



GENERAL TERMS AND CONDITIONS

The attached Grant Award is subject to Federal legislation and to DHHS and CMS regulations and policies. 45 CFR Part 92 apply to this award.

For States, local governments and Federally-recognized Indian Tribes, **45 CFR Part 92**, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

45 CFR Parts 74 and 92 may be accessed from the DHHS GrantsNet at:
<http://www.hhs.gov/grantsnet/adminis/fedreg45.htm>

Other DHHS regulations codified in 45 CFR:

- Part 16 - Procedures of the Departmental Grants Appeals Board
- Part 30 - Claims Collection
- Part 46 - Protection of human subjects
- Part 76 - Governmentwide debarment and suspension (non-procurement) and Governmentwide requirements for drug-free workplace (grants)
- Part 80 - Nondiscrimination under programs receiving Federal assistance through the Department of Health and Human Services effectuation of Title VI of the Civil Rights Act of 1964
- Part 81 - Practice and procedure for hearings under Part 80 of this title
- Part 84 - Nondiscrimination on the basis of handicap in programs and activities receiving Federal financial assistance
- Part 86 - Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance
- Part 91 - Nondiscrimination on the basis of age in HHS programs or activities receiving Federal financial assistance
- Part 93 - New restrictions on lobbying
- Part 100 - Intergovernmental Review of Department of Health and Human Services programs and activities

Applicable cost principles are as follows:

OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments, which establishes the cost principles for allowability of costs incurred by State, local and Federally-recognized Indian tribal governments under Federally-sponsored agreements.

The OMB Circular website is: www.whitehouse.gov/omb/circulars.

The recipient organization must carry out the project according to the application as approved by the Centers for Medicare & Medicaid Services (CMS) including the proposed work program and any amendments, all of which are incorporated by reference in these terms and conditions.

Reporting Requirements

Financial Reports - The Grantee agrees to submit a financial status report to the CMS Grants Officer with a copy to the CMS Project Officer on an annual basis. This financial status report will account for all uses of grant monies during the previous year and project uses of grant money for the ensuing year. The Grantee agrees to submit the first annual financial status report 90 days after the budget period ending date, and all subsequent financial status reports on the same date for each year thereafter, through the duration of this grant.

Semi-Annual Progress Report – The Grantee agrees to submit written progress reports on a semi-annual basis. Semi-Annual reports will be due on _____ & _____ of each year. The Grantee agrees to send the report to the CMS Grants Officer with a copy to the CMS Project Officer.

Annual Progress Reports – The Grantee agrees to submit an annual progress report to the CMS Project Officer within 90 days after the budget period ending date consistent with a format and content specified by CMS. CMS reserves the right to require the grantee to provide additional details and clarification on the content of the report. The Grantee agrees to send the report to the CMS Grants Officer with a copy to the CMS Project Officer.

Final Report – The Grantee agrees to submit a final report to the CMS Project Officer within 90 days after the project period ending date of the last year. The Grantee may use the CMS’ “Author’s Guidelines: Grants and Contracts Final Report” in the preparation of the final report. This document can be found at the following website:
<http://www.cms.hhs.gov/researchers/priorities/grants.asp>

A draft final report should be submitted to the CMS Project Officer for comments. CMS’s comments should be taken into consideration by the Grantee for incorporation into the final report. CMS reserves the right to require the Grantee to provide additional details and clarification on the content of the report. The Grantee agrees to send the report to the CMS Grants Officer with a copy to the CMS Project Officer

The final report may not be released or published without permission from the CMS Project Officer within the first four (4) months following the receipt of the report by the CMS Project Officer.

The final report will contain a disclaimer that the opinions expressed are those of the Grantee and do not necessarily reflect the opinion of CMS.

Failure to submit reports (i.e., financial, progress, or other required reports) on time may be basis for withholding financial assistance payments, suspension, termination or denial of refunding. A history of such unsatisfactory performance may result in designation of “high risk” status for the recipient organization and may jeopardize potential future funding from DHHS.

Grantees shall liquidate all obligations incurred under the award not later than 90 days after the end of the project period.

The Grantee will take all necessary affirmative steps to ensure that small, minority and woman-owned business firms are utilized when possible as sources of supplies, services, and equipment. To the extent practicable, all equipment and products purchased with grant funds made available through this award should be American-made.

When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all Grantees receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants shall clearly state (1) the percentage of total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the program or project, and (3) the percentage and dollar amount of the total costs or the program or project that will be financed by nongovernment sources.

For purposes of this award each item of equipment with an acquisition cost of less than \$5,000 is included under supplies, is allowable as a direct costs of this project, and does not require the prior approval of the Grants Officer.

CMS may suspend or terminate any project in whole, or in part, at any time before the date of expiration, whenever it determines that the Grantee has materially failed to complete with the terms and conditions of the project. CMS will promptly notify the grantee in writing of the determination and the reasons for the suspension or termination, together with the effective date.

At any phase of the project, if so requested, the CMS Project Officer will be available for technical consultation at the convenience of the Grantee.

Certain key personnel, as designated by the CMS Project Officer, are considered to be essential to the work being performed on specific activities. Prior to altering the levels of effort of any of the key personnel among the various activities for this project, or to diverting those individuals to other projects outside of the scope of this award, the Grantee shall notify the CMS Project Officer reasonably in advance and shall submit a justification (including name and resume of proposed substitution) in sufficient detail to permit evaluation of the impact of the project. No alteration or diversion of the levels of effort of the designated key personnel for the specified activities for this project shall be made by the Grantee without the approval of the CMS Project Officer.

The Grantee shall develop and submit detailed plans to protect the confidentiality of all project-related information that identifies individuals. The plan must specify that such information is confidential, that it may not be disclosed directly or indirectly except for purposes directly connected with the conduct of the project; and that informed written consent of the individual must be obtained for any disclosure. The plan is subject to CMS approval and must be submitted within 60 days of receipt of this letter.

The Grantee shall assume responsibility for the accuracy and completeness of the information contained in all technical documents and reports submitted. The CMS Project Officer shall not direct the interpretation of the data used in preparing these documents or reports.

At any phase in the project, including the project's conclusion, the Grantee if so requested by the Project Officer, must deliver to CMS materials, systems, or other items applied, developed, refined or enhanced in the course of or under the award. The Grantee agrees that CMS shall have royalty-free, nonexclusive and irrevocable rights to reproduce, publish, or otherwise use and authorize others to use the items for Federal government purposes.

At any phase of the project, including the project's conclusion, the Grantee, if so requested by the CMS Project Officer, shall submit copies of analytic data file(s) with appropriate documentation, representing the data developed/used in end-product analyses generated under the award. The analytic file(s) may include primary data collected, acquired or generated under the award and/or data furnished by CMS. The content, format, documentation, and schedule for production of the data file(s) will be agreed upon by the Principal Investigator and the CMS Project Officer. The negotiated format(s) could include both file(s) that would be limited to CMS's internal use and file(s) that CMS could make available to the general public.

All data provided by CMS will be used for the research described in this grant only. The Grantee will return any data provided by CMS or copies of data at the conclusion of the project.

For six (6) months after completion of the project, the Grantee shall notify the CMS Project Officer prior to formal presentation of any report or statistical or analytical material based on information obtained through this award. Formal presentation includes papers, articles, professional publication, speeches, and testimony. In the course of this research, whenever the Principal Investigator determines that a significant new finding has been developed, he/she will communicate it to the CMS Project Officer before formal dissemination to the general public.

This award will be paid through the Department of Health and Human Services' Division of Payment Management (DPM). The DPM provides automated grant payment and cash management services for the entire Federal Government. DPM operates the centralized payment system, Payment Management System (PMS), and acts as a liaison between the CMS to resolve any discrepancies. For additional information, please visit their website at:

<http://www.dpm.psc.gov>.

The DHHS Office of the Inspector General (OIG) maintains a toll free telephone number, 1-800-HHS-TIPS (1-800-447-8477) for receiving information concerning fraud, waste or abuse under grants and cooperative agreements. Information may be submitted by e-mail to hhstips@oig.hhs.gov or by mail to Office of the Inspector General, Department of Health and Human Services, Attn: HOTLINE, 330 Independence Ave., SW, Washington, D.C. 20201. Such reports are treated as sensitive material and submitters may decline to give their names if they choose to remain anonymous.

Public Law 103-227, Part C – Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994, prohibits smoking in any portion of any indoor facility owned, leased, or contracted for by any entity and used routinely or regularly for the provision of health, day care, education or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan or loan guarantee. The law does not apply to services provided in private residences, facilities funded solely by Medicare or Medicaid, and portions of facilities used for inpatient drug or alcohol treatment.

Audit Requirements – Audit requirements for Federal award recipients are defined in OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations.” An organization is required to have a non-federal audit if, during its fiscal year, it expended a total of \$500,000 or more in Federal awards.

SPECIAL CONDITIONS