

## **Summary of Changes to the FDP General Terms and Conditions and Agency Specific Requirements**

- 1) The material from the 7/97 General Terms and Conditions is now found in four separate documents
  - a) The FDP General Terms and Conditions, which are side-by-side with OMB Circular A-110, incorporating A-110 by reference, and indicating election of awarding agency options. *(See the "Crosswalk" below for a explanation of where current terms and conditions are in the proposed terms and conditions.)*
  - b) The Operating Procedures, which
    - i) Describes how the terms and conditions are to be used by agencies, and the order of precedence
    - ii) States the authority cited in making these rules
    - iii) Provides definition of terms
    - iv) Describes what matters are reserved to the Agency Specific Requirements, and provides a standard format for them
    - v) Prescribes how revisions are to be made
    - vi) Provides guidance about terms and conditions to use for sub-recipients (See Appendix A)
    - vii) Provides guidance about national policy requirements (See Appendix B)
    - viii) Supports use of electronic research administration
    - ix) Provides an information contact
    - x) Provides an effective date for the General Terms and Conditions
  - c) Appendix A to the Operating Procedures – citations to incorporate proper terms and conditions in subawards
  - d) Appendix B to the Operating Procedures – National Policy Requirements *(These appendices will be continuously updated as changes occur in Federal laws, and in agency regulations applying to non-FDP subrecipients, without having to issue new versions of the Terms and Conditions.)*
- 2) The blanket exemption for Federal Circulars is replaced by incorporation of these circulars showing agency implementation of flexibility, most of which arose originally from earlier stages of FDP

Cross-walk from 7/97 General Terms and Conditions to the 2000 Version

Please refer to the full text of the 7/97 and 7/00 General Terms and Conditions in using this cross-walk.

7/97 Article	4/00 Article
Article 1, paragraphs a, b, and c (applicable regulations; order of precedence, relief from other federal regulations)	Operating Procedures, Section 1 <b>**major change: the blanket exemption from Federal circulars is replaced by explicit implementation of awarding agency options permitted in A-110.</b>
Article 1, paragraph d (applicant requests for deviations)	Article 4
Article 1, paragraph e (subawards)	Operating Procedures, Section 6 and Appendix A, and Article 5 (which incorporates with qualification Section 5 from A-110) <b>**important improvement: the terms and conditions to be passed down to subawardees of various types is identified in Appendix A</b>
Article 1, paragraph f (agency obligation to extend provisions found in their non-FDP regs if they are advantageous to recipients)	Operating Procedures, Section 1
Article 2, paragraphs a and b (establishes A-21 as source of cost principles)	Article 27. <b>**major improvement: cost principles relating to non-educational institution FDP members are incorporated</b>
Article 2, paragraph c (waives prior approvals other than those in FDP T&C's)	Article 27. <b>**major change: instead of the blanket waiver of prior approval, an comprehensive analysis of prior approval requirements in the Circulars explicitly state which prior approval requirements are waived. Prior approval related to F&amp;A rate construction are not waived, but most others, including those in the 7/97 terms, are.</b>
Article 2, paragraph d (F&A assesement conventions in Agency Specific Requirements)	No longer needed. Circular A-21 provides necessary guidance to agencies.
Article 2, paragraph e (cost principles applicable to various kind or subrecipient organizations)	Operating Procedures, Appendix A

7/97 Article	4/00 Article
Article 2, paragraph f (incorporates Section 23 from A-110; allows foregone F&A as cost sharing)	Article 23. <b>Major change: documentation requirement for cost sharing is limited to that shown in the approved budget.</b> Continues to permit foregone F&A as cost sharing.
Article 2, paragraph g (reminds recipients that they are responsible for establishing prior approval requirements for their subrecipients)	Appendix A: the applicable terms and conditions determine prior approval requirement of sub-recipients
Article 2, paragraph h, subparagraphs 1 and 2 (cost allowability and internal controls)	No longer stated explicitly. Instead, Article 27 incorporates the cost principles appropriate to the type of institution receiving and FDP award or a subaward thereunder.
Article 2, paragraph h, subparagraph 3 (Multiple benefit)	Article 27(a)(2) re-states the interrelated provision from A-21. <b>**Major change: the interrelationship need not be established in advance, but must be demonstrable according to stated criteria.</b>
Article 2, paragraph h, subparagraph 4 (called “documentation” but actually it’s “authorization.”)	Incorporates A-21, so not needed
Article 3 (related projects)	Article 27(a)(2). <b>**Major change: Requirement to establish relatedness in advance is eliminated. Adds relatedness criteria (e.g., use of similar instrumentation) not found in A-21.</b>
Article 4 (payment) Incorporates A-110 Section 22; requires agencies to justify use of any payment method except advanced	Incorporates A-110 Section 22 with same preference for advanced payment
Article 5 (significant project changes)	Same requirements restated in Article 25
Article 6 (non-competing continuation awards and progress reporting requirements)	Moved to Agency Specific Requirements
Article 7 (financial reports)	Article 52 (same provision)
Article 8 (final reporting requirements)	Article 51
Article 9 (dissemination of project results)	Article 51
Article 10 (acknowledgment/disclaimer)	Article 51
Article 11 (data collection)	Moved to Appendix B (Paperwork Reduction Act)
Article 12 (site visits)	Article 51
Article 13 (pre-award costs)	Article 25(c)(1)
Article 14 (no-cost extension)	Article 25(c)(2-3)

7/97 Article	4/00 Article
Article 15 (equipment and real property)	Articles 32, 33, and 34: Provisions remain unchanged, though extensively re-organized to make explicit reference to A-110.
Government furnished property: no reference in existing T&C's	Article 33 (government-furnished property) is added
Supplies: no reference in existing T&C's	Article 35 is added for "Supplies" and to state that ownership of supplies vests in the recipient without further obligation to the sponsor
Article 16 (alterations and renovations)	Article 27 (prior approval required at \$25,000 and above)
Article 17 (U. S. –Flag Carriers)	Appendix B; incorporates new GSA regs
Article 18 (financial management systems)	Article 21 incorporates A-110, just as the current FDP T&C's do
Article 19 (procurement system)	Article 40 <b>**Major change: replaces "small purchase threshold" with "simplified acquisition threshold"; seeks to limit documentation of cost and price analysis to acquisitions higher than the simplified acquisition threshold</b>
Article 20 (program income)	Article 24, with same flexibilities as the current T&C's
Article 21 (unobligated balances and limit of federal liability)	Article 25(c)(4) and 25(b)(3)
Article 22 (patents and inventions)	Article 36
Article 23 (audits and records)	Article 53
Article 24 (termination and enforcement)	Articles 61 and 62
Article 25 (national security)	Article 36, with updated Executive Order reference
Article 26 (non-discrimination)	Appendix B
Article 27 (animal welfare)	Appendix B
Article 28 (recombinant DNA)	Appendix B
Article 29 (clean air and water)	Appendix B
Article 30 (human subjects)	Appendix B
Article 31 (activities abroad)	Eliminated
Article 32 (debarment and suspension)	Appendix B
Article 33 (closeout)	Articles 71-73
Article 34 (rights in data)	Article 37 (c); federal government's right in data is NOT waived by FDP agencies; new FOIA requirement incorporated by reference to applicable section in A-110.
Article 35 (changes to FDP terms and conditions)	Now in "Operating Procedures." After "Steering Committee" was abolished, replaced it with "Executive Committee."

