



National Aeronautics and
Space Administration
Washington, DC 20546

Grant Information Circular

GIC 23-02
January 6, 2023

Award Term and Condition for Recipient Integrity and Performance Matters

PURPOSE: The purpose of this Grant Information Circular (GIC) is to ensure that the NASA Shared Services Center (NSSC) continues to incorporate a term and condition (T&C) regarding recipient integrity and performance matters in the Notice of Award for all NASA grants and cooperative agreements (hereafter “award”).

BACKGROUND: The NSSC currently incorporates a T&C regarding recipient integrity and performance matters into NASA awards. However, the T&C is not described in NASA’s standard award T&Cs template in the *NASA Grant and Cooperative Agreement Manual (GCAM)*, Appendix D, Award Terms and Conditions. As such, this GIC instructs the NSSC to continue incorporating the T&C into all NASA awards. The T&C will be incorporated into the GCAM during the next revision cycle in 2024.

The NSSC will include the T&C in Appendix I of this GIC into all applicable awards. Per Title 2 of the Code of Federal Regulations (CFR), part 200, section 200.211, Information contained in a Federal award, Federal awarding agencies must include the T&C available in 2 CFR 200, Appendix XII, Award Term and Condition for Recipient Integrity and Performance Matters, in awards with a federal share that may exceed \$500,000 over the award’s period of performance. The T&C requires recipients of such awards to report current information to the System for Award Management about civil, criminal, or administrative proceedings.

GUIDANCE: The NSSC shall incorporate the T&C in Appendix I of this GIC into all NASA awards with a federal share that may exceed \$500,000 over the award’s period of performance. The T&C shall be incorporated into the standard award T&Cs in the GCAM during the next GCAM revision cycle in 2024.

EFFECTIVE DATE: This guidance is effective January 13, 2023.

REGULATION OR TERM AND CONDITION CHANGES: See Appendix I below.

HEADQUARTERS CONTACTS: Chris Murguia, Office of Procurement, Procurement Management and Policy Division, e-mail: christopher.e.murguia@nasa.gov.

Appendix I – Terms and Conditions

Reporting of Matters Related to Recipient Integrity and Performance

1. General Reporting Requirement

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of [Public Law 110-417](#), as amended ([41 U.S.C. 2313](#)). As required by section 3010 of [Public Law 111-212](#), all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

2. Proceedings About Which You Must Report

Submit the information required about each proceeding that:

- a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
- b. Reached its final disposition during the most recent five-year period; and
- c. Is one of the following:
 - (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;
 - (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 - (3) An administrative proceeding, as defined in paragraph 5 of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
 - (4) Any other criminal, civil, or administrative proceeding if:
 - (i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;
 - (ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
 - (iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you

already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

4. Reporting Frequency

During any period of time when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent five-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

5. Definitions

For purposes of this award term and condition:

a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

c. Total value of currently active grants, cooperative agreements, and procurement contracts includes—

(1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and

(2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.