

**Discussion
New Terms and Conditions
to be added to the
NSF Cooperative Agreement Modifications and
Supplemental Financial & Administrative Terms and
Conditions for Major Multi-User Research Facility Projects
and Federally Funded Research and Development Centers**

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Budget, Finance and Award Management

Purpose of this Discussion

To brief proposed changes to the CA-FATC Supplemental for Major Facility and FFRDC, which will go into effect in early 2024.

We are interested in the community's feedback on implementation of these new terms and to raise awareness on what is coming.

Recipients receiving O&M awards in FY 2023 will have them included as award-specific terms in the interim.



Modified & Supplemental T&Cs

Many of our large facility Cooperative Agreements already have this in the terms and conditions, to ensure a uniform and consistent approach in all major facilities awards we are adding this to the CA-FATC Supplemental:

Article XX. Business Reviews: A Business Systems Review (BSR) and/or other similar reviews may be conducted as deemed necessary by NSF. Other similar reviews may include but are not limited to annual budget reviews, incurred cost audits, and accounting system audits. The need for business reviews is determined during NSF's annual risk assessment of its major facilities portfolio. NSF will require contractors supporting the reviews to complete a nondisclosure agreement prior to beginning any work.



Modified & Supplemental T&Cs

RIG requirement and adding this to the CA-FATC Supplemental terms and conditions adds emphasis on its importance:

Article XX. Facility Condition Assessments and Planned Maintenance: Unless otherwise conducted by NSF or another entity, the major facility operations award recipient shall conduct a facility condition assessment once every five (5) years. The condition assessment must include the capital assets necessary to support activities under the award. Capital assets include land, structures, equipment (including portable equipment such as vehicles, ships, and aircraft) and intellectual property (including software) that have an estimated useful life of two years or more.

The scope of the condition assessment and the timing of the submittal, including submittal of any assessments conducted by other entities, will be determined in collaboration with the NSF Program Officer to support agency oversight of the award. The facility condition assessments shall use industry standard practices, where appropriate, but should be tailored to the technical nature of the facility and cover both the supporting infrastructure (i.e., substructure, shell, interiors, HVAC, electrical, plumbing, site, etc.) and, if not addressed separately, the major scientific instrumentation in accordance with the *NSF Research Infrastructure Guide*. In addition, the facility condition assessment must address potential vulnerabilities and needed upgrades related to natural hazards, including those anticipated from climate change, based on the physical location of the facility or facility components.



Modified & Supplemental T&Cs

Many of major facilities in operations and all major construction projects currently report this financial data to NSF. New and renewal proposals to NSF for major operations or construction are already required to submit total project cost information into a WBS format for NSF Cost Analysis, this requirement keeps that path as a requirement for NSF reporting:

Article XX. Financial Reporting: The Recipient shall submit interim financial data reports at an interval and in a format specified by the NSF Program Officer. The report shall be in the Operations Work Breakdown Structure (WBS) format as negotiated with NSF and to a level specified by the NSF Program Officer with the underlying data traceable to the approved NSF budget format. The report shall include the approved budget amounts, actual costs incurred to date by WBS, and residual funds that remain. Reports should be submitted in Research.gov using the Interim Reporting function, unless otherwise specified by the NSF Program Officer. The interim reports will be reviewed by the NSF Research Infrastructure Advisor and NSF Program Officer.



Modified & Supplemental T&Cs

This term and condition is based on statute and will be required in the next revision of the RIG:

Article XX. Broadening Participation Capability: In order to meet requirements of the CHIPS and Science Act of 2022 (P.L. 117-167, section 10324; 42 USC 19013), Recipients of Operations Stage awards must be able to demonstrate prior experience and current capabilities in, or have a plan for employing best practices in, broadening participation in science and engineering. Upon request, the Recipient shall submit a report (2 pages or less) to the NSF Program Officer that addresses this requirement, including information such as overall strategy, context of activities, intended population(s), and assessment approach and/or outcome(s).



Modified & Supplemental T&Cs

Required in the RIG, this places emphasis on this requirement the CA-FATC Supplemental:

Article XX. Project Personnel and Competencies: NSF's research infrastructure portfolio requires skilled personnel that collectively possess a broad range of professional competencies. The minimum set of competencies NSF considers essential for managing its major facilities are detailed in NSF's Research Infrastructure Guide.



Feedback/Questions?

