



## NATIONAL SCIENCE FOUNDATION (NSF)

### Revision of the Small Business Innovation Research (SBIR)/Small Business Technology Transfer (STTR) Phase II Grant General Conditions (SBIR/STTR-II)

Effective January 14, 2022

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Effective January 14, 2022, new NSF Phase II SBIR/STTR grant and funding amendments to existing SBIR/STTR Phase II grants will begin referencing, and are subject to, the Small Business Innovation Research/Small Business Technology Transfer Phase II Grant General Conditions (SBIR/STTR-II) dated 01/14/2022.

Unless otherwise noted in a specific article, the SBIR/STTR Phase II Grant General Conditions apply to new NSF Phase II SBIR/STTR grants and funding amendments to existing grants awarded on or after January 14, 2022.

A summary of the changes is included below. Any questions regarding these changes may be directed to the cognizant SBIR/STTR Program Director.

#### Overall Document

- Editorial changes have been made to either clarify or enhance the intended meaning of a sentence or section.
- Websites and references have been updated for consistency with 2 CFR §200, the NSF Proposal & Award Policies & Procedures Guide and to reflect current information.

#### Significant Changes

- **NSF Responsibilities, Article 3.** This new article outlines the overall responsibilities that a grantee has for the NSF-funded grant, including providing grant oversight for technical/programmatic, financial, and administrative performance.
- **Technical and Business Assistance Costs, Article 12.** This is a new article describing the additional funds available to awardees for third-party service providers offering assistance with technology commercialization efforts.
- **Project Reporting Requirements, Article 15.** This article has been updated in accordance with 2 CFR §200.344(i) to reflect that if the grantee does not submit all performance reports within one year of the period of performance end date, NSF must report the grantee's material failure to comply with the terms and conditions of the award with the OMB-designated integrity and

performance system (currently FAPIIS). NSF may also pursue other enforcement actions per 2 CFR §200.339.

- **Expenditure Reports, Article 16.** This is a new article that provides guidance to awardees on submitting payment requests through NSF's Award Cash Management Service.
- **Reporting Fraud, Waste, and Abuse, Article 19.** This is a new article that describes the process for reporting fraud, waste and abuse to NSF's Office of Inspector General (OIG).
- **Reporting Subawards and Executive Compensation, Article 20.** This article has been revised in accordance with 2 CFR Appendix A to Part 170.
- **System for Award Management and Universal Identifier Requirements, Article 21.** This article has been revised in accordance with 2 CFR Appendix A to Part 25.
- **Termination and Enforcement, Article 29.** Consistent with 2 CFR §200.340, this article has been updated to emphasize the ability of NSF to terminate awards, to the greatest extent authorized by law, when the award no longer effectuates the program goals or NSF priorities.
- **Reporting Classifiable Information, Article 33.** This new article states that that NSF grants are intended to be unclassified, publicly releasable research. If the results of the research involve potentially classifiable information, the PI should promptly notify NSF.
- **Life Sciences Dual Use research of Concern (DURC), Article 38.** This is a new article that states that the awardee is responsible for monitoring the research progress and for implementation of all appropriate biosafety and biosecurity risk mitigation measures.
- **Post-award Disclosure of Current Support and In-Kind Contribution Information, Article 44.** This entirely new article establishes a post-award disclosure requirement of undisclosed current support and in-kind contribution information. If an organization discovers that a PI or co-PI on an active NSF award failed to disclose current support or in-kind contribution information as part of the proposal submission process, the AOR must submit the information outlined in the article within 30 calendar days of the identification of the undisclosed current support or in-kind contribution.
- **Section 889 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019, Article 46.** Consistent with 2 CFR §200.216 and §200.471, this new article prohibits the use of Federal assistance funding on certain telecommunications and video surveillance services or equipment.
- **Limitation of Funds, Article 47.** This is a new article that states that awards are limited to amounts currently obligated to the award.
- **Resolution of Disagreements and Disputes, Article 50.** This is a new article outlining the process for resolving disagreements and disputes arising from the cooperative agreement.

## Clarifications and Other Changes

- **Overall Document.** Throughout the document, websites and references have been updated for consistency with 2 CFR §200 to reflect current information. References to Uniform Guidance Frequently Asked Questions (FAQs) have been removed until such time as revised FAQs become available.
- **Pre-award Costs, Article 5.** This article has been updated in accordance with 2 CFR §200.458. If pre-award costs are charged to the grant, these costs must be charged to the initial budget period, unless otherwise specified in the award notice.
- **Project Changes, Article 9.** Flow down provisions for subrecipients have been updated for consistency with the revisions made throughout the document.
- **Procurement Standards, Article 10.** This article has been updated to remove the reference to Section 806 of the NDAA for 2018, as 2 CFR §200.320 was revised to incorporate this coverage.
- **Payments, Article 14.** This article has been revised to reference 2 CFR §200.305 for instructions on submission of interest remittances.
- **Unpaid Federal Tax Liability, Article 22.** This article has been updated to reference the Financial Services and General Governmental Appropriations Act, 2020.
- **Criminal Convictions, Article 23.** This article has been updated in accordance with the Financial Services and General Governmental Appropriations Act, 2020. The grantee affirms that the corporation has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months.
- **Recipient Integrity and Performance Matters, Article 42.** This article has been revised to remind recipients of NSF responsibilities to report a grantee's failure to submit all required reports in FAPIIS as specified in Article Payments.
- **Resolution of Conflicting Conditions, Article 49.** This article has been updated to clarify which requirements must be followed if there is any inconsistency between 2 CFR §200, these grant general conditions, the PAPPG, and any cited program solicitation.
- **Sharing of Findings, Data and Other Research Products, Article 53.** This article has been revised to include the caveat to protect commercial considerations.