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Cooperative Institute
Handbook

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National Oceanic and Atmospheric Administration

Cooperative Institute Handbook

Version 5.1, February 2025

This Handbook is for internal National Oceanic and Atmospheric Administration Cooperative Institutes Program use only. It is to be used by Program, Line and Staff

Offices, Laboratories, Recipients and all involved in the Cooperative Institutes lifecycle.

Section 508

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1. PREFACE

A National Oceanic and Atmospheric Administration (NOAA) Cooperative Institutes (CI) is a partnership between NOAA and a research institution sustained by a cooperative agreement. The first CI was created in 1967 by the Environmental Science Services Administration, a predecessor to NOAA. The NOAA CIs are academic and non-profit research institutions that demonstrate the highest performance level and conduct research that supports NOAA's Mission Goals and Strategic Plan. CIs have been essential to the success of NOAA's research and development (R&D) enterprise.

The Secretary of Commerce is authorized to form CIs pursuant to Public Law No. 102–567, title IV, § 406, Oct. 29, 1992, 106 Stat. 4293, (15 U.S.C. § 1540), which states: "The Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, may enter into cooperative agreements and other financial agreements with any nonprofit organization to (1) aid and promote scientific and educational activities to foster public understanding of the National Oceanic and Atmospheric Administration or its programs; and (2) solicit private donations for the support of such activities." This authority was reauthorized and extended to futurity by Public Law No. 108–199, div. B, title II, Jan. 23, 2004, 118 Stat. 71, (15 U.S.C. § 1540 note), which provided in relevant part: "That, hereafter, the Secretary of Commerce may enter into cooperative agreements with the Joint and Cooperative Institutes as designated by the Secretary to use the personnel, services, or facilities of such organizations for research, education, training, and outreach." NOAA Administrative Order (NAO) 216-107A, *NOAA Policy on Cooperative Institutes* (Effective June 4, 2021), authorizes the development of NOAA's CI Handbook. The CI Handbook contains procedures for implementing this policy and requires formal approval by the NOAA Science Council.

To strategically manage the CI enterprise as a whole, NOAA produced a prospectus for Cooperative Institutes for the 21st Century (CI21) (Additional information about CI21 is available at the CIAO website). This document outlined recommendations to elevate the capacity and capabilities of CIs to serve NOAA's mission best. Recommendations discussed include the optimal arrangement of CIs, how NOAA can use CIs to engage Industry, CI Management within NOAA, and the identification of guiding principles for CIs. This Handbook reflects those guiding principles for CIs to ensure an efficient and effective enterprise.

2. INTRODUCTION

A. Purpose

The Cooperative Institute (CI) Handbook outlines procedures for all aspects of managing National Oceanic and Atmospheric Administration (NOAA) CIs. This Handbook intends to aid the internal management of NOAA's CI Program. It does not intend to create any rights, benefits, or liabilities with respect to the public or any third party enforceable at law against

NOAA, the DOC, or its officers. This Handbook is an evergreen document and may be modified through updates as needed to account for changes to policy or procedures.

Authority

1. This Handbook is issued pursuant to the authority of NAO 216-107A and applies to all NOAA CIs established after the effective date of NAO 216-107A and those established competitively prior to that date. This Handbook does not supersede the *Department of Commerce (DOC) Grants and Cooperative Agreements Manual*. This Handbook issues supplemental operating policy and procedures to address programmatic requirements for the NOAA CIs and does not conflict with the DOC Grants and Cooperative Agreements Manual provisions.

2. NOAA studies climate and global change; ensures protection of coastal oceans and management of marine resources; provides weather and water services; supports commerce and transportation services and manages worldwide environmental data. NOAA provides financial assistance for CIs through the following Line Offices (LOs):

    a. National Environmental Satellite, Data, and Information Service (NESDIS). NESDIS provides secure and timely access to global environmental data and information from satellites and other sources.

    b. National Marine Fisheries Service (NMFS or NOAA Fisheries). NMFS administers programs that support the domestic and international conservation and management of living marine resources, including fisheries management and development, trade and industry assistance activities, enforcement, and protected species and habitat conservation operations.

    c. Office of Oceanic and Atmospheric Research (OAR). OAR conducts research related to the oceans and inland waters, the lower and upper atmosphere, and the Earth.

    d. National Ocean Service (NOS). NOS is the Nation's principal advocate for coastal and ocean stewardship through partnerships at all levels to support and provide the science, information, management, and leadership necessary to balance the environmental and economic well-being of the Nation's coastal resources and communities.

    e. National Weather Service (NWS). NWS provides weather, hydrologic, and climate forecasts and warnings for the United States, its territories, adjacent waters and ocean areas, for the protection of life and property and the enhancement of the national economy.

    f. Office of Marine and Aviation Operations (OMAO). NOAA's OMAO manages and operates NOAA's fleet of 15 research and survey ships and nine aircraft. Comprised of civilians and officers of the NOAA Commissioned Officer Corps, OMAO also manages the NOAA Diving Program, NOAA Small Boat Program, and NOAA Aviation Safety Program.

B. NOAA CI Policy and Background

1. In 2003, the NOAA Science Advisory Board (SAB) conducted a review of agency research activities, which recommended in part that NOAA develop an agency-wide policy for managing all CIs and bring these institutes under a common procedural structure. The recommendation stated that:

   NOAA should establish a process by which other cooperative arrangements with extramural NOAA partners are established and maintained. This process should include approach-specific criteria, including:

   - Demonstrated track record of working with NOAA scientists on research projects;
   - Demonstrated commitment (in terms of resources and facilities) and track record to long-term collaborative research environment/culture;
   - Nationally recognized expertise within the appropriate disciplines needed to conduct the collaborative/interdisciplinary research;
   - Unique capabilities in a mission-critical area of research for NOAA;
   - Established programs of excellence that support graduate education in the appropriate disciplines; and
   - Well-developed business plan including fiscal and human resource management as well as strategic planning and accountability.

   The guidelines should also define the review and renewal process described in this Handbook in Section 8. The CI termination process is described in Section 9.

2. NOAA assigned responsibility for the implementation of this recommendation to the NOAA Science Council (NSC).

3. The CI provides mutual benefits with value added by all parties. NOAA research benefits through establishing collaborations with outstanding academic and research institutions. These relationships benefit NOAA by providing resources and opportunities relevant to NOAA's mission that extends beyond the agency's typical capacities.

4. NOAA funding is beneficial to the CI because it primarily supports and expands research capabilities and capacity and to support the educational mission of the CI and the parent research institution, which benefits NOAA as well. This funding supports outstanding scientists and post-doctoral scientists, enhances computing resources, and purchases laboratory equipment at the research institution.

C. Responsibilities in Federal Financial Assistance Awards

1. Multiple entities are responsible for NOAA's CI Program. In addition to the responsibilities detailed below, specific responsibilities associated with each aspect of the CI program are listed at the beginning of each chapter.

    a. Cooperative Institute Administration Office (CIAO) - The CIAO oversees NOAA's CI portfolio and administers program policy and procedures. The CIAO operates within NOAA's Office of Oceanic and Atmospheric Research (OAR). (Additional information on CIAO is available on the CIAO website.)

    b. Cooperative Institute Collective (CIC) - The CIC is an advisory group that takes action on topics and serves as the initial working group for NOAA analyses on issues related to the CI program. The CIAO communicates directly with the CIC on programmatic guidance and relies on the CIC to distribute that information to its relevant stakeholder community.

    c. Cooperative Institute (CI) Director - The CI Director is responsible for overseeing all NOAA-funded activities associated with the CI. This oversight includes submitting required proposals and reports associated with the CI award, the renewal review, and working with the responsible LO to address any problems. The Director must be a faculty member of the host/lead institution in good standing and shall be appointed by the processes of the lead/host university.

    d. NOAA Chief Scientist - The NOAA Chief Scientist serves as the principal advisor to the NSC and is responsible for advancing CI policy and program direction and implementation for NOAA's science research and development priorities.

    e. NOAA Grants Management Division (GMD) - GMD is responsible for conducting the administrative and financial review of all recommended proposals for financial assistance. The GMD also works with the CI Collective to clarify and propose procedures for managing the CI awards. The NOAA Grants Officer (GO) in GMD is solely responsible for obligating funds and is the approving official for all funding actions. (Additional information on GMD is available on the GMD website.)

    f. Facilities Manager - This individual at NOAA provides day-to-day management, operations, and support of NOAA facilities. This individual is responsible for access control operations and maintenance and NOAA's compliance with Homeland Security Presidential Directive (HSPD) -12 physical access and security requirements, and coordination with the DOC Office of Security regarding security and anti-terrorism risk protection measures at NOAA facilities.

    g. Federal Assistance Law Division (FALD) - The FALD provides financial assistance, legal representation, advice, and support to Grants Officers, Specialists, and Program Officers. (Additional information on FALD is available on the FALD website.)

h. Federal Program Officer (FPO) - The individual in the awarding agency responsible for the technical and substantive programmatic functions of a CI award(s) or project(s). Programmatic functions are found in the DOC *Grants and Cooperative Agreements Manual*. (Current listing of FPOs is available on the CIAO website.)

i. NOAA Executive Council (NEC) - The NEC reviews NSC recommendations to establish new CIs and forwards any recommendations to the Under Secretary.

j. NOAA Science Council (NSC) - The NSC reviews recommendations from LOs for establishing CIs, designates the LO that is responsible for maintaining the CI, approves the review guidelines for renewals,, and provides general oversight of the CI program. (Additional information about the NSC, see Appendix H).

k. Office of the Chief Financial Officer (OCFO) - Responsible for the financial leadership of NOAA, Its primary duty is to uphold strong financial management and accountability while providing timely, accurate, and reliable financial information and enhancing internal control.

l. Property Management Official - Ensures uniform implementation of operating unit policies and procedures pertaining to the administration of property purchased under an award by a non-Federal entity or furnished by the Federal Government under an award. This management includes communicating to non-Federal entities the property trust relationship that exists when real property, equipment, supplies, or intangible property is acquired or improved under an award. The operating unit's requirements regarding the recording of liens or other appropriate notices of record to indicate that real or personal property has been acquired or improved with a Federal award and that use and disposition conditions apply to the property. See 2 CFR Part 200.316 (Property trust relationship).

m. Responsible Line Office (LO) - The LO assigned by the NSC during the establishment process of the CI has the primary responsibility of managing the CI award. In this role, the LO oversees CI project(s), contributes to data collection activities, reviews and provides evaluation feedback on CI performance, funds the CI throughout the award period, and participates in a termination process, if necessary. The responsible LO is allowed to determine how it will manage the responsibilities described in this Handbook. In most cases, a LO will designate one person, described as a LO Technical Program Manager (TPM) in this Handbook, who may also be the FPO on one or more CI awards managed by the LO. If multiple LOs provide CI funding, the primary LO involves the other LOs when making recommendations for reviewing, renewing, or terminating the CI. If a CI links one or more NOAA entities with a nearby research institution, or if there is a particularly strong connection with one or more NOAA offices, then the responsible LO ensures that the directors of those offices, as well as the LO TPM or their representatives, are involved jointly (with representatives of the parent institution) in setting the research goals of the CI and participating in the review process to establish or continue a CI.

n. Science Advisory Board (SAB) - The SAB is a Federal Advisory Committee responsible for advising the Under Secretary on long- and short-range strategies for research, education, and the application of science to resource management and environmental assessment and prediction. In addition, it functions as the official reviewing authority for the CI program, including approvals for science reviewers and making recommendations after the renewal review. (Additional information about the SAB is available on the SAB website.)

o. Technical Program Manager (TPM) - Senior Executive Service official responsible for the technical, scientific, and substantive program requirements of a CI and accompanying award. Serves as a technical point of contact for scientific inquiries, provides guidance to interested funders to proceed with funding a project, and manages the CI renewal review process.

p. Under Secretary - The Under Secretary approves internal NOAA requests for establishing or terminating CIs that the NSC and the NEC have recommended.

D. CI Handbook Amendment Procedure (Coverage)

1. The CIAO is responsible for maintaining and updating the Handbook when required. Amendments to the Handbook require approval by the NSC. External proposals for amendments or revisions may be submitted to the CIAO for review and submission to the NSC in accordance with the procedures set forth herein. However, all approved revisions (corrections or updates) to the *Handbook* will be made by the CIAO after being distributed to NOAA for review and comment prior to final approval by the NSC.

2. When necessary, the CIAO will issue Memorandum to clarify or provide additional details about the procedures described in this Handbook.

3. GLOSSARY OF TERMS AND ACRONYMS

Refer to the 2 CFR Part 200.1 Subpart A (Acronyms and Definitions) for an expanded record of definitions and acronyms used in the Federal financial assistance community.

A. Definitions

1. Award Action Requests (AAR). Grants Management System allows Recipients, or non-Federal entities, to submit Award Action Requests. Each Award Action Request Index item is linked to a guidance section. Recipients should also reference the Department of Commerce's (DOC's) terms and conditions. If applicable, reference the sponsoring Federal agency's (e.g., NOAA, Census, or EDA) terms and conditions for additional information associated with an award.

2. Amendment. A substantive change made to an award. Examples of an amendment include, but are not limited to, the following: continuation, renewal, supplemental, and no-cost extension.

3. Broad Agency Announcement (BAA). A broad agency announcement is a notice of the potential availability of funds that: (a) is general in nature; (b) identifies areas of programmatic interest; (c) includes criteria for selecting proposals; (d) seeks the participation of any interested members of the public, and, (e) excludes currently existing assistance programs.

4. Budget/Cost Analysis. The review and evaluation of the reasonableness, allowability, and allocability of an applicant's proposed budget data and the judgmental factors applied in projecting the estimated costs.

5. Competitive Award. An award made with discretionary funds after a solicitation of proposals has been published in a Notice of Funding Opportunity posted at Grants.gov and where NOAA chooses a proposal based on merit review and the application of established evaluation and selection criteria. NOAA may also treat as competitive an award that was solicited and reviewed through another federal agency's competitive process or through a competitive solicitation process developed by several federal agencies acting in partnership.

6. Cooperative Agreement. A legal instrument describing the relationship, obligations, and responsibilities between NOAA and a non-Federal recipient whenever the principal purpose of the relationship is to accomplish a public purpose supporting research, education, training and/or outreach and authorized by Federal statute; and there is substantial involvement (e.g., collaboration, participation, intervention in the management of the project) between NOAA and the recipient during performance of the contemplated activity.

7. Discretionary Award Program. A financial assistance program under which NOAA can exercise its judgment in selecting to whom the funds are awarded.

8. Discretionary Funds. Funds for which NOAA can exercise its judgment in selecting to whom the funds are awarded.

9. Fixed Year Funds. Funds are available for obligation only for a specified period of time by the terms of an Appropriations Act. Most often, this will be a one-year period, but it may be for several years. This term is synonymous with "time-limited funds," as used in this Manual.

10. Federal Program Officer (FPO). The FPO facilitates funding for a Federal Financial Assistance Award and is the Federal subject matter expert. The FPO provides monitoring and oversight for all aspects of the project. Reviews and recommends whether or not to accept the CI Research Performance Progress Reports (RPPR).

11. Funding Period. The period of time when Federal funding is available for obligation by the recipient. This term is synonymous with "budget period."

12. Grants.gov. The official Federal government website that allows organizations to electronically find and apply for Federal financial assistance.

13. Grants Officer. The NOAA official responsible for all business management and administrative aspects of a Federal award. The NOAA official has the delegated authority to award, amend, administer, close out, suspend, and/or terminate grants and cooperative agreements and make related determinations and findings.

14. Institutional Award. A grant or cooperative agreement under which funds are awarded based on competition with the intent to maintain a long-term partnership between NOAA and the recipient so that new awards may be made on a non-competitive basis if the recipient performs satisfactorily and submits the appropriate application document, and if the results of the periodic reviews validate the effectiveness and continued desirability of the use of institutional awards for the program.

15. Late Action Request (LAR). A LAR is a request which GMD requires the program office to submit when submitting project funding requests after NOAA's federal financial assistance award cut-off dates.

16. Management Analysis and Reporting System (MARS). Automated system for collecting, storing, and retrieving information concerning the financial activities of the Financial Management Centers (FMC's) in NOAA. This system is the mechanism in how program officials obligate and move (BOP) funds within NOAA.

17. Merit Review. A thorough, consistent, and independent examination of an application based on pre-established criteria by persons knowledgeable in the field of endeavor for which support is requested. A merit review must be conducted by an impartial, objective, unbiased individual and must conduct a merit review with the requisite expertise, knowledge, and experience in a technical field to evaluate or assess a proposal for its value, quality, and the likelihood of success. One who conducts a merit review must not have a conflict of interest or the appearance of a conflict of interest regarding any application under his or her review.

18. Multi-year Award. A financial assistance award with a period of performance of more than twelve (12) months is partially funded as of the award date and subsequently funded in increments. This does not include awards with a period of performance of more than twelve (12) months which are fully funded as of the award date.

19. New Grant/New Award. The initial funding for an award not previously funded by the operating unit. A new award is the only type of award issued on Form CD-450 (Financial Assistance Award).

20. NOAA Sponsor. Each NOAA Office or individual who provides funding to a CI.

21. No Cost Extension. An administrative amendment that extends the period of performance to complete work delayed by reasonable circumstances. NOAA can't fund new work during the no cost extension period. No new money. No new work.

22. Noncompetitive Award. An award made with discretionary funds but without the benefit of competition.

23. Non-Federal entity. A State, local government, Indian tribe, Institute of Higher Education, or nonprofit organization that carries out a Federal award as a recipient or subrecipient.

24. Period of Performance. The total estimated time interval between the start of an initial Award and the planned end date.

25. Pre-Award Period. The approved period of time allotted to the award prior to the beginning of the period of performance as listed on the Form CD-450 (Financial Assistance Award).

26. Principal Investigator (PI). The individual responsible for the scientific and technical conduct of the research project.

27. Program Officer. The NOAA official responsible for the technical, scientific, or other programmatic aspects of an award/program.

28. Recipient. An entity, usually but not limited to non-Federal entities, that receive an Award directly from NOAA. The term recipient does not include sub-recipients or individuals that are beneficiaries of the Award.

29. Request for Applications (RFA). A request for applications is the operational pathway for each recipient to submit proposals under the CI institutional award(s).

30. Selecting Official. A senior program official of the Responsible LO authorized to make final selection recommendations to the Grants Officer for final approval of award applications.

31. Subcontract. A contract under an award by a recipient's or a sub-recipient's contractor.

32. Supplemental. An amendment that provides funding over and above the approved budget during the current funding period.

33. Technical Program Manager (TPM). Serves as NOAA's scientific/technical representative and can discuss the general scope and capabilities of the CI and controls the scientific direction of their sponsored CI(s). Responsible for maintaining knowledge of CI themes and projects and coordination across NOAA's Financial Management Centers (FMC). The TPM serves as the point of contact for scientific inquiries from NOAA funding programs. For more details, see NOAA Cooperative Institute Recommendations for Continuing the Implementation of CI21, located on the NSC website.

B. Acronyms

AA	Assistant Administrator
AAR	Award Action Requests
ASP	Administrative Support Plan

BOP	Business Operating Plan
CBS	Commerce Business System
CFR	Code of Federal Regulations
CI	Cooperative Institute
CIAO	Cooperative Institute Administration Office
CIC	Cooperative Institute Collective
CRADA	Cooperative Research and Development Agreement
DAO	Department Administrative Order
DOC	Department of Commerce
EO	Executive Order
FALD	Federal Assistance Law Division
FPO	Federal Program Officer
FRN	*Federal Register* Notice
GMD	Grants Management Division
GMS	Grants Management Specialist
GO	Grants Officer
IR	Institutional Repository
LAR	Late Action Request
LO	Line Office
MARS	Management Analysis and Reporting System
NACI	National Agency Check and Inquiries
NAO	NOAA Administrative Order
NCE	No Cost Extension
NEC	NOAA Executive Council
NEP	NOAA Executive Panel
NEPA	National Environmental Protection Act
NESDIS	National Environmental Satellite, Data, and Information Service
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NOFO	Notice of Funding Opportunity
NOS	National Ocean Service
NWS	National Weather Service
NSC	NOAA Science Council
OMAO	Office of Marine and Aviation Operations
OAR	Office of Oceanic and Atmospheric Research
OGC	Office of General Counsel
OMB	Office of Management and Budget
PI	Principal Investigator
RFA	Request for Applications
RPPR	Research Performance Progress Reports
SAB	NOAA Science Advisory Board
TPM	Technical Program Manager
UA	Use Agreement
U.S.C.	United States Code

4. COOPERATIVE INSTITUTES

A. Description

1. A NOAA-supported, non-Federal, academic, and/or non-profit institution that has an established, outstanding research program in one or more areas relevant to NOAA's mission. A CI is established at a research institution that has a strong education program with established degree programs in NOAA-related sciences. NOAA CIs support graduate education and professional scientific training of a workforce well-versed in NOAA disciplines and provide opportunities for students to interact with NOAA scientists.

2. A CI engages in research directly related to NOAA's long-term mission needs that require substantial involvement of one or more research units within the research institution(s) and one or more NOAA programs. A CI may include multiple research institutions. A CI provides significant coordination of resources among all non-government partners and promotes the involvement of students and postdoctoral scientists in NOAA-funded research.

3. NOAA CIs provide a mechanism to allow external partners to address emerging needs and evolving NOAA research priorities.

4. A CI provides mutual benefits, with value provided by all parties. A CI is synonymous with a Joint Institute.

B. Structure

1. CIs are units within an academic or non-profit, degree-granting research institution that meet the criteria listed in (Appendix J). In addition, where it is consistent with university policy, the CI Director shall be a tenured faculty member in good standing; otherwise, the CI Director shall hold a permanent research faculty position within the university.

2. The CI can consist of multiple member institutions. The consortium determines how the administrative entity operates. The CI's chief administrator is responsible for all technical and programmatic aspects of the CI.

3. Initial CI awards have an award period of five years, with a potential renewal period of up to five additional years upon successfully completing a scientific and administrative review held in year four of the initial five-year award period. CIs remain eligible to apply for other CI competitive announcements during and after the current award.

4. CIs must have strong educational components with established graduate degree programs in one or more NOAA-related fields, and they must promote student and postdoctoral involvement in research projects.

C. CI Advisory Boards

1. CIs have at least two advisory boards: an Executive Board and a Council of Fellows. The Executive Board consists of senior management officials/employees from NOAA and the CI to study matters brought before it and provide such management and oversight duties necessary for the advancement and welfare of the CI.

2. The Council of Fellows consists of mid-and senior-level scientists from NOAA, the CI, and if a consortium CI, the Council of Fellows must contain at least one member from each consortium member. The Council of Fellows may be the principal vehicle for the research strategy, annual research plans, publication peer-review, research and technology coordination, and achieving the overarching goal of regional and disciplinary integration.

5. ESTABLISHING NEW CIs (Pre-Award)

CIs are established through a competitive process with an internal NOAA request presented jointly to the NSC by LOs. The Under Secretary must approve competitive announcements for new CIs. When awarded, NOAA will provide funding to the CI using the most appropriate funding instrument, in most cases, a cooperative agreement. If more than one institution makes up the CI, a single cooperative agreement to the primary institution is made. Still, NOAA reserves the right to provide each partner a separate award from NOAA or NOAA to award to a formal joint venture established by the institutions. All current or past CIs are eligible to apply for new CI awards.

A. Responsibilities

1. CIAO - The CIAO is designated and is responsible for managing and overseeing the entire establishment process.

2. FALD - FALD is responsible for reviewing all NOFOs, reviewer instructions, selection packages, and standard waivers and providing legal guidance and review of the administration of awards.

3. FPO - The CIAO is the initial FPO on record when establishing a new CI. They serve as the competition manager, responsible for facilitating the prospectus development working group, developing the NOFO, and establishing Award File 0.

4. GMD - GMD is responsible for reviewing all NOFOs, and the administration provided in close coordination with the LO.

5. LO(s) - LOs propose new CIs to the NSC. They prepare a proposal request for new CIs and give proposal briefings to the NSC.

6. NSC - The NSC may propose new CIs in collaboration with any relevant LO(s). The NSC reviews new CI proposals from LOs and provides approval before further NOAA review by the Under Secretary. In addition, the NSC selects the LO responsible for

managing the entire establishment process based on a recommendation from the LO proposal.

7. Prospectus Development Working Group - The AA from all LOs and Office of Education nominate members. Working Group member responsibilities include:

    a. Discuss and document the need to continue to have a CI to perform some or all functions currently performed;

    b. Participate in the preparation of a prospectus;

    c. The working group chair participates in the NOFO development;

    d. Vet the proposal through each member's LO to ensure that all appropriate parties have been able to contribute;

    e. Each working group member recommends five potential reviewers, with a mastery level of knowledge, for the competition;

    f. Each working group member informs their LO's Science Council representatives about these activities;

    g. Partner with the CIAO Competition Manager and prepare to co-lead the NSC presentation for the final draft prospectus;

    h. Participate in the adjudication of any recommendations made after the final NSC review of the prospectus; and

    i. Participate in all other relevant issues that may come up during the process.

B. Proposing a New CI

1. The CIAO makes a recommendation to the NSC on whether or not to solicit proposals for a new CI. The NSC decides whether or not to convene a prospectus development working group.

2. Establish a CI prospectus development working group to develop a proposed CI. The prospectus development working group works through the NSC to get LO approval by having CIAO lead the prospective group members.

3. Each prospectus shall follow the template provided in (Appendix A). In addition, the prospectus includes information on the rationale for the CI, a recommendation of the responsible LO, a list of NOAA Programs and LOs that may participate in the CI activities, and an estimate of annual funding by each participating LO. Task I funding may be used to fund administrative activities and other education and outreach activities, including postdoctoral and visiting scientists conducting research relevant to the CI and NOAA. The resulting title from the working group becomes the name of the proposed CI.

4. The CIAO will be responsible for making NSC presentations in partnership with the responsible LO prospectus development working group chair and provide any additional information needed by the NSC.

5. The final draft prospectus is submitted to the NSC for review. The NSC will evaluate each prospectus by considering information in the prospectus, NOAA's Strategic Plan, NOAA's Goals, and NOAA's Enterprise Objectives, located on the Performance, Risk & Social Science Office's website, and other information relevant to the establishment of the proposed CI. If the review by the NSC is favorable, the NSC provides a recommendation to the DOC Under Secretary, who must approve the establishment of any new NOAA CI before a competitive announcement can be published. After the Under Secretary's approval, the CIAO organizes a competition to select the CI.

6. The CIAO manages the establishment process and administers the CI award according to the procedures described in this *Handbook* and the DOC Grants and Cooperative Agreements Manual. In addition, the CIAO works with NSC, FALD, GMD, and the relevant LO to draft the NOFO announcing the availability of financial assistance funds for the new CI; see Section 5.C. for more information on writing these documents.

7. The CI establishment process will take approximately 26 months (Appendix B).

C. Preparing and Publishing the Notice of Funding Opportunity (NOFO)

1. Upon approval of the new CI prospectus by the Under Secretary, the CIAO will prepare the NOFO in consultation with the proposing LO(s) to announce the competition to the public: the NOFO, which includes the program requirements, evaluation criteria, peer/merit review process, and selection factors to be posted on the Grants.gov website. For this program, the NOFO shall include the appropriate Assistance Listing number, 11.432. The requirement for these documents is described in the DOC Grants and Cooperative Agreements Manual. In addition, NOAA's standard evaluation criteria or selection factors shall be included as measures for CI Awards can be found in (Appendix J). NOAA maintains flexibility in defining the research topics (themes) of the CI because of the diverse nature of NOAA research. For example, for some CIs, a regional research focus may be appropriate, while for others, a larger global perspective may be necessary to address problems related to phenomena with large temporal and spatial scales.

2. In addition to an estimate of the available funding for research, each NOFO must include the amount of Task I funding provided by NOAA to cover minimum administrative costs for a twelve-month funding period. Task I support may also include funding for postdoctoral and visiting scientists, workshops, education, and outreach activities, with the condition that the activities are relevant to NOAA's mission long-term goals and enterprise-wide objectives and the CI's approved themes. In addition, these activities must receive prior approval from the LO TPM. Activities funded with Task I funding are under the direction of the CI Director in coordination with NOAA.

3. The NOFO should also provide a good-faith estimate of the estimated annual research funding NOAA expects to provide under the cooperative agreement. NOAA will consider

excess funding beyond the annual limit; however, only in the most exigent circumstances.

4. If relevant, the NOFO shall include any information about available NOAA office space for CI employees or NOAA's desire to place NOAA employees at the CI in support of enhancing collaborations. The NOFO should include an estimate of the number of people for which NOAA will provide office space at the location owned or leased by NOAA and/or the number of NOAA employees that NOAA expects to relocate to the CI. The project description should include a business plan to assist the reviewers in evaluating the Principal Investigator's overall qualification(s). The Business Plan should be well-developed and include details regarding CI governance structure, fiscal and human resource management, and strategic planning and accountability. It must describe the organizational structure of the CI, how it will operate, the responsibilities of the participants from multiple institutions, and the composition of the Executive Board and Council of Fellows (as well as each governing entity's roles and responsibilities, consistent with the terms of the Cooperative Institute Interim Handbook found at the CIAO website's Policy and Guidance section). The Business Plan must describe how the CI chooses projects and reviews its progress and how the CI will support enhanced communication and collaborations with NOAA. If any CI personnel works in NOAA-operated facilities, the Business Plan must describe the administrative support structure for such personnel.

D. Cost Sharing or Matching Requirement

Cost sharing or matching is not required. It cannot be used as a factor during the merit review of applications or proposals but may be considered if it is both in accordance with Federal awarding agency regulations and specified in a NOFO. Values for non-Federal entity contributions of services and property must be established in accordance with applicable cost principles. Voluntarily committed cost sharing is not considered when determining the CI's funding ceiling level.

In-kind contributions are considered to sustain the collaborative nature of up to a ten-year agreement period. Acceptable cost sharing proposals could include, but are not limited to:

a. offering a reduced indirect cost rate against activities in one (1) or more Tasks;
b. waiver of any indirect costs assessed by the awardee on subawards;
c. waiver of indirect costs assessed against base funds and/or Task I activities;
d. waiver or reduction of any costs associated with the use of facilities at the CI; and
e. full or partial salary funding for the CI director, administrative staff, graduate students, visiting scientists, or postdoctoral scientists.

E. CI Task Level Activities

1. CIs shall organize activities into three (3) tasks.

    a. Task I. Activities within Task I are related to the overall management of the CI and general education and outreach activities not tied to a specific funded project as described in NAO 216-107A and the DOC Grants and Cooperative

Agreements Manual. The most current Task I summary and associated funding formula of each CI is available on the CIAO website. Additionally, This task includes the support of postdoctoral and visiting scientists conducting research approved by the CI Director in consultation with NOAA and is relevant to NOAA's mission goals.

i. Task I funding is broken into two (2) distinct categories.

Task IA - Administrative Activities. These include CI start-up, management, and administration; and may include partial funding/salary support for the CI Director, Administrator, and other support staff. Also, include facilities (including non-project-based ship or supercomputing resources or other activities carried out under current cooperative agreements in Task I), travel, visiting researcher support, and other strictly administrative activities.

Task IA funding formula is 8% of the first million dollars (total Task II and III) plus 4% of $1-2M plus 3% of $2-4M plus 1.5% of $4-11M plus 0.75% any amount exceeding $11M.

Example: $15.5M award exists for Task IA

$0-$1M	**$80,000** [$1,000,000 * 0.08]
$1M-$2M	**$40,000** [$1,000,000 * 0.04]
$2M-$4M	**$60,000** [$2,000,000 * 0.03]
$4M-$11M	**$105,000** [$7,000,000 * 0.015]
Over $11M	**$33,750** [$4,500,000 * 0.0075]
Total IA Funding:	**$318,750**

Task IB - Education and outreach activities. These include support of postdocs and graduate students within the CI not assigned to specific projects or research; support of undergraduate research interns; development of community outreach, education, and training programs; and support for CI education and outreach staff.

Task IB funding formula is 1% of the total of Tasks II and III.

b. Task II. These research activities usually involve ongoing direct collaboration with NOAA scientists. In addition, the scientific direction is provided jointly between NOAA and the CI employees in direct support of the identified research themes within the associated CI. This collaboration is typically fostered by federal and CI employees.

Example: *Sally Sponsor funds a multiyear project performed by Eli Engineer, a CI senior scientist, to replicate, validate, and extend a Satellite-based, mobile transect-trained machine learning model of Urban Heat Islands in U.S Cities that explore stationary sensor components. Sally and Eli collaborate often. Eli shares project progress with Sally. Sally provides feedback regarding project progress on an ongoing basis, and Eli considers that feedback in the project. Sally does not direct Eli's work. Sally is not Eli's supervisor. Eli does not perform inherently governmental or critical functions.*

c. Task III. Within this Task Level, Task III research activities are performed by CI personnel outside of the activities associated with Task I or II and typically require minimal collaboration with NOAA scientists.

Example: *Sally Sponsor funds a multi-year project led by Stephano Scientist, CI Principal Investigator, through NOAA's Arctic Research Program to collect data and study environmental change in the western Arctic Ocean. The CI leads an ongoing multi-disciplinary sampling program to monitor a part of the world experiencing climate warming faster than anywhere on the Earth. Stephano provides the data and synthesized reports to Sally. Sally does not direct Stephano's work. Sally is not Stephano's supervisor. Stephano does not perform inherently governmental or critical functions.*

2. Funding for Task I is provided annually by NOAA to each CI, pending the availability of funds.

   Throughout the award period, funding for additional Task I activities at any of the Task Levels, Task II, and Task III activities shall be added to the CI award as amendments *(not to exceed established ceiling levels)* submitted by the CI and approved by NOAA. Thus, the CI award functions as an administrative vehicle established jointly with a research institution to closely link research in NOAA with research in the institution and partner institutions. Because NOAA establishes a CI through a rigorous competitive process, funding for any amendment associated with one of the approved scientific themes is not required to undergo a competitive merit review process. However, NOAA must review each amendment and complete a technical review (see Appendix D for details) to determine if the project description is scientifically sound and the budget is appropriate for the proposed research.

   IMPORTANT. Funds awarded within a Task area *(as detailed in the above section)* may never reallocate to another Task area without NOAA's written approval. If funds remain at the completion of the activity, the LO shall return those funds to NOAA for deobligation.

F. New CI Proposals

1. All proposals/amendments for CI research and activities, including any annual CI science plan, must include the following standard documents:

a. SF424, SF424A, SF424B;
b. CD-511 forms package;
c. project and budget narrative; and
d. Copy of the current approved negotiated indirect cost rates unless indicated in the NOFO.

The project description shall include the name of the proposed CI, the same or similar to the NOFO language, and a thorough explanation of all proposed themes and tasks. The proposal should also describe the capabilities and capacity of the CI to research the theme areas described in the NOFO and a summary of clearly stated goals to achieve during the five-year period, which reflect NOAA's strategic plan and long-term goals and enterprise-wide objectives. Additional elements of the proposal may be requested in accordance with NOAA GMD policies.

2. The budget should represent a reasonable estimate of funding required to support the CI during the proposed five-year funding period required to support the activities described in the NOFO, including an estimate of the number of required personnel. Budget narrative guidance is available on the GMD website. Institutions proposing a CI should use the funding information listed in the NOFO to guide their proposed budgets. Upon approval of the CI award, NOAA will use this budget to set the maximum amount of funding that can be obligated with this award. Prior to any funding obligation, the CI will submit specific project descriptions and budgets for NOAA review, as described in Section 6.D.

3. The project description should include a business plan to assist the reviewers in evaluating the Principal Investigator's overall qualification(s). The business plan describes the fiscal and human resource/capital management,strategic planning, and accountability. In addition, for CIs that are academic consortia, the business plan should describe the governance structure among the supporting academic institutions, how to coordinate the research, and who will be the primary contact (administrative lead) for the CI research activities.

4. The CI may elect to exercise a one-time no cost extension period prior approval waived for the five-year CI award. The authority to extend the award period without prior approval may not be exercised merely to use unobligated funds. The GO must be notified in writing at least 10 days prior to expiration of the award and include a justification for the extension. For all NCEs, the CI must provide remaining funds, planned activities, and justification for delay for all NCEs, including prior approval waived. Subsequent requests for more than a one-year NCE may be considered in unusual or extenuating circumstances.

G. NOAA's Automated Grants Management System

CIAO manages the CI competition through the current DOC or NOAA Automated Grants Management System.

H. Designation of Cooperative Institutes

1. Congress authorized the creation of CIs under Public Law No. 102–567, title IV, § 406, Oct. 29, 1992, 106 Stat. 4293, (15 U.S.C. § 1540). This authority was reauthorized and extended to futurity by Public Law No. 108–199, div. B, title II, Jan. 23, 2004, 118 Stat. 71, (15 U.S.C. § 1540 note), which included language to empower the Secretary of Commerce to enter into cooperative agreements with the CIs designated by the Secretary to use the personnel, services, or facilities of such organizations for research, education, training, and outreach. This authority is unique because it expands the purposes for which the funds may be used under a cooperative agreement to include the use of personnel, services, or facilities of the research/parent institutions without the requirement to execute a separate procurement contract or other funding instruments. The statute does not authorize personal services.

2. **Interagency, intra-agency, international, and other special agreements with other Federal agencies, non-federal organizations, and businesses**. Policy and procedures pertaining to cost-reimbursable activity where NOAA is the performing agency. As part of its mission, NOAA makes interagency, intra-agency, international, and other special agreements with other Federal agencies, non-federal organizations and businesses, and individuals having complementary missions or requiring the exchange of information or services with NOAA. For example, NOAA makes these agreements to provide goods or services to, or to engage in collaborative activities with another organization; to obtain goods or services from another Federal agency; or to transfer funds to a non-federal entity as authorized by law for a purpose for which a procurement contract, grant, or cooperative agreement is not the more appropriate legal instrument.

   Funds Availability - NOAA's use of a Federal sponsor's funding is generally subject to the same time period as the sponsor for obligation and expenditure purposes, unless the authorizing legislation provides otherwise. There are three (3) exceptions:

   a. If a service is non-severable, it may extend beyond the funds' availability period, but the entire cost of the service must be obligated upfront. An agency cannot obligate funds to cover the partial cost of a non-severable service; a practice commonly referred to as "incremental funding."

   b. According to 10 U.S.C. § 2410a, "The Secretary of Defense, the Secretary of a military department, or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, may enter into a contract for (a) the procurement of severable services and (b) the lease of real or personal property for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year."

   c. According to 41 U.S.C. § 3902, "The head of an executive agency may enter into a contract for the procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to

extend the period of the contract) the contract period does not exceed one year. Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of this section."

6. MAINTAINING CIs (Post-Award)

The NSC oversees CI policy and program implementation and prescribes the CI management structure to accomplish the purpose and elements of the NAO 216-207A. The CIAO manages the CI Program, the TPM and FPO manage CI awards, and the NOAA sponsor manages CI projects.

The responsible LO designated by the NSC is responsible for assigning the CI award managers, the TPM, and FPO. Many activities are associated with award management throughout the year, and through the TPM and FPO, the LO ensures sufficient resources to manage each CI award. The TPM serves as the primary LO contact for all CI activities and has substantial knowledge and understanding of the research conducted at the CI. The TPM and FPO administer, oversee and evaluate the CI award. Sections below detail the goals, objectives, and responsibilities of maintaining CIs post-award.

A. Responsibilities

1. CIC - The CI Collective is primarily a group of FPO and TPM individuals representing each LO. The group's responsibility is to gather feedback, evaluate and improve program implementation of policy and procedures.

2. CIAO - The CIAO is responsible for award management and oversight of all CI activities.

3. FPO - The FPO is responsible at the project level for providing funding details and processing all documentation required to process CI project proposals.

4. GMD - The GMD Grant Management Specialist(s) review and incorporate proposals or changes to an award as amendments or in accordance with GMD policy. The NOAA Grants Officer approves all amendments and changes subject to NOAA and Departmental grants policies and rules. A change or amendment to an award is not implemented until the Grants Officer has reviewed and approved the award action request or amendment. The Grants Officer has 30 days to consider such requests.

5. LO - The responsible LO manages all programmatic aspects of the CI award in consultation with the NOAA GMD.

6. NSC - The NSC monitors CI activities and projects from within NOAA (NSC Terms of Reference can be found on the NSC website).

7. TPM - The TPM is the primary LO contact for all CIs managed by the LO. The TPM is responsible for overseeing the processes associated with managing all CI awards within

the LO. For this reason, the CI is encouraged to work with the TPM to identify other NOAA programs that may be interested in supporting research at the CI using funding from NOAA. In this way, the entire agency can use the research capabilities and capacity at the CI.

B. CI and NOAA Employees

1. NOAA may use the personnel of the CIs for the purpose of research, training, education, and outreach. The CI Director determines the designation of a CI employee. For example, a faculty member within an academic department at the CI's parent institution may collaborate with NOAA through the CI but may or may not be considered a CI employee by the university. University and CI employees designated by the CI Director are not NOAA or Federal employees.

2. The use of CI personnel requires federal employees to ensure that reliable safeguards exist to avoid sharing information restricted to federal employees. Also, because CIs can hire foreign scientists, NOAA requires federal facilities to ensure that foreign scientists have no access to facilities and information restricted to United States citizens.

3. NOAA encourages CI and NOAA employees to be collocated to stimulate and support collaborative research.

    a. When these employees are collocated, federal employees must comply with all applicable laws and regulations and are not authorized to supervise CI and/or other university employees, including students.

    b. The facilities manager is responsible for obtaining and maintaining all appropriate clearances for collocated CI employees.

4. Because CIs are formed by a cooperative agreement, federal employees may provide technical leadership on collaborative projects that involve CI employees, but it is improper to provide feedback about a CI employee.

5. Specific guidance is found in Section F in the CI Standard Terms and Conditions.

C. CI Project Activities

The responsible LO ensures that all proposals/amendments/funding requests are processed through the current DOC or NOAA Automated Grants Management System after they are submitted by the CI parent institution(s) through Grants.gov. LOs cannot require other LOs to pay a fee or other charges to fund a CI project. CIs are formed by cooperative agreements and intended to foster cross-LO collaborations. In addition to the FPO responsibilities, the LO TPM is also involved with the following activities:

a. developing and establishing research linkages between NOAA and the CI;
b. reviewing annual performance;

c. attending and organizing annual NOAA-CI meetings;
d. working with the CI to manage reviews; and
e. monitoring research performance for all LO CIs.

D. Proposing Projects Under the CI Institutional Award

1. When a CI is established, the original proposal includes a description of expertise, capabilities, and research capacity available at the CI that the CI proposes to use to research specific research areas of interest to NOAA. Aside from the annual base funding, no other funding is required to be obligated under the award. Additional funding is allocated to the CI for research and specific support throughout the award period after consultation with NOAA programs that have available funding. The subsequent projects are submitted by the CI's parent institution(s) through Grants.gov, using the NOFO number provided by the responsible LO. **11.405** is a new Assistance Listing number (CFDA) tied to reimbursable, recoverable, and other similar interagency-funded CI awards only. The "405's" work under controlled detailed accounting procedures.

2. Prior to the beginning of the CI award, the responsible LO will discuss the process for submitting project amendments described in this Handbook, including the use of Grants.gov. The LO will also ensure that the CI begins working with the NOAA laboratories and/or programs to provide initial research funding. After consultation with these laboratories and/or programs, the CI requests funding for research support by submitting new amendment(s). New project amendments should include all items detailed in (Appendix J) *(i.e., a project description, detailed budget justification, and detailed budget for each particular research activity)*. These requests are submitted to the responsible LO through Grants.gov. If any NOAA office anticipates a budget reduction for approved subsequent project amendments for the funding year, the NOAA office should contact the LO CI Program Manager and the CI director immediately to discuss the shortfall. The TPM will work with the NOAA office to ensure that the CI has been notified.

3. All proposals/amendments for CI research and activities, including any annual CI science plan, must be written by the CI parent/research institution CI. Activities shall be organized into three (3) tasks pursuant to Section 5.E. Coordination with the collaborating NOAA office is required prior to submitting all proposals/amendments. In addition, the CI shall consult with the LO TPM, and FPO for the award to ensure proposed projects are consistent with the terms of the award.

After the first NCE, the CI must submit a prior approval request for all other NCEs to the GO 30 or more days prior to the award end date. All project NCEs must be approved by NOAA. For all NCEs, the CI must provide remaining funds, planned activities, and justification for delay including prior approval waived. Subsequent requests for more than a one-year NCE may be considered in unusual or extenuating circumstances.

E. Science Plan

An annual CI science plan and estimated budget for Task II activities is strongly encouraged for CIs to assign multiple personnel to multiple long-term collaborative research projects

(particularly co-located CI employees/facilities) funded on an incremental basis, as deemed appropriate by the CI's sponsoring LO. The CI and the LO's project sponsor supporting these activities should agree upon the annual science plan and budget. Collaborations with NOAA laboratories typically involve many projects conducted by many CI scientists, and it is more efficient for NOAA and the CI working with the NOAA sponsor(s) to submit one annual science plan. The science plan should describe all the Task II research activities conducted during the year. CIs submitting annual science plan(s) with an estimated annual budget for all projects are subject to one technical and legal review. Each science plan shall include:

a. Research objective(s) for each main project;
b. Appropriate research theme(s);
c. Key personnel, project description(s);
d. Detailed budget justification for all projects;
e. A total estimated budget that includes all projects and estimated personnel costs, including level of effort for each CI employee, for the entire life of the project; and
f. Monitoring plan that includes personnel burn rate

F. CI Standard Terms and Conditions

Applicable laws, regulations, 2 CFR Part 200,DOC Financial Assistance Standard Terms and Conditions, Administrative Standard Terms and Conditions, Research Terms and Conditions, and Program-Specific Terms and Conditions apply to CI awards. CI Standard Conditions are available here. Additional guidance follows.

1. Administrative Support Plan - The Administrative Support Plan (ASP) is the next generation of the Business Plan included in the CI's competitive proposal. The ASP must be a well-developed and detailed description of the CI governance structure, fiscal and human resource management, the organizational structure of the CI, and how it will operate.

    a. The ASP must be submitted to the NOAA award file by the CI within six (6) months of the award start date. NOAA does not approve the ASP but does provide comments as needed.

    b. The ASP must be maintained with accurate policies and information.

    c. After the original submission, the ASP must be kept current and provided to NOAA at any time upon request.

    d. In addition to the details of the SAC itself, important considerations for the ASP are:

        - NOAA Email address: Email account holders who are **not** NOAA federal employees, will have the term "NOAA Affiliate" displayed after their email name.

        - CI employees co-located in NOAA facilities are expected to complete all NOAA IT security training requirements.

- CI employees located on university campuses or working in university research facilities are barred from using a NOAA.gov email account and must comply with the regulations of their respective universities.

  Examples:
  Jane Doe (NOAA Federal) Jane.Doe@noaa.gov
  John Doe (NOAA Affiliate) John.Doe@noaa.gov

e. Foreign Nationals. If the performance of a grant award requires recipient organization personnel to have access to Federally-controlled facilities and/or Federally-controlled information systems , such personnel must undergo the personal identity verification credential process. The LO funding the project will host the Foreign National pursuant to the requirements of Department of Commerce Administrative Order (DAO) 207-12: *Foreign Access Management Program*, and NAO 207-12: *Technology Controls and Foreign National Access.* The DAO and NAO set forth the policies and procedures for Foreign National Visitor and Guest access to Department facilities, resources, and activities. Furthermore, CIs must follow the DOC Financial Assistance Standard Terms and Conditions at G.05.m, "Compliance with Department of Commerce Bureau of Industry and Security Export Administration Regulations."

f. Federal employees **may not** contribute feedback to annual evaluations of CI employees. However, federal employees may contribute feedback regarding the project progress of a CI employee's funded work.

2. Use Agreement -The Use Agreement (UA) is also part of the Business Plan required in the NOFO and describes the physical space that NOAA has agreed to provide; permitted uses of such space; access requirements; environmental considerations; liability considerations, and other responsibilities; and NOAA security protocols. An example of a Use Agreement is found in (Appendix L).

   a. CI Access to Federal Facilities and Systems

      - Those individuals who will be collocated and require access to NOAA facilities or NOAA Information Technology systems will be required to obtain a National Agency Check with Inquiries (NACI). The NACI is the basic and minimum investigation required of all new Federal employees (or collaborators). The investigation consists of a National Agency Check with written inquiries and searches of records covering specific areas of an individual's background during the past five (5) years (inquiries sent to current and past employers, schools attended, references, and local law enforcement authorities).

        1. The NOAA facilities manager, or his/her designate, will be responsible for obtaining and maintaining all appropriate clearances for CI employees.

        2. Contact the applicable Regional Security Office for more information.

- All CI employees co-located at NOAA facilities will be subject to NOAA operational status changes with respect to emergency and non-emergency closures.

- Emergency Closures: All CI employees co-located within NOAA facilities shall be subject to evacuation or preemption from use for designated emergencies (including Natural disasters, fires, floods, civil unrest, etc.). During emergency closures, CI employees should maintain contact with their CI supervisor to remain aware of changes to closures (such as reopening, limited work schedules, etc.). CI employees are subject to the rules and regulations of their employing university with regard to leave and pay during emergency closures. CI employees with access to support resources through their employing university may continue to conduct collaborative research at a site other than the NOAA facility if the university permits such work or is open to conduct normal business. In no event may a CI employee access any NOAA facility if that facility is closed for an emergency and all NOAA federal employees and contractors have been dismissed or told not to report for duty.

- Non-emergency closures: If a NOAA facility housing co-located CI employees are closed for non-emergency purposes (routine maintenance, government furlough, non-federal state holiday), CI employees are bound by their university's operating status and policies regarding timekeeping, attendance, and work product. Generally, CI employees may continue to conduct their collaborative research at alternate university facilities during scheduled closure periods. In addition, they may continue to use federal IT resources, provided that no Federal employees are required to provide support to the CI employee. In certain limited cases, CI employees may access NOAA facilities closed to federal employees for non-emergency reasons. Such access will be documented to CI employees in advance of the closure if appropriate.

b. The collocation of Federal and non-Federal employees provides opportunities for non-Federal employees to use Federal property, including laboratory equipment, computer systems, and government vehicles. The use of this equipment will be governed by all relevant Federal statutes and regulations, including those governing deemed exports and all NOAA policies and procedures pertaining to the use of any federally owned or leased equipment.

c. All personnel having access to NOAA Information Technologies and any research computer system(s) connecting to NOAA networks or systems (including but not limited to email, web servers, networked computer processing, and data storage, high-performance computers, etc.) must comply with all NOAA IT security policies.

3. Federal Use by Federal employees of property owned or leased by the CI (includes any CI consortia member institutions) is governed by the policies and procedures of the CI.

4. Intellectual Property

    a. Per 2 CFR Part 200.315(b), CIs may copyright any work subject to copyright and developed under a Federal award. NOAA receives a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes and authorize others to do so.

    b. The federal purpose is derived from all authorities and mandates Congress has entrusted to federal agencies. Therefore, by submitting a proposal to this competition, you acknowledge that if selected, you understand that NOAA could publicly disseminate work produced under this cooperative agreement for federal purposes in furtherance of its authorities and mandates. In addition, NOAA may define specific intended uses pursuant to its Federal purpose(s) in individual awards.

    c. Inventions. The rights to any invention made by a university employee or other nonprofit research organization (referred to as "University") at an Institute under the cooperative agreement with NOAA are determined by the Bayh-Dole Act, Public Law 96-517, as amended and codified in 35 U.S.C. § 200 *et seq*. The specific rights and responsibilities are described in more detail in 37 CFR Part 401, particularly in the standard patent rights clause in 37 CFR Part 401.14. However, for the convenience of the parties, the following summary is provided.

        - Ownership

            1. University - The university has the right to own any invention made (conceived or first reduced to practice) by its employees. The university may not assign its rights to a third party without the permission of the DOC unless it is for a patent management organization which may include the university's Research Foundation. The university's ownership rights are subject to the Government's nonexclusive paid-up license.

            2. U.S. Government - If the university elects not to own or does not elect rights or file a patent application within the time limits set forth in the standard patent rights clause, DOC may request an assignment of all rights, which is normally subject to a limited royalty-free nonexclusive license for the university. DOC owns an invention made solely by its employees but may license the university in accordance with the procedures in 37 CFR Part 404.

            3. Inventor - If neither the university nor the Department is interested in owning an invention by a university employee, the university, with the written concurrence of DOC Patent Counsel, may allow the inventor to own the invention subject to certain restrictions as described in 37 CFR Part 401.9.

            4. Joint inventions - Inventions made jointly by a university employee and a NOAA employee will be owned jointly by the university and

DOC. However, DOC may transfer its rights to the university as authorized by 35 U.S.C. § 202(e) and 37 CFR Part 401.10 if the university is willing to patent and license the invention in exchange for a share of "net" royalties based on the number of inventors (e.g., 50-50 if there is one university and DOC employee). The DOC Patent Counsel will prepare the agreement and include other provisions, such as a royalty-free license to the Government and certain other entities.

5. CRADAs - Ordinarily, a university employee will not perform any research for NOAA under a cooperative research and development agreement (CRADA) with a third party. However, if such an employee is permitted to do so while located at a NOAA facility or laboratory, the university's rights to any invention made by its employees under the CRADA may be limited to recognize the contributions of the third party. In particular, the university may be required to negotiate a license with the third party under which the third party would receive, as a minimum, the same rights as if the invention was made by a Government employee under the CRADA. If this requirement is imposed on a university, NOAA will make an "exceptional circumstances" determination in accordance with 37 CFR Part 401.3(e), which is appealable under 37 CFR Part 401.4.

- Responsibilities

1. Reporting - Within two (2) months of when its employee reports the invention to the university's office responsible for patent matters, the university will send the invention disclosure to DOC Patent Counsel (HCHB Room 4835, Washington, DC 20230, telephone: 202-482-8010) and the appropriate DOC program office.

2. Electing - Within two (2) years of reporting the invention to DOC, the university will notify DOC Patent Counsel of its decision whether or not it wishes to own the invention.

3. Filing - Within one (1) year of notifying DOC that it wishes to own the invention, the university will file a patent application (either a provisional or non-provisional) and promptly send a copy of the application to DOC Patent Counsel. Any foreign or international application must be filed within ten (10) months of the first filed application in the United States. The university will ensure that any U.S. application contains the required statement of Government support. The university will also promptly send the required confirmatory Government license to DOC Patent Counsel, who shall record that license in the Patent and Trademark Office (PTO). If the university decides to discontinue the prosecution of any patent application or not pay a

maintenance fee or defend a reexamination, it shall notify DOC Patent Counsel of that fact in a sufficient time (but not less than 30 days) for the Government to respond to any outstanding requirement or letter from a patent office. However, if the university is filing a continuing application, it needs only to notify DOC Patent Counsel of this and provide a copy of the continuing application with the appropriate confirmatory license. Upon issuance of any application, the university will promptly provide a copy of the patent to DOC Patent Counsel.

4. Any request for an extension of time should be sent to the DOC Patent Counsel in advance of the time period's expiration. The university has other responsibilities and duties set forth in the standard patent rights clause, which have not been described. The university is expected to comply with all the requirements of this clause and 37 CFR Part 401.

d. Data, Databases, and Software. The rights to any work produced or purchased under the cooperative agreement with NOAA are determined by 2 CFR Part 200.315. Such works may include data, databases, or software.

e. The CI must:

- coordinate to enhance efficiency and reduce redundancy in public access plans and policies, including as it relates to digital repository access;
- improve awareness of federally funded research results by all potential users and communities;
- consider measures to reduce barriers in publishing of, and access to, federally funded research and data;
- develop procedures and practices to reduce the burden on federally funded researchers in complying with public access requirements;
- implement standard consistent benchmarks and metrics to monitor and assess implementation and iterative improvement of public access policies over time;
- monitor and encourage compliance with public access policies and plans;
- coordinate engagement with stakeholders, including but not limited to publishers, libraries, museums, professional societies, researchers, and other interested non-governmental parties on federal agency public access efforts;
- develop guidance on desirable characteristics of, and best practices for sharing in, online digital publication repositories;

- identify the key parameters that must be considered in planning how to maximize appropriate sharing of federally funded scientific data that have not been used to support scholarly publications; and,

- develop strategies to make federally funded publications, data, and other such research outputs and their metadata findable, accessible, interoperable, and reusable to the American public and the scientific community in a secure manner.

f. The university owns any work produced or purchased under the cooperative agreement subject to NOAA's right to obtain, reproduce, publish or otherwise use the work or authorize others to receive, reproduce, publish, or otherwise use the data for Government purposes. If the work is a database, the university is expected to make it widely available on a non-discriminatory basis.

g. The university may copyright any work produced under the cooperative agreement subject to NOAA's royalty-free non-exclusive and irrevocable right to reproduce, publish, or otherwise use the work or authorize others to do so for Government purposes. Works jointly authored by NOAA and university employees may be copyrighted, but only the part authored by the university employee is protected because, under 17 U.S.C. § 105, works produced by Government employees are not copyrightable in the United States. If the contributions of the authors cannot be separated, the copyright status of the joint work is questionable. On occasion, NOAA may ask the university to transfer its copyright to a particular work when NOAA is undertaking the primary dissemination of the work. Ownership of copyright by the Government through assignment is permitted by 17 U.S.C. § 105.

5. Vehicle

   Certificate of Auto Liability Insurance

   To satisfy this SAC, the CI must provide an annual Certificate of Insurance (COI), a concise document containing all the pertinent details of the CIs insurance policy in an easily digestible, standardized form. The issued copy of the COI is proof that the coverage exists. In cases where a CI has to change the insurance duration, coverage levels, or both, the CI must provide a new COI as proof that the changes have been made and are in effect before allowing them to begin work.

6. Research Vessels

   Insurance policies for Research Vessels have Special Conditions that allow coverage to include Jones Act Seamen, who operate the vessel, and scientists/observers aboard to conduct the research. Protection and indemnity policies cover bodily injuries sustained by the crew, passengers, and other people while on board the vessel, along with liability coverage for vessel operations suited to oceanographic research vessels. Marine general liability policy is geared toward maritime operations and shoreside liability.

   To satisfy this SAC, the CI must provide an annual Certificate of Insurance (COI), a concise document containing all the pertinent details of the CIs insurance policy in an easily digestible, standardized form. The issued copy of the COI is proof that the coverage exists. In cases where a CI has to change the insurance duration, coverage

levels, or both, the CI must provide a new COI as proof that the changes have been made and are in effect before allowing them to begin work.

G. Annual Meeting

An annual 2-3 day meeting is held in the Washington, D.C. area. An in-person meeting is strongly preferred, but a virtual meeting is allowable if conditions warrant it. The purpose of the meeting is to facilitate a discussion about important CI program related topics, including NOAA research planning, grants management, NOAA organizational changes, and research conducted at the CIs. The meeting is led by the CI Directors, Chief Administrators, Business Managers, and Research Administrators and attended by the CIAO, CI Collective (NOAA's CI TPMs and FPOs).

The meeting is organized by the Chair of the CI Directors' Committee and their staff. Input is solicited on topics of importance to the CIs and NOAA from the CIs, CIAO, CI Collective, and NOAA's CI TPMs and FPOs.

H. Performance Measures

Public Law No. 108–199, div. B, title II, Jan. 23, 2004, 118 Stat. 71, (15 U.S.C. § 1540 note), as implemented in NAO 216-107A, requires that NOAA funded work at the CIs promote research, education, training, and outreach that align with NOAA's mission, fund research capabilities that do not exist internally and expand research capacity in NOAA-related sciences. NOAA must maintain a corporate understanding for measuring outputs and outcomes of Research and Development (R&D). Metrics are used to evaluate the contributions that CIs make to NOAA's mission. The measure of the outputs and outcomes of CI R&D serves as a guide for future work and investments across the agency. The CIAO coordinates all evaluation activities. This section does not measure individual CI performance; however, the Monitoring and Oversight section and the Research Performance Project Report (RPPR) section elaborates on this information.

I. Research Performance Progress Reports

1. In addition to performance measures, all CIs shall submit an annual Research Performance Progress Report (RPPR) in accordance with 2 CFR Part 200.329 for the life of the award within NOAA's Automated Grants Management System.

2. Guidelines will be published on the CIAO website describing the information to be included, if applicable, in the annual CI RPPR. These guidelines will promote consistent reporting requirements for all CIs and ensure that NOAA receives information to monitor CI performance and compile performance data statistics.

3. All RPPRs are due annually NLT 30 days after the report performance period, and the final report is due NLT 120 days after the period of performance. The CI must request

extensions to RPPR submissions within NOAA's Automated Grants Management System and are not automatically approved. RPPRs shall cover:

- The initial report from the award start date through the first year period of performance
- Performance periods of each year
- All funded years as well as No Cost Extension (NCE) periods

RPPRs should contain:

- Accomplishments
- Products *
- Participants and Other Collaborating Organizations
- Impact
- Changes/Problems
- Outcomes

RPPRs also contain mandatory appendices to be submitted simultaneously:

- List of Projects *
- List of Products *
- Employee Support Table

** Each CI is required to submit these items to the NOAA Institutional Repository (IR). Refer to the NOAA IR Document Inclusion Policy and Guidance for what types of documents to include.*

4. Upon receipt of an RPPR, the responsible LO will coordinate a review of the report to ensure the CI's performance is acceptable. The NOAA sponsor also reviews each project within the report for performance and interaction between the NOAA sponsor, the NOAA lab, and the CI PI. Performance measures are tailored to capture general and specific outcomes at each CI.

7. MONITOR AND OVERSIGHT

The purpose of CI program monitoring and oversight is to ensure that CIs fulfill the terms and conditions of their awards, federal funds spent effectively to accomplish their intended purpose, and that NOAA meets its mission goals and objectives. Additionally, to ensure that NOAA CIs comply with the program's standards and guidelines, all applicable laws and regulations are adhered to for all enterprise, award, and project-level activities. Monitoring and oversight are critical for the CI program in making informed judgments about program effectiveness and management efficiency, ensuring that the program has adequate and efficient checks and balances and the appropriate safeguards to protect the portfolio. It also helps identify trends and instances of fraud, waste, and abuse. Monitoring and oversight is an ongoing process involving continuous communication and evaluation with all CI program stakeholders.

A. Responsibilities

1. CI - The CI is responsible for oversight of the operations of the Federal award-supported activities. The CI must monitor its activities under Federal awards to ensure compliance with applicable Federal requirements and achieve performance expectations. Monitoring by the non-federal entity must cover each program, function, or activity (2 CFR 200.329). Recipients are also responsible for ensuring that they comply with all of the terms and conditions of their awards and with the provisions made as part of the award, including, but not limited to, exercising appropriate financial management, accounting, and control over award funds and other assets.

2. CIAO - The CIAO is responsible, at the enterprise level, for overseeing NOAA CIs and reporting to the Grants Officer any concerning potential or existing problems, financial inconsistencies, or situations of non-compliance and providing recommendations for resolution. Ensures compliance with all relevant programmatic statutes, regulations, and policies. The CIAO is responsible for ensuring compliance at the enterprise level with the policy described in NAO 216-107A to accomplish the purpose and elements of the NAO. Develops, authorizes, and maintains policies and procedures associated with the NOAA CIs.

3. CIC - The CIC is responsible for advising and proposing policy and procedures and ensuring compliance at the award level when evaluating NOAA CIs.

4. FALD - FALD assists, reviews, and provides oversight and guidance on NOAA, DOC, and government-wide requirements.

5. FPO - is responsible at the award level for monitoring and oversight of the work being conducted under an award, such as tracking the CI's progress, comparing the actual accomplishments with the goals and objectives established in the award, and advising the Grants Officer on all programmatic aspects of the awards.

6. GMD - GMD is responsible for the award, administration, and monitoring of the cooperative agreements at the award level, which requires adherence to the program objectives for which funds are awarded.

7. LO - The LO is responsible at the project level for evaluating and ensuring that the CI complies with, per project, all applicable terms and conditions of each project proposal.

8. NSC - The NSC is responsible for corporate oversight to ensure NOAA's research and development activities are of the highest quality, meet near-to-long-term mission requirements and societal needs, and are accomplished in an efficient and cost-effective manner.

9. SAB - The SAB serves as the official reviewing authority for the science review. See the SAB Concept of Operations (ConOps) and SAB Charter found on the NOAA SAB website for more information.

10. TPM - The TPM is responsible and can hold others accountable, at the award level, to monitor and provide oversight for their specific CI award and monitor for possible

deficiencies in need of corrective action and handled through discussion, negotiation, or technical assistance in a manner that maximizes local discretion.

B. Enterprise Level Monitoring and Oversight

The enterprise level analyzes observations, collects data, determines whether CI Program activities comply and if corrective/fiscal action is needed, and identifies serious deficiencies. In addition, the enterprise level provides expertise and strategic advice presented for consideration and decision-making to support CI stakeholders to achieve program improvement. The enterprise level has CI Program decision-making authority and rarely makes decisions for individual CI awards or projects. This level of monitoring and oversight includes the following:

- CI renewal/review process
- Award Action Reports
- Financial reports/analysis
- Research Performance and Progress Reports (RPPRs)
- Risk analysis
- Program data/trend analysis

C. Award Level Monitoring and Oversight

The award level monitors and oversees CI Program activities and ensures that the CI complies with all terms and conditions of the award, specifically with funding and meeting the “spirit” of the award. In addition, at the award level, expertise and strategic advice are provided to CI stakeholders for consideration and decision-making. The award level has decision-making authority for individual CI awards. This level of monitoring and oversight includes the following:

- Site visits both remote and on-site
- Renewal reviews
- Research Performance and Progress Reviews
- Closeout procedures

D. Project Level Monitoring and Oversight

The project level monitors CI Program activities and ensures that the CI complies, per project, with all terms and conditions of each project proposal. Designated decision-making authority for individual projects. This level of monitoring and oversight includes the following:

- Funding reconciliation (Task I, II, and III)
- Periods of performance
- Project justification

8. AWARD RENEWALS AND REVIEWS

To maintain a long-term collaborative partnership with a CI beyond its initial five-year award period, NOAA must complete a renewal review that includes separate science and administrative reviews. The TPM maintaining the CI has primary responsibility for arranging and coordinating the science and administrative reviews. The CI provides all required documentation and hosts the actual review. The science review carried out by the Science Advisory Board (SAB) is the official reviewing body for the science review and invites science reviewers and makes recommendations regarding the quality of science and management of the CI. The TPM maintaining the CI, serves as the chair and facilitator for the administrative review, which includes participation by FALD and GMD. The CIAO provides oversight, ensuring an open and transparent process and programmatic compliance for all of NOAA's CIs.

A CI review typically occurs at the beginning of the fourth year of the cooperative agreement, which provides sufficient time for the renewal to be completed before the end of the first five-year federal financial assistance award. The renewal review is typically three (3) days, two (2) days for the science review, and one (1) day for the administrative review. The renewal review assembles a panel of experts in science management, financial management, and/or grants management areas relevant to the CI. It is the policy of the DOC to maintain high standards of conduct to prevent real or apparent conflicts of interest in connection with awards. The CIAO begins the process by securing the OAR AA's signature on the charge letter. This letter charges the Science Advisory Board (SAB) to conduct a science review and requests the SAB Chair to identify a SAB member to chair the science review.

A. Responsibilities

1. CI - provides required documentation, hosts the review, and submits a renewal proposal upon successful renewal review.

2. CIAO - communicates the review event requirements to the TPM and the SAB member who chairs the science review; provides oversight of the science and administrative reviews; manages the process when the review event concludes; attends both the science and administrative review as *ex officio*.

3. FALD - advises the TPM during the administrative review by providing statutory interpretation and assistance deemed necessary for the review process; serves as administrative review panel member.

4. FPO - provides operational support for the CI award; serves as administrative review panel member.

5. GMD - participates in the administrative review; examines the procedures associated with grant management at the CI and the parent institution(s).

6. LO - the LO for the TPM for the CI that manages the renewal review and coordinates with NOAA SAB, and the CI.

7. SAB - serves as the official reviewing authority that makes a recommendation(s) regarding the quality of science and management of the CI to the Under Secretary and the responsible LO Assistant Administrator (AA).

8. TPM - NOAA's scientific and technical representative and point of contact for scientific inquiries from NOAA's funding programs; responsible for management of the science and administrative review; chair of the administrative review panel.

B. Review Coordination

The coordination process should start as early as possible before the expected time of the review (see Appendix F) for specific coordination and execution steps). The procedure should start sooner if the LO anticipates scheduling conflicts or other delays. Typically, the TPM will designate a CI review coordinator. This person will be the primary focal point for arranging and executing the review and coordinating with the NOAA SAB, CIAO, and the CI. The science review panel will be selected in conjunction with the SAB. The TPM chairs and selects the administrative review panel. Each review team will consist of several members and a chairperson. Members of the panels are subject to the approval of NOAA.

a. The science review team is led by a current or emeritus SAB member and includes at least three (3) other panelists and a sitting CI Director who serves ex officio. The credentials of the panelists should be considered to ensure a variety of viewpoints and scientific expertise.

b. The administrative review team includes the TPM, FPO, the CIAO Director, GMD staff member, FALD member, and any other NOAA representatives deemed pertinent to the process. The TPM serves as the chair.

c. Important steps in the review process include:

   i. informing the review members of expectations for the review panel;

   ii. providing the CI and review team with the standard science review questions;

   iii. preparing a CI briefing book;

   iv. conducting the scientific and administrative reviews; and

   v. preparing the final reports.

C. Science Review

For scientific reviews, the SAB serves as the official reviewing authority. The Science review panel is chaired by a current or emeritus member(s) of the SAB. All other panelists, which may include SAB members, are selected in collaboration between the Chair, CI, TPM, and CIAO. NOAA employees are prohibited from serving on the Science review panel. Panel

members are subject to NOAA approval. CI science review panels operate as *ad-hoc* SAB working groups and are subject to the relevant policies and procedures set forth in the SAB Subcommittee Concept of Operations. Representatives from the CIAO sit *ex officio* on the panel and provide guidance to ensure the review complies with and accomplishes the goals and purpose of the NAO.

The science review will evaluate the quality of the research using mutually agreed-upon performance measures. The general elements of the review should include assessment of 1) Quality, creativity, integrity, and credibility; 2) timeliness, scale, and scope; 3) science connected to the application and operational implementation of policy; 4) capacity-building; 5) education; 6) efficiency; and 7) social science integration. A list of standard science review questions to be answered by the CI is included in (Appendix D). The CI is expected to provide the review panel with responses to a list of standard review questions at least two (2) weeks prior to the review.

Based on the science review panel's evaluation of the CI using criteria developed for these elements, the panel will recommend to NOAA a continuation of the CI award based on one of three possible ratings:

a. Outstanding - The CI has consistently demonstrated superior achievement of all initially agreed goals, and evidence of an ongoing resource commitment that enhances NOAA's resources to support collaborative research. For outstanding performance, NOAA will renew a CI for up to an additional five (5) years at a funding level, pending availability of funding, commensurate with its level of performance.

b. Satisfactory - The CI has achieved some or all of its agreed goals and has demonstrated acceptable performance. Its performance, however, is not considered outstanding, and/or the CI's resource commitment provides a limited enhancement of NOAA's resources. Therefore, for acceptable performance, NOAA may opt to renew a CI for a period less than five (5) years that may be at a significantly reduced funding level, pending funding availability.

c. Unsatisfactory - The CI has demonstrated a failure to achieve some or all of its agreed goals. Its performance is unacceptable and/or the CI has also provided minimal resources to enhance NOAA's resources to conduct collaborative research. For unacceptable performance, NOAA will not renew the award or, for serious problems, will terminate the current CI award according to the procedure described in Section 8E below.

D. Administrative Review

The administrative review examines the procedures associated with grant management at the CI and the parent institution(s). Because the review focuses on requirements imposed by Federal regulations for managing federal financial assistance awards, this review will be conducted by NOAA employees. The SAB will not comment on this portion of the review. Instead, the TPM will use the report to determine renewal terms. The review panel is chaired by the CI's TPM and includes representatives from GMD, FALD, and at least one

other panelist from the LO that manages the CI. Representatives from the CIAO sit ex-officio on the panel and provide guidance to accomplish the purpose and elements of the NAO. A list of standard review questions to be answered by the CI is included in (Appendix E). The CI should submit its responses to the responsible LO at least two (2) weeks prior to the review.

E. Renewing a CI

1. The TPM makes a recommendation on whether to renew the CI based on the outcome of the extensive renewal review.

2. Based on the recommendation from the TPM, the CIAO Director advises the managing LO's AA on whether the current CI should be renewed at the end of the first 5-year award.

3. If the CI is recommended for renewal, the CIAO invites the CI to submit a proposal for the proscribed renewal period and level of funding.

4. The renewal application process will follow the standard NOAA procedures for competitive renewals as outlined in the DOC Grants and Cooperative Agreements Manual. The Grants Officer is the approving authority for federal financial assistance awards. If approved, the award notification is made through NOAA's Automated Grants Management System.

5. A review during the second award period is usually not required. NOAA may request a review during the second period to confirm that items identified during the first review were addressed or because performance problems have been identified in annual performance progress reports.

F. Decision not to Renew a CI

NOAA may decide not to renew a CI for a second 5-year term.

If the science or administrative renewal review is unsatisfactory, NOAA confers with the CI and collaborates on possible remediation of deficiencies noted. If no remedy can be agreed upon, NOAA will not renew the five year financial assistance award.

1. If managing LO's AA does not recommend a renewal:

    a. The CIAO submits this recommendation to the NOAA NEC and the Under Secretary for their review and consideration.

    b. If the NEC and the Under Secretary concur with the recommendation not to renew, the CIAO begins the process to wind down the CI.

9. TERMINATION

1. If NOAA makes the determination to terminate the CI before the original award period and/or during the renewal period, note the following guidelines:

    a. The LO responsible for the CI identifies possible conditions for early termination in CI performance that includes but not limited to poor CI management, lack of funding for research themes/areas, poor fiscal management, inability to complete proposed research within the time proposed, loss of resident expertise or research capabilities (e.g., unique research platforms) originally proposed, and/or unavailability of NOAA funding for one or more research themes identified in the project narrative.

    b. NOAA confers with the CI and collaborates on an action plan to mitigate risk to the performance of the CI. However, if the problems cannot be addressed, NOAA may take appropriate action to terminate the current CI award early in accordance with 2 CFR Part 200.340 and the DOC Grants and Cooperative Agreements Manual.
2. Review by the NEC and Under Secretary of Commerce for Oceans and Atmosphere

    a. CIAO submits notice of termination to the NEC and Under Secretary of Commerce for Oceans and Atmosphere.

    b. After concurrence with the Under Secretary, the CIAO begins to wind down the CI.

3. A NOAA CI may be terminated by mutual consent of NOAA and the CI institution, or at the request of the CI institution, in accordance with 2 CFR Part 200.340 and the DOC Grants and Cooperative Agreements Manual.

10. AWARD CLOSE-OUT

Closing out a CI is how NOAA determines if NOAA and the Recipient have completed all applicable administrative actions and all required work. The Grants Officer is responsible for ensuring that the award is properly closed out and the necessary documentation is included in the official award file. General procedures for award close-out are contained in the DOC Grants and Cooperative Agreements Manual.

NOAA shall retain records in accordance with NAO 205-1, NOAA Records Management Program.

11. REFERENCES AND LINKS

Title	URL
1. NOAA Cooperative Institutes Administration Office (CIAO)	https://ci.noaa.gov
2. 15 U.S.C. § 1540 - Cooperative Agreements	https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title15-section1540&num=0&edition=prelim
3. Public Law 108–199, div. B, title II, Jan. 23, 2004, 118 Stat. 71 (15 U.S.C. § 1540 note)	https://www.congress.gov/108/plaws/publ199/PLAW-108publ199.pdf
4. NAO 216-107A: NOAA Policy on Cooperative Institutes	https://www.noaa.gov/organization/administration/nao-216-107-noaa-policy-on-cooperative-institutes
5. Cooperative Institutes for the 21st Century (CI21)	https://ci.noaa.gov/wp-content/uploads/2022/05/CI21_Prospectus_FINAL_18Oct2016.pdf
6. Department of Commerce Grants and Cooperative Agreements Manual	https://www.commerce.gov/oam/policy/financial-assistance-policy
7. Grants Management Division (GMD)	https://www.noaa.gov/acquisition-grants
8. 2 CFR § 200.316 - Property trust relationship	https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200#200.316
9. NOAA Science Advisory Board (SAB)	http://www.sab.noaa.gov
10. 2 CFR Part 200.1 Subpart A - Definitions	https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200#200.1
11. NOAA's Next Generation Strategic Plan	https://www.performance.noaa.gov
12. NOAA's Goals	https://www.performance.noaa.gov
13. NOAA's Enterprise Objectives	https://www.performance.noaa.gov
14. Catalog of Federal Domestic Assistance (CFDA) / Assistance Listings	https://sam.gov/content/assistance-listings

Title	URL
15. 10 U.S.C. § 2410a - Contracts for periods crossing fiscal years: severable service contracts; leases of real or personal property	https://uscode.house.gov/view.xhtml?req=(title:10%20section:3133%20edition:prelim)%20OR%20(granuleid:USC-prelim-title10-section3133)&f=treesort&num=0&edition=prelim
16. 41 U.S.C. § 3902 - Severable services contracts for periods crossing fiscal years	https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title41-section3902&num=0&edition=prelim
17. 2 CFR Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards	https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200
18. NAO 207-12: Technology Controls and Foreign National Access	https://www.noaa.gov/organization/administration/nao-207-12-technology-controls-and-foreign-national-access
19. 2 CFR § 200.315(b) - Intangible property	https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200#200.315
20. Public Law 96-517	https://www.govinfo.gov/content/pkg/STATUTE-94/pdf/STATUTE-94-Pg3015.pdf#page=4
21. 35 U.S.C. § 200 - Patent System Policy and objective	https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title35-section200&num=0&edition=prelim
22. 37 CFR Part 401 - Rights to Inventions Made by non-profit Organizations and Small Business Firms under Government grants, contracts, and cooperative agreements	https://www.ecfr.gov/current/title-37/chapter-IV/part-401
23. 37 CFR Part 401.14 - Standard patent rights clauses	https://www.ecfr.gov/current/title-37/chapter-IV/part-401/section-401.14
24. 37 CFR Part 404 - Licensing of Government-owned Inventions	https://www.ecfr.gov/current/title-37/chapter-IV/part-404
25. 37 CFR Part 401.9 - Retention of rights by contractor employee inventor.	https://www.ecfr.gov/current/title-37/chapter-IV/part-401/section-401.9

Title	URL
26. 35 U.S.C. § 202(e) - Disposition of rights	https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title35-section202&num=0&edition=prelim
27. 37 CFR 401.10 - Government assignment to contractor of rights in invention of government employee	https://www.ecfr.gov/current/title-37/chapter-IV/part-401/section-401.10
28. 37 CFR 401.3(e) - Use of the standard clauses at § 401.14	https://www.ecfr.gov/current/title-37/chapter-IV/part-401/section-401.3#p-401.3(e)
29. 37 CFR 401.4 - Contractor appeals of exceptions	https://www.ecfr.gov/current/title-37/chapter-IV/part-401/section-401.4
30. 17 U.S.C. 105 - Subject matter of copyright: United States Government works	https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title17-section105&num=0&edition=prelim
31. 2 CFR § 200.329 - Monitoring and reporting program performance	https://www.ecfr.gov/current/title-2/part-200#200.329
32. NOAA IR	https://repository.library.noaa.gov
33. NOAA IR Document Inclusion Policy and Guidelines	https://library.oarcloud.noaa.gov/noaa_documents.lib/OAR/NCRL/IR_Document_Policy.pdf
34. NAO 205-1: NOAA Records Management Program	https://www.noaa.gov/organization/administration/nao-205-1-noaa-records-management-program

APPENDICES

CI Policy and Background

APPENDIX B: Suggested Timeline for Establishing a new Competitive CI

Establishing New CIs

APPENDIX J: NOAA's Standard Selection Criteria for CI Awards (NOFO)
APPENDIX H: NOAA's Science Council Terms of Reference (TOR)
APPENDIX L: Use Agreement Example Language

Maintaining CIs Post Award

APPENDIX A: CI Prospectus Outline
APPENDIX C: Funding Memorandum Instructions
APPENDIX G: CI Project Proposal Application Outline
APPENDIX K: Publications

Monitor and Oversight

APPENDIX I: Proposed CI Collective Charter

Award Renewals & Reviews

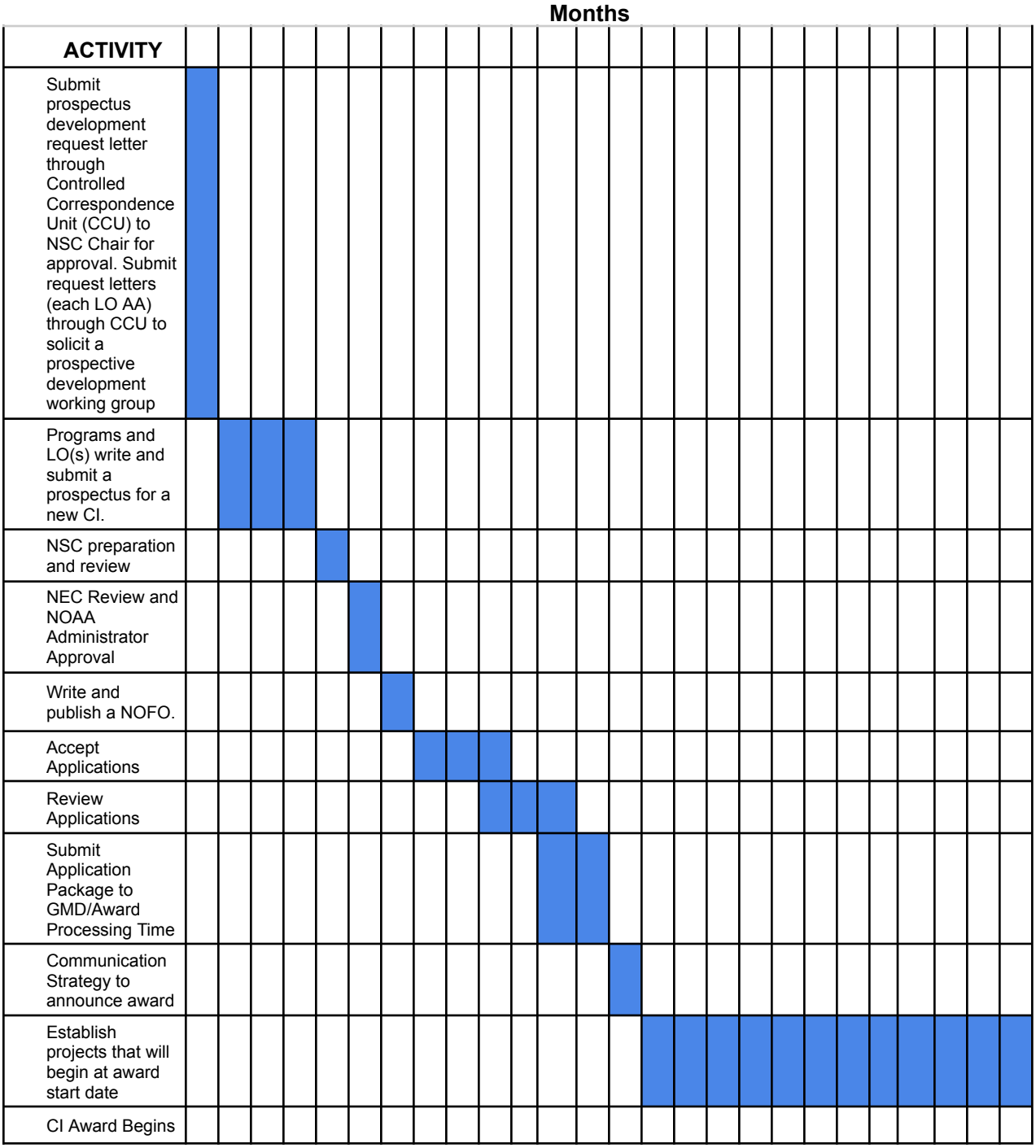
APPENDIX F: CI Renewal & Review Process
APPENDIX D: Scientific Evaluation Review Questions
APPENDIX E: Administrative Evaluation Review Questions

APPENDIX A: CI PROSPECTUS OUTLINE

The intent of this outline is to provide information and guidance to the Line Office proposing a new CI. The CI Prospectus includes

1. LO Proposal to Establish a New NOAA Cooperative Institute;
2. Sponsoring LO(s):
3. How does this proposed CI fulfill the mission/mission requirements of the sponsoring LO(s) and support NOAA's 5-year Research Plan and 20-yr Research Vision?
4. Which primary research gap(s) can be addressed by the proposed CI?
5. Are there any particular research facilities (e.g., remote sensing instruments or research vessels) that this CI is expected to have?
6. Is there a current CI that can help address these gaps? If yes, why is another CI being proposed?
7. Why is the establishment of a CI the best way to address these gaps?
8. Are there any alternatives to establishing a CI to fill these gaps?
    a. What are the associated pros and cons associated with these alternatives?
9. A brief synopsis of proposed research priorities (themes) at the CI:
10. Projected funding needed to establish/maintain CI, including the identification of the amount and source of annual Task I (Base) funding:
11. Will any NOAA employees be relocated to the CI?
    a. If so, how many and from which LO(s)?
12. Will NOAA provide any office space for CI employees?
    a. If so, how many employees and which NOAA office(s) will be used?
13. Recommended managing LO(s):
14. Point of contact:

APPENDIX B: SUGGESTED TIMELINE FOR ESTABLISHING A NEW COMPETITIVE CI



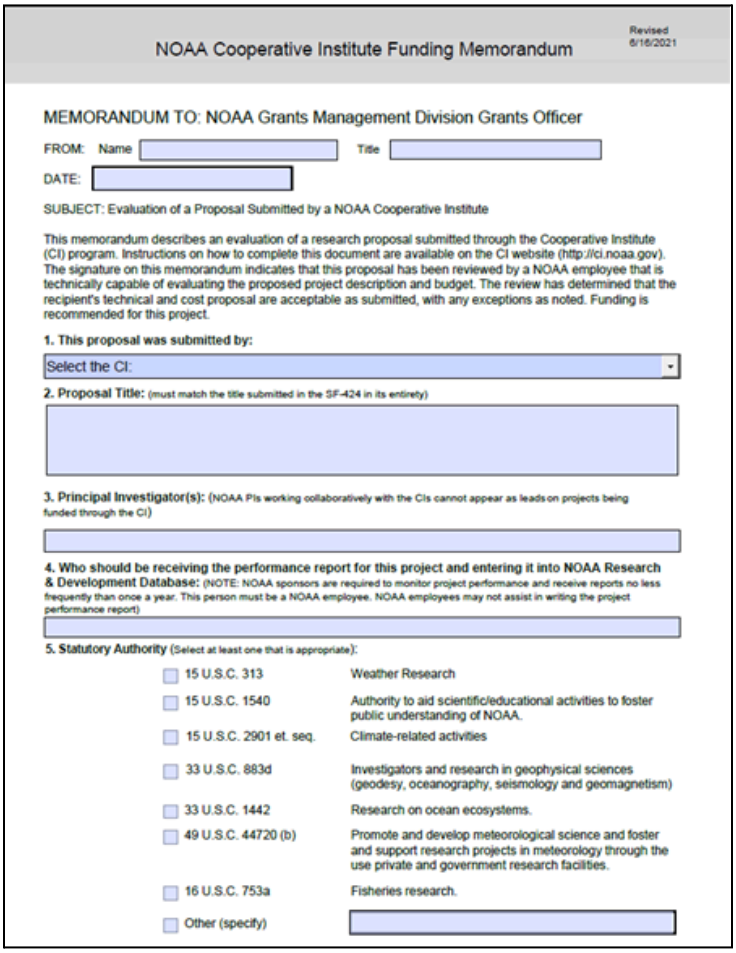
APPENDIX C: FUNDING MEMORANDUM INSTRUCTIONS

Each NOAA Office that provides funding to a CI, hereafter referred to as the NOAA sponsor, must complete a CI Funding Memorandum. This memorandum ensures that each proposal has been reviewed by an appropriate NOAA employee and found satisfactory for funding. It also provides the FPO at the LO with additional information necessary to process an award amendment through the designated NOAA's Automated Grants Management System and the NOAA sponsor to track and monitor project progress. NOAA sponsors should refer to the CI proposal's CI Cover Letter and Form SF-424 (found in the application) to verify the information included in the CI Funding Memorandum.

Once the CI Funding Memorandum is completed, the FPO attaches it to the award file in the NOAA's Automated Grants Management System.

Completing the NOAA Cooperative Institute Funding Memorandum

1. **This proposal was submitted by:** Select from the dropdown the CI that has submitted this proposal.
2. **Proposal Title:** Provide the proposal title listed on the SF-424 of the CI proposal.
3. **Principal Investigator(s):** Provide the name of the principal investigator(s) listed on the CI Cover Letter of the CI proposal.
    a. NOAA PIs working collaboratively with the CIs cannot appear as leads on projects funded through the CI.
4. **Who should be receiving the performance report for this project and entering it into NOAA Research and Development Database (NRDD):**
    a. The individual must be a NOAA employee. NOAA employees may not assist project PIs in writing the project performance report;
    b. Project performance reports are due annually and follow the anniversary date of



NOAA Cooperative Institute Funding Memorandum

Revised 6/16/2021

MEMORANDUM TO: NOAA Grants Management Division Grants Officer

FROM: Name Title

DATE:

SUBJECT: Evaluation of a Proposal Submitted by a NOAA Cooperative Institute

This memorandum describes an evaluation of a research proposal submitted through the Cooperative Institute (CI) program. Instructions on how to complete this document are available on the CI website (http://ci.noaa.gov). The signature on this memorandum indicates that this proposal has been reviewed by a NOAA employee that is technically capable of evaluating the proposed project description and budget. The review has determined that the recipient's technical and cost proposal are acceptable as submitted, with any exceptions as noted. Funding is recommended for this project.

1. This proposal was submitted by:

Select the CI:

2. Proposal Title: (must match the title submitted in the SF-424 in its entirety)

3. Principal Investigator(s): (NOAA PIs working collaboratively with the CIs cannot appear as leads on projects being funded through the CI)

4. Who should be receiving the performance report for this project and entering it into NOAA Research & Development Database: (NOTE: NOAA sponsors are required to monitor project performance and receive reports no less frequently than once a year. This person must be a NOAA employee. NOAA employees may not assist in writing the project performance report)

5. Statutory Authority (Select at least one that is appropriate):

15 U.S.C. 313	Weather Research
15 U.S.C. 1540	Authority to aid scientific/educational activities to foster public understanding of NOAA.
15 U.S.C. 2901 et. seq.	Climate-related activities
33 U.S.C. 883d	Investigators and research in geophysical sciences (geodesy, oceanography, seismology and geomagnetism)
33 U.S.C. 1442	Research on ocean ecosystems.
49 U.S.C. 44720 (b)	Promote and develop meteorological science and foster and support research projects in meteorology through the use private and government research facilities.
16 U.S.C. 753a	Fisheries research.
Other (specify)	

the CI award;

c. Provide the name of the person(s) responsible for ensuring the project and the project report are entered into NRDD. NOAA, as a Federal funder, is responsible for monitoring project performance; and

d. Should the person(s) indicated not be available, the person signing the Funding Memo will be required to enter the project information into NRDD.

5. **Statutory Authority:** Indicate all statutory authorities that authorize NOAA to fund this type of research.

6. **Research Theme(s):** Provide the appropriate research theme(s). The CI research theme(s) is usually listed on the cover sheet of the proposal.

7. **NOAA Goals and Enterprise-wide Objectives:** Select all relevant Goals/Programs and provide the percentages associated with each. At least one Goal/Program must be selected, and the total percentage must equal 100%.

8. **Brief Project Description:** Provide a brief description of the project. This language will provide information about the project to Congress prior to offering the award to the applicant and inform the public about the project. Keep this short, do not repeat project titles, and spell out all abbreviations.

9. **Entire Project Period:** *(Format MM/DD/YYYY, drop-down calendar provided for both spaces)*. Identify the proposed beginning and ending dates of the entire project period. Projects must begin on the first day of a month and end on the last day of a month, and **must not extend beyond the end of the CI award**.

10. **Total Requested Budget:**

    a. Provide the total budget as requested by the applicant in forms SF424 and SF424A;

    b. Indicate Task I % (please consult Task I table on the CI Policy and Guidance section of the CIAO website) and Task I dollar amount;

11. **Current Funding Action and Task I** *(whole dollars only)*.

    a. Provide the amount the sponsor wants to release for this funding action ONLY;

    b. If this action funds the project in full, this amount will be equal to the amount listed above for the current FY;

    c. If this action will be funded incrementally, and this is the first of several annual releases of funding, this amount will be less than the total project budget and might be less than the current FY amount listed above *(if the sponsor is planning several releases of funds in the current FY)*;

    d. Funding Breakdown by Task: Provide the breakdown of this obligation by Task Number. Task I will always be selected.

12. **Conflict of Interest/Post Employment Restrictions:** Select No or Yes. If Yes, provide details in the space provided.

13. **Homeland Security Presidential Directive – 12 (HSPD-12):** Select No or Yes. If Yes, identify the federal employee *(name and email address)* responsible for ensuring that all requirements for granting such access are permitted.

14. **Project Specific Information:** Select No or Yes. If Yes is selected in 15 (a-d), list the DOC/NOAA-owned equipment as a SAC in the space provided in question 20.

15. **Were any funds for this project transferred from another Federal Agency?** Select Yes or No.

16. **Coastal Zone Management Awards:** Select No or Yes. This question applies to Coastal Zone Management awards (NOS) only. If the following selections apply: 306/306(a), 308, 309, 310, and 6217, select Yes. Include additional documentation as needed. If this does apply, select No.

17. **CESU Awards:** Select Yes or No. If Yes, enter justification and verify the Grant type in the space provided.

18. **Permit Requirements:** If the project requires permits, select Yes and provide the requested information in the space provided.

19. **Special Award Conditions:** Describe any special award conditions that should be attached to the project. More than one Special Award Condition may apply; if no Special Award Condition applies, type N/A or None.

20. **Technical Review:** Proposals must receive at least one merit review using the standard NOAA evaluation criteria. The funding memo must include a short paragraph with technical merit review comments on the areas such as soundness of the research project design and/or organization, the importance of the proposed research, the significance of the research area or problem being addressed, or the results or outcomes of the proposed studies, or experience/expertise of the researchers involved. Select items from the table that were evaluated during the proposal review. Only select those boxes that are relevant. *For example*, “Appropriateness of Travel” should not be selected if the proposal does not request travel funds. Please note any deficiencies and/or recommendations for revisions in the space provided.

21. **Budget Review:** Indicate which items were evaluated during the budget review. Only select those boxes that are relevant. *For example,* “Consultant Fees” should not be selected if the proposal does not request funds for a consultant. Please note any deficiencies and/or recommendations for revisions in the space provided.

22. **Past Performance:** If you are aware of any problems with past performance, describe them here. NOAA is responsible for awardee risk assessment. In most cases, past performance issues would not automatically disqualify the project team from receiving federal funds. The answer to this question will help Grant Officers or FPOs decide whether additional provisions, such as closer project monitoring, might be needed.

23. **Additional Comments:** Provide any additional comments relevant to the project not

covered above. Additional comment(s) covered in this section include SACs for questions 15-19. If there are no additional comments, enter N/A or None.

24. **Signature block:** Provide the digital signature of the NOAA employee that has verified the technical, budget review and recommends funding for the identified project and who will be contacted regarding the NRDD entries for this project.

    a. Signature must match the “FROM” field at the top of the funding memo;

    b. Signature Date must match the date at the top of the funding memo.

APPENDIX D: SCIENTIFIC EVALUATION REVIEW QUESTIONS

1. Science Plan
    a. What is the scientific (not programmatic) vision for the institute?
    b. Does the CI have a Scientific Mission and/or Vision Statement?
        i. How were they developed?
        ii. How are they communicated?
        iii. How are the Vision and Mission related to the NOAA Strategic Plan in place at the time of adoption?
    c. What are the CIs goals and objectives within the Scientific Plan?
        i. What criteria are used to measure progress in accomplishing these goals and objectives?
    d. What are the major scientific themes of the CI?
        i. How were they identified and linked back to the themes NOAA used in the competition to create the CI?
        ii. What are the emerging thematic areas? Do these emerging themes arise directly from the existing CI Themes, or are they based on changes since the CI was created?
        iii. What are the drivers behind the emerging themes, and how does the CI fit them within the current science plan?
    e. Scientific partnerships
        i. What is your relationship to the NOAA Research Laboratories, Program Offices, Cooperative Science Centers, and other NOAA entities (e.g., NMFS Science Centers)?
        ii. What, if any, formal procedures do you have for cooperative planning?
2. Science Review
    a. What are the Institute's most recent scientific highlights and accomplishments? *(Note that this is an opportunity for early-mid career scientists to become acquainted with/by upper NOAA management).*
    b. Social Sciences/Human Dimensions
        i. How are social science questions or topics included in CI funded research?
        ii. Is there an explicit social science agenda in ongoing research?
        iii. How much social science does the CI currently fund?
        iv. What are the major roadblocks to expanding social science in the research plan or portfolio?
        v. What is the CIs plan for addressing social science issues?
3. Education/Outreach
    a. What types of educational activities/opportunities (K-12, undergraduate, and graduate students) does the institute offer on an ongoing basis?
        i. Are these activities coordinated with other NOAA education/outreach programs in the area?
        ii. How does the university make curricula, study guides, guest speakers, and teaching materials available to support these activities?
    b. What are the current and planned outreach efforts?
        i. Does the CI conduct joint outreach with other NOAA funded or supported university activities (e.g., Sea Grant, CSCs)?
        ii. What are the current or planned efforts with non-academic partners (i.e. non-profits or private sector engagement)?

iii. What are current planned efforts for community outreach, where appropriate? Underserved and frontline communities?

4. Science Management Plan
    a. How does the Institute identify new intellectual opportunities?
        i. What is the university's policy on licensing/patenting intellectual property?
        ii. What barriers exist to successfully transition research products into commercial applications?
        iii. How does the CI account for successful research to operations/intellectual property development activities in its financial record-keeping?
        iv. How and when does the Institute share environmental data collected/created by PIs? *NOAA policy is that data likely to be useful for numerous applications should be visible, accessible, and independently understandable to users, except where limited by law, regulation, policy, or by security requirements.*
    b. What are some recent examples of data sharing?
    c. How does the Institute monitor and encourage compliance with public access policies and plans?
    d. What are your strategies to make federally funded publications, data, and other such research outputs and their metadata findable, accessible, interoperable, and reusable to the American public and the scientific community in a secure manner?
    e. What are some recent examples of intellectual opportunities?
    f. What is the strategy for new starts (projects, techniques, campaigns, etc.)?
        i. How much of the Institute's resources are reserved for new opportunities or bright ideas?
        ii. Are these activities Task I, Task II, or Task III projects?
    g. What is provided for human resources development (recruitment, rewards, training, etc.)?
        i. How are CI employees provided training in HR issues (e.g., benefits, retirement)?
        ii. Do CI employees participate in general NOAA HR training when appropriate?
        iii. How are CI employees, particularly the most junior, provided with future employment training to be successful upon leaving the CI?
    h. What is the state of the financial health of the Institute? *(Provide a budget summary and identify imbalances or needed adjustments.)*
        i. How does the Institute intend to work towards accomplishing its financial goals?
    i. Are there any issues in interacting with NOAA that require attention?
    j. Are there any issues in interacting with the university that require attention?
    k. What progress was made towards the performance measures the CI uses to gauge, quantify, and/or evaluate progress on both individual projects and its overall performance?

APPENDIX E: ADMINISTRATIVE EVALUATION REVIEW QUESTIONS

- Proposal procedures: What is the CIs process for selecting proposals to request funding from NOAA? What procedures are in place to request proposals by theme or task? How are PIs kept informed of the proposal process, and how are success criteria shared within the CI?
- How does the CI/University/Institution ensure compliance with Federal laws and regulations, Department of Commerce regulations, NOAA standard, and specific grant conditions?
- How does the CI/University/Institution ensure compliance with internal grant policies?
- What are your formal and informal communication mechanisms between the CI and University/Institution administrative/finance offices? Who are the NOAA contacts (administrative & technical)?
- How do you ensure compliance with university/institution human resources policies in such matters as hiring, resignations, promotions, salary scales, disciplinary actions, etc.? How are CI employees trained in HR issues based on university policy, such as:
    - human dimensions/capital;
    - student employment tracking upon graduation; and
    - CI employee benefits (including retirement planning).
- What factors are considered when making the determination “CI employee?” Who supervises CI employees working in NOAA facilities? How is this implemented on-site and reported *(e.g., leave and performance evaluations)*? How does the CI maintain cohesive operations across campuses or locations? How are “Alternative work scenarios” handled?
- Reports and requests to NOAA: How is the CI informed when the University/Institution formally sends financial and annual technical reports? How is this information transmitted within the CI?
- How are other formal requests to NOAA communicated between the CI, University/Institution *(e.g., large equipment purchases, sub-grants)*?
- Demonstrate electronic communications *(e.g., preparation of required financial reports from University/Institution fiscal data)*.
- What tracking systems does the CI have in place for publications, property, and intellectual property records? What are the obstacles to successfully implementing such a system?
- Can the CI facilitate a system’s demonstration? Can the CI submit documentation in advance and be prepared to provide a live demonstration? How are a new project and its budget set up in the financial and monitoring system(s)? The process for incurring an expense under a grant from initiation to obligation (for example, lab supplies or an ad hoc item needed during the life of the project)? Cost tracking of Tasks I, II, and III, cost share (if applicable), indirect costs, and the cost reconciliation process?
- Provide the current version of ASP.
- Provide the current version of the UA.

APPENDIX F: CI RENEWAL & REVIEW PROCESS

Coordination of the Science Review

Attendees: Science Review Chairperson (SAB member), CI Director, Line Office (LO) Technical Program Manager (TPM), and CIAO.

The responsible LO has the primary responsibility to oversee the Science Review. This coordination consists of the following steps:

- LO TPM (or their designee) is the primary science review coordinator;
- CIAO begins the renewal review process by obtaining the signature of the OAR AA on a charge letter the OAR sends to the SAB requesting that it nominate a science review chairperson;
- LO primary science review coordinator works with the CI Director and the CIAO to identify the timeframe and location for the science review event;
- LO primary science review coordinator works with CI Director and science review panel chairperson to obtain suggested science reviewers (at least 3-5). Both the CI Director and science review panel chairperson come to a consensus for the final reviewer list and identify alternate reviewers;
- LO primary science review coordinator verifies the science reviewers' availability, gathers a vitae from each reviewer, and assemble a science review panel briefing book to provide to the CI Director (during this time, the CI Director prepares the briefing book and provides it directly to the review panel, LO primary science review coordinator and the CIAO Director);
- LO primary science review coordinator prepares travel orders for LO staff and review teams, if necessary;
- LO primary science review coordinator works with CI Director and science review panel chairperson to develop the science review final agenda;
- Science review panel chairperson sends formal invitation letters to science and administrative reviewers;
- Science review panel chairperson works with the LO to send the responsibilities to the selected reviewers. The list of items includes the following:
    - A brief summary of the NOAA review process
    - CVs of the review team
    - Expected time commitment of the reviewers
    - Panel expectations (why are they there?)
    - Summary of the three-tier rating system
    - Description of the format for the final paper
- LO primary science review coordinator coordinates all schedules and works with the SAB chair/representative to set a one-hour private pre-meeting for CI Director, SAB chair, LO TPM, CIAO, and science review panel. This meeting usually occurs a week prior to the event to discuss and finalize the process and logistics).

Execution on the Day of the Science Review

Attendees: Science Review Chairperson (SAB member), science review panel, CI Director, LO Technical Program Manager (TPM), and CIAO.

- LO primary science review coordinator schedules and confirms call-in information and/or WebEx set up if a virtual review is necessary;
- LO primary science review coordinator confirms and schedules a one-hour speaking slot for the DAA for Science that should take place the first day of the event;
- LO primary science review coordinator works with CI Director to identify all attendees required or requested to attend the event;
- LO primary science review coordinator assists the CI Director in finalizing the agenda, which includes:
    - science and administrative teams
    - review teams to meet privately before the review sessions
    - formal presentations from CI Director and staff
    - short science presentations
    - review teams to meet privately after the formal review activities (usually the last day of review)
    - a debriefing and preliminary feedback session with the review teams and selected CI representatives
- Science reviews occur, and the review teams include their complete preliminary review reports that include overall ratings (Outstanding, Satisfactory, Unsatisfactory);
- LO primary science review coordinator coordinates with the CI Director to ensure the preliminary reports are accurate before the LO submits the final report to the SAB and schedules presentation by the SAB review chairperson;
- SAB chair presents and SAB submits report to Under Secretary and LO AA;
- LO makes recommendations for renewal, condition renewal, or termination to the CIAO;
- LO primary science review coordinator manages the communications of the renewal recommendation to the CI;
- LO primary science review coordinator sends a response to the review to the SAB;
- LO primary science review coordinator transmits review reports to the CI and its parent institution; and
- LO primary science review coordinator works with the CI and GMD to address recommendations and process the renewal if appropriate.

Administrative Review

The administrative review examines the procedures associated with grants management at the CI and the parent institution(s). Because the review focuses on requirements imposed by the Federal regulations for managing federal financial assistance awards, this review is conducted by NOAA employees with grants management experience. The science review panel does not comment on this portion of the review. The responsible LO uses the report during the determination of the renewal terms. The LO has the primary responsibility to identify an Administrative review coordinator.

Coordination of the Administrative Review

LO TPM (or designee) (LO TPM serves as the Chair), LO Federal Program Officer, LO Administrative Officer, GMD, and CIAO.

- LO primary administrative review coordinator will meet with the CIAO to kick off the review coordination to gain introductory information;

- LO primary administrative review coordinator will work to coordinate the admin review team's calendars which include: GMD, FALD, CI Director, LO representative, CIAO Director, and other persons that the CI Director identifies to attend the review event;
- LO primary administrative review coordinator will send a standard list of review questions to be answered by the CI; the question template is located in the Handbook (Appendix E). The CI should submit its responses within two weeks prior to the review event;
- LO primary administrative review coordinator will work with the CI Director to complete the final agenda and distribute it to the administrative review team in advance of the review event; and
- LO primary administrative review coordinator will ensure that proper communication tools are provided in advance (i.e., WebEx or phone information) for those who cannot attend in person.

Execution on the Day of the Administrative Review

Attendees: Review Panel (LO TPM (or designee), Chair, LO Federal Program Officer, LO Administrative Officer, GMD, FALD, and CIAO Director), CI Director, and CIAO.

- LO primary administrative review coordinator will lead the review event by asking the CI Director and staff the questions provided in advance of the review event;
- LO primary administrative review coordinator will capture responses to help construct the final report;
- LO primary administrative review coordinator will schedule a meeting with the administrative review team within one week of event completion to build an action report to address gaps that the administrative review team may have identified;
- LO primary administrative review coordinator will draft the administrative review report and send it to the CI within 45 days of review completion for a formal response (no SAB involvement); and
- LO primary administrative review coordinator will provide the LO and the CIAO a final copy of the review report. The LO will use it during the determination of the renewal terms.

Responsible LO provides recommendation

- Responsible LO drafts a letter of recommendation to the CIAO Director within 14 days after the Science and Administrative Review Reports are final, including a statement to renew or not renew the CI for an additional 5-year period. The CI Handbook states that the AA recommendation is based on 1) the extensive renewal review, 2) satisfactory progress detailed in the CIs annual performance reports, and 3) consultation with the CI program manager and other participating Line Offices;
- Responsible LO TPM sends the draft letter to the CIAO Director,
- Based on recommendation from the LO TPM, CIAO Director sends their recommendation to the LO AA for review and approval; and
- If the LO AA recommends a continuation, the CIAO conducts a requirements evaluation and sets the CIs capacity and invites the CI to submit a renewal proposal.

The CI renewal application process follows the standard NOAA procedures for competitive renewals outlined in the *Department of Commerce Grants and Cooperative Agreements Manual*. The GMD structures the renewal period as a new award if the CI application is approved for funding. As with all other recipient submissions, the renewal application will be submitted through Grants.gov.

APPENDIX G: CI PROJECT PROPOSAL APPLICATION OUTLINE

The intent of this outline is to provide information and guidance as to what should be detailed in a project proposal submitted by a CI host university. Due to new federal regulations and to be consistent, applications should show a clear correlation between the aims and methods stated in the project narrative and budget justification. Each application shall address each item below:

- Description of Work - Research Plan
  - Introduction/Narrative (*information contained in this section of the proposal should provide background information and significance of the proposed research*);
  - Specific aims/milestones (*information in this section of the proposal should provide the proposed goals and expected outcomes. It should also show when the researcher expects to reach the proposed goals and outcomes*);
  - timeline for milestones (*table showing the timeline for the milestones*);
  - Relationship to NOAA Goals (*information in this section of the proposal should show how the proposed research relates to the current NOAA Research Goals identified by the Cooperative Institute*); and
  - Educational outreach plans.
- Description of project performance sites (*list facilities that may be used outside of the Cooperative Institute where research will be directly related to the proposed research – this would not include consortium members.*)
- List of senior and key personnel
  - Describe their specific role as it relates to the specific aims/milestones
- Description of data sharing - information in this section of the proposal shows how the final research data will be shared or explains why data-sharing is not possible at this time.
- Publication/Reference Review
- Budget
- Detailed Budget Justification
  - Personnel - include name, title, describe their specific role, salary, and percentage of time an individual is expected to work on the project;
  - Fringe Benefits - show the percentage used; explain what is covered; and
  - Indirect Costs (IDC) - provide a letter of declaration.
- Federal Award Payment Requirement - be sure that the EIN and DUNS numbers are correct.
- Project start and end date - cannot be prior to the amendment's signing unless a justification is provided explaining the reason.
- Avoid the section title "Statement of Work/deliverables." This phrase suggests a contractual arrangement.

APPENDIX H: NOAA SCIENCE COUNCIL TERMS OF REFERENCE (TOR)

NOAA Science Council Executive Secretariat Revised September 2, 2020

Purpose
This document creates and defines the NOAA Science Council *(previously known as the NOAA Research Council)*. The purpose of the NOAA Science Council is to coordinate all matters of research and development within NOAA and to provide strategic advice to NOAA leadership on matters of science and research, including social sciences.

Mission
The mission of the NOAA Science Council is to engage on all matters of science, research, and development across the NOAA portfolio. The Council oversees NOAA's Research and Development (R&D) portfolio and may choose to provide a higher degree of oversight on specific topics. Within the development, the Science Council oversees the transition of research to development to use. The decision to address topics outside of this scope may be made by the Chair of the Council in consultation with the Chairs of the other NOAA Councils to avoid potential duplication of effort or conflict.

Council Roles and Responsibilities
The Council shall be guided by the appropriate governing documents, including, but not limited to, NOAA Administrative Orders (NAO), and may generate such documents as appropriate to fulfill the purpose of the Council. The Council may establish priorities within the research and development portfolio of NOAA and create subordinate bodies to address or implement its activities.

The Council shall endeavor to administer consistently across NOAA: NAO 202-735D, "Scientific Integrity"; NAO 216-105B, "Policy on Research and Development Transitions"; and NAO 216-115A, "Research and Development in NOAA"; and, such other NAOs or documents that the Research Council or higher authority may generate.

The Council shall establish Committees and working groups to support its activities. As appropriate, the Council will also establish working groups to complete discrete projects. The Council shall keep abreast of new developments and priorities in relevant research and development inside and outside of NOAA. As a strategic council, the Science Council shall periodically report matters to the NOAA Executive Council (NEC) and the NOAA Administrator.

Council responsibilities include but are not limited to matters of:
- NOAA Policy for the conduct, management, and dissemination of NOAA science;
- Scientific communication, including fundamental research communications;
- State of the Science Fact Sheets review and approval;
- Oversight of the NOAA Cooperative Institute policy and program implementation,
- Coordination of NOAA engagement with the National Academies of Science; and,
- Oversight of NOAA-wide Science and Technology Strategies and Plans.

The Council will coordinate, as appropriate, with the other Strategy Councils and NOAA internal ad hoc groups engaged in research and development.

Membership
Chair: NOAA Chief Scientist (or designee)
Vice-Chair: OAR Assistant Administrator or in the case when the OAR Assistant Administrator is serving as the Acting Chief Scientist, the Science Council members nominate and vote on a Vice-Chair.

The Science Council is a high-level advisory and coordinating body that reports to the NOAA Chief Scientist (or designee). Assistant Administrators (AAs) of each of NOAA's Line Offices (LOs) and the Director responsible for NOAA's fleet and aircraft assets shall appoint a member to the NOAA Science Council to represent their office's perspective on the R&D interests of NOAA. This person will be the chief science advisor for those offices having such a position or a person with a comparable role in the office. Members shall be authorized to make policy and strategic decisions and speak on behalf of their office's leadership, particularly in the capacity of coordinating across offices to plan, monitor, evaluate, and report R&D.

The Science Council representative should closely coordinate with the AA, Strategic Planning Director, and Chief Financial Officer for their office. Principal and Advisory Members (or their designees) will constitute the core of the Science Council's regular attendees.

Principal Members
In addition to the Chair and Vice-Chair, Principal Members will include representatives from the following:
- Oceanic and Atmospheric Research (OAR)
- National Marine Fisheries Service (NMFS)
- National Ocean Service (NOS)
- National Weather Service (NWS)
- National Environmental Satellite, Data, and Information Service (NESDIS)
- Office of Marine and Aviation Operations (OMAO)

AAs and the OMAO Director should review their representation on the Science Council annually to ensure the best fit. If a Principal Member is unable to attend a meeting, an alternate shall be sent with full authority to act on behalf of the Principal Member.

Advisory Members
- Chairs of all Committees under the Council are ex-officio Advisory members of the councils
- Council of NOAA Fellows (CNF) Chair
- NOAA Science Advisory Board (SAB) Executive Director
- NOAA Chief Financial Officer
- NOAA Chief Information Officer
- NOAA Observing Systems Council (NOSC) Liaison
- NOAA Oceans and Coasts Council (NOC-C) Liaison
- NOAA Office of Education Liaison
- NOAA Scientific Integrity Officer
- Technology Partnerships Office Liaison

Advisory roles may be fulfilled by a Principal Member if a Principal Member holds an Advisory Member position specified above. Advisory Members may also appoint designees to serve in their place.

Other Meeting Attendees
Science Council meetings are generally open. However, any meeting or portion of meetings may be closed as necessary. Relevant staff from LOs and implementation planning teams are encouraged to attend Council meetings to express their views and support/advise Principal Members.

Committees
The Science Council may form standing and ad hoc committees to achieve specific tasks. Such committees may include persons who are not members of the Science Council, but the Science Council shall include at least one Council member (may be a Principal or Advisory Member) on all committees.

Committee Chairs are *ex officio* Advisory Members of the Science Council and will attend all Science Council meetings or appoint a designee to do so. Committees will develop their own Terms of Reference based on requirements outlined by the Council. Terms of Reference for committees must be approved by the Council. The Science Council may terminate committees by majority vote of the Council.

The Science Council has eight standing committees (as of the date these Terms of Reference become effective), including:

1. A Research and Development Enterprise Committee (RDEC) shall help strengthen NOAA's R&D enterprise through effective planning, monitoring, evaluation, and reporting.
2. A Committee of Line Office Transition Managers (LOTMC) shall focus on improving the effectiveness of NOAA's transitions of research to applications, on which the outcomes of NOAA's Strategic Goals critically depend.
3. A Cooperative Research Committee shall focus on compliance with policies for cooperative research activities (e.g., Cooperative Institutes, Cooperative Science Centers, etc.) and assist the Science Council with general oversight of cooperative research.
4. A NOAA Libraries Advisory Committee (NLAC) shall advise the NOAA Research Council concerning the structure and operation of the NOAA Library System, working toward the vision of a Library System that is sustainable and meets the most critical needs for researchers and developers to continue accomplishing NOAA's mission.
5. A Unified Modeling Committee will plan, monitor, evaluate, and improve unified modeling within NOAA and in a community effort with external partners.
6. A Social Science Committee shall advise on current and existing research and data needs, as well as challenges, to integrate social sciences in the agency's operations and decision-making process.
7. A National Oceanographic Partnership Program Committee (NOPP-C) will work to improve the effectiveness of NOAA's participation in the NOPP, which facilitates partnerships between federal agencies, academia, and industry to advance ocean science research and education. The NOPP-C will coordinate NOPP activities within NOAA and provide guidance on allocating any dedicated NOAA NOPP funds.

8. A Science and Technology Synergy Committee - a cross-NOAA committee to drive synergy for strategic implementation of emerging science and technology, identify priorities, and develop best practices. This committee will initially include the following subcommittees: NOAA Artificial Intelligence, Unmanned Systems, 'Omics, Cloud, Data, EPIC, and Citizen Science. Subcommittees will be created and retired as necessary.

The Science Council will also coordinate, when appropriate, with the NOAA Scientific Integrity Committee, which is independent of the Council and reports to the Deputy Under Secretary for Operations and the Chief Scientist jointly.

When finalized, the Terms of Reference for each Committee are available on the Science Council website at http://nrc.noaa.gov.

Working Groups
The Science Council may form working groups to complete specific projects as necessary. Nominees may include persons who are not members of the Science Council. The Science Council Chair and Vice-Chair will have final approval of the composition of any working group. Working groups will operate under a Terms of Reference approved by the Science Council. The first item of business for a new working group will be to develop a draft Terms of Reference. Working groups will report back to the Science Council on the progress of their work as directed by the Science Council or as requested by the Working Group.

Meetings, Council Management, and Coordination
Science Council meetings are generally held monthly or as needed and are scheduled for two hours per meeting unless more or less time is specifically requested by the Chair. Meetings will be led by the Chair, or in his/her absence, by the Vice-Chair. When appropriate, meetings may be completely or partially closed to all but Principal Council members and Advisory Council members. Attendance by a majority of the Principal Council members (or their alternates) will constitute a quorum needed for decisional briefings. Conference call capabilities are routinely available, and participation via phone constitutes full attendance. In-person participation is expected when feasible. The Science Council manages the Science Council website (http://nrc.noaa.gov) and the Science Council's shared-site (currently Google Drive). All meeting minutes and official (approved) Science Council decisions and documents are stored and maintained on a shared site, along with current and past Science Council actions and upcoming meeting dates. Typically, meeting materials are posted to the Science Council materials site no later than the Thursday prior to a meeting.

Agenda items for consideration are submitted to the Executive Secretariat and approved in advance by the Chair or Vice-Chair. Agenda items are categorized as informational (e.g., to enhance situational awareness of the Science Council membership), directional (in which the Science Council discussion provides guidance for the entity bringing the item to the Science Council), or decisional (see below, for decision-making process).

Decision-Making Process
The Science Council, with the support of Science Council staff, Committees, and Line and Staff Offices, will collect and analyze information to support its recommendations and oversight responsibilities. Topics brought to the Science Council for consideration must be sponsored by a Principal or Advisory Member.

The Science Council strives for consensus when making decisions. Most decisions will be accomplished informally through informed consensus. The Chair will strive for consensus on every issue. Principal Science Council members each have one vote for each decisional item. In the event of a tie, the presiding official (Chair or Vice-Chair in the Chair's absence) will cast the tie-breaking vote. Principal Members may also move for a formal roll call vote on any decisional item for the record.

Terms of Reference Revision Process

The Science Council will review this document every two years or at the request of the Chair to ensure continued accuracy and utility. Based on the recommendation of the Chair, the Science Council Executive Secretariat will draft revisions to the document as appropriate for approval by the Science Council. The Chair will approve the Terms of Reference for a decisional briefing to the Science Council. Once approved by the Science Council, the final Terms of Reference must be approved by the NEC to enter into effect.

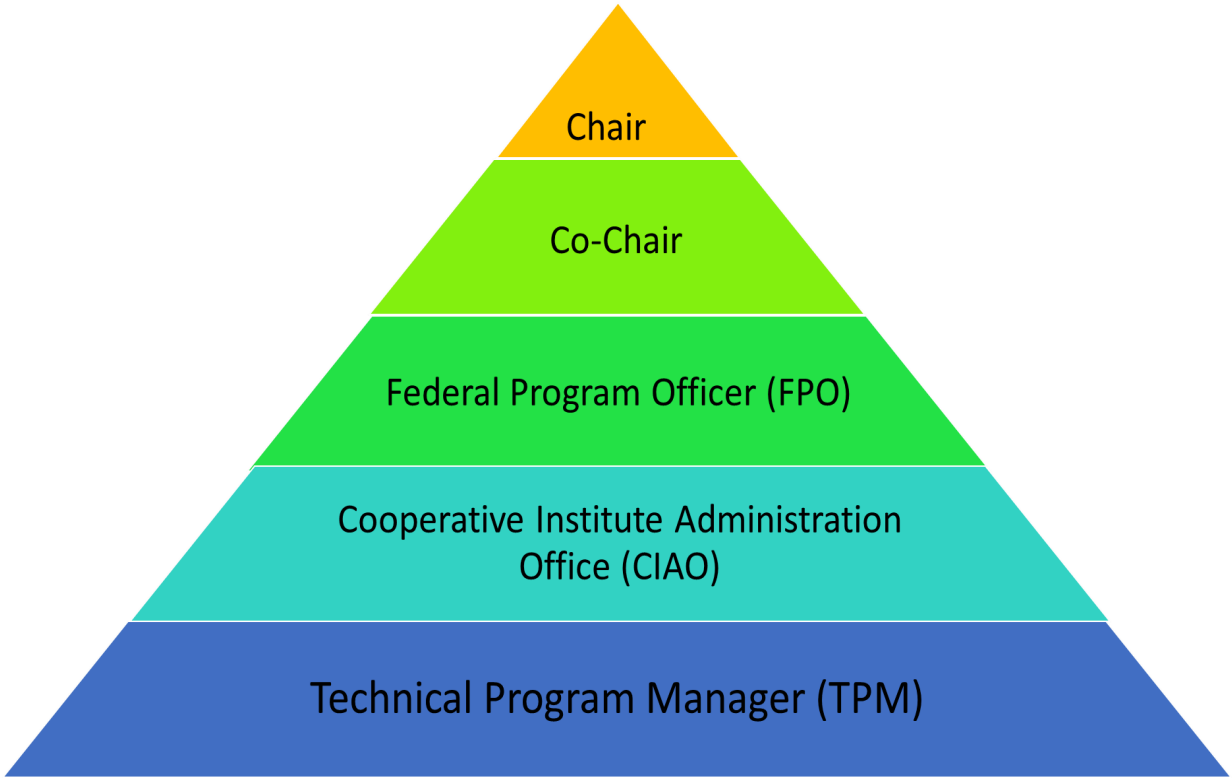
APPENDIX I: PROPOSED CI COLLECTIVE CHARTER

Mission Statement or Statement of Purpose

The CI Collective, with substantial collaboration, shall communicate policy and procedures that impact the execution of NOAA CIs portfolio to deliver consistent messaging and services to its stakeholder community.

CI Collective Composition

The composition of the CI Collective will consist of the following members:



CI Collective Roles and Responsibilities

1. Chair - The Chair role is responsible for the overall leadership role to the Collective and serves to provide and assist in collaborative support for all Collective activities. Acts as an information link between the Collective, leadership and stakeholders. The Chair will harness the skills of Collective members to help distribute responsibility accordingly. In addition to being the key contact, and leading meetings, the Chair will oversee the Collective by encouraging, directing, and supporting their collective efforts. Activities include: schedule meetings, prepare agenda, conduct meetings, gain consensus when appropriate, follow up, communicate and evaluate group's progress to aid in decision-making. This position is appointed and a one-year commitment.
2. Co-Chair - The Co-Chair role is responsible for providing leadership in tandem with the

Collective Chair in and supporting all Collective activities. Activities include: schedule meetings, prepare agenda, conduct meetings, gain consensus when appropriate, follow up, communicate and evaluate group's progress to aid in decision-making. This position is appointed and a one-year commitment.

3. CIAO Director - The CIAO Director role is responsible for providing enterprise oversight of the Collective advisory body. The CIAO will provide overall guidance to the Collective Chair that may be received from the DAA for Science.
4. CIAO - The CIAO role is responsible for playing a key role in the Collective as members in gathering and analyzing data to assist the Collective in creating solutions and addressing issues that may affect the CI Program.
5. FPO - The FPO role is responsible as Collective members to monitor CI Program policy within their respective line offices. Each FPO is responsible for engaging in Collective conversations, providing insight and experience and directly contributing to the CI Program continuous improvement initiatives.
6. NOAA Sponsors - The Sponsor role is responsible as Collective members to monitor and enforce CI Program policy within their CI project.
7. TPM - The TPM role is responsible as a Collective member to ensure the adoption of the CI Program policy described in this Handbook. The TPMs serve as advisors regarding scientific/technical issues and solutions regarding CIs and influence the overall portfolio, removing obstacles and barriers. The TPMs introduce new guidance, participate in data collection activities, lead renewal reviews, and provide evaluation feedback on CI performance through the Research Performance Progress Reports (RPPRs). TPMs direct funding to the CI throughout the award period and participate in a termination process, if necessary.

APPENDIX J: NOAA's STANDARD SELECTION CRITERIA FOR CI AWARDS (NOFO)

1. In the case of institutions and/or principal investigators currently or recently funded by NOAA, a demonstrated record of outstanding performance working with NOAA scientists on research projects;
2. A demonstrated commitment (in terms of resources and facilities) to enhance existing NOAA and university resources to foster a long-term collaborative research environment/culture;
3. Internationally recognized expertise within the appropriate disciplines needed to conduct the collaborative/interdisciplinary research;
4. Unique capabilities in a mission-critical area of research for NOAA;
5. A strong education program with established graduate degree programs in NOAA-related sciences that also encourage student participation in NOAA-related research studies;
6. A well-developed business plan including fiscal and human resource/capital management as well as strategic planning and accountability;
7. A summary of clearly stated goals to be achieved during the five-year period, which reflect NOAA's strategic plan, long-term goals, and enterprise-wide capabilities;
8. Collocation with or near a NOAA facility (if NOAA determines that it is beneficial for a particular research need);
9. The CIs involvement in partnerships with other universities or research institutions that can contribute to the proposed activities of the CI.
10. Consolidation of administrative and oversight activities associated with any existing CIs funded by NOAA already at the parent institution into one CI, when possible;
11. Substantial investment may be considered by the applicant, as demonstrated by an increased cost sharing contribution; and
12. Environmental data and information collected and/or created under this grant/cooperative agreement will be made visible, accessible, and independently understandable to users, free of charge or at minimal cost, in a timely manner (typically no later than two (2) years after the data are collected or created), except where limited by law, regulation, policy or by security requirements.
    a. The Data/Information Sharing Plan (and any subsequent revisions or updates) will be made publicly available at the time of award and, thereafter, will be posted with the published data.
    b. Environmental data and information produced under this award and which are made public must be accompanied by the following statement: These environmental data and related items of information have not been formally disseminated by NOAA and do not represent and should not be construed to represent any agency determination, view, or policy.
    c. NOAA may, at its discretion, use information from the Data/Information Sharing Plan to produce a formal metadata record and include that metadata in a catalog to indicate the pending availability of new data.

d. Failing to share environmental data and information in accordance with the submitted Data/Information Sharing Plan may lead to disallowed costs and be considered by NOAA when making future award decisions.

APPENDIX K: PUBLICATIONS

NOAA Employee Publications

NOAA's peer-reviewed articles from journals are located at https://libguides.library.noaa.gov/noaapubs, with NOAA publications completing the picture of NOAA research. NOAA's scientists release hundreds of publications each year, typically known as technical memoranda (tech memos) or technical reports (tech reports). These in-house publications are subject to peer-review, similarly to publications in well-known scientific journals.

CI Employee Publications

Only Cooperative Institutes with a public archive of their publications are listed and located at https://libguides.library.noaa.gov/cipublications.

Approval Process

In the approval routing process for publications, if a NOAA employee is an author, the publication must be routed for approval through NOAA and the respective organization. If the publication is entirely produced by CI employees, and no NOAA employees are authors on the publication, the publication would not go through a NOAA approval process. This would constitute an additional prior approval requirement that NOAA does not have the authority to impose.

References

Management and Access to Data and Publications

Publications, Videos, and Acknowledgment of Sponsorship

Non-Federal entities are responsible for assuring that every publication of material based on, developed under, or otherwise produced pursuant to a DOC financial assistance award contains the following disclaimer or other disclaimer approved by the Grants Officer:

NOAA Scientific Integrity Policy

Acknowledge in publications the names and roles of those who made significant contributions to the research; including writers, funders, sponsors, and others who do not meet authorship criteria.

APPENDIX L: USE AGREEMENT EXAMPLE LANGUAGE

REVOCABLE LICENSE AGREEMENT FOR COOPERATIVE INSTITUTE'S USE OF FEDERAL PROPERTY

INSTRUCTIONS FOR USE

NOAA's Cooperative Institute (CI) Handbook requires that the colocation of Federal and non-Federal employees will be governed by all relevant Federal statutes and regulations, including those governing deemed exports, as well as all NOAA policies and procedures. In addition, NOAA's 2020 Specific Award Conditions requires that all award recipients obtain a Use Agreement ("Agreement") that describes, among other items, the physical space that NOAA has agreed to provide; permitted uses of such space; access requirements; environmental considerations; liability considerations and other responsibilities; and NOAA security protocols.

This License Agreement satisfies the 2020 Specific Award Conditions for obtaining a Use Agreement if the below instructions are followed:

1. The Premises to be used by the CI must be for the use of a Cooperative Institute for work in furtherance of a NOAA grant [*insert grant number*].

2. The Premises to be used by the CI must be either:
    a. owned by the Department of Commerce, or
    b. under the custody and control of the Department of Commerce.

    Note: Please seek OGC/RPEELD assistance for all other circumstances, including leased buildings and buildings leased by GSA and occupied by NOAA through an Occupancy Agreement.

3. Attach as "Exhibit A" a description/photo of the Premises. Attach any other Exhibits that may be required (e.g., Control Plan) and identify them in the License below.

4. Delete these instructions, all informational brackets ("[...]"), and instructional text before saving.

5. Consult with NOAA's RPMD to determine if the use of the property by the CI constitutes an outgrant. If so, approval by the NOAA's CFO/ASA may be required. The NOAA CFO/ASA signature block can be deleted if the signature level for the CFO/ASA is not required.

6. If no changes are made to the License, clearance by DOC OGC/RPEELD is not required.

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION
REVOCABLE LICENSE FOR NON-FEDERAL USE OF REAL PROPERTY

LICENSE NUMBER [*insert license number*]

The Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA), hereinafter referred to as "Licensor," enters into this License with the [*insert name of Cooperative Institute*] (*insert CI abbreviation*), hereinafter referred to as "Licensee." The Licensor and Licensee, when referred to together, are called the "Parties," and each may be referred to in the singular as a "Party." This License provides for Licensee's use of certain property, hereinafter referred to as the "Premises," located at [*insert address*], as shown on Exhibit A, attached hereto and made a part hereof.

1. **TERM.** Use of the Property shall expire without further notice at the end of the grant, unless sooner terminated in accordance with Condition 2.

2. **TERMINATION.** The authorized use of the Property may be terminated, in whole or in part, by NOAA for failure by the grantee to comply with its terms. The authorized use of the Property may be terminated by either NOAA or the grantee upon written notice to the other party. Termination of the authorized use of the Property is not subject to administrative appeal and shall not give rise to any claim for damages by the grantee against NOAA.

3. **CONSIDERATION AND COSTS.** Use of the Property is provided to the grantee free of rent.

4. **LAWS.** In the exercise of any privilege granted by this use, the grantee shall comply with all applicable federal, state, local government, and municipal laws, statutes, ordinances, rules, regulations, codes, decrees, orders and such other requirements (collectively, hereinafter referred to as "Laws") including, without limitation, Laws regarding wages and hours, health, safety, building codes, emergencies, and security. NOAA assumes no responsibility for enforcing Laws that fall under the jurisdiction of other governmental entities.

5. **NON–EXCLUSIVE USE.** The authorized use of the Property is not exclusive. The use, operation, and occupation of the Property is subject to the general supervision and control of NOAA. NOAA reserves the right of access to the Property, including a continuing right of physical entry to the Property for inspection, monitoring, or any other purpose consistent with any right or obligation of the United States under any Law. NOAA reserves the right to allow others to use the Property in any way that is not inconsistent with the grantee's rights and privileges. The grantee acknowledges that NOAA will not permit the use, operation, and occupation of the Property to interfere with NOAA's mission. The use of the Property does not transfer any interest in real property (e.g., the Property).

6. **CONDITION OF THE PROPERTY.** The Property is granted in an "as is, where is" condition without any warranty, representation, or obligation of the part of the NOAA to make any alterations, additions, construction, installation, maintenance, repairs, improvements, or corrections (hereinafter referred to as "Alterations"), including Alterations to conditions or to defects whether patent or latent. NOAA has made no representations or warranties as to the existence or non-existence of any condition or hazard on the Property, or the fitness of

the Property for the intended purpose. The grantee shall make no Alterations to the Property without NOAA's prior written approval. Once the authorized use of the Property ends, the grantee shall vacate the Property, remove its property therefrom, and restore, if applicable, the Property to its original condition, except for reasonable wear and tear and circumstances beyond the grantee's control.

7. **PROTECTION OF THE PROPERTY.** The grantee shall, at all times, protect and maintain the Property in good order and condition. The grantee shall exercise due diligence in protecting the Property against damage or destruction by fire, vandalism, theft, weather, contamination, or other causes related to the grantee's activities. The grantee shall refrain from marring or impairing the appearance of the Property, obstructing access thereto, or jeopardizing the safety of persons or property, or causing justifiable public criticism. Any NOAA property damaged or destroyed by the grantee incident to the exercise of the privileges herein granted shall be promptly reported to NOAA.

8. **INSURANCE.** The grantee shall carry and maintain adequate insurance coverage, unless the grantee is a government entity that is considered to be self-insured for the purposes of this use.

9. **LIABILITY.** NOAA is not responsible for loss of or damage to property or injury or death to persons, which may arise from, or be attributable or incident to, the condition or state of repair of the Property, due to its use or occupation by the grantee. As between NOAA and the grantee, the grantee assumes all risks of loss or damage to property and injury or death to persons, whether to its officers, employees, contractors of any tier, agents, invitees, or others, by reason of or incident to use of the Property by the grantee, and its activities conducted under this authorized use.

10. **CLAIMS.** The grantee agrees to promptly consider and adjudicate any and all claims which may arise out of use of the Property by the grantee or duly authorized representatives or contractors of the grantee and to pay for any damage or injury as may be required by applicable Law. The grantee further agrees, to the extent legally required, to use its resources to repair damage to the Property.

11. **NONDISCRIMINATION.** The grantee agrees that no person will be discriminated against in connection with the use of the Property on the ground of race, color or national origin, nor will any person be denied the benefits of or be subjected to discrimination under any program or activity held, conducted or sponsored by the grantee in that any activity, program or use made of the Property by the grantee, and the grantee will be in compliance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 238, 252; 42 U.S.C. § 2000d) and the regulations applicable to NOAA.

12. **ENVIRONMENTAL COMPLIANCE.**
    a. The grantee, at its expense, shall comply with all Laws pertaining to the environment that are or may become applicable to the grantee's activities on the Property.
    b. The grantee, at its expense, shall comply with all Laws regarding the handling, storage, and disposal of Hazardous Substances. Hazardous Substances means all matter identified as being hazardous, toxic and/or radioactive, including in this case petroleum and all such other matter which is regulated as hazardous or toxic by the state or the United States Government and as defined by all applicable

environmental laws and regulations, including but not limited to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Resource Conservation Act (RCRA). The word "Release" shall have the same meaning and definition as set forth under CECRCLA (42 U.S.C. § 9601(22)). The grantee shall not cause or permit any Hazardous Substance to be brought upon, kept or used in or about the Property by the grantee, its agents, employees, contractors, or invitees without the prior written consent of NOAA.

c. In the event of any release to the environment of any Hazardous Substances as defined above, including the release of pre-existing Hazardous Substances, resulting from the grantee's activities, the grantee shall immediately notify NOAA and commence remediation or removal in accordance with all applicable Laws, and shall be responsible for all remediation or removal costs resulting from such releases by the grantee. In the event or a Hazardous Substance release, the grantee shall provide NOAA with a copy of all remediation reports.

d. NOAA shall have no obligation to dispose of or in any way accept, or otherwise handle Hazardous Substances created or generated by the grantee pursuant to its activities on the Property.

13. **SECURITY.** The grantee shall comply with NOAA's security requirements.

14. **DEEMED EXPORT AND FOREIGN NATIONAL ACCESS REQUIREMENTS.** The grantee is responsible for compliance with the Export Administration Regulations, 15 C.F.R. parts 730-774, and, in particular, the controls on "deemed exports" as defined in 15 C.F.R. § 730.5(c). In addition, use of the Property must be in compliance with the U.S. Department of Commerce's Department Administrative Order (DAO) 207-12, "Foreign National Visitor and Guest Access Program," and NOAA Administrative Order (NAO) 207-12, "Technology Controls and Foreign National Access."

15. **TRANSFERS AND ASSIGNMENTS.** The grantee may not sublet or sublicense any part of the Property. The authorized use of the Property shall be neither assignable nor transferable by the grantee.

16. **NO WAIVER OF FUTURE PERFORMANCE.** Failure of NOAA to insist in any one or more instances upon complete performance by the grantee of any of these terms or conditions shall not be construed as a waiver or relinquishment by NOAA of future performance of any such terms or conditions, but the grantee's obligations with respect to such future performance shall continue in full force.

17. **FUTURE REQUIREMENTS.** The grantee shall promptly comply with such further conditions and requirements as NOAA may hereafter prescribe.

18. **CONTINUATION OF OBLIGATIONS AND LIABILITIES BEYOND EXPIRATION OR TERMINATION.** Notwithstanding the expiration or termination of this authorized use of the Property, all of the grantee's obligations and liabilities accruing before the expiration or termination of this authorized use shall remain in effect and shall be binding on the grantee until they have been satisfied.

19. **ATTEMPTED VARIATIONS.** There shall be no variation or departure from these terms and conditions without the prior written consent of NOAA.

[*Insert Full Name Of CI*]

By:
_____

Print:
_____

Title:
_____

Date:
_____

UNITED STATES OF AMERICA,
Department of Commerce,
National Oceanic and Atmospheric Administration

By: _____

Print: _____

Title: _____

Date: _____

UNITED STATES OF AMERICA,
Department of Commerce,
National Oceanic and Atmospheric Administration, Office of the Chief Financial Officer/Chief Administrative Officer
[If use of the Premises is deemed an outgrant, approval from NOAA's CFO/ASA office is required]

By: _____

Print: _____

Title: _____

Date: _____