



STATE COASTAL CONSERVANCY/CA SEA GRANT

NORTH CENTRAL COAST MPA BASELINE PROGRAM, 09-015

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 Contingency Clause: It is mutually agreed that if the California Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the work identified, this Agreement may be terminated. In this event, the Regents of the University of California/Sea Grant shall provide written notification to the grantee that sufficient funds are not available to fund this agreement. In the event the current year funds are adversely affected by the Budget Act, the grantee shall be compensated for expenses relating to this Agreement that have been incurred up to the date of written notification. The State shall have no liability to pay any funds whatsoever to the Grantee beyond those stipulated in this clause or furnish any other considerations under this Agreement and the Grantee shall not be obligated to perform any provisions of this Agreement.

Should a stop work notice be issued, non-cancellable charges should be listed on a separate document including a description of the non-cancellable charges pursuant to this agreement. (Examples of non-cancellable charges include items that have been specially fabricated and delivered.) We ask that you make every possible effort to limit your exposure in this regard. All such charges will be reviewed by the Coastal Conservancy for payment.

If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, Sea Grant acting for the State shall have the option to either: cancel this Agreement with no liability occurring to the Regents of the University of California/Sea Grant and the State, or offer an Agreement Amendment to Grantee to reflect the reduced amount available.

BUDGET, REPORTING

When the award is made, your research project budget figure will include Sea Grant trainee stipend funds. You are not required to set up a separate trainee fund, however, you must include trainee expenses in a separate line on your invoice or IRR. Trainee funds may not be used for

research unless approved by the Sea Grant office. Please read the section on rebudgeting your funds. 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 Managing Your Award link).

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 09-015, as well as your campus account and fund numbers (subcontracts should specify their purchase order number) and be directed to the Sea Grant Director and Catherine Hughes, Business Manager, sgbudget@ucsd.edu.

Alterations and Renovations: Funds cannot be used for this purpose.

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

Consultants: Project leaders and other participants cannot receive payment for consultation on MPA 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 via the Sea Grant Business Manager 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 and annual report of trainee stipend expense) are required at the end of each grant year. **In addition, the Conservancy requires that a report of expense (or IRR for UC campuses) 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 financial report//IRR and supporting documents 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 the 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. All requests for travel reimbursement must include a Travel Expense Claim Form. In addition, receipts or any other source documents for direct expenditures for any single purchase of equipment or materials costing in excess of \$1,000 by the grantee and/or its contractors must accompany the invoice/IRR.

All financial reports/invoices must be directed to the following address:

University of California, San Diego
Fiscal Team, CA Sea Grant College Program
9500 Gilman Drive Dept. 0232
La Jolla, CA 92093-0232
Fax (858) 534-2231
Email: sgfiscal@ucsd.edu

The grantee shall submit a final invoice within forty-five days after the completion date provided in the University of California purchase order section "Funded Projects." Final payment for costs incurred will be disbursed upon the grantee's submission of the final invoice and documentation that the grantee has complied with the terms of the DFG non-disclosure agreement (if applicable), in the form of a letter from the grantee.

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

No-Cost Extensions: Requests for no-cost extensions must be submitted to the Sea Grant Director no later than four (4) months prior to the project end date. Requests must include the reasons for the request and the new requested project end date. Any extensions are granted solely at the discretion of the Agency. Requests should be submitted electronically to the Sea Grant Director via Catherine Hughes, Business Manager at sgfiscal@ucsd.edu.

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 Grantee 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 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 the Sea Grant Director via the Sea Grant Business Manager at sgfiscal@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.

Reporting Requirements & Deliverables:

Project leaders are responsible for conducting projects in accordance with the approved workplan and budget, and for the production and delivery of the following project products: (1) raw data and metadata; (2) annual progress report(s) for projects exceeding 16 months duration; and (3) final report.

Data and Metadata– All projects must employ a standardized reporting protocol. Sufficient metadata should also be provided to fully describe the raw data, collection methods, and data reporting structure. Ecological Metadata Language (EML) is the minimum metadata reporting standard. Projects not employing this standard must receive prior approval from the Sea Grant Director. Requests for such approval should include justification and description of how their alternative standard meets the minimum requirements. Raw data and associated metadata must be delivered to the Department of Fish and Game (DFG), the Conservancy, and the MPA Monitoring Enterprise before or as part of the completion of the project. Final project payment will not be made until data and metadata conforming to the approved standard have been received. Raw data products may include, but are not limited to, text reports, databases, spreadsheets, maps, GIS layers, photographs and other images. Additional guidance on data and metadata formats and standards may be provided to project leaders in future.

Rights in Data: Upon delivery to DFG, the Conservancy and the MPA Monitoring Enterprise and thereafter, all data and metadata will be widely available to the public and other researchers. Investigators, however, will retain the right to publish scientific papers based on their work before and after project completion.

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.

DFG Confidential Data Agreement

If the grant recipient's work requires the use of DFG confidential data, then the grant recipient shall provide a fully executed copy of a non-disclosure agreement with the DFG, pursuant to Fish and Game Code Section 8022 (the "DFG non-disclosure agreement"), which protects DFG confidential information from public disclosure but otherwise allows public disclosure of use of the work product(s) information specified in the scope of work (attached as Exhibit A), as appropriate under this agreement.

Annual Progress Reports

For projects exceeding 16 months duration, annual progress reports are required at 12-month intervals following the contract start date. Annual progress reports should briefly describe progress towards specified project goals, and provide timelines (progress in meeting milestones) for work completed and remaining. They should also provide updated financial information including budgeted costs and actual expenditures and justifications for variances. Incurred or anticipated budget (positive or negative) variances in excess of 10% of the budgeted amount should be approved by the Sea Grant Office. Annual progress reports should be submitted electronically to California Sea Grant at: sgreport@ucsd.edu.

Final Reports

Project leaders are required to produce and deliver a satisfactory final report to California Sea Grant. Final reports must include the following sections:

- 1) A narrative accounting of the project's progress towards program purposes and project goals.
- 2) A financial report showing budgeted and actual costs and variances, with explanations of any positive or negative variances of greater than 10% of the budgeted amount.
- 3) For projects including baseline characterization components, a final baseline characterization report, which should include appropriate methods descriptions, data summaries, analyses and interpretation to describe, assess and understand the ecological and/or socioeconomic implementation conditions. Reports should include explicit reference to the Baseline Characterization objectives as described in the North Central Coast MPA Baseline Program Request for Proposals (Section B, item 1) and the supporting results, analyses and interpretation required to meet each

objective. In addition, reports should include MPA or site characterizations as well as a regional assessment.

- 4) For projects including identification of initial socioeconomic or ecological changes following MPA implementation, a final report of changes observed (or explored but not observed), the rationale for focusing on those (potential) changes to document potential initial MPA effects, and an interpretation of the causes and contributing factors for the changes or lack of changes observed, as described in the North Central Coast MPA Baseline Program Request for Proposals (Section B, item 2).
- 5) An Executive Summary, summarizing methods and key findings and conclusions, in 1-2 pages of text and, if needed, an additional 1-2 pages of figures. The Executive Summary should be written to be appropriate for broad public release (e.g., posting on MPA Monitoring Enterprise website, provision to the California Fish and Game Commission).

Final reports should be submitted electronically to sgreport@ucsd.edu. Final reports will be reviewed by California Sea Grant, DFG, the Conservancy, and the MPA Monitoring Enterprise. The sections of final reports consisting of baseline characterization reports and/or reports of initial changes following MPA implementation will also be subject to scientific peer review. Project leaders are responsible for revising final reports in accordance with reviewer comments before final submission and acceptance by California Sea Grant. Final project payments will be made following receipt and acceptance of all deliverables.

Following completion of all projects and receipt and acceptance of all final project reports, a synthesis of major findings will be prepared and a final public summary report will be produced. Project Leaders will be given the opportunity to review a draft of the summary report.

Final Project Payments – Final project payments will be made only after receipt and acceptance by the Sea Grant Director of the deliverables described above and compliance with all reporting requirements.

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.

No foreign travel is approved.

PUBLICATIONS AND PRESENTATIONS

It is essential that you and your trainees properly acknowledge support by the California Sea Grant College Program and the Conservancy, 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 #09-015, 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.

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.

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 reporting and deliverables are fulfilled.