

COOPERATIVE INSTITUTE INTERIM HANDBOOK



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Cooperative Institute Interim Handbook

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ACRONYMS

AA	Assistant Administrator
BOP	Business Operating Plan
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CI	Cooperative Institute
CICM	Cooperative Institute Committee Memorandum
CRADA	Cooperative Research and Development Agreement
DAO	Department Administrative Order
DOC	Department of Commerce
EO	Executive Order
FALD	Federal Assistance Law Division
FFO	Federal Funding Opportunity
FPO	Federal Program Officer
FRN	<i>Federal Register</i> Notice
GMD	Grants Management Division
GO	Grants Officer
GOL	Grants Online
GT	Goal Team
LO	Line Office
LOI	Letter of Intent
MOA	Memorandum of Agreement
NACI	National Agency Check and Inquires
NAO	NOAA Administrative Order
NEC	NOAA Executive Council
NEPA	National Environmental Protection Act
NESDIS	National Environmental Satellite, Data, and Information Service
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NOS	National Ocean Service
NWS	National Weather Service
OAR	Office of Oceanic and Atmospheric Research
OGC	Office of General Counsel
OMB	Office of Management and Budget
RC	Research Council
RFA	Request for Applications
SAB	NOAA Science Advisory Board

1. INTRODUCTION

A. Purpose.

1. The Cooperative Institute (CI) Interim Handbook outlines procedures for establishing, soliciting, awarding, maintaining, reviewing, renewing, and closing National Oceanic and Atmospheric Administration (NOAA) CIs. This Handbook is issued pursuant to NOAA Administrative Order (NAO) 216-107, effective September 2, 2005. The Handbook references policies and procedures for use by NOAA Line Offices (LOs) for ensuring the consistent implementation of legislation, regulations, Office of Management and Budget (OMB) circulars, executive orders (EOs) and the *Department of Commerce (DOC) Grants and Cooperative Agreements Interim Manual (DOC Manual*; http://oam.ocs.doc.gov/GMD_interimManual.html). This Handbook is intended to aid the internal management of NOAA and 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.

B. Authority.

1. This Handbook is issued pursuant to the authority of NAO 216-107 (http://www.corporateservices.noaa.gov/~ames/NAOs/Chap_216/naos_216_107.html), Section 1.02 (September 2, 2005) and applies to all NOAA LOs. The Handbook applies to all NOAA CIs established after the effective date of NAO 216-107 and those established competitively prior to that date. All CIs established prior to the effective date of the NAO, will continue to be maintained by the responsible NOAA LO under the terms of their existing agreement and extension, but will be subject to the guidelines of this document to the maximum extent possible. At the end of the continuation period for each CI, as described in NOAA's CI Transition Plan (September 27, 2005, available at <http://www.nrc.noaa.gov/ci>), each CI will be sunsetted according to the procedures described in Chapter 6 of this Handbook. This Handbook is being issued as supplemental operating unit-specific policies and procedures to cover items not covered by the *DOC Manual* (as per Chapter 2.D) to address programmatic requirements for the NOAA CIs, and does not conflict with the provisions of the *DOC Manual*.

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

a. National Environmental Satellite, Data, and Information Service (NESDIS). NESDIS observes the environment by operating a national satellite system.

b. National Marine Fisheries Service (NMFS). 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, as well as 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 reports the weather of the United States and its possessions and provides weather forecasts and warnings to the general public.

C. 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 CIs¹ and bring these institutes under a common procedural structure (Moore et al. 2004). The recommendation stated that:

NOAA should establish a process by which Joint Institutes and other cooperative arrangements with extramural 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 a 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 process, the renewal process, and sunset clauses". (Moore et al. 2004)

2. NOAA assigned responsibility for the implementation of this recommendation to the NOAA Research Council (RC). In August 2004, the RC formed a working group, which wrote the "Proposed NOAA Policy and Process for Creating and Managing Cooperative Institutes". After an extensive internal review and approval process, NOAA published

¹ Cooperative Institutes (CIs) are identical to Joint Institutes (JIs). NOAA refers to these partnerships as CIs.

this document in the *Federal Register* on March 8, 2005 (70 FRN 11195) to request public comments through April 4, 2005. Following the public comment period, the working group drafted two documents that incorporated many of the recommendations it received from the public: (1) a NAO that describes NOAA's CI policy, and (2) a Handbook that describes NOAA's procedures for implementing the policy. The CI policy, upon which the procedures in this Handbook are based, was approved by the DOC Under Secretary for Oceans and Atmospheres (hereafter referred to as the Under Secretary) and issued on September 2, 2005 (NAO 216-107, http://www.corporateservices.noaa.gov/~ames/NAOs/Chap_216/naos_216_107.html). A second *Federal Register* notice (FRN) was published on December 2, 2005, to announce the policy and request comments on the Handbook.

D. Responsibilities.

1. Multiple groups have responsibilities relating to CIs. The general responsibilities of these groups are described here. Specific responsibilities associated with each aspect of the CI program are listed in the beginning of each chapter.
 - a. Under Secretary – The Under Secretary approves, if appropriate, internal NOAA requests for establishing CIs that have been recommended by the NOAA RC and the NOAA Executive Council (NEC).
 - b. NEC – The NEC reviews RC recommendations for the establishment of new CIs and forwards any recommendations to the Under Secretary. (Additional information about the NEC is at <http://www.ppi.noaa.gov/councils.htm>.)
 - c. RC - The RC reviews recommendations from LOs or the Goal Teams (GTs) for establishing CIs, designates the LO that is responsible for maintaining the CI, approves the review guidelines for renewals, oversees the termination process, and provides general oversight of the CI program. (Additional information about the RC is available at <http://www.nrc.noaa.gov>.)
 - d. CI Committee – The CI Committee is a Standing Committee of the RC that ensures compliance with the CI NAO and Handbook, and when requested, will provide information to assist the RC with general program oversight. The CI Committee is responsible for proposing major procedures pertaining to NOAA-wide management of CIs and the implementation of the CI policy to the RC for approval. (Minor procedures may be submitted to the RC for approval at the discretion of the Committee chairperson.) The CI Committee provides assistance to the RC with all procedures that require RC involvement and provides aggregate financial and performance information on the NOAA CIs upon request of the RC and/or any NOAA office.
 - e. Responsible LO - The LO assigned by the RC during the establishment process has the primary responsibility of managing the CI award. This responsibility includes oversight of the initial CI competition process, CI performance, funding of the CI throughout the award period, and managing the renewal review process and 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 CI Program Manager in this Handbook, who may also be the Federal Program Officer (FPO) on one or more CI awards managed by the LO. If CI funding is provided by multiple LOs, the primary LO involves the other LOs when making any 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 CI program manager, 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.

f. 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 Committee to clarify and propose procedures related to the management of 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 at [http://www.ago.noaa.gov/grants/.](http://www.ago.noaa.gov/grants/))

g. GT(s) and Programs - GT(s) and their relevant Program(s) jointly propose the formation of CIs with the relevant LOs to the RC. The GT is responsible for understanding what GT research that is being conducted in collaboration with or conducted by the CI. The GT works with responsible LO to understand any activities or problems at the CI that may affect GT and Program plans. The GT is involved with the renewal review and termination processes.

h. CI Director - The CI Director is responsible for oversight of all NOAA-funded activities associated with the CI, including the submission of any required proposals and reports associated with the CI award, the renewal review, and working with the responsible LO to address any problems. In some cases, the organizational structure of the CI may require management by more than one director.

i. SAB – The SAB is a Federal Advisory Committee with responsibility to advise 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. It will function 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 at <http://www.sab.noaa.gov>.)

E. CI Handbook Amendment Procedure.

a. The CI Committee is responsible for maintaining and updating the Handbook when required. Amendments to the Handbook require approval by the NOAA RC and its CI Committee. External proposals for amendments or revisions may be submitted to the CI

Committee for review and submission to the RC in accordance with the procedures set forth herein. All approved revisions (corrections or updates) to the Handbook will be made by the CI Committee only after they have been distributed to NOAA for review and comment prior to final approval by the Research Council.

b. When necessary, the CI Committee will issue a CI Committee Memorandum (CICM) to clarify or provide additional details about the procedures described in this Handbook. CICMs, numbered sequentially, will be posted on the NOAA CI website (<http://www.nrc.noaa.gov/ci>) and distributed to the appropriate NOAA and/or CI officials. CICMs must be evaluated according to the process in Section 1.E.a. prior to incorporation into the Handbook.

2. COOPERATIVE INSTITUTES

A. Description.

1. A CI is a NOAA-supported, non-federal organization that has established an outstanding research program in one or more areas that are relevant to the NOAA mission. CIs are established at research institutions that also have a strong education program with established graduate degree programs in NOAA-related sciences. 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 parent organization or other organizations and one or more NOAA programs. The CI provides significant coordination of resources among all non-government partners and promotes the involvement of students and postdoctoral scientists in NOAA-funded research. The CI provides mutual benefits with value provided by all parties.
2. NOAA and its related CIs have benefited from many ongoing partnerships since 1967, when the Environmental Science Services Administration (NOAA's predecessor) began supporting its first CI. Since that time, NOAA has built valuable partnerships with many CIs across the United States that have created mutual benefits for NOAA and the CI.
3. As described in a review report by the NOAA SAB, CIs "provide the mechanism for a unique set of partnerships that help leverage the research that NOAA needs to fulfill its mission in serving the Nation's needs" (Moore et al. 2004, p. 20). These partnerships provide resources that may not exist within NOAA. Working with NOAA, CIs help to bring scientists from NOAA's applied research programs together with academic and research faculty and students. These collaborations foster a better understanding of natural sciences and environmental processes necessary to address research and mission-related needs for the direct benefit of NOAA. Congress empowered the Secretary of Commerce in P.L. 108-7 to designate Joint and Cooperative Institutes to provide agency personnel, services, research, education, training and outreach under cooperative agreements. This authority was reauthorized and extended to futurity under 118 Stat. 71 (January 23, 2004). The authority is unique because it expands the purpose for which Federal funds may be used under an award to include the use of personnel, services and facilities of universities and other organizations. This authority is described in more detail in Chapter 3.

B. Benefits.

1. 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 that are relevant to NOAA's mission but generally extend beyond the agency's typical capacities. NOAA funding is beneficial to the CI and its parent research institution(s) (e.g., a university) since it is used primarily to support and expand research capabilities and capacity and to support the education mission, which benefits NOAA as well.

2. In addition to the broad research benefits of establishing a CI, there are other benefits that NOAA derives from these relationships that may not be obvious. It is sometimes not well recognized that formal agreements between NOAA and the CI are usually joined at the highest levels – between the DOC Under Secretary and the President of the CI’s parent institution(s). The partnership thus involves all of NOAA and all parts of the parent institution(s). Within the parent institution(s), these may be Institutes, Colleges or Departments. Within NOAA these may be one or more LOs with their specific research units, science centers, or laboratories.

3. Beyond the central, cutting-edge, daily research conducted by CI scientists, CIs provide many other benefits to NOAA, such as:

a. Faculty in NOAA mission areas. Most parent institutions have many well-recognized faculty in NOAA mission areas providing NOAA extraordinary access to specialized expertise, particularly in cross-discipline areas, such as the economic impact of weather and climate forecasts or environmental ethics.

b. Joint training and outreach activities. These activities allow NOAA and the CI to tap into experienced personnel with distinguished careers in education and training. The combination of NOAA’s dispersed network of research and operations units with the outreach/extension networks of Universities and other nonprofit research institutions allows special access to decision makers and the public seeking environmental services and advice.

c. Education and training for some of NOAA’s future workforce.

d. Capital construction projects for research offices and labs are often cost-shared by CI universities. Furthermore, universities work with NOAA to secure outside construction funds from State and other Federal budgets or from private foundations. Often the parent institution(s) will provide land and leased space for the project as a partnership contribution.

e. Debt financing of major capital equipment for research and development. This is a way to add new research capability to meet new research challenges. Some CI universities--through their affiliated Research Foundations -- often have bonding authority. This allows private investors to support large (multi-million dollar) research capital equipment projects.

4. In addition to the many benefits of this partnership to NOAA, there are significant benefits to the CI and the parent institution, particularly when a CI is funded with a cooperative agreement. The primary benefits are derived from the annual funding that the CI receives throughout the award period and the efficient process that is used to transfer NOAA funding to the CI, even though the funding may vary annually. The funding transfer is efficient because one long-term cooperative agreement is used to transfer NOAA and other Federal agencies’ funding for any NOAA-sponsored project,

resulting in a relatively quick transfer. This efficiency occurs because the extensive review conducted during the initial competition or renewal of a CI eliminates the need to compete any specific research projects since the initial review process determined that this CI was qualified to perform research that was described in the CI's omnibus proposal.

5. NOAA funding is beneficial to the CI because it is used primarily to support and expand research capabilities and capacity and to support the education 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. The CIs may also leverage NOAA support to secure additional Federal and private support, providing a mutual benefit to the CI and NOAA. The parent institution also benefits from NOAA funding for indirect costs, which are often used to support general institution expenses such as support for libraries and institution-wide research infrastructure. Another benefit to the research institution is support for their education mission through direct student and faculty funding, and research support that provides opportunities for student involvement.

C. Structure.

1. CIs are units within an academic or non-profit, degree-granting research institution that meet the criteria listed in Section 3.C.2. The CI director usually holds a "tenured" position at the parent institution and is responsible for the oversight and coordination of all CI activities. The CI can consist of multiple member institutions (e.g., multiple universities). For CIs with more than one member institution, NOAA may establish a separate award for each member institution or to a joint venture between the member institutions. In either case, the members determine how the directorship will be managed. In some cases, the directorship may rotate among the members or a co-director structure between the research institutions may be used. The CI typically has a chief administrator who is responsible for all administrative aspects of the CI.

2. NOAA encourages CIs to have at least two advisory boards: an Executive Board and a Council of Fellows. The Executive Board consists of senior management officials from NOAA, the CI, and the parent research organization(s) to provide advice and recommendations to the CI director about management and budgetary issues.

3. The Council of Fellows consists of mid- and senior-level scientists from NOAA, the CI, the parent organization(s), and the scientific community to ensure high quality scientific research is being conducted and to help identify other research opportunities that will maintain and enhance the current research program.

4. Initial CI awards have an award period of five years, with a potential renewal period of up to five additional years. During and after the current award, CIs remain eligible to apply for other CI competitive announcements.

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

6. Researchers and support staff associated with the CI are employees of the parent institution and may or may not be considered employees of the CI as a unit of the research institution. The designation of a CI employee is determined by the CI Director. 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 research institution are not NOAA or Federal employees.

7. NOAA encourages CI and NOAA employees to be collocated to stimulate and support collaborative research. When these employees are collocated, federal employees are not authorized to supervise CI and/or other university employees, including students. Federal employees, however, may provide technical leadership on collaborative projects that involve CI employees. Supervisory activities, such as approving leave and time forms, resolving employee conflicts, and determining individual compensation are performed by an employee of the CI or the parent institution. For annual evaluations, federal employees may provide input to the CI's evaluation process. Their input, however, is limited to an evaluation of the employee's contribution to collaborative projects, which is provided to the CI supervisor. Collocation requires federal employees to ensure that reliable safeguards exist to avoid sharing information restricted to federal employees. Because CIs can hire foreign scientists, NOAA also requires federal facilities to ensure that foreign scientists have no access to facilities and information restricted to United States citizens. (See Chapter 4 for more information about collocation issues.)

8. Activities at CIs are usually organized into three tasks (or more if requested by the CI):

a. Task I. Task I activities are related to the management of the CI, as well as general education and outreach activities. This task also includes support of postdoctoral and visiting scientists conducting research that is approved by the CI Director in consultation with NOAA, and is relevant to NOAA's mission goals.

b. Task II. Task II research activities usually involve on-going direct collaboration with NOAA scientists. This collaboration typically is fostered by the collocation of federal and CI employees.

c. Task III. Task III research activities require minimal collaboration with NOAA scientists and may include research funded by other NOAA competitive grant programs.

9. Base funding for Task I is provided annually by NOAA to the CI, pending the availability of funds. Throughout the award period, funding for additional Task I activities, as well as Task II and Task III (or other Tasks that are requested by a particular CI) activities is added to the CI award as proposals are submitted by the CI and approved

by NOAA. Thus, the CI award functions as an administrative vehicle established jointly with a research institution to more closely link research in NOAA with research in the institution and partner institutions. Because the CI is established through a rigorous competitive process, funding for any proposal associated with one of the approved scientific themes is not required to undergo a competitive merit review process. NOAA still must review each proposal, however, to determine if the project description is scientifically sound and the budget is appropriate for the proposed research. (See Chapter 4 in this Handbook for more information on these reviews.) Proposals that are outside of the approved themes are subject to prior approval by NOAA and must meet the *DOC Manual* requirements for merit/peer review and the noncompetitive exemptions (see Chapter 8 of the *DOC Manual*).

3. ESTABLISHING NEW CIs.

1. CIs are established through a competitive process that originates with an internal NOAA request presented jointly to the NOAA RC by one or more GTs or LOs. Any competitive announcement for new CIs must be approved by the Under Secretary. 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, then each partner may receive a separate award from NOAA or NOAA can make an 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. GT(s)/LO(s) – GTs and LOs propose new CIs jointly with all relevant LO(s) and other GT(s) to the RC. They prepare a proposal request for new CIs and give proposal briefings to the RC and the NEC.

2. LO – The responsible LO is designated by the RC and is responsible for managing the entire establishment process.

3. GMD – GMD is responsible for the administration and monitoring of any financial assistance provided to the CI in close coordination with the LO.

4. RC – The RC may propose new CIs in collaboration with any relevant GT(s) and LO(s). The RC reviews new CI proposals from GTs and LOs and provides approval before further NOAA review by the NEC and the Under Secretary. The RC selects the LO responsible for managing the entire establishment process based on a recommendation from the GT/LO proposal.

5. CI Committee – The CI Committee provides advice to LOs and GTs throughout the establishment process and reviews the FFO and the *Federal Register* notice before it is published.

6. NEC – The NEC reviews NOAA proposals for new CIs that have been recommended by the RC. NOAA CI proposals approved by the NEC will be forwarded to the Under Secretary for approval.

B. Proposing a New CI

1. CIs are established based on a proposal submitted jointly by any GT and LO. (See Appendix A for an outline of the proposal.) The proposal is submitted to the RC for review. The RC may also request that a GT or LO submit a proposal for a CI. Approval by the RC allows additional review by the NEC and the Under Secretary. The Under Secretary gives final approval to establishing a CI. After Under Secretary approval, the responsible LO organizes a competition to select the CI. The CI Committee estimates

that the establishment process will take approximately 18 months (Fig. 1), so GTs and LOs should plan accordingly. NOAA expects to notify the CI of its award at least six months prior to the proposed starting date of the five-year award.

2. The establishment process is initiated with a proposal submitted jointly by one or more NOAA GTs and NOAA LOs to the NOAA RC. The NOAA LO(s) and GT(s) must jointly prepare any proposal submission to ensure that GT and LO needs in planning and execution of NOAA’s activities are considered.

Activity	Months																	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Program(s), GT(s), and LO(s) write and submit proposal for a new CI to the RC	█	█																
RC Review			█															
NEC review and Under Secretary review.				█	█													
If approved by Administrator, LO writes and publishes RFP as a <i>Federal Register</i> notice and prepares FFO for grants.gov				█	█													
LO accepts applications						█	█											
LO manages NOAA merit review process.								█	█									
LO prepares recommendation to RC then to GMD for processing new CI award									█	█	█							
GMD reviews new CI award.												█	█					
GMD announces award													█	█				
Begin research planning with CI and write MOA													█	█	█	█	█	█
CI award begins																		█

Figure 1. Timeline for Establishing a New CI.

3. Each LO/GT proposal shall follow the template provided in Appendix A. The proposal includes information on the rationale for the CI; a recommendation of the responsible LO; a list of NOAA Programs, GTs, and/or LOs that may participate in the CI activities; and an estimate of annual funding, including a reasonable amount of Task I base funding. Task I funding may be used to fund administrative activities, and other education and outreach activities, including postdoctoral and visiting scientists conducting research that is relevant to the CI and NOAA, but at the direction of the CI Director in coordination with NOAA. The GT/LO proposal should clearly identify which LOs will provide the annual base funding throughout the entire award.

4. The RC will evaluate each GT/LO proposal by considering information in the proposal, NOAA's 5-year Research Plan (NOAA RC, 2005a), NOAA's 20-year Research Vision (NOAA RC, 2005b), and any other information relevant to the establishment of the proposed CI. (The 5-year Research Plan and the 20-year Research Vision are available at <http://www.nrc.noaa.gov/Reports.htm>.) If the proposal is approved, the RC assigns the CI to the LO recommended in the proposal, or another LO deemed to be more appropriate. This LO becomes the responsible LO referenced throughout this Handbook. A favorable RC review of the proposal results in a recommendation to the NEC for its review and approval.

5. The GT(s)/LO(s) requesting a CI will be responsible for making all NEC presentations and providing any additional information needed by the NEC. If the review by the NEC is favorable, a recommendation is provided to the DOC Under Secretary, who must approve the establishment of any new NOAA CI before a competitive announcement can be published.

6. After Under Secretary approval, the responsible LO manages the establishment process and administers the CI award according to the procedures described in this Handbook and the *DOC Manual*. The specific LO works with the RC and the relevant GT to draft the *Federal Register* notice (FRN) and the Federal Funding Opportunity (FFO) announcing the availability of financial assistance funds for the new CI. (See the next section for more information on writing these documents.)

C. Preparing and Publishing the Federal Funding Opportunity and *Federal Register* Notice.

1. Upon approval of the new CI proposal by the Under Secretary, the responsible LO will prepare two documents in consultation with the proposing GT(s) and LO(s) to announce the competition to the public: (1) the FFO, which includes the program requirements, evaluation criteria, peer/merit review process and selection factors; and (2) a FRN, containing the information described in Chapter 19 of the *DOC Manual*--both of which are to be posted on the Grants.gov website. The FFO shall include the appropriate Catalog of Federal Domestic Assistance (CFDA; <http://www.cfda.gov>) number, 11.432², for this program. The requirement for these documents is described in Chapter 19 of the

² NOAA is currently in the process of modifying the current description for CFDA 11.432 to include all NOAA CIs.

DOC Manual (http://oam.ocs.doc.gov/GMD_interimManual.html). The responsible LO should contact the CI Committee Chairperson to obtain a copy of a current FFO and FRN to use as a guide for writing these documents. The responsible LO shall follow LO procedures for approving and publishing FRNs. **To ensure that the FFO is written properly and is consistent with the information described in this Handbook, all FFOs must be submitted to the CI Committee for approval before publication in Grants.gov.**

2. The following list of items shall be included as measures for NOAA's standard evaluation criteria or selection factors for CI awards:
 - a. 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,
 - b. 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,
 - c. internationally recognized expertise within the appropriate disciplines needed to conduct the collaborative/interdisciplinary research,
 - d. unique capabilities in a mission-critical area of research for NOAA,
 - e. a strong education program with established graduate degree programs in NOAA-related sciences that also encourage student participation in NOAA-related research studies,
 - f. a well-developed business plan including fiscal and human resource management as well as strategic planning and accountability,
 - g. a summary of clearly stated goals to be achieved during the five-year period, which reflect NOAA's strategic plan and goals,
 - h. collocation with or near a NOAA facility (if NOAA determines that it is beneficial for a particular research need),
 - i. formation of partnerships with other universities and research institutions, including Minority Serving Institutions and universities with strong departments that can contribute to the proposed activities of the CI,
 - j. consolidation of administrative and oversight activities associated with any existing CIs funded by NOAA already at the parent institution into one CI, when possible, and
 - k. substantial investment by the applicant, as demonstrated by an increased cost sharing contribution.

3. In addition to the NOAA standard competitive evaluation criteria and selection factors (provided by the GMD), NOAA may include specific scientific and technical requirements as a prerequisite for the new CI (e.g., space weather, marine ecosystem research).

4. NOAA maintains flexibility in defining the research topics (themes) of the CI because of the diverse nature of NOAA research. For some CIs, a regional research focus may be appropriate, while at others a larger global perspective may be necessary to address problems related to phenomena with large temporal and spatial scales.

5. In addition to an estimate of the available funding for research, each FFO must include the amount of Task I base funding that will be 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, with the condition that the activities are relevant to NOAA's mission goals and the CI's approved themes, and receive prior approval from the LO CI Program Manager. Activities funded with Task I funding are under the direction of the CI Director in coordination with NOAA. Base and project funding must be paid by the various LOs that execute the research activities of the NOAA Programs that use the CI and not be limited to the LO assigned to manage the CI award. The FFO should also provide a good-faith estimate of the estimated annual research funding that NOAA expects to provide under the cooperative agreement.

6. If relevant, the FFO 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 FFO 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.

7. To reduce the burden on research institutions of writing complete proposals, the responsible LO may use a preproposal or Letter of Intent (LOI) stage to identify promising applicants that will be invited to submit full proposals. The LOI process invites applicants to submit a 1-2 page white paper summarizing their intent. Specifics for an LOI will be provided in the FRN or FFO and will be evaluated by NOAA and if appropriate an applicant will be invited to submit a full proposal. Full proposals will be evaluated by a panel of internal and/or external experts selected by the LO in consultation with the relevant GT(s) and LO(s), according to the procedures described in the *DOC Manual* (Chapter 8) on competitive awards.

D. Cost Sharing.

1. To stress the collaborative nature and investment of a CI by both NOAA and the research institution, cost-sharing will be required. Additional cost sharing contributions may be considered as a selection factor by the selecting official. The minimum level of cost-sharing will be determined by the CI Committee in consultation with the

GT(s)/LO(s) proposing the CI and will be published in the FFO and the FRN. Applicants will be able to propose how the cost sharing will be achieved. Acceptable cost-sharing items include, but are not limited to, offering a modified indirect cost rate, waiver of indirect costs assessed against base funds, indirect costs, and full or partial support of the CI director and administrative staff.

E. New CI Proposals.

1. CI proposals are submitted using the standard NOAA grant application kit (<http://www.ago.noaa.gov/grants/appkit.shtml>) of various Federal forms (SF-424, A, B, C, D (or the SF-424R&R series); CD-511; SF-LLL, if the recipient lobbies Congress), a project description that includes sufficient information to address all the evaluation criteria identified in the FFO, a budget, and a budget justification. The project description shall include a thorough explanation of all proposed themes and tasks. The proposal should also identify the capabilities and capacity of the CI to conduct research in the theme areas described in the FFO, as well as a summary of clearly stated goals to be achieved during the five-year period, which reflect NOAA's strategic plan and goals. Additional elements of the proposal may be requested in accordance with NOAA GMD policies.
2. The budget should represent a reasonable estimate of funding that will be required to support the activities described in the FFO, including an estimate of the number of required personnel. Institutions proposing a CI should use the funding information listed in the FFO 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 the obligation of any funding, the CI will submit specific project descriptions and budgets for NOAA review, as described in Section 4.C.
3. To assist the reviewers with evaluating the overall qualification of the Principal Investigator(s), the project description should include a business plan that describes the fiscal and human resource management as well as strategic planning and accountability. For CIs that consist of multiple partners, the business plan should describe the governance structure among the partners, how the research will be coordinated, and who will be the primary contact for the CI research activities.

F. Grants Online

1. The responsible LO will manage the CI competition through Grants Online (GOL; <https://grantsonline.rdc.noaa.gov>), according to the procedures for processing all competitive awards in GOL. Instructions for using GOL for competitive grants are provide in the training materials at <http://www.ofa.noaa.gov/~grantsonline>.

G. Memorandum of Agreement.

1. Within six months of the date the CI is selected, NOAA and the successful research institution(s) will enter into a Memorandum of Agreement (MOA). (To promote

consistency among all NOAA CIs, NOAA will use an MOA instead of a Memorandum of Understanding.) This process will be completed by the responsible LO. The MOA describes the working relationship between NOAA and the CI and represents a broad agreement between the parent institution(s) and NOAA on how the CI will operate. The MOA contains much of the information contained in the business plan. (A sample MOA outline is provided in Appendix B.) This MOA should include information on issues such as governance, membership, the use of advisory committees, use of facilities, administrative expectations of the CI, human resource relationships, procedures for review of projects and proposals, and intellectual property matters. For multi-member CIs, the MOA must also describe how the directorship will be determined. The initial period of the MOA must coincide with the CI award period of the cooperative agreement, including subsequent extensions. Initiation and completion of the MOA while the recommended proposal is under NOAA's review (i.e., before award) is strongly encouraged. The President, or equivalent position, at the CI's parent institution(s) and the Under Secretary sign the MOA. The LO submits the draft MOA to the CI Committee for review and submission to the Under Secretary for approval and signature.

2. LOs should follow LO procedures for approval and clearance of MOAs. When the MOA has been signed by all parties, the LO contacts the GMD GO assigned to this award and request that the MOA be incorporated into the CI award as a term and condition of the award.

H. Designation under 118 Stat. 71

1. The Under Secretary is delegated the authority granted to the Secretary of Commerce (DOO 10-15) to enter into cooperative agreements with the Joint and Cooperative Institutes as designated by the [Under Secretary] to use the personnel, services, or facilities of universities and other organizations for research, education, training, and outreach to carry out the mission of NOAA. 118 Stat. 71 (January 23, 2004).

2. Congress included this language in P. L. 108-7 (February 20, 2003), and reauthorized it in futurity under 118 Stat. 71 (January 23, 2003) to empower the Secretary of Commerce to designate and use certain CIs to provide the agency with personnel services, research, education, training and outreach under a cooperative agreement. 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 and facilities of the research/parent institutions without the requirement to execute a separate procurement contract or other funding instrument.

3. CIs for which NOAA expects to use the personnel, services, or facilities of the research/parent organization to directly carry out specific research, education, training and outreach objectives of NOAA must be designated in accordance with 118 Stat. 71 by the Under Secretary. This designation is required if CI and NOAA scientists are collocated and collaborate on NOAA-funded research. Without this designation, certain collaborations with CIs will be limited under a cooperative agreement (e.g., absent such a

designation, NOAA is not authorized to fund procurement or lease arrangements with a CI under a cooperative agreement).

4. The purpose of the designation for the CI is to expand the authority under the Federal Grants and Cooperative Agreement Act by providing specific authority to permit NOAA to use a cooperative agreement to obtain personnel services, procure services and lease facilities and other research platforms from the CI. The authority, however, is not broader than the purposes and scope of work under the award or the MOA incorporated into the award, and cannot be used to circumvent competitive requirements for goods or services. There must be a nexus with the CI cooperative agreement. For example, NOAA would be permitted to obligate funds under a cooperative agreement for CI staff to develop data or perform other types of research relating to NOAA's needs if such development or research is part of the approved terms of the award or award themes. However, if the activity becomes one of actual product development and distribution, the use of the CI cooperative agreement is not authorized since the activity extends beyond research, education, training, and outreach.

5. This designation also permits NOAA to accept funds from other Federal agencies under an Economy Act agreement even if the originating agency does not have financial assistance authority to make grants or cooperative agreements.

I. Performance Measures.

1. NOAA uses performance measures to provide a method of assessing the quality of research being conducted by CIs. As soon as the CI applicant is recommended for future funding, the responsible LO will work with the CI to create a list of mutually acceptable performance measures that will be incorporated into the MOA and the conditions of the award. Performance measures may be proposed by the CI in the original proposal, as well. The CI will report on these measures in the annual performance report. NOAA will review these values annually, or more frequently if necessary, to ensure that the CI is performing at an acceptable level of performance. The NOAA RC will be working with the NOAA SAB to define a set of acceptable performance measures because of the critical nature of these measures.

(More information will be added to this section at a later time.)

4. MAINTAINING COOPERATIVE INSTITUTE AWARDS

1. CI awards are managed by the responsible LO designated by the RC. After managing the competition for new CIs, the LO has the responsibility of managing the award and reporting on activities associated with the award to the CI Committee. There are many activities that are associated with award management throughout the year and the LO be sure that there are sufficient resources to manage each CI award. If a LO manages more than one CI, it is recommended that the LO designate a CI Program Manager that serves as the primary LO contact for all CI activities, including a general understanding of the research being conducted at the CI and the administrative aspects of managing the MOA and the awards, such as using GOL to process CI research proposals and funding requests.

A. Responsibilities.

1. Responsible LO – The responsible LO manages all programmatic aspects of the CI award in consultation with the NOAA GMD.
2. GMD – The GMD Grant Specialist and GO review, incorporate and issue all proposals or changes as amendments to an award.
3. CI Program Manager – The primary LO contact for all CIs managed by the LO, and responsible for overseeing the processes associated with managing all CI awards within the LO.
4. RC – The RC monitors CI activities and sponsorships from within NOAA and other Federal agencies through LO and CI Committee reports on CI program activities.
5. CI Committee – The CI Committee compiles summary reports of CI program activities and funding levels for the RC and provides advice to LOs on managing CI awards. The CI Committee is also responsible for issuing memoranda regarding procedures and other relevant information related to managing all CI awards.
6. GT – The GT works with its Programs and the responsible LO to ensure that it is aware of the CI activities that are relevant to its plans.

B. General Description of Activities.

1. The responsible LO ensures that all proposals/funding requests are processed through NOAA's GOL system after CI proposals are submitted by the parent institution(s) through Grants.gov. In addition to the FPO responsibilities, the LO CI Program Manager is also involved with developing and establishing research linkages between NOAA and the CI, reviewing annual performance, approving annual research plans, attending and organizing annual NOAA-CI meetings, working with the CI to develop performance measures, manage reviews, and monitoring research performance for all LO CIs.

C. Submitting CI Project Proposals.

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 conduct research in specific research areas of interest to NOAA. Aside from the annual base funding, no other funding is required to be obligated under the award. Instead, 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 or in response to NOAA competitive announcements. The proposals are submitted by the CI's parent institution(s) through Grants.gov, using the FFO number provided by the responsible LO.
2. Prior to the beginning of the CI award, the responsible LO will discuss the process for submitting project proposals 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 that will provide initial research funding. After consultation with these laboratories and/or programs, the CI requests funding for research support by submitting new proposal(s) that include a project description 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 project proposals for the funding year, the NOAA office should contact the LO CI Program Manager and the CI director immediately to discuss the shortfall. The CI Program Manager will work with the NOAA office to ensure that the CI has been notified.
3. An annual CI science plan and estimated budget for Task II activities is strongly encouraged for CIs assigning multiple personnel to multiple long term collaborative research projects that are funded on an incremental basis. The annual science plan and budget should be negotiated with the LO that is supporting these activities. This LO will also work with the responsible LO to coordinate the review of the plan for incorporation into the cooperative agreement as an annual amendment. Since collaborations with NOAA laboratories typically involve many projects conducted by many CI scientists, it is more efficient for NOAA and the CI working with laboratories to submit one annual science plan that describes all the Task II research activities that will be conducted during the year instead of a separate proposal for each project. CIs submitting an annual science plan with an estimated annual budget for all projects are subject to only one technical and legal review; whereas, a full technical review and legal review is required for each individual proposal requesting personnel and research costs if submitted separately. Each science plan shall include the research objective(s) for each main project, the appropriate research theme(s), key personnel, project description(s), and a total estimated budget that includes all projects and estimated personnel costs for the entire year.
4. All proposals for CI research and activities, including any annual CI science plan, must be written by the CI parent/research institution CI. Coordination with the collaborating NOAA office is required prior to submitting all proposals, except those in response to a competitive announcement. The CI shall also consult with the LO CI

Program Manager and the FPO for the award to ensure that any proposed projects are consistent with the terms of the award and the MOA.

5. The establishment of the CI provides the parent institution(s) and NOAA with an efficient mechanism for transferring funding for research at the CI as well as the ability to provide NOAA and the CI with access to expertise throughout NOAA and the entire CI's parent institution(s). For this reason, the CI is encouraged to work with the CI program manager to identify other NOAA programs that may be interested in supporting research at the CI using funding from NOAA or other Federal agencies. In this way, the research capabilities and capacity at the CI can be used by the entire agency.

6. Proposals for noncompetitive discretionary funding in other parts of NOAA must be sent (direct e-mail, not through Grants.gov) for an initial review to the NOAA program office that is providing the funding. All proposals submitted to a NOAA program or office outside of the responsible LO should include a cover letter identifying the appropriate CI research theme and task and instructing the NOAA program to contact the responsible LO for instructions on transferring the funding through the CI award. With approval from that program and notification that the funds are available from the responsible LO, the CI will send the proposal to the responsible LO through Grants.gov for processing and review, as described in Section 4.D. The responsible LO ensures that multi-year projects are entered into GOL as such.

7. Proposals may also be submitted in direct response to other NOAA competitive announcements using the FFO number provided in the competitive announcement. All proposals submitted to a NOAA program or office outside of the responsible LO should include a cover letter identifying the appropriate CI research theme and task and instructing the NOAA program to contact the responsible LO for instructions on transferring the funding through the CI award.

D. Processing CI Proposals.

1. After the primary CI award has been established, the responsible LO processes all funding awarded to the CI using GOL. This section describes the procedures for processing CI proposals that are received after the CI has been established. (Most of these processes are described in Sections D through J in Chapter 8 of the *DOC Manual*.)

2. NOAA encourages the parent institution(s) of the CI (e.g., a university) to submit all proposals through the CI award if they are related to the research themes approved by NOAA. The parent institution(s), however, ultimately determines which proposals are submitted through the CI award.

3. All CI proposals are submitted to the responsible LO unless they are submitted in response to an advertised NOAA competitive announcement, which will provide a separate FFO number, or the responsible LO has directed the CI to submit to another LO. Because the original CI award was competed, no additional competition is required for funding provided to the CI for any approved themes/MOA/activities throughout the CI

award period. Instead, CI proposals submitted to NOAA are reviewed for technical and/or costs matters, unless the funding exceeds the award total.

4. Annually, the responsible LO and the CI should review the amount of funding that has been awarded to the CI to ensure that funding for the following year will not exceed the original funding limit (described in 3.E.2) of the CI award. If the CI expects to exceed this limit, then it must submit a request to the responsible LO through Grants.gov to increase the award limit. The request shall explain why an increase is necessary and include a general budget and budget justification to increase the funding limit of the award. The responsible LO will review the request, and upon recommendation by the LO CI Program Manager, the FPO will forward the request to the NOAA GO for final approval.

5. The CI's parent institution(s) submits proposals to NOAA through Grants.gov using a FFO number provided by the responsible LO. Submissions should be in accordance with the request for application (RFA) process determined by the LO CI Program Manager and defined in GOL. Typically the RFA will only require a project description, a budget and a budget justification. No additional federal forms are required since, if approved, applications will be funded as amendments to the original award. Proposals submitted to Grants.gov are transferred automatically to NOAA's GOL system for NOAA evaluation and processing. More information about GOL and Grants.gov is available through the GMD webpage, <http://www.ago.noaa.gov/grants/>.

6. Upon receipt of each proposal, the responsible LO prepares the application for submission to GMD using GOL. (In some cases, the LO may request assistance with GOL processing from the funding program.) The LO ensures that the proposal has been reviewed by at least one NOAA employee with the appropriate technical background to evaluate the proposal and budget. Applications that are not recommended for funding are returned to the CI. The Recommendation for Funding Memo (Appendix C) documents this review process and provides the LO with additional information that can only be obtained from the NOAA program that has reviewed the proposal and provided funding. This information is needed to process the proposal in GOL. The LO forwards the application package, including the "Recommendation for Funding Memo", to the NOAA grants specialist, who prepares the grant package for review by the DOC Office of General Counsel /Federal Assistance Law Division (OGC/FALD). The DOC Office of Legislative and Intergovernmental Affairs is also notified of the award for congressional action purposes. After approval by the NOAA GO, NOAA will amend the CI award and incorporate the project description and budget into the original award. The parent institution of the CI will be notified through Grants Online when the amendment has been approved and is ready for electronic acceptance of the funding and any new award terms associated with the proposal.

7. Because the CIs work with multiple NOAA LOs, it may be necessary for the responsible LO to award funding that exists in other LOs when processing the application for funding from the CI. For these transfers, LOs will follow the current NOAA business

rules for the use of funds from other LOs or Financial Management Centers (e.g., Business Operating Plans (BOPs) or direct cite funding).

E. CI Access to Federal Facilities and Systems

1. For those individuals that will be collocated and require access to NOAA facilities or NOAA Information Technology systems, they will be required to obtain a *National Agency Check with Inquiries (NACI)*. The NACI is the basic and minimum investigation required on all new Federal employees (or collaborators) consisting of a National Agency Check with written inquiries and searches of records covering specific areas of an individual's background during the past five years (inquiries sent to current and past employers, schools attended, references, and local law enforcement authorities). The FPO, or his/her designate, will be responsible for obtaining and maintaining all appropriate clearances for CI employees.

(NOAA is currently implementing new procedures described under Homeland Security Presidential Directive 12 for approving access to Federal facilities. These procedures, as they apply to grantees, will be added to this section when they are available.)

F. CI Use of Federal Property

1. 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, as well as all NOAA policies and procedures pertaining to the use of any Federally owned or leased equipment.

2. 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. CI personnel may be authorized by NOAA to use government vehicles for activities under an award provided the use is allocable to the award and the FPO approves the use in accordance with the following guidelines and criteria:

- a. operation is for an official purpose ("home-to-work" is not an official purpose);
- b. NOAA provides for the education of potential drivers on the prohibitions against using Government-owned vehicles for personal purposes, and that any personal use will result in an immediate suspension of all driving privileges and may result in disciplinary action;

- c. NOAA provides for the education of potential drivers on the necessary of safe and economical operation of vehicles, including obedience to all laws and proper care and maintenance of the vehicles;
 - d. all drivers possess a valid and appropriately classed, state-issued drivers license;
 - e. NOAA provides detailed instructions of how drivers should act in case of an accident; and
 - f. non-Government drivers possess their own adequate liability insurance coverage and understand that they are responsible for making repairs at their own, not NOAA's, expense at a private repair shop.
4. For each occurrence, a written determination by the FPO, or their designate, that the above criteria are satisfied must be included in a file according to procedures coordinated with the NOAA Property Team Leader/Vehicle Management Property Board of Review.
 5. If the responsible LO determines that there will be opportunities for non-Federal employees associated with the CI award to use government vehicles, then they must request that GMD add the following special award condition to the CI award: "If a Recipient, in executing performance under this award, will be driving a Federally owned or leased automobile, the Recipient must obtain prior approval from the Federal Program Officer, or their designate, and provide proof of insurance or, if a governmental entity, provide a copy of the statutory authority covering its liabilities connected with use of a Federal Government vehicle in amounts of at least \$300,000 per person and \$500,000 per occurrence for bodily injury, and \$25,000 per occurrence for property damage. "

(NOAA expects to expand this section as particular issues relevant to collocation are identified.)

G. Federal Use of CI Property

1. The use of property owned or leased by the parent CI institution (e.g., a university) by Federal employees shall be governed by the policies and procedures of the parent institution and the CI, including any policies described in the MOA.

H. Use of NOAA Logo³

1. The use of an official seal, emblem, insignia or logo by an outside organization is governed by Department Administrative Order (DAO) 201-1. Specifically, Section 5.04 of the DAO states that:

³ Use of the Department's emblems or logos is subject to legal review and clearance in accordance with LO policies and procedures. For advice on emblem or logo use, the LO should contact the General Law Division, Office of the Assistant General Counsel for Administration, at (202) 482-5391.

Permission to use DOC seals, emblems, insignia, and logos may not be granted to outside organizations without the written approval of the head of the operating unit that originated and is authorized to use the seal, emblem, insignia, or logo, and the concurrence of the Assistant General Counsel for Administration, who will review the request for any possible appearance of endorsement, conflict of interest, and related issues, and the Office of Chief Counsel for Technology who will review the request to ensure the DOC's trademark interests are being protected. Use of the DOC seal is governed by the provisions in Section 5 of DAO 201-17.

2. Requests to use a DOC seal, emblem, insignia, or logo shall meet the following criteria:
 - a. use of the symbol by the outside party must satisfy some interest of the DOC;
 - b. the use may not result in embarrassment to the DOC;
 - c. there must be no conflict with trademark rights; and
 - d. there can be no endorsement of or favoritism toward the entity using the symbol or other appearance of impropriety.
3. To support the need for complete and considered review, all requests to use DOC seals, emblems, insignia and logos shall include the following information:
 - a. a specific description of how the DOC seal, emblem, insignia, or logo will be used, including the location of the symbol, the size and proximity of the symbol to the seal, logo, emblem, or banner of other organizations, agencies, businesses or corporations (When available, the request shall be accompanied by a draft document which clearly demonstrates where the Departmental symbol will be placed. This draft shall be representative of the final product that will bear the DOC symbol.);
 - b. a specific description of the Departmental interest(s) that will be satisfied, supported, or fulfilled through the requested use of the symbol;
 - c. a description of the DOC's relationship, if any, to the requesting party; and
 - d. a brief statement explaining why the use of the symbol in the given circumstance would not result in embarrassment to or a perception of favoritism or endorsement by the DOC.

I. Intellectual Property Rights at NOAA Cooperative Institutes

1. 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, Pub. L. 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 and in particular, in the standard patent rights clause in 37 CFR 401.14. However, for the convenience of the parties, the following summary is provided.

a. 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 to 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) Department - 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 any 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 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 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 agreement will be prepared by DOC Patent Counsel and may 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 401.3(e), which is appealable under 37 CFR 401.4.

b. Responsibilities

(1) Reporting-Within 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 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 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 usually be filed within 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 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 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 DOC Patent Counsel in advance of the expiration of the time period. Of course, 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.

2. Data, Databases and Software. The rights to any work produced or purchased under the cooperative agreement with NOAA are determined by 15 CFR 24.34 and 15 CFR 14.36. Such works may include data, databases or software.

3. 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.

4. The University may copyright any work produced under the cooperative agreement subject to NOAA's royalty-free nonexclusive 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 to NOAA its copyright in 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.

J. Annual Meeting.

1. NOAA organizes a 2-3 day annual meeting, usually in the Washington, D.C. area, for all the CI Directors, their Chief Administrators, and NOAA employees involved with NOAA CIs. The primary purpose of this meeting is for NOAA and CI management to discuss important CI-related topics, including CI involvement with NOAA research planning, grants management, NOAA organizational changes, and research being conducted at the CIs. The annual meeting is usually organized by the CI Committee who will solicit input from the CIs and NOAA during the planning process to ensure that the meeting includes any specific topics of importance to the CIs and NOAA. While NOAA programs that sponsor CI projects are encouraged to send a representative to this meeting, all LO CI program managers are expected to attend.

K. Performance Reports.

1. All CIs are required to submit an annual performance report during the award through GOL. In some cases, a semi-annual report may be requested by the responsible LO and/or the sponsoring NOAA office may request brief informal updates on projects. The annual report describes accomplishments associated with all activities during the award year. The CI Committee will publish guidelines on the CI website that describe the information that shall be included, if applicable, in the annual CI performance report, and is consistent with 15 Code of Federal Regulations (CFR) Parts 14.51 and 14.52. 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.

2. Upon receipt of an annual performance report, the responsible LO will coordinate a review of the report to ensure that the CI's performance is acceptable. Any deficiencies should be discussed with the CI immediately. If corrective action is necessary, then the LO will coordinate actions with GMD to determine the magnitude of the required corrective actions and decide whether the CI should submit an improvement plan or if the problems can be solved easily. This plan shall describe how the CI will correct the problems within a period that should not exceed one year. If the CI is unable to improve performance at the end of the improvement period, then the LO should begin the process to terminate the CI described in Chapter 7 of this Handbook.

5. AWARD RENEWALS AND REVIEWS

1. NOAA will fulfill its responsibility to maintain a long-term relationship with a CI beyond the initial five-year period by providing an additional award to a CI for up to five additional years, based on the results of an extensive renewal review. This review will typically occur at the beginning of the fourth year of the first five-year cooperative agreement. The renewal review will evaluate both scientific and administrative performance using a panel of internal and external experts in areas of science, science management, and grants management that are relevant to the CI. This review is also consistent with the DOC Institutional Award review process described in the *DOC Manual*. (NOAA and the NOAA SAB are in the process of reviewing the requirements and evaluation criteria for the CI reviews. The Handbook will be updated when further details become available.)

A. Responsibilities.

1. LO – The LO manages the renewal review and coordinates with NOAA SAB, RC, Goal Teams, and the CI. The LO executes the renewal process if appropriate.
2. SAB – The SAB is the official reviewing authority that approves science reviewers, and makes recommendation(s) regarding the quality of science and management of the CI to the Under Secretary and the responsible LO Assistant Administrator (AA) after the review.
3. RC – The RC is the final authority for renewal conditions.
4. CI – The CI provides required documentation, hosts the review, submits renewal if appropriate.
5. GT – The GT works with the LO to nominate science reviewers for SAB approval and participate in the review.
6. CI Committee – The CI Committee coordinates renewal recommendation from the LO to the RC.
7. GMD – GMD works with the LO on the administrative portion of the renewal review. When the renewal application is received, GMD follows the same review process completed for the original award to ensure a proper renewal award is made.

B. Procedure.

1. The science portion of each CI review will be conducted under the auspices of the NOAA SAB to ensure a complete and open review process. The administrative review will be conducted by the responsible LO. The administrative review panel should include the LO CI Program Manager, at least one employee from the NOAA GMD, and any

other reviewers, as determined by the LO CI Program Manager. The renewal review at the beginning of year four will provide sufficient time for the renewal to be completed before the end of the first five-year agreement, if approved. This schedule will also allow the implementation of recommendations from the review (Table 1).

Table 1. CI Science and Administrative Review Timeline.

Time Relative to the End of Initial 5-year Cooperative Agreement	Task
36 months prior	LO identifies NOAA review coordinator and coordinates with the CI to schedule the review.
36 months prior	LO AA sends review request to the SAB chairperson.
32 months prior	LO coordinates with CI to obtain suggested reviewers, and checks with reviewers for availability.
31 months prior	LO identifies administrative reviewers, including at least one representative from the GMD.
30 months prior	LO coordinates with the NOAA SAB for approval of science reviewers.
28 months prior	SAB sends formal invitation letter to science and administrative reviewers.
27 months prior	Responsibilities sent to the reviewers. This should include the following: 1) A brief summary of the NOAA review process; 2) CVs of the review team; 3) The expected time commitment of the reviewers; 4) Panel expectations (Why are they there?). 5) A summary of the three tier rating system; 6) A description of the format for the final report.
27 months prior	LO coordinates with CI to identify review attendees, including the CI's University/Institution's Office of Sponsored Research, the CI Administrative Staff/Representatives, and others at the invitation of the Director of the CI.
27 months prior	<p>CI begins preparation of a briefing book organized around the review guidelines and science and administrative review questions. Three-ring notebooks are suggested, and the following material should be included:</p> <ul style="list-style-type: none"> • Review Agenda • One-page synopsis of the CI • List of Research Themes (note if there will be additions for next award) • MOU/MOA • Five Year Plan (Original CI proposal with performance measures.) • CI budget information (synopsis of research by themes) • Annual Report/Latest Report

	<ul style="list-style-type: none"> • List of Executive Board Members • List of Board of Fellows • Organization Chart of the CI • Web page URL/other locations for information on CI • Technical reviewer's vitae • Other information the CI feels will be useful
26 months prior	LO and CI finalize review agenda. The agenda should include time for the following: 1) The review teams (science and administrative) to meet privately before the review sessions; 2) Formal presentations by CI director and staff; 3) Short science presentations; 4) A poster session if desired; 5) Time for the reviews team to meet privately after the formal review activities; 6) A debriefing and preliminary feedback session with the review teams and selected CI representatives.
26 months prior	LO begins preparation of travel orders for LO staff and review teams.
24.5 months prior	CI completes briefing book and sends copies directly to the review panel and the LO review coordinator.
24 months prior	Science and Administrative reviews occur.
22 months prior	Science and Administrative review teams complete preliminary review reports that include overall rating (e.g., Outstanding, Satisfactory, Unsatisfactory).
22 months prior	LO submits preliminary reports to CI to check for accuracy. Any corrections are forwarded back to the LO.
21 months prior	LO submits the recommended corrections to reviewers for review and final approval.
20 months prior	LO submits final report to SAB and schedules presentation by the review chair at the next SAB meeting. CI Director and LO CI Program Manager and other representatives should attend the presentation.
16 months prior	SAB presentation.
15 months prior	SAB submits report to Under Secretary and LO AA.
15 months prior	LO makes recommendation for renewal, conditional renewal or termination to the RC through the NOAA CI committee based upon SAB response.
14 months prior	LO communicates renewal recommendation to CI.
13 months prior	LO sends response to the review to the SAB.
12 months prior	LO transmits review reports to the CI and its parent institution. The LO works with the CI and GMD to address recommendations and process the renewal if appropriate.

2. This process should start no later than six months before the expected time of the review. If the LO anticipates scheduling conflicts or other delays, the procedure should start sooner than shown in Table 1. Typically, the LO CI Program Manager 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, the RC, the GT, as well as with the CI. The science review panel will be selected in coordination with the NOAA SAB, while the administrative review panel is selected by the LO. Each review team will consist of several members, including a chairperson. The science review team should include a current CI Director, and a SAB member, who serves as the chairperson. Important steps in the review process include informing the review members of review panel expectations, providing the CI and review team with the standard SAB review questions, preparation of a briefing book by the CI, the review itself and the final reports by the science and administrative review teams.

3. The review process begins by an initial communication between the LO and CI to schedule the review. This discussion should occur near the beginning of the third year of the award to ensure enough time to identify science reviewers, obtain approval of the science reviewers by the SAB, and identify administrative reviewers prior to the review at the beginning of year four. The LO maintaining the CI has the primary responsibility for arrangements and coordination. The CI, LO, and GT can suggest reviewers, but final approval of the review committee must be obtained from the SAB. The typical review will last about three days and includes science and administrative parts. The science review is coordinated through the NOAA SAB, and the administrative review is conducted by the responsible LO.

4. The science review will evaluate the quality of the research, using the performance measures that were mutually agreed upon at the start of the CI, and the quality and effectiveness of the CI management. As previously approved by the SAB, 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; 7) social science integration; and 8) diversity. The review will also evaluate the linkages between the CI strategic or science plans and the NOAA Strategic Plan, and the business plan that was part of the original proposal. The CI is expected to provide the review panel with responses to a list of standard review questions at least two weeks prior to the review. These questions will be provided to the CI at least one year prior to the review (and will be included in Appendix D of this Handbook as soon as available).

5. 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 with grants management experience. The SAB will not comment on this portion of the review. Instead, the report will be used by the responsible LO during the determination of the renewal terms. A list of standard review questions to be answered by the CI is included in Appendix D. The CI should submit its responses to the responsible LO at least two weeks prior to the review.

6. The chairperson of each review panel will submit their final review report to the LO no later than six weeks after the review. Upon receipt of the reports, the LO forwards the review panels' final report to the CI to provide comments related to any errors. Any CI

comments are forwarded to the panel chairs for consideration. The final reports are submitted to the responsible LO. The responsible LO forwards the final report to the SAB for discussion at the following SAB meeting and sends the final administrative review report to the CI.

7. As described above, the specific evaluation criteria for the science review are currently being evaluated by NOAA and the SAB, but the basic elements are listed in Section 5.B.4. 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, as well as evidence of an on-going 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 years at a funding level commensurate with its level of performance, pending availability of funding.

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. For acceptable performance, NOAA may opt to renew a CI for a period less than 5 years that may be at a significantly reduced funding level, pending availability of funding.

c. Unsatisfactory – The CI has demonstrated a failure to achieve some or all of its agreed goals and 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 Chapter 7.

8. Using the results of the extensive renewal review along with all previous reviews of annual reports, the LO AA, in consultation with the CI Program Manager, the appropriate GTs and participating LOs, will recommend to the RC whether the current CI should be renewed at the end of the first 5-year award or terminated after an appropriate time to close down the CI before the end of the award period. This recommendation should include the renewal period and whether there should be any reduction in funding. The RC will review the recommendation and make a final decision on the renewal period and any funding restrictions. If the RC recommends a continuation, then the LO coordinates with the CI and the GMD to renew the award for an appropriate time period (up to five years) at a restricted or unrestricted funding level, as determined by the RC.

9. If the RC decides to terminate the CI, the RC will submit this recommendation to the NOAA NEC and the Under Secretary for their review and concurrence. After concurrence with the Under Secretary, the LO will begin to sunset the CI according to the procedure described in Chapter 6 of this Handbook.

10. A review during the second award period is usually not required. NOAA, however, 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 reports. If NOAA plans to review the CI during the second award period, NOAA will notify the CI of its intent to perform a review no less than one-year prior to the review.

11. The renewal application process will follow the standard NOAA procedures for non-competitive renewals as outlined in Chapter 7 of the *DOC Manual*. If the CI application is approved for funding, the GMD GO shall fund the renewal period of support as a new award. As with all other recipient submissions, the renewal application will be submitted through Grants.gov.

12. If the research themes of the renewal proposal deviate from those originally proposed, additional information may be required and may be subject to peer review and require a noncompetitive justification consistent with Chapter 8, Section F of the *DOC Manual*. Such renewals should clearly state the new scope, theme and/or project and provide sufficient documentation that clearly identifies the recipient's rationale for the proposed theme(s) or research area(s). The approval of any new theme(s) and/or project(s) may be subject to the outcome of a review by a minimum of three internal and/or external reviewers, as required by the *DOC Manual*, and approval by the LO CI Program Manager and the NOAA GO. Because a significant change in scope would require an open competition, NOAA does not expect to approve most requests for significantly modified themes during the renewal process.

6. SUNSETTING COOPERATIVE INSTITUTES

1. NOAA's CI Policy (NAO 216-107) allows CI awards to be renewed only once based on the outcome of a review in the fourth year. At the end of the renewal period, CIs are sunsetted if the CI does not compete for a new CI or submitted an unsuccessful proposal for the replacement CI. It is NOAA's intention to work closely with the CI during the sunset process to ensure that long-term research conducted with the CI is not jeopardized and is completed or, if necessary, transferred to another CI.

A. Responsibilities.

1. LO - Manages sunset process and assists the NOAA GMD with the award closeout and provides the appropriate notifications to the CI concerning NOAA's decision about recompetition.

2. CI Committee - Charges the appropriate GT lead(s) and the AA(s) of the appropriate LO(s) to determine whether or not to seek reestablishment of the CI through a new competition and notifies the RC of this action.

3. GT(s) /LO(s) – Evaluates the need for new CI.

B. Procedure.

1. NOAA will consult with the appropriate GT at least 18-24 months prior to the end of the renewal period to determine if the GT intends to propose a new CI to replace the current CI. The decision to create a new CI and the subsequent actions will follow the same procedures for establishing a CI, as described in Chapter 3. The responsible LO should work closely with the GT to ensure that any new competition is completed before the end of the current award. Should a competitive announcement be advertised for a new CI, the current CI is eligible to compete for the new award.

2. The need for a sunset period depends on NOAA's decision to compete a new CI and the outcome of the competition.

a. If NOAA decides not to compete a new CI, NOAA will notify the CI of its decision approximately 18 months before the end of the CI award. At that time, the CI in consultation with NOAA will create a sunset plan to complete all current research projects during the sunset period.

b. If NOAA decides to compete a new CI and the current awardee does not compete or competes unsuccessfully, the CI, in consultation with NOAA, will create a sunset plan to complete or transfer all remaining research project during the sunset period. If the current CI competes successfully for a new five-year award, there is no need to sunset the CI.

3. NOAA will allow a sunset period of one year (longer for extraordinary circumstances), beginning at the end of the current award. The sunset period will occur during the one-time no-cost time extension of the award for up to 12 months as allowed by Federal regulations under expanded authorities (15 CFR 14.25). NOAA may provide supplemental funding during the sunset period, if it is needed to close down the CI or, at NOAA's sole discretion, to complete research projects funded under the award. Any supplemental funding requests or additional time beyond 12 months should be described in the sunset plan that must be approved by the LO CI Program Manager and the NOAA GO.

4. At the end of the sunset period NOAA will initiate standard grant close-out procedures as stipulated in the *DOC Manual* and NOAA GMD policy guidance.

7. EARLY TERMINATION OF A COOPERATIVE INSTITUTE

1. NOAA's CI Policy requires the responsible NOAA LO to monitor the CI partnership and identify any conditions that might impact the success of a CI's goals and objectives. If any NOAA office identifies problems with CI performance, including poor CI management, or the lack of funding for the CIs themes or research areas, NOAA will discuss the problems with the CI institution and give the CI the opportunity to address these problems. However, if the problems cannot be addressed, then NOAA may take appropriate action to terminate the current CI award early in accordance with 15 CFR Parts 14.61 (Termination) and 14.62 (Enforcement) and to terminate the CI under the terms of the MOA.

A. Responsibilities.

1. LO – The responsible LO works with the GMD during the termination process and coordinates activities with all parties.
2. RC – The RC oversees the termination process, provides recommendations for termination and acceptance of implementation plan, and notifies the Under Secretary if the CI must be terminated.
3. CI Committee – The CI Committee provides advice to the LO on the termination process and supports the RC during all aspects of the termination process.
4. GMD – GMD manages the funding termination process, consults with OGC/FALD, and advises the CI Committee and the responsible LO to ensure that the fiscal termination process occurs in accordance with DOC regulations.
5. GT – The GT works with the LO, the RC, and GMD to determine if termination is needed and, if so, determines if a replacement CI is needed.

B. Procedure.

1. NOAA will consider closing the CI prior to the end of the original award period due to the following conditions:
 - a. poor research quality due to failure to comply with a specific term of the award,
 - b. poor CI management,
 - c. poor fiscal management,
 - d. inability to complete proposed research within the time proposed,

e. loss of resident expertise or research capabilities (e.g., unique research platforms) originally proposed, and/or

f. unavailability of NOAA funding for any prospective research area(s) pursued by the CI.

2. The responsible LO monitors the CI award and is responsible for identifying possible conditions for terminating a CI earlier than planned. Minor problems should be handled by the LO working with the CI. If the problems cannot be resolved easily or the problems have the potential to become serious, then the LO should report the problem to the AA of the responsible LO, the CI Committee and the GMD GO to review the problem(s) and discuss a course of action. If the GMD and the CI Committee concur with the LO's assessment, then the RC CI Committee notifies the appropriate GT, GMD, OGC, and the RC of the possible early termination of the CI award.

3. After consultation with the CI Committee and the responsible LO CI Program Manager, the NOAA GMD will determine whether it should begin the standard procedures for early termination of an award, which includes consultation with DOC OGC/ FALD prior to notifying the parent institution(s) of the CI.

4. If appropriate, NOAA GMD and the responsible LO will work with the CI research institution(s) to determine if an improvement plan is an acceptable option and to determine the appropriate length of the improvement period, which should not exceed 12 months. Within the prescribed time period, the CI, in consultation with the LO, will submit an improvement plan to the GMD for review. The NOAA GO reviews and approves any CI improvement plan in consultation with the responsible program LO, GT, RC CI Committee, and the RC.

5. If NOAA determines that an improvement plan is not an acceptable option, or if the CI has failed to improve in the areas identified in the performance plan within the specified period, NOAA will begin the final fiscal termination process in accordance with 15 CFR 14.61 and Chapter 11 of the *DOC Manual*. In consultation with NOAA GMD and the program LO, the RC determines a reasonable time and funding amount to efficiently close down the CI.

6. If the RC decides to terminate the CI, the RC will submit this recommendation to the NOAA NEC and the Under Secretary for their review and concurrence. The Under Secretary makes the final decision to terminate a CI. After the approval of the Under Secretary, the NOAA GMD initiates the award close-out process as described in Chapter 12 of the *DOC Manual*. Any research institution that has had a terminated CI remains eligible to apply for a future CI. However, termination due to poor performance may be a negative factor considered during the review and selection of the new CI.

7. In addition to the termination of the CI award, the responsible LO will terminate the MOA (or MOU) according to the termination conditions in the MOA (or MOU).

8. If additional funding is not available for research in the themes proposed by the CI, then the LO will discuss with the CI and its parent institution(s) whether the award should be terminated early, partially terminated, or not renewed if it is near the end of the first award period. If NOAA determines that the award should be terminated, then the responsible LO will notify the CI Committee and NOAA GMD and follow the procedure for terminating the award, which is similar to that described in paragraphs B.5 – B.7 of this chapter.

9. In addition to the conditions described in this chapter, a NOAA CI may also be terminated by mutual consent of NOAA and the CI institution or at the request of the CI institution, in accordance with 15 CFR 14.61 and Chapter 11 of the *DOC Manual*. A termination for this reason will follow the procedures described in paragraphs B-5 – B.7 of this chapter.

8. REFERENCES

Moore III, B, Rosen, RD, Rosenberg, AA, Spinrad, RW, Washington, WM, West, RD, 2004: *Review of the Organization and Management of Research in NOAA: A Report to the NOAA Science Advisory Board*. August 6, 79pp. (Available at http://www.sab.noaa.gov/Reports/RRT_Report_080604.pdf).

NOAA Research Council, 2005a: *Research in NOAA: Toward Understanding and Predicting Earth's Environment. A Five-Year Plan: Fiscal Years 2005-2009*, January, 60 pp. (Available at <http://www.nrc.noaa.gov/Reports.htm>).

NOAA Research Council, 2005b: *NOAA 20 Year Research Vision: Understanding Global Ecosystems to Support Informed Decision-Making*, 12 pp. (Available at <http://www.nrc.noaa.gov/Reports.htm>).

APPENDIX A: GOAL TEAM/LINE OFFICE PROPOSAL OUTLINE

Goal Team/Line Office Proposal to Establish a New NOAA Cooperative Institute

- 1.) Sponsoring Mission Goal(s) and Associated Program(s):
- 2.) Sponsoring Line Office(s):
- 3.) How does this proposed CI contribute to fulfilling the mission/mission requirements of the sponsoring Goals and Line Offices, and support NOAA's 5-yr Research Plan and 20-yr Research Vision?
- 4.) Which primary Program 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.) (a) Are there any alternatives to establishing a CI to fill these gaps?
(b) What are the associated pros and cons associated with these alternatives?
- 9.) 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.) (a) Will any NOAA employees be relocated to the CI?
(b) If so, how many and from which LO(s)?
- 12.) (a) Will NOAA provide any office space for CI employees?
(b) If so, how many employees and which NOAA office(s) will be used?
- 13.) Recommended managing LO(s):
- 14.) Point of contact:

APPENDIX B: SAMPLE MEMORANDUM OF AGREEMENT OUTLINE

I. Purpose and Scope

II. References and Authority

III. Financial Arrangement

IV. Substance

A. Structure of CI

1. Location

2. Composition

3. Organization

4. Initial Organization

5. Responsibilities of CI, NOAA and other participating institutions

6. Conduct of the Research Program

B. The Director

C. The Executive Board

D. The Council of Fellows

E. Affiliations of other agencies or organizations

F. The Research Staff of the CI

V. Term

VI. Modification/Termination Provision

VII. Other Provisions

A. Equal Opportunity

B. Compliance

C. NEPA

D. Records

E. Intellectual Property Clause

APPENDIX C: RECOMMENDATION FOR FUNDING MEMORANDUM

MEMORANDUM TO: NOAA Grants Management Division Grants Officer

FROM (NOAA Reviewer, Title):

DATE:

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

The memorandum describes an evaluation of a research proposal submitted through the OAR Cooperative Institutes (CI) program. The evaluation was conducted by a NOAA employee that is technically capable of evaluating the proposed scope of work and budget.

This proposal was submitted by (name of CI):

Proposal Title:

Principal Investigator(s):

Task:

CI Research Theme:

Was this proposal submitted in response to a competitive announcement?

Yes ___ Date and page number of the competitive announcement in Federal Register:
Date proposal due in the competitive announcement:

No ___

Date Proposal Received by NOAA Funding Sponsor:

Who should receive performance reports for this project?

Brief Project Description:

Project Period:

Total Recommended Funding: \$

Is this a multiyear proposal?

Yes ___ Year 1: \$ Year 2: \$ Year 3: \$
Year 4: \$ Year 5: \$

No ___

NOAA (MATRIX) PROGRAM FUNDING (If funding is provided by more than one NOAA program, please identify the amount under each program):

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	Investigations and research in geophysical sciences (geodesy, oceanography, seismology and geomagnetism)
	33 U.S.C. 1442	Ocean Ecosystems Research
	49 U.S.C. 44720(b)	Promote and develop meteorological science and foster and support research projects in meteorology through the use of private and government research facilities.
	16 U.S.C. 753a	Fisheries Research
	Other (specify)	

TECHNICAL REVIEW (Brief review comments on the proposal are required):

SPECIFIC ITEMS EVALUATED: (Check appropriate boxes only)

	Program Description		Appropriateness of Travel
	Personnel Qualifications		Property/Equipment Requirements
	Staffing Levels		Subcontract/grants
	Appropriateness of Funding Source		Cost Realism Analysis
	Other (describe below)		

Specific deficiencies and recommended revisions are listed below:

BUDGET REVIEW:

SPECIFIC ITEMS EVALUATED: (Check appropriate boxes only)

	Cost Justification		Salary Levels (direct cost)
	Consultant Fees		Equipment Costs over \$5000 (purchase v lease)
	Basis for Overhead Allocation		Travel Cost
	Appropriateness of Overhead		Fees or Profit
	Matching Share/Cost		Subaward Costs
	Program Income Amounts		Pre-award Costs
	Other (describe below)		

Specific deficiencies and recommended revisions are listed below:

I have determined the recipient technical and cost proposals to be acceptable as submitted with any exceptions as noted above in this memorandum and recommend processing the award of the proposed project.

Signature

Date

APPENDIX D: ADMINISTRATIVE EVALUATION REVIEW QUESTIONS

1. Proposal procedures: How does the Cooperative Institute select proposals to request funding from NOAA? What procedures are in place to request proposals by theme or task?
2. How does the CI/University/Institution ensure compliance with OMB circulars, Department of Commerce regulations and NOAA grant conditions?
3. How does the CI/University/Institution ensure compliance with internal grant policies?
4. What are your formal and informal mechanisms for communications between the CI and University/Institution administrative/finance offices? Who are the NOAA contacts (administrative & technical)?
5. How do you ensure compliance with university/institution human resources policies in such matters as: hiring, resignations, promotions, salary scales, disciplinary actions, etc.?
6. Who supervises CI employees working in NOAA facilities? How is this implemented on site and reported (e.g., leave and performance evaluations)?
7. Reports and requests to NOAA: How is the CI informed when the University/Institution formally sends in the financial reports and annual technical reports?
8. How are other formal requests to NOAA communicated between the CI, University/Institution (e.g. large equipment purchases, sub-grants)?
9. Demonstration of electronic communications (e.g., preparation of required financial reports from University/Institution fiscal data).
10. Publications, property and intellectual property records (demonstration of any tracking systems)