is contingent on satisfactory performance on each previous Phase and the availability of funds. Accordingly, no legal liability on the part of the DHS exists unless or until funds are made available to the grantor and notice of such availability is confirmed by an amended Notice of Award which indicates performance of the research is deemed satisfactory in the judgment of the Program Official. Suggested Phasing for the project are as follows:

Phase I:

Phase I will last 6 Months

During this Phase, selection and testing of potential room temperature CO catalysts will occur. Begin investigation of potential particulate filtration media.

Phase II:

Phase II will last 6 months

During this Phase, the particulate filtration media identified in Phase 1 will be tested, and selection will be finalized. Potential chemical vapor carbons will be tested and a carbon mixture optimized for the chemicals found in wildland fires. Investigation, testing, and selection of technology for the end of service life indicator will also occur.

Phase III:

Phase III will last 6 months

During this Phase, integration of the CO catalyst, particulate filtration, chemical vapor carbon mixture, and end of life service indicator that were selected in Phase 1 and Phase 2 will occur. The form factor for the final filtration device will be developed so that it is comfortable to wear by wildland firefighters for up to 14 hours. Prototype respirators will be manufactured for testing and evaluation by wildland firefighters, including the DHS S&T Operational Field Assessment (OFA).

Public Release of Information by the Recipient – A review and approval request will be submitted to the DHS Program Manager (PM) at William.Deso@HQ.DHS.GOV 15 business days prior to the planned public release of any information (e.g., papers, briefings, posters, other publications) by the recipient. The recipient shall submit the information and release request to the DHS PM for review, comment, and approval.

PERIODIC PERFORMANCE REVIEW MEETINGS AND REPORTING

Periodic Performance Review Meetings. The Recipient will participate in a Periodic Performance Review (PPR) Meetings with the DHS Program Manager. The purpose of the PPR Meetings is to discuss project performance.

1. The discussion will include, but not be limited to, the following:
 - a. Highlights of all work performed during the phase;
 - b. A discussion of the results of the independent laboratory testing conducted during the phase (if applicable) and whether these results indicated successful completion of the goals for the phase.
 - c. Technical progress achieved during the phase against meeting project goals;
 - d. Technical, cost or schedule difficulties encountered, if any;
 - e. Recovery plans (if needed); and
 - f. Explicit plans for the next reporting period and phase.
2. The PPR Meetings will be held according to a mutually agreed schedule determined by DHS and TDA personnel at the onset of the award.
3. Monthly progress reports shall include a summary of past month accomplishments and activities, progress toward meeting milestones and deliverables including percentage complete, planned activities for the next reporting period, and identified risks or issues encountered. Monthly reports shall be delivered to DHS at the end of the reporting month.
4. Requests to change PPR Meeting dates shall be submitted in writing to the DHS PM Program Manager for prior review and approval.

END-OF-PHASE REVIEW

End-of-Phase Performance Review Meeting. The Recipient will participate in an End-of-Phase Performance Review (EOP Review). The purpose of the EOP Review Meeting is to evaluate the Recipient's overall performance. The results of the Review will be the basis for a decision by the DHS about continued funding for the next Phase.

1. The discussion will address:
 - a. Highlights of all work performed during the phase;
 - b. A discussion of the results of the independent laboratory testing conducted during the phase (if applicable) and whether these results indicated successful completion of the goals for the phase;
 - c. Technical progress achieved during the phase against meeting project goals;

- d. Technical, cost or schedule difficulties encountered, if any;
- e. Recovery plans (if needed); and
- f. Explicit plans for the next reporting period and phase.

2. Requests to change End-of-Phase Performance Review Meeting date shall be submitted to the DHS PM for prior review and approval.

PROTOTYPE DEVICES FOR RESPONDER TESTING AND EVALUATION

A minimum of 20 pairs of gloves/inserts will be provided for testing and evaluation.

OTHER REPORTS

In addition to the Financial and Performance Reports and the Monthly Project Status Reports, there are additional Technical reports below which are due to DHS upon award of the cooperative agreement:

1. Project Management Plan – due 30 days post-award;
2. Quad Chart – due 30 days post-award;
3. One Page Project Summary/Information Sheet – due 30 days post-award;
4. Transition (or Commercialization) Plan – due 90 days before the end of the project's period of performance.
5. Project Charter - due 30 days post-award
6. Minutes of Meetings – Due within five days of the meeting

RESEARCH SAFETY PLAN

DHS research addresses issues of importance to intelligence and counter-terrorism agencies, law enforcement, or emergency responders, all of which involve inherent risks. To ensure that researchers and research facilities funded through this Award meet the highest safety standards possible, DHS requires implementation of a Research Safety Plan. The Recipient shall review the Research Safety Plan at least annually and identify or update, as necessary, any new areas of research or sub-recipients conducting research activities under this plan. This review will also ensure that all sub-recipients conducting research covered by this plan have developed and implemented appropriate safety plans and periodic safety training in accordance with their institutional policies and procedures. Recipient will submit any updates to the Research Safety Plan to the DHS Program Manager for review and comment.

- a.. The Research Safety Plan must include, at a minimum, the following:
 - i. Identification of possible research hazards associated with the types of research to be conducted under this Award;
 - ii. Research protocols or practices that conform to generally accepted safety principles applicable to the nature of the research;
 - iii. The Recipient's processes and procedures to ensure compliance with the applicable protocols and standards;
 - iv. The Recipient's processes and procedures to ensure the prevention of unauthorized activities conducted in association with this Award;
 - v. Faculty oversight of student researchers;

- vi. Research safety education and training to develop a culture of safety;
- vii. Access control, where applicable;
- viii. Independent review by subject matter experts of the safety protocols and practices; and
- ix. Demonstrated adherence to all safety-related terms and conditions contained elsewhere in this Award.

b. Flowdown Requirements: The Recipient shall include the substance of this section in all sub-awards/contracts at any tier where the sub-Recipient may conduct research where safety protocols are necessary to conduct safe research.

B. DHS PROGRAMMATIC INVOLVEMENT

The DHS Program Manager (PM) will:

- Provide technical guidance and direction in the form of emails and teleconferences.
- Coordinate discussions as required with the S&T First Responders Group's (FRG) First Responder Resource Group (FRRG) for responder input on program requirements.
- Review and comment within 15 business days of submission to S&T on any information (e.g., papers, briefings, posters) to be publicly released by the awardee.
- Participate in a monthly face-to-face or teleconference to discuss the Monthly Project Status Report with the Recipient's Project Team.
- Kickoff Meeting: A Kickoff meeting will be held within the first four (4) weeks after the program starts. The Kickoff meeting will take place at DHS S&T headquarters in Washington, DC, at the Recipient's facility, or via teleconference. The Kickoff meeting will be comprehensive in nature and the following information will be discussed:
 - a. Introduction of the Recipient's Project Team;
 - b. Program technical goals;
 - c. Technical Approach for the Phases of the Project;
 - d. Metrics / testing that will be used to measure progress against Phase and Project goals;
 - e. Potential technical risks and mitigation strategies;
 - f. Target price to firefighters for the technology that is developed under this effort.
- End of Phase Meetings: Participate in end of phase reviews for each project Phase to discuss the work that was conducted during the Phase and plans for the next Phase of the Program. The main purpose of this review is to evaluate the progress of the awardee in meeting the overall performance goals, and resolving any key technical risks necessary to continue the program. The end of phase review will be the basis for determining continued funding for the follow-on phase. The review shall include the following, where appropriate:
 - a. Review of the ending phase's activity;
 - b. Technical progress achieved against goals;
 - c. Difficulties encountered and recovery actions;
 - d. An overview of all funds expended by task to date;
 - e. Scope of work for the proposed following phase;
 - f. Schedule and cost breakdown for the proposed following phase; and
 - g. Lessons learned and their impact on future R&D efforts for this Program.

The Recipient is required to maintain close and regular contact with the program office which includes submission of Monthly Project Status Reports (due at the end of the month), monthly conference calls to discuss the Monthly Project Status Report, and status updates from all sub-contractors to this effort. The monthly discussions and/or correspondence will update the DHS Program Manager on each aspect of the effort and current funding levels and expenditures. In order to facilitate the timely exchange of information, the Recipient will also provide the FRG Program Manager with Primary and Secondary Points of Contacts, e- mail addresses, office telephone numbers, and mobile telephone numbers.

C. AMENDMENTS AND REVISIONS

1. Budget Revisions

- a. Transfers of funds between direct cost categories in the approved budget when such cumulative transfers among those direct cost categories exceed ten percent of the total budget approved in this Award require prior written approval by the DHS Grants Officer.
- b. The Recipient shall obtain prior written approval from the DHS Grants Officer for any budget revision that would result in the need for additional resources/funds.
- c. The Recipient is not authorized at any time to transfer amounts budgeted for direct costs to the indirect costs line item or vice versa, without prior written approval of the DHS Grants Officer.

2. Extension Request

- a. Extensions to the Period of Performance can only be authorized in writing by the DHS Grants Officer.
- b. The extension request shall be submitted to the DHS Grants Officer sixty (60) days prior to the expiration date of the performance period.
- c. Requests for time extensions to the Period of Performance will be considered, but will not be granted automatically, and must be supported by adequate justification to be processed. The justification is a written explanation of the reason or reasons for the delay; an outline of remaining resources/funds available to support the extended Period of Performance; and a description of performance measures necessary to complete the project. Without performance and financial status reports current and justification submitted, extension requests shall not be processed.
- d. DHS has no obligation to provide additional resources/funding as a result of an extension.

D. EQUIPMENT

- 1. Title to equipment acquired by the Recipient with Federal funds provided under this Award shall vest in the Recipient, subject to the conditions pertaining to equipment in the 2 C.F.R. Part 200.

2. Prior to the purchase of Equipment in the amount of \$5,000 or more per unit cost, the recipient must obtain the written approval from DHS.

3. For equipment purchased with Award funds having a \$5,000 or more per unit cost, the Recipient shall submit an inventory that will include a description of the property; manufacturer model number, serial number or other identification number; the source of property; name on title; acquisition date; and cost of the unit; the address of use; operational condition of the property; and, disposition data, if applicable. This report will be due with the Final Progress Report 90 days after the expiration of the Project Period, and may be emailed to DHS-GrantReports@hq.dhs.gov.

E. FINANCIAL REPORTS

1. Quarterly Federal Financial Reports – the Recipient shall submit a Federal Financial Report (SF425) to the DHS Grants Officer no later than 30 days after the end of the reporting period end date. Reports are due on January 30, April 30, July 30, and October 30. The report shall be emailed to DHS-GrantReports@hq.dhs.gov and include the grant program name and number in the subject line.

2. Final Federal Financial Report – the Recipient shall submit the final Federal Financial Report (SF425) to the DHS Grants Officer no later than 90 days after the end of the Project Period end date. The report shall be emailed to DHS-GrantReports@hq.dhs.gov and include the grant program name and number in the subject line.

3. Quarterly Federal Financial Reports (Cash Transaction) – the Recipient shall submit the Federal Financial Report (SF425) Cash Transaction Report to the Department of Health and Human Services, Payment Management System. Quarterly Cash Transaction reports shall be submitted no later than 1/30, 4/30, 7/30, and 10/30.

F. PAYMENT

The Recipient shall be paid in advance using the U.S. Department of Health and Human Services/Payment Management System, provided it maintains or demonstrates the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of the funds from the DHS and expenditure disbursement by the Recipient. When these requirements are not met, the Recipient will be required to be on a reimbursement for costs incurred method.

Any overpayment of funds must be coordinated with the U.S. Department of Health and Human Services/Payment Management System.

G. PERFORMANCE REPORTS

1. Annually Performance Reports – the Recipient shall submit performance reports to the DHS Grants Officer no later than 30 days after the end of the reporting period end date. Reports are due on 4/9/2019. The report shall be emailed to DHS-GrantReports@hq.dhs.gov and include the grant program name and number in the subject line

a. Performance reports must provide information on the overall progress by quarter. These reports shall include:

- * A comparison of actual accomplishments with the goals and objectives established for the period.
- * Reasons why established objectives were not met, if applicable.
- * Other pertinent information including, when appropriate, analysis and explanation of cost overruns.

b. If the performance report contains any information that is deemed proprietary, the Recipient will denote the beginning and ending of such information with asterisks (*****)

c. For submission of this information, complete the Performance Progress Report (PPR) found at: <http://www.fema.gov/media-library/assets/documents/29485> OMB #0970-0334.

2. Final Performance Report – the Recipient shall submit the Final Performance Report to the DHS Grants Officer no later than 90 days after the expiration of the Project Period. The report Final Performance Report shall be emailed to DHS-GrantReports@hq.dhs.gov and include the grant program name and number in the subject line.

For submission of this information, complete the Performance Progress Report (PPR) found at: <http://www.fema.gov/media-library/assets/documents/29485> OMB #0970-0334.

H. PERIOD OF PERFORMANCE

The approved Project and Budget Periods for the supported activity is contingent on the following:

1. Acceptable performance of the project as determined by the Department of Homeland Security (DHS);
2. If applicable, acceptance and approval of each non-competing continuation application by the DHS;
3. Subject to the availability of annual DHS appropriated funds.

I. PRIOR APPROVAL REQUIRED

The Recipient shall not, without the prior written approval of the DHS, request reimbursement, incur costs or obligate funds for any purpose pertaining to the operation of the project, program, or activities prior to the approved Budget Period.

ARTICLE II. GENERAL TERMS AND CONDITIONS

A. ACCESS TO RECORDS.

The Recipient shall retain financial records, supporting documents, statistical records, and all other records pertinent to this Award for a period of three years from the date of submission of the final expenditure report. The only exceptions to the aforementioned record retention requirements are the following:

1. If any litigation, dispute, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation, dispute or audit findings involving the records have been resolved and final action taken.

2. Records for real property and equipment acquired with Federal funds shall be retained for three (3) years after final disposition.

3. The DHS Grants Officer may direct the Recipient to transfer certain records to DHS custody when he or she determines that the records possess long term retention value. However, in order to avoid duplicate recordkeeping, the DHS Grants Officer may make arrangements for the Recipient to retain any records that are continuously needed for joint use.

DHS, the Inspector General, Comptroller General of the United States, or any of their duly authorized representatives, have the right of timely and unrestricted access to any books, documents, papers, or other records of the Recipient that are pertinent to this Award, in order to make audits, examinations, excerpts, transcripts and copies of such documents. This right also includes timely and reasonable access to Recipient's personnel for the purpose of interview and discussion related to such documents. The rights of access in this award term are not limited to the required retention period, but shall last as long as records are retained.

With respect to sub-recipients, DHS shall retain the right to conduct a financial review, require an audit, or otherwise ensure adequate accountability of organizations expending DHS funds. Recipient agrees to include in any sub-award made under this Agreement the requirements of this award term (Access to Records).

B. COMPLIANCE ASSURANCE PROGRAM OFFICE TERMS AND CONDITIONS

The Compliance Assurance Program Office (CAPO) is comprised of the DHS Treaty Compliance Office (TCO), Export Control Group (ECG), and the DHS Regulatory Compliance Office (RCO). The Compliance Assurance Program Manager (CAPM) is the DHS official responsible for overseeing CAPO and implementing procedures to ensure that the Recipient and any Recipient institutions/collaborators under this Award comply with international treaties, federal regulations, and DHS policies for Arms Control Agreements, Biosafety, Select Agent and Toxin Security, Animal Care and Use, the Protection of Human Subjects, Life Sciences Dual Use Research of Concern, and Export Controls.

CAPO collects and reviews relevant documentation pertaining to this Award on behalf of the Compliance Assurance Program Manager. Additional guidance regarding the review process is provided in the following sections, along with contact information for the TCO, RCO, and ECG. This guidance applies to the Recipient and any/all Recipient institutions involved in the performance of work under this Award. The Recipient is responsible for ensuring that any/all Recipient institutions and collaborators comply with all requirements and submit relevant documentation, as outlined in sections C – G below, for work being performed under this Award.

C. TREATY COMPLIANCE FOR BIOLOGICAL AND CHEMICAL DEFENSE EFFORTS

The Recipient and any Recipient institution shall conduct all biological and chemical defense research, development, and acquisition projects in compliance with all arms control agreements of the U.S., including the Chemical Weapons Convention (CWC) and the Biological Weapons Convention (BWC). DHS Directive 041-01, *Compliance With, and Implementation of, Arms Control Agreements*, requires all such projects to be systematically evaluated for compliance at inception, prior to funding approval, whenever there is significant project change, and whenever in the course of project execution an issue potentially raises a compliance concern.

1. Requirements for Initial Treaty Compliance Review. To ensure compliance with DHS Directive 041-01, for each new biological and/or chemical defense-related effort (including paper and modeling studies) to be conducted under this Award, **the Recipient must submit the following documentation for compliance review and certification prior to funding approval:** a completed Treaty Compliance Form (TCF), which includes a Project Summary; a BWC Checklist; and/or a CWC Checklist.

2. Requirements for Ongoing Treaty Compliance Review. To ensure ongoing treaty compliance for approved biological and/or chemical defense-related efforts funded through this Award, **the Recipient must submit the following documentation for review and approval prior to any significant project change and/or whenever in the course of project execution an issue potentially raises a compliance concern:** a detailed description of the proposed modification, and written request for approval.

The Recipient should contact the Treaty Compliance Office (TCO) at treatycompliance@hq.dhs.gov to obtain the TCF template, submit the completed Form, or request additional guidance regarding TCO documentation and review requirements, as applicable to (1) new biological and/or chemical defense-related efforts, or (2) modifications to previously approved efforts. The TCO will review all submitted materials and provide written confirmation of approval to initiate work to the Recipient once the treaty compliance certification process is complete. **The Recipient and any Recipient institution shall not initiate any new activities, or execute modifications to approved activities, until receipt of this written confirmation.**

D. REGULATORY COMPLIANCE FOR BIOLOGICAL LABORATORY WORK

The Recipient and any Recipient institution shall conduct all biological laboratory work in compliance with applicable federal regulations; the latest edition of the CDC/NIH Biosafety in Microbiological and Biomedical Laboratories; DHS Directive 066-02, Biosafety; and any local institutional policies that may apply for Recipient institution facilities performing work under this Award. The Regulatory Compliance Office (RCO) will review the submitted Treaty Compliance Form (TCF) for planned work under this Award to determine the applicability of the requirements outlined in this section. **The Recipient must contact the RCO at STregulatorycompliance@hq.dhs.gov for guidance on the requirements, and then submit all required documentation based on RCO guidance, prior to the initiation of any biological laboratory work under this Award.**

1. Requirements for All Biological Laboratory Work. Biological laboratory work includes laboratory activities involving: (1) recombinant DNA or 'rDNA'; (2) Biological Select Agents and Toxins or 'BSAT'; or (3) biological agents, toxins, or other biological materials that are non-rDNA and non-BSAT. **Each Recipient and any Recipient institution to be conducting biological laboratory work under this Award must submit copies of the following documentation, as required by the RCO after review of the TCF(s), for review prior to the initiation of such work:**

- a. Research protocol(s), research or project plan(s), or other detailed description of the biological laboratory work to be conducted;
- b. Documentation of project-specific biosafety review for biological laboratory work subject to such review in accordance with institutional policy;
- c. Institutional or laboratory biosafety manual (may be a related plan or program manual) for each facility/laboratory to be involved in the biological laboratory work;
- d. Biosafety training program description (should be provided as available in existing policies, plans, and/or manuals for all relevant facilities/laboratories where work is conducted);
- e. Documentation of the most recent safety/biosafety inspection(s) for each facility/laboratory where the biological laboratory work will be conducted;
- f. Exposure Control Plan, as applicable;
- g. Documentation from the most recent Occupational Safety and Health Administration (OSHA) or State Occupational Safety and Health Agency inspection report; a copy of the OSHA Form 300 Summary of Work Related Injuries and Illnesses or equivalent, for the most recent calendar year; and documentation of any OSHA citations or notices of violation received in the past five years; and
- h. Documentation from the most recent U.S. Department of Transportation (DOT) inspection report; and documentation of any DOT citations or notices of violation received in the past five years.

2. Requirements for Research Involving Recombinant DNA (rDNA). Laboratory activities involving rDNA research are defined by the NIH Guidelines for Research Involving Recombinant DNA Molecules, "NIH Guidelines". Each Recipient and any Recipient institution shall conduct all rDNA work in compliance with the NIH Guidelines. In addition to the documentation referenced in Section B.1 above, **each facility conducting research activities involving rDNA under this Award must submit copies of the following documentation to the RCO for review prior to the initiation of such activities:**

- a. Institutional Biosafety Committee (IBC) Charter, and/or other available documentation of IBC policies and procedures;
- b. Most recent Office of Biotechnology Activities (OBA) acknowledgement letter of the annual IBC Report;
- c. IBC-approved rDNA research protocol(s); and
- d. Documentation of final IBC approval for each rDNA research protocol and all subsequent renewals and amendments as they occur.

3. Requirements for Activities Involving Biological Select Agents and Toxins (BSAT). **Planned activities involving the possession transfer, and/or use of BSAT must be reviewed by the RCO prior to initiation.** This requirement also applies to activities involving select toxins that fall below the Permissible Toxin Limits, both at facilities registered with the National Select Agent Program and at unregistered facilities. Each Recipient and any Recipient institution shall conduct all BSAT work in compliance with all applicable regulations, including 42 C.F.R. § 73, 7 C.F.R. § 331, and 9 C.F.R. § 121, related entity- and laboratory-specific policies and procedures, and DHS Directive 026-03, *Select Agent and Toxin Security*. **In addition to the documentation referenced in Section B.1 above, each facility conducting activities involving BSAT under this Award must submit copies of the following documentation to the RCO for review prior to the initiation of such activities:**

- a. Current APHIS/CDC Certificate of Registration;
- b. Most recent APHIS/CDC inspection report(s), response(s), and attachment(s);
- c. Current versions of the Biosafety, Security, and Incident Response Plans required and reviewed under the Select Agent Regulations; and
- d. Documentation of the most recent annual BSAT facility inspection, as required of the Responsible Official under the Select Agent Regulations.

The Recipient should contact the RCO at STregulatorycompliance@hq.dhs.gov to obtain the RCO Documentation Request Checklist, submit documentation, or request more information regarding the DHS RCO documentation and compliance review requirements. The RCO will provide written confirmation of receipt of all required documentation to the designated Point(s) of Contact. The RCO will evaluate the submitted materials, along with available documentation from any previous reviews for related work at the Recipient and Recipient institution. Additional documentation may be required in some cases and must be submitted upon request. The RCO will review all submitted materials and provide written confirmation to the Recipient once all requirements have been met.

RCO review of submitted materials may determine the need for further compliance review requirements, which may include documentation-based and on-site components. The Recipient, and any Recipient institutions conducting biological laboratory work under this Award, must also comply with ongoing RCO compliance assurance and review requirements, which may include but are not limited to initial and periodic documentation requests, program reviews, site visits, and facility inspections.

The Recipient must promptly report the following to the RCO, along with any corrective actions taken: (1) any serious or continuing biosafety or BSAT program issues as identified by the APHIS/CDC National Select Agent Program, other compliance oversight authorities, or institutional-level reviews (e.g., IBC or equivalent, laboratory safety/biosafety inspections); (2) any suspension or revocation of the APHIS/CDC Certificate of Registration; and (3) any for-cause suspension or termination of biological, rDNA, or BSAT activities at the laboratories/facilities where DHS-sponsored work is conducted.

Foreign Contractors/Collaborators and U.S. Institutions with Foreign Subcomponents. Foreign organizations (including direct Contractors, Subcontractors, Grant Recipients, Sub-recipients, and subcomponents or collaborating partners to U.S. Recipients) are subject to applicable DHS requirements for biological laboratory activities. All entities involved in activities under this Award must comply with applicable national and regional/local regulations, and standards and guidelines equivalent to those described for U.S. institutions (e.g., BMBL and NIH Guidelines). The Recipient must provide RCO documentation sufficient to illustrate this compliance. The RCO will evaluate compliance measures for these institutions on a case-by-case basis. The Recipient must not initiate work nor provide funds for the conduct of biological laboratory work under this Award without RCO's formal written approval.

E. RESEARCH INVOLVING ANIMALS

The Recipient and any Recipient institution shall conduct all research involving animals under this Award in compliance with the requirements set forth in the Animal Welfare Act of 1966 (P.L. 89-544), as amended, and the associated regulations in 9 C.F.R., Chapter 1, Subchapter A; the Public Health Service (PHS) Policy on Humane Care and Use of Laboratory Animals (which adopts the "U.S. Government Principles for the Utilization and Care of Vertebrate Animals used in Testing, Research, and Training", 50 FR 20864, May 20, 1985); the National Research Council (NRC) Guide for the Care and Use of Laboratory Animals; the Federation of Animal Science Societies (FASS) Guide for the Care and Use of Agricultural Animals in Agricultural Research and Teaching; and any additional requirements set forth in the DHS Directive for the Care and Use of Animals in Research (026-01). Each Recipient and any Recipient institution planning to perform research involving animals under this Award must comply with the requirements and submit the documentation outlined in this section.

1. Requirements for Initial Review of Research Involving Animals. Research Involving Animals includes any research, experimentation, biological testing, and other related activities involving live, vertebrate animals, including any training for such activities. Each facility conducting research involving animals under this Award must submit copies of the following documentation to the RCO for review **prior to the initiation of such research:**

- a. Institutional Animal Care and Use Committee (IACUC)-approved animal research protocol(s), including documentation of IACUC approval, any protocol amendments, and related approval notifications;
- b. Public Health Service (PHS) Animal Welfare Assurance, including any programmatic amendments, and the most recent NIH Office of Laboratory Animal Welfare (OLAW) approval letter for each Recipient and Recipient institution; OR DHS Animal Welfare Assurance, if the Recipient is not funded by the PHS and does not have a PHS Assurance on file with OLAW. Any affiliated IACUCs must be established under the same requirements as set forth in the PHS Policy;
- c. Most recent IACUC semiannual program review and facility inspection reports covering all relevant facilities/laboratories involved in DHS-funded work; and
- d. Most recent Association for Assessment and Accreditation of Laboratory Animal Care (AAALAC) inspection report(s) for AAALAC-accredited institution(s) housing and/or performing work involving animals under this Award.

All documentation, as well as any questions or concerns regarding the requirements referenced above, should be submitted to the RCO at STregulatorycompliance@hq.dhs.gov. Additional documentation may be required in some cases and must be submitted upon request. The RCO will review all submitted materials and provide written confirmation to the Recipient once all documentation requirements have been met. Upon receipt of this written confirmation, the Recipient may initiate approved animal research projects under this Award, but must address any potential compliance issues or concerns identified by the RCO. **Research involving the use of nonhuman primates or international collaborations involving animal research will require more extensive review prior to approval, and must not begin under this Award without first obtaining a formal certification letter from the RCO.**

The Recipient, as well as any Recipient institution and partner institutions conducting animal research under this Award, shall also comply with ongoing RCO compliance assurance functions, which may include but are not limited to periodic site visits, program reviews, and facility inspections.

2. Requirements for Ongoing Review of Research Involving Animals. For ongoing animal research activities, each Recipient and any Recipient institutions must submit updates to the RCO regarding any amendments or changes to (including expiration, renewal, or completion of) ongoing animal protocols as they occur, and may be required to submit annual updates regarding the ACU program at Recipient and Recipient institutions. Annual updates may include, but are not limited to, the IACUC semiannual (program review and facility inspection) reports, the USDA inspection report, and the most recent AAALAC inspection report, as applicable.

The Recipient must promptly report the following to the RCO, along with any corrective actions taken: (1) any serious or continuing noncompliance with animal care and use regulations and policies adopted by DHS (as referenced above); (2) any change in AAALAC accreditation status; (3) any USDA Notice of Violation; and (4) IACUC suspension of any animal research activity conducted under this Award.

Foreign Contractors/Collaborators and U.S. Institutions with Foreign Subcomponents. Foreign organizations (including direct Contractors, Subcontractors, Grant Recipients, Sub-recipients, and subcomponents or collaborating partners to U.S. Recipients) are subject to all DHS requirements for work involving animals. All entities involved in activities under this Award must comply with applicable national and regional/local regulations, and standards and guidelines equivalent to those described for U.S. institutions (e.g., Title 9, C.F.R, Chapter 1, Subchapter A; *Public Health Service Policy on Humane Care and Use of Laboratory Animals*; *the Guide for the Care and Use of Laboratory Animals*; and *the Guide for the Care and Use of Agricultural Animals in Agricultural Research and Teaching*). The Recipient must provide RCO documentation sufficient to illustrate this compliance. The RCO will evaluate compliance measures for these institutions on a case-by-case basis to determine their sufficiency. The Recipient must not initiate nor provide funds for the conduct of work involving animals at foreign institutions under this Award without formal written approval from the RCO.

F. LIFE SCIENCES DUAL USE RESEARCH OF CONCERN (DURC)

The Recipient and any Recipient institutions shall identify, report, and conduct any research involving life sciences dual use research of concern (as defined by the United States Government Policy for Oversight of Life Sciences Dual Use Research of Concern) in compliance with federal regulations, DHS Directive 026-08, *Oversight of Life Sciences Dual Use Research of Concern*, as well as any additional requirements set forth in related DHS policies and instructions.

G. RESEARCH INVOLVING HUMAN SUBJECTS

The Recipient and any Recipient institutions shall conduct all Research Involving Human Subjects in compliance with the requirements set forth in 45 C.F.R. § 46, Subparts A-D, DHS Directive 026-04, *Protection of Human Subjects*, and any related DHS policies and instructions prior to initiating any work with human subjects under this Award. Each Recipient and any Recipient institutions planning to perform research involving human subjects under this Award must submit the documentation outlined in this section for RCO review.

1. Requirements for Research Involving Human Subjects. Each facility conducting work involving human subjects under this Award is required to have a project-specific Certification of Compliance letter issued by the RCO. Each Recipient must submit the following documentation to the RCO for compliance review and certification **prior to initiating research involving human subjects under this Award**:

- a. Research protocol, as approved by an Institutional Review Board (IRB), for any human subjects research work to be conducted under this Award;
- b. IRB approval letter or notification of exemption (see additional information below on exemption determinations), for any human subjects research work to be conducted under this Award;
- c. IRB-approved informed consent document(s) (templates) or IRB waiver of informed consent for projects involving human subjects research under this Award; and
- d. Federal-wide Assurance (FWA) number from the HHS Office for Human Research Protections (OHRP), or documentation of other relevant assurance, for all Recipient institutions (including Sub-recipients) involved in human subjects research under this Award.

2. Exemptions for Research Involving Human Subjects. Exemption determinations for human subject research to be conducted under this Award should only be made by authorized representatives of (1) an OHRP-registered IRB, or equivalent, or (2) the RCO. Exemption determinations made by an OHRP-registered IRB, or equivalent, should be submitted to the RCO for review and record-keeping. Program managers, principal investigators, research staff, and other DHS or institutional personnel should not independently make exemption determinations in the absence of an IRB or RCO review. DHS program managers (or institutions conducting human subjects' research under this Award) seeking an exemption determination from the RCO should submit a request to STregulatorycompliance@hq.dhs.gov that includes the following:

- a. Research protocol or detailed description of planned activities to be conducted under this Award.
- b. Identification of the exemption category that applies to the project(s) to be conducted under this Award and explanation of why the proposed research meets the requirements for that category of exemption.

All documentation, as well as any questions or concerns regarding the requirements referenced above, should be submitted to the RCO at STregulatorycompliance@hq.dhs.gov. The submitted documentation will be retained by the RCO and used to conduct a regulatory compliance assessment. Additional documentation may be required in some cases to complete this assessment. The Recipient must provide this documentation upon request, and address in writing any compliance issues or concerns raised by the RCO before a certification letter is issued and participant enrollment can begin under this Award. The RCO will review all submitted materials and provide written confirmation to the Recipient once all documentation requirements have been met.

The Recipient and any Recipient institution shall submit updated documentation regarding ongoing research involving human subjects, as available and **prior to the expiration of previous approvals**. Such documentation includes protocol modifications, IRB renewals for ongoing research protocols (“Continuing Reviews”), and notifications of study completion.

The Recipient must promptly report the following to the RCO, along with any corrective actions taken: (1) any serious or continuing noncompliance with human subjects research regulations and policies adopted by DHS (as referenced above); and (2) suspension, termination, or revocation of IRB approval of any human subjects research activities conducted under this Award.

Foreign Contractors/Collaborators and U.S. Institutions with Foreign Subcomponents. Foreign organizations (including direct Contractors, Subcontractors, Grant Recipients, Sub-recipients, and subcomponents or collaborating partners to U.S. Recipients) are subject to all DHS and RCO requirements for research involving human subjects. All entities involved in activities under this Award must comply with applicable national and regional/local regulations, and standards and guidelines equivalent to those described for U.S. institutions (e.g., 45 C.F.R. § 46, including all Subparts, as relevant). The RCO will evaluate compliance measures for these institutions on a case-by-case basis to determine their sufficiency. The Recipient must not initiate nor provide funds for the conduct of work involving human subjects at foreign institutions under this Contract without formal written approval from the RCO.

H. COMPLIANCE WITH U.S. EXPORT CONTROLS

Activities performed by the Recipient and any Recipient institution under this Award may or may not be subject to U.S. export control regulations. The Recipient and any Recipient institution shall conduct all such activities, to include any and all DHS-funded research and development, acquisitions, and collaborations in full compliance with U.S. export controls—to include the Export Administration Regulations (EAR), the International Traffic in Arms Regulations (ITAR), and the Office of Foreign Assets Control (OFAC) Regulations. The Recipient and any Recipient institution will ensure that all legal requirements for compliance with U.S. export controls are met prior to transferring commodities, technologies, technical data, or other controlled information to a non-U.S. person or entity. Upon DHS request, the Recipient and any Recipient institution must provide to CAPO documentation and any other information necessary to determine satisfaction of this requirement.

All documentation, as well as any questions or concerns regarding export controls, should be submitted to the RCO at exportcontrols@hq.dhs.gov.

I. CONTROLLED UNCLASSIFIED INFORMATION

The parties understand that information and materials provided pursuant to or resulting from this Award may be export controlled, sensitive, for official use only, or otherwise protected by law, executive order or regulation. The Recipient is responsible for compliance with all applicable laws and regulations. Nothing in this Award shall be construed to permit any disclosure in violation of those restrictions.

J. PATENT RIGHTS AND DATA RIGHTS

Patent rights.

The Recipient is subject to applicable regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce at 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements." The clause at 37 CFR 401.14 is incorporated by reference herein. All reports of subject inventions made under this Award should be submitted to DHS using the Interagency Edison system website at <http://@hq.dhs.gov>.

Data rights.

1. General Requirements. The Recipient grants the Government a royalty free, nonexclusive and irrevocable license to reproduce, display, distribute copies, perform, disseminate, or prepare derivative works, and to authorize others to do so, for Government purposes in:

- a. Any data that is first produced under this Award and provided to the Government;
- b. Any data owned by third parties that is incorporated in data provided to the Government under this Award; or
- c. Any data requested in paragraph 2 below, if incorporated in the Award.

"Data" means recorded information, regardless of form or the media on which it may be recorded.

2. Additional requirement for this Award.

- a. Requirement: If the Government believes that it needs additional research data that was produced under this Award, the Government may request the research data and the Recipient agrees to provide the research data within a reasonable time.
- b. Applicability: The requirement in paragraph 2.a of this section applies to any research data that are:
 - i. Produced under this Award, either as a Recipient or sub-recipient;
 - ii. Used by the Government in developing an agency action that has the force and effect of law; and
 - iii. Published, which occurs either when:

- 1) The research data is published in a peer-reviewed scientific or technical journal; or

2) DHS publicly and officially cites the research data in support of an agency action that has the force and effect of law

c. Definition of “research data:” For the purposes of this section, “research data:”

i. Means the recorded factual material (excluding physical objects, such as laboratory samples) commonly accepted in the scientific community as necessary to validate research findings.

ii. Excludes:

- 1) Preliminary analyses;
- 2) Drafts of scientific papers;
- 3) Plans for future research;
- 4) Peer reviews;
- 5) Communications with colleagues;
- 6) Trade secrets;
- 7) Commercial information;
- 8) Materials necessary that a researcher must hold confidential until they are published, or similar information which is protected under law; and
- 9) Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.

d. Requirements for sub-awards: The Recipient agrees to include in any sub-award made under this Agreement the requirements of this award term (Patent Rights and Data Rights) and the **DHS Standard Terms and Conditions** award term (Copyright).

K. PROGRAM INCOME

Post-award program income:

In the event program income becomes available to the recipient post-award, it is the recipient’s responsibility to notify the DHS Grants Officer to explain how that development occurred, as part of their request for guidance and/or approval. The Grant Officer will review approval requests for program income on a case-by-case basis; approval is not automatic. Consistent with the policy and processes outlined in §200.307, pertinent guidance and options, as determined by the type of recipient and circumstances involved, may be approved by the Grant Officer.

If approval is granted, an award modification will be issued with an explanatory note in the remarks section of the face page, concerning guidance and/or options pertaining to the recipient’s approved request. All instances of program income shall be listed in the progress and financial reports.

L. PUBLICATIONS

1. All publications produced as a result of this funding which are submitted for publication in any magazine, journal, or trade paper shall carry the following:

a. Acknowledgement. “This material is based upon work supported by the U.S. Department of Homeland Security under your Grant Award Number.

b. Disclaimer. “The views and conclusions contained in this document are those of the authors and should not be interpreted as necessarily representing the official policies, either expressed or implied, of the U.S. Department of Homeland Security.”

Recipient agrees to include in any sub-award made under this Agreement the requirements of this award term (Publications).

2. Enhancing Public Access to Publications. “DHS Policy explicitly recognizes and upholds the principles of copyright. Authors and journals can continue to assert copyright in DHS-funded scientific publications, in accordance with current practice. The policy encourages authors to exercise their right to give DHS a copy of their final manuscript or software before publication. While individual copyright arrangements can take many forms, DHS encourages investigators to sign agreements that specifically allow the manuscript or software to be deposited with DHS for public posting or use after journal publication. Institutions and investigators may wish to develop particular contract terms in consultation with their own legal counsel, as appropriate. But, as an example, the kind of language that an author or institution might add to a copyright agreement includes the following: “Journal (or Software recipient) acknowledges that the Author retains the right to provide a final copy of the final manuscript or software application to DHS upon acceptance for Journal publication or thereafter, for public access purposes through DHS’s websites or for public archiving purposes.”

M. SITE VISITS

The DHS, through authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required. If any site visit is made by the DHS on the premises of the Recipient, or a contractor under this Award, the Recipient shall provide and shall require its contractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All site visits and evaluations shall be performed in such a manner that will not unduly delay the work.

N. TERMINATION

Either the Recipient or the DHS may terminate this Award by giving written notice to the other party at least thirty (30) calendar days prior to the effective date of the termination. All notices are to be transmitted to the DHS Grants Officer via registered or certified mail, return receipt requested. The Recipient’s authority to incur new costs will be terminated upon arrival of the date of receipt of the letter or the date set forth in the notice. Any costs incurred up to the earlier of the date of the receipt of the notice or the date of termination set forth in the notice will be negotiated for final payment. Closeout of this Award will be commenced and processed pursuant to §200.339.

O. TRAVEL

Travel required in the performance of the duties approved in this Award must comply with §200.474.

Foreign travel must be approved by DHS in advance and in writing. Requests for foreign travel identifying the traveler, the purpose, the destination, and the estimated travel costs must be submitted to the DHS Grants Officer 60 days prior to the commencement of travel.

P. CLASSIFIED SECURITY CONDITION

1. "Classified national security information," as defined in Executive Order (EO) 12958, as amended, means information that has been determined pursuant to EO 12958 or any predecessor order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.
2. No funding under this award shall be used to support a contract, sub-award, or other agreement for goods or services that will include access to classified national security information if the award recipient itself has not been approved for and has access to such information.
3. Where an award recipient has been approved for and has access to classified national security information, no funding under this award shall be used to support a contract, sub-award, or other agreement for goods or services that will include access to classified national security information by the contractor, sub-awardee or other entity without prior written approval from the DHS Office of Security, Industrial Security Program Branch (ISPB), or, an appropriate official within the Federal department or agency with whom the classified effort will be performed.
4. Such contracts, sub-awards, or other agreements shall be processed and administered in accordance with the DHS "*Standard Operating Procedures, Classified Contracting by State and Local Entities*," dated July 7, 2008; EOs 12829, 12958, 12968, as amended; the *National Industrial Security Program Operating Manual* (NISPOM); and/or other applicable implementing directives or instructions.
5. Immediately upon determination by the award recipient that funding under this award will be used to support such a contract, sub-award, or other agreement, and prior to execution of any actions to facilitate the acquisition of such a contract, sub-award, or other agreement, the award recipient shall contact ISPB, or the applicable Federal department or agency, for approval and processing instructions.

DHS Office of Security ISPB contact information:

Telephone: [REDACTED]

Email: [REDACTED]

Mail: Department of Homeland Security
Office of the Chief Security Officer
ATTN: ASD/Industrial Security Program Branch
Washington, D.C. 20528

Q. GOVERNING PROVISIONS

The following are incorporated into this Award by this reference:

- | | |
|-------------------|--|
| 31 CFR 205 | Rules and Procedures for Funds Transfers |
| 2 C.F.R. Part 200 | Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards |

Application

Grant Application and Assurances dated
"January 5, 2018, as revised
no revision required

R. ORDER OF PRECEDENCE

1. 2 C.F.R. Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards."
2. The terms and conditions of this Award
3. The Funding Opportunity, DHS-ST-18-108-FR02, Protective Equipment for Responders
4. Application and Assurances dated January 5, 2018, as revised no revision required