

**Subpart E—Administrative Requirements Portion of the General Terms and Conditions**

**§ 1120.500 Scope of administrative requirements.**

The administrative requirements in an award are post-award and after-the-award requirements for recipients in the following subject matter areas:

- (a) Financial and program management, to include financial management system standards, payment, allowable costs, program and budget revisions, audits, cost sharing or matching, and program income.
- (b) Property administration, to include title vesting, property management system standards, and use and disposition of tangible and intangible property.
- (c) Recipient procurement procedures.
- (d) Financial, programmatic, property, and other reporting.
- (e) Records retention and access, remedies, claims and disputes, and closeout.

**§ 1120.505 Location of administrative requirements in the standard award format.**

As shown in the table in § 1120.4(b), the standard award format includes administrative requirements as Subdivision B of the general terms and conditions.

**§ 1120.510 Sources of administrative requirements.**

The source of administrative requirements is:

- (a) Subchapter D of this chapter for cost-type grant and cooperative agreement awards to institutions of higher education, nonprofit organizations, States, local governments, and Indian tribes. Subchapter D provides a standard set of articles into which a DoD Component organizes the administrative requirements. It also provides standard wording for the general terms and conditions in those articles, as explained in the overview of subchapter D in 2 CFR part 1126.
- (b) 32 CFR part 34 for grant and cooperative agreement awards to for-profit entities. That part of the DoDGARs

specifies the administrative requirements for awards to those entities but does not provide standard articles or terms and conditions.

**§ 1120.515 Incorporation of administrative requirements into general terms and conditions by reference.**

(a) For cost-type awards to institutions of higher education, nonprofit organizations, States, local governments, and Indian tribes, DoD Components are strongly encouraged to construct the portion of their general terms and conditions addressing administrative requirements by:

- (1) Incorporating the standard wording of each article of administrative requirements provided in subchapter D of this chapter (the standard wording of the articles is in the appendices to 2 CFR parts 1128 through 1138) into those general terms and conditions by reference; and
- (2) Stating any variations from that standard wording (*e.g.*, any sections or paragraphs that the DoD Component adds, revises, or omits, consistent with the DoDGARs prescription for use of the standard wording).

(b) Incorporating that standard wording into general terms and conditions by reference, rather than including the full text of each article of the general terms and conditions, will make it easier for those who must use terms and conditions of multiple DoD Components' awards (*e.g.*, recipients, DoD Components' post-award administrators, and auditors) to quickly identify how each Component's general terms and conditions differ from the DoD standard wording.

**Subpart F—National Policy Requirements Portion of the General Terms and Conditions**

**§ 1120.600 Scope of national policy requirements.**

National policy requirements, as defined in 2 CFR 1122.2, are requirements:

- (a) That are prescribed by a statute, Executive order, policy guidance issued by the Executive Office of the President, or regulation that specifically

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refer to grants, cooperative agreements, or financial assistance in general;

(b) With which a recipient of a grant or cooperative agreement must comply during the period of performance; and

(c) That are outside subject matter areas covered by administrative requirements, as described in § 1120.500.

### **§ 1120.605 Location of national policy requirements in the standard award format.**

As shown in the table in § 1120.4(b), the standard award format includes national policy requirements as Subdivision C of the general terms and conditions.

### **§ 1120.610 Source of national policy requirements.**

The source of national policy requirements to be included in a grant or cooperative agreement is 2 CFR part 1122.

### **§ 1120.615 Incorporation of national policy requirements into general terms and conditions by reference.**

For the same reason given in § 1120.515(b), DoD Components are strongly encouraged to construct the portion of their general terms and conditions addressing national policy requirements for awards to all types of recipient entities, including for-profit entities, by:

(a) Incorporating the standard wording of each article of national policy requirements provided in the appendices to 2 CFR part 1122 into those general terms and conditions by reference; and

(b) Stating any variations from that standard wording (*e.g.*, any added, omitted, or revised paragraphs, based on which national policy requirements apply to programs and recipients for which the general terms and conditions are used).

## **Subpart G—Programmatic Requirements Portion of the General Terms and Conditions**

### **§ 1120.700 Scope of programmatic requirements.**

A requirement is most appropriately included in the programmatic require-

ments portion of the general terms and conditions if it:

(a) Is not in one of the subject matter areas covered by the administrative requirements in Subdivision B of the general terms and conditions, as described in § 1120.500.

(b) Does not meet the criteria in § 1120.600 for a national policy requirement.

(c) Broadly applies to awards using the general terms and conditions. Requirements that apply to relatively few of those awards are more appropriately included in the award-specific terms and conditions of the individual awards to which they apply.

(d) Is expected to be in effect for the foreseeable future, rather than for a limited period of time. For example, a requirement in an annual appropriations act that applies specifically to funding made available by that act is better addressed through the award-specific terms and conditions of awards or modifications to which it applies.

### **§ 1120.705 Location of programmatic requirements in the standard award format.**

As shown in the table in § 1120.4(b), the standard award format includes programmatic requirements as Subdivision D of the general terms and conditions.

### **§ 1120.710 Examples of programmatic requirements.**

Examples of provisions appropriately included as programmatic requirements in Subdivision D of the general terms and conditions include:

(a) Requirements for recipients to acknowledge the DoD Component's support in publications of results of the projects or programs performed under awards.

(b) Requirements for recipients to promptly alert the DoD Component if they develop any information in the course of performing the projects or programs under their awards that, in their judgment, might adversely affect national security if disclosed.

(c) Reservation of the Government's right to use non-Federal personnel in any aspect of post-award administration of awards, with appropriate non-disclosure requirements placed on