



STATE COASTAL CONSERVANCY/CA SEA GRANT

CENTRAL COAST MPA MONITORING

CONDITIONS OF AWARD

Three federal statutes provide general guidelines for administering Sea Grant and State Coastal Conservancy (“the Conservancy”) funds. They are “Cost Principles for Educational Institutions” (OMB Circular A-21, August 2000), “Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education” (15 CFR Part 14; OMB Circular A-110, November 1993, amended September 1999), and “Audits of States, Local Governments, and Non-Profit Organizations” (OMB Circular A-133, June 1997). The UC Office of the President’s Research Administration Office has made the above-referenced OMB circulars available on the Internet (<http://www.ucop.edu/raohome>). In addition to the federal statutes, each university and college has established rules and regulations governing grant administration that should be adhered to. The guidelines listed on the following pages provide supplemental policy, most of which are unique to Sea Grant. This information is also accessible on our web site, <http://www-csgc.ucsd.edu>.

Please review the stipulated conditions carefully and, having done so, sign and return the “Award Acceptance Form.” We urge you to contact us at any time if you have any problems or questions.

BUDGET, REPORTING

When the award is made, your research project budget figure will not include Sea Grant trainee stipend funds. These funds will be awarded separately by California Sea Grant. Traineeship funds and research project funds must not be co-mingled and must be accounted for separately. If your project includes a trainee, please fill out a California Sea Grant Graduate Traineeship Appointment Form for each appointee, obtain the required signatures, and return the form to California Sea Grant for approval. This form, as well as our Trainee Guidelines, is available on our web site (follow the Post Award link).

SPECIAL NOTE: Continued or new funding of any Sea Grant project with which you are affiliated will be withheld until previous, outstanding match requirements are fulfilled or resolved. If the amount of match proposed in the project’s budget is not met, the Conservancy share of your award will be reduced retroactively.

If you or your co-project leaders will be on any type of leave (sabbatical or leave of absence) during the period of this award, please contact California Sea Grant immediately to describe and determine this action’s impact on the research project. It may be necessary to obtain approval from the Conservancy office for the appointment of an interim project leader.

All requests must include the relevant state agreement number 06-087, as well as your campus account and fund numbers (subcontracts should specify their purchase order number).

Alterations and Renovations: Sea Grant funds cannot be used for this purpose.

Books: Reference books purchased on Sea Grant funds must be specifically related to the Sea Grant project and must be purchased within a reasonable time prior to the termination date.

Consultants: Project leaders and other Sea Grant participants cannot receive payment for consultation on Sea Grant projects. Prior approval is required to hire consultants; if consultation costs were not included in the originally approved budget, a letter justifying the request must be sent to the Sea Grant Director for approval.

Copyright: Except for publication of results or dissemination of materials for education or research purposes, the grant recipient shall not sell or grant rights to such copyright works produced or developed under this award to a third party who intends to sell such works as a profit-making venture. Notwithstanding this restriction, the grant recipient may use such copyright works to produce or develop derivative works for use in sponsored research activities with other third party sponsors and may grant such third party sponsors to incorporate said derivative works into the commercial products of the third party sponsor.

Equipment (Permanent and General Purpose): Prior approval is required to purchase any single unit or item of permanent equipment that was not included in the approved budget. If the unit cost is in excess of \$5,000, the Sea Grant office will need to obtain prior approval for the purchase from the Conservancy. Effective 7/1/04, equipment is defined by the UC Office of the President as articles of non-expendable tangible personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. Changes in the originally approved budget items require prior approval by the Sea Grant Director. General-purpose equipment requires specific prior approval regardless of the purchase amount (the same rule applies to costs for rental or repair of general-purpose items). General-purpose equipment includes any item that is usable for activities of the institution other than research (e.g., office equipment and furnishings, air conditioners, reproduction or printing equipment, motor vehicles, computer equipment or accessories, refrigerators, or freezers).

Fiscal Reporting Requirements: Financial reports (including the state annual report of expense, annual report of trainee stipend expense, equipment inventory, and matching funds report) are required at the end of each grant year. **In addition, the Conservancy requires that a report of expense be submitted to Sea Grant no less than quarterly and no more than monthly. This report must include appropriate documentation (a copy of the University's general ledgers will be considered as appropriate documentation). Failure to submit a quarterly report will require the immediate return of project funds disbursed.** The project leader or administrative contact should submit the reports of expense through their institution's grants management or extramural funds office. These forms are available on our web site (follow the MPA Post Award link).

Payment to your accounting office cannot be made until this office has approved report of expense. The report of expense must include the period back-up documentation covering the period of the expenses, such as ledgers or a breakdown by budget category (salaries, supplies, travel, etc.), to support the payment or reimbursement being requested. On approval reimbursement less a required ten (10%) withhold will be reimbursed. All financial reports/invoices must be directed to the following address:

University of California, San Diego
Jenniffer Bourgeois, CA Sea Grant College Program
9500 Gilman Drive Dept. 0232
La Jolla, CA 92093-0232

Membership Dues/Subscriptions: Payments for memberships and subscriptions are not allowed.

No-Cost Extensions: No approval will be given for extensions.

Nondiscrimination: During the performance of this award, the grantee and its contractors shall not unlawfully discriminate against, harass, or allow harassment against any employee or applicant for employment because of sex, race, religion, color, national origin, ancestry, disability, medical condition, marital status, age (over 40) or denial of family-care leave, medical-care leave, or pregnancy-disability leave. The grantee and its contractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination and harassment. The grantee and its contractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code Section 12900, *et seq.*). The regulations of the Fair Employment and Housing Commission regarding Contractor Nondiscrimination and Compliance (Chapter 5 of Division 4 of Title 2 of the California Code of Regulations), are incorporated into this award. The grantee and its contractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. This nondiscrimination clause shall be included in all contracts and subcontracts entered into to perform work provided for under this award.

Patents – All potentially patentable ideas, inventions, discoveries or improvements made during the grant term must be disclosed promptly. The Sea Grant Property/ Inventions/Patents/Royalties report included in the package requesting technical reports should be signed and returned to the California Sea Grant office. In addition, UCSD project leaders to whom this applies should contact the UCSD Invention and Technology Office for instructions on completing the Invention and Technology Disclosure form or the Copyright Disclosure form as applicable. Other UC researchers should go to the Office of the President's web site for information concerning the Technology Transfer office at their campus (<http://www.universityofcalifornia.edu/research/techtransfer.html>).

With respect to any invention produced or developed under this Award (“invention”) in which no federal funding is involved, the Conservancy shall have a non-exclusive, irrevocable, paid-up license to practice or have practiced such invention by or on behalf of the Conservancy throughout the world, and the right to assign the license to any third party subject only to the written approval of the grant recipient, which shall not be unreasonably withheld.

Rebudgeting of Funds: All rebudgeting of funds into or from Senior Personnel, equipment, foreign travel and indirect cost categories require *prior approval* of the Sea Grant Director. Approval is not necessary for rebudgets whose cumulative transfer does not exceed 10% of the total award and does not affect the categories listed above. Notification of the transfer by email to sgbudget@seamail.ucsd.edu in the format below is the only requirement. For rebudgeting to/from other categories where prior approval is not necessary, the investigator's institution is the office of record and therefore must keep the project leader's justification for the rebudget. In cases where the cumulative transfer exceeds 10% include the relevant federal grant and/or state award number, as well as your campus account and fund numbers (subcontracts should specify their purchase order number). For each category requiring the rebudgeting of funds, include 1) an explanation of the benefit the project received and/or the reason you did not require the item originally budgeted, and 2) the balance of funds projected to be remaining at the end of the grant year. In addition, include the following information:

Equipment – Provide a description of the equipment to be purchased or leased, including unit cost and total purchase or leasing costs. Identify the purpose of each equipment item and how it will benefit or be used for the project.

Travel – If a trip is required, include the number of travelers, to/from destinations @ \$/ea., type of transportation (airfare, mileage), and total. Identify the purpose of each separate trip and how it is related to the project.

Indirect Costs – Funds may be transferred between direct and indirect costs if ALL of the following conditions apply:

- a) If a transfer of funds among direct cost categories would result in a revision to the amount of indirect costs approved in the line item budget;
- b) If the authorized transfer of funds and the adjustment of the amount of indirect costs do not exceed the approved total project costs;
- c) If the indirect cost rate does not change; and
- d) If the adjustment of the amount of indirect costs does not result in a change to the approved scope of work of the award.

Follow the following format in your requests for approval or in notifying us of changes.

	Budget		
	As Awarded	Transfer	New Budget
Personnel	10,000		10,000
Lab Supplies	1,500	(500)	1,000
Domestic Travel	500	500	1,000
Total Budget	12,000	0	12,000

In this example the cumulative total of the transfer is \$1,000, which is less than 10% of the total award and does not require further justification.

Rental of Space: Sea Grant funds cannot be used for this purpose unless originally approved in the budget.

Sub-contracts– If the grant recipient retains any contractors, excluding agency or department of the United States or any State, Federally Funded Research and Development Center, to accomplish any of the work of this Award, the Project Leader shall first enter into a written agreement with each contractor by which the contractor agrees to indemnify and hold Harmless the State of California and the Conservancy and its Officers, agents and employees from any and all liabilities, losses, claims, demands, damages or costs, including without limitation litigation costs and attorney’s fees, resulting from or arising out of contractor’s performance under its award with California Sea Grant. The nondiscrimination clause (see above) shall also be included in all contracts and subcontracts entered into to perform work provided for under this award.

Senior Personnel: Changes in senior personnel, in their grantee organization, or in their percentage of time, require prior approval of the Sea Grant Director. Use of senior personnel funds for other than originally budgeted purposes also require prior approval of the Sea Grant Director.

Technical Reporting Requirements: Quarterly and Completion reports are required.

Rights in Data –All projects are required to use accepted metadata standards and adhere to standardized data reporting protocols. These protocols and standards will be provided to investigators of selected projects. Agreement to use these standards will be a requirement for release of 10% withhold.

All raw data must be submitted to the CDFG and THE CONSERVANCY by March 15, 2008, and thereafter all data will be widely available to the public and other researchers.

However, investigators may publish scientific papers based on their work both before and after this date.

The Conservancy has the right to:

- 1) Obtain, reproduce, display, publish, make derivative use of or otherwise use the data first produced or developed under this award.
- 2) Authorize others to receive, reproduce, display, publish, make derivative use of or otherwise use such data.
- 3) Distribute all data to state agencies within one year of project commencement, and to the public within two years.

Preservation of Rights in Third Party Agreements – The grant recipient shall include in any agreement with a third party for work under this Award terms that preserve the rights, interests, and obligations created by this section and that identify the Conservancy as a third-party beneficiary of those provisions.

Completion Reports A final report of the scientific/ technical results must be submitted, either in hard copy or online within 45 days of the end date. All raw data must be submitted to the CDFG and THE CONSERVANCY by March 15, 2008 regardless of end date. Failure to submit a completion report or to submit raw data to the CDFG and THE CONSERVANCY will require the immediate return of funds disbursed to the project.

Quarterly Progress Reports – At the end of each quarter, a paragraph outlining the progress/work completed during the quarter is due.

Trainee Reports – All trainees supported by the grant are required to submit an annual, separate report during the grant term. This report can be submitted either in hard copy or online.

Theses/Dissertations – Refer to the Trainee Guidelines found on our web site (follow the Post Award link).

Trainees – Refer to the Trainee Guidelines.

Travel – Reimbursement for travel expenses shall be made in accordance with University of California approved travel rates, published at:
<http://www.ucop.edu/ucophome/policies/bfb/g28.html>.

Reimbursement for the cost of operating a private vehicle shall not, under any circumstance, exceed the rate approved for equivalent State employees.

All travel must be in compliance with the Fly America Act (contact your campus Contract and Grant or Foundation office if you need further information). Domestic travel includes travel to all U.S. possessions or trusts, such as Puerto Rico, the Virgin Islands, the Trust Territories, Guam, and Samoa. If a foreign trip is not itemized in the originally approved budget, the Sea Grant Director requires a written request with justification. PRIOR approval is required if a foreign carrier is used on any portion of a trip even when no U.S. carriers are available. Requests for prior approval of this nature should include the following:

- a) Traveler's name;
- b) Dates traveled;
- c) Origin and destination of the travel;

- d) Detailed itinerary of the travel, name of the air carrier, and flight number for each leg of the trip; and
- e) Completed Fly America Act Waiver Checklist (see web site, follow the Post Award link).

Please allow at least 45 days for a decision to be made.

PUBLICATIONS AND PRESENTATIONS

It is essential that you and your trainees properly acknowledge support by the California Sea Grant College Program and the Coastal Conservancy, to the State of California, and the California Department of Fish and Game (DFG) in all materials that you publish as a result of your Sea Grant project.

Please be sure to acknowledge Sea Grant support when presentations are made. This visibility has become increasingly important to us, and is a courtesy we take seriously.

Publications Statement of Acknowledgement

All publications must carry one of the following acknowledgements.

This publication (web site, video, etc.) was supported (“in part” if appropriate) by the State Coastal Conservancy, the State of California, and the California Department of Fish and Game (DFG) under Grant Agreement #06-022, project # _____, through the California Sea Grant College Program. The views expressed herein do not necessarily reflect the views of any of those organizations.

A primary goal of the Conservancy and California Sea Grant is the dissemination of results of Sea Grant-funded research and its ultimate use by coastal audiences. California Sea Grant’s ability to obtain funds depends directly on how well we achieve this goal. In order to assist Sea Grant administrative staff with this task, you will be required to provide us with brief progress reports approximately every 12 months. Progress reports serve as the basis for Sea Grant’s decision regarding continuation of a multi-year project into its next year. A Completion Report will be required within 30 days after the termination of your project. Specifications regarding reports will be mailed to you in advance of their due dates, together with information on the option of submitting your report online.

Sea Grant Communicators and Extension Specialists may also contact you. We encourage you to assist them as much as possible in carrying out their outreach activities. We may also invite you to participate in workshops, seminars, and other meetings conducted by California Sea Grant and/or its Extension Program.

Since we must document project results, impacts, and benefits, our communication with you will continue beyond the completion of your funded project.

SPECIAL NOTE: Your assistance in providing timely and meaningful documentation of the impact your work has made will be considered in evaluation of future proposal submissions. Furthermore, continued or new funding of any Sea Grant project with which you are affiliated will be withheld until previous, outstanding Annual, Completion, and Impacts/Benefits Report requirements are fulfilled.