TEXAS HIGHER EDUCATION COORDINATING BOARD

REQUEST FOR APPLICATIONS

Norman Hackerman Advanced Research Program

2011

DEADLINES

NOTICE OF INTENT: September 1, 2011, 5:00 PM C.T.

REGISTRATION: September 15, 2011, 5:00 PM C.T.

PRE-PROPOSAL: September 15, 2011, 5:00 PM C.T.

PROPOSAL: December 15, 2011~~2~~, 5:00 PM C.T.

Program Changes -- NEW for 2011

- Total available funding for the 2012-2013 biennium is $980,000
- Maximum award is $80,000 for a two-year grant period
- Targeted research is limited to the following areas:
  1. Biological Science, *excluding cancer-related research*: Molecular Biology, Cellular Biology, and Genetics
  2. Materials Science/Nanoscience
- Only "Early Career Principal Investigators" may submit a proposal
- Principal Investigators are limited to one submission
- Notice of Intent and pre-proposal are required for each proposal
- Budget cannot include faculty summer salaries

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1 OVERVIEW OF FUNDING OPPORTUNITY

1.1 PROGRAM TITLE

Norman Hackerman Advanced Research Program (NHARP)

1.2 SYNOPSIS OF PROGRAM

In 1987, the 70th Texas Legislature created the Advanced Research Program as a peer-reviewed, competitive grant program to support Texas faculty through the provision of individual basic research grants in specified target areas. The program supports basic research and helps attract and retain the best undergraduate and graduate students and researchers to Texas higher education institutions. Grants support projects that contribute to the knowledge base needed for innovation.

In April 2007, the Texas Higher Education Coordinating Board (THECB) renamed the program the Norman Hackerman Advanced Research Program to honor the service and contributions made by the distinguished former chair of the program's advisory committee to THECB, Dr. Norman Hackerman. The 82nd Texas Legislature, Regular Session (2011) officially changed the program's name to the Norman Hackerman Advanced Research Program (NHARP).

In 2009, the 81st Texas Legislature expanded participation to include independent higher education institutions and implemented a requirement that all funded projects use a portion of awards to support undergraduate students at general academic institutions and undergraduate and/or graduate students at health-related institutions.

1.3 POINT OF CONTACT

Dale Cherry
Technical and Program Specialist
Academic Affairs and Research
Texas Higher Education Coordinating Board
NHARP@thecb.state.tx.us
512-427-6200

1.4 PROGRAM INQUIRY DEADLINE: September 9, 2011 at 5:00 p.m. C.T.

Applicants are encouraged to submit questions prior to submitting a pre-proposal. All inquiries shall be directed to the Point of Contact at NHARP@thecb.state.tx.us.

Any information deemed by THECB to be important and of general interest, or which modifies requirements of the RFA, shall be sent in the form of an addendum to all institutions' Office of Sponsored Programs. Receipt of all addenda, if any, to this RFA should be acknowledged by email to NHARP@thecb.state.tx.us.

2 AWARD SUMMARY

2.1 AVAILAIBLE FUNDING

The 2011 NHARP grant competition will provide approximately $980,000 in awards to selected projects. Approximate allocations for targeted research areas are shown below:

Biological Sciences, *excluding cancer-related research* Molecular Biology Cellular Biology Genetics	$480,000
Materials Science/Nanoscience	$480,000

2.2 MAXIMUM AWARD AMOUNT

The maximum award amount is $80,000.
There is no minimum amount that may be requested.

2.3 GRANT PERIOD

2.3.1 *Grant Period*. Awards are for a two-year (26-month) project. The grant period begins July 1, 2012 and ends August 31, 2014.

2.3.2 *No-Cost Extension of Grant Period*. A one-time, no-cost extension of the Grant Period for approximately six months may be granted if the Principal Investigator is in good standing with all reporting requirements and the institution has submitted an institutional audit for NHARP grants of the previous grant cycle. A no-cost extension requires a contract amendment.

2.4 CONTRACT TERM

The Contract Term is from July 1, 2012 to December 1, 2014.

2.5 NOTICE OF INTENT DEADLINE: September 1, 2011, 5:00 p.m. C.T.

2.6 PRE-PROPOSAL SUBMISSION BEGINS: September 1, 2011

2.7 REGISTRATION DEADLINE: September 15, 2011, 5:00 p.m. C.T.

2.8 PRE-PROPOSAL SUBMISSION DEADLINE: September 15, 2011, 5:00 p.m. C.T.

2.9 INVITATION TO SUBMIT PROPOSAL

Invitations to submit full proposals from selected pre-proposals will be posted by November 10, 2011 on Principal Investigators' web pages at http://www.thecb.state.tx.us/NHARP/.

2.10 PROPOSAL SUBMISSION DEADLINE: December 15, 2011~~2~~, 5:00 p.m. C.T.

2.11 AWARDS ANNOUNCEMENT

Pending THECB approval, a list of 2011 NHARP awards will be posted to THECB website at http://www.thecb.state.tx.us/NHARP/ on April 26, 2012.

3 PROGRAM PURPOSE AND AUTHORITY

3.1 PURPOSE OF PROGRAM

The program supports early career, non-tenured, tenure track faculty to conduct institutional research projects deemed to be the highest level of research. Additionally, the institutions may use funding provided under the NHARP to attract students and faculty to their institution. Students and faculty supported in labs with NHARP projects are trained to become scientists and engineers and are often retained in Texas. Results of the projects provide the foundation of knowledge needed for innovative and applied research projects.

3.2 PROGRAM AUTHORITY

Texas Education Code, Section 142.003 and Title 19, Texas Administrative Code, Sections 14.11 – 14.13.

4 ELIGIBILITY INFORMATION

4.1 ELIGIBLE INSTITUTIONS

Texas Education Code, Section 142.001(3) defines "eligible institutions" that may participate in the NHARP competition as Texas public and independent institutions of higher education, as defined in Texas Education Code 61.003. Such institutions must be accredited by the Commission on Colleges of the Southern Association of Colleges and Schools. Additionally, each institution, must have adopted an intellectual property policy meeting the minimum standards set out in Texas Education Code, Section 51.680. A copy of the policy must be on file at THECB.

4.2 ELIGIBLE PRINCIPAL INVESTIGATORS

4.2.1 *Principal Investigator.* Each pre-proposal must name a Principal Investigator who is an Early Career Principal Investigator.

4.2.2 *Early Career Principal Investigator*. An Early Career Principal Investigator is defined as a non-tenured, tenure track faculty member or a research professional (not including post-doctoral students, research assistants/associates, or instructors) from an eligible institution who has been employed at the institution in that capacity for not less than two years and not more than five years, as of the pre-proposal submission date.

4.3 COST SHARING OR MATCHING REQUIREMENTS

Each Principal Investigator awarded a grant is required to submit an application for additional research funding from a funding source other than THECB. The additional funding should enhance the scope of the NHARP funded project. The additional submission must be made during the NHARP grant period as defined in Subsection 2.3.1., and it must be reported on all applicable progress and final reports.

5 PROPOSAL TYPE

Each Principal Investigator may submit only one single proposal. Proposals with co-investigators or collaborating investigators will not be accepted. Only Principal Investigators who qualify as Early Career Principal Investigators may submit a proposal.

6 MAXIMUM NUMBER OF SUBMISSIONS

6.1 INSTITUTION LIMITS

There is no limit to the number of pre-proposals an eligible institution may submit.

6.2 PRINCIPAL INVESTIGATOR LIMITS

Principal Investigator may submit only one proposal in one target area.

7 NOTICE OF INTENT SUBMISSION GUIDELINES

7.1 NOTICE OF INTENT IS REQUIRED

A Notice of Intent for all pre-proposals must be submitted to each institution's Office of Sponsored Programs, or its equivalent.

Pre-proposals for which a Notice of Intent has not been submitted will not be considered for an award.

NOTICE OF INTENT DEADLINE:

September 1, 2011, 5:00 PM C.T.

7.2 NOTICE OF INTENT FORMAT

THECB will post on its web site at http://www.thecb.state.tx.us/NHARP/ a spreadsheet template to be used by each institution's Office of Sponsored Programs to compile a list of intended pre-proposal submissions.

7.3 NOTICE OF INTENT SUBMISSION

The complete list of intended pre-proposal submissions in the format specified in Subsection 7.2 above must be submitted no later than September 1, 2011, 5 PM C.T., by email to THECB Point of Contact:

Dale Cherry
Technical and Program Specialist
Academic Affairs and Research
Texas Higher Education Coordinating Board
NHARP@thecb.state.tx.us

8 REGISTRATION

Registration on the NHARP Online System is required. The online registration system is always open.

8.1 PRINCIPAL INVESTIGATORS WITH EXISTING ACCOUNTS

All Principal Investigators who have existing accounts with the NHARP Online System **must log in and update their contact information on or before September 15, 2011**. Principal Investigators with existing accounts cannot register again, but must update their registration information. Principal Investigators who have changed institutional affiliations within Texas must notify the Point of Contact to update the system.

8.2 NEW PRINCIPAL INVESTIGATORS

All new Principal Investigators who have not previously established accounts **must register with the NHARP Online System on or before September 15, 2011.**

9 PRE-PROPOSAL SUBMISSION GUIDELINES

9.1 PRINCIPAL INVESTIGATOR NON-COMPLIANCE

Principal Investigators may not submit a pre-proposal or full proposal if he/she previously received a grant and did not fulfill the grant requirements. This includes Principal Investigators who are delinquent in the submission of progress or final grant reports from previous or current NHARP, Advanced Research Program, Advanced Technology Program, or Technology Development Transfer awards. Pre-proposal submissions from Principal Investigators with previous delinquent, and/or incomplete reports will not be forwarded for review.

9.2 PRE-PROPOSAL IS REQUIRED

Submission of a pre-proposal is required. Pre-proposals must be completed online and submitted electronically through the Principal Investigator's institutional Office of Sponsored Programs (OSP) or its equivalent. Principal Investigators must adhere to institution-specific internal deadlines for the completion of their proposals.

PRE-PROPOSAL DEADLINE:

September 15, 2011, 5:00 PM C.T.

9.3 PRE-PROPOSAL FORMAT

Pre-proposals are required for all submissions.

A pre-proposal shall contain: text approximately one page in length, two citations, one page for one figure or graph, and a two-page biological sketch of the Principal Investigator. A pre-proposal does not include a budget page; however it does include the total two-year funding amount requested.

The online pre-proposal submission procedure and form are available under the Principal Investigators' individual password-protected pages on the NHARP website at http://www.thecb.state.tx.us/NHARP/.

9.3.1 *Information Required For Completion of the Online Pre-Proposal Form.*

9.3.1.1 Targeted research area selected from one of the following areas and/or sub-areas:

- Biological Sciences *(excluding cancer-related research*), and limited to Molecular Biology, Cellular Biology, or Genetics
- Materials Science/Nanoscience

9.3.1.2 Total funding requested for the two-year project.

9.3.1.3 Title of proposed project – 100-character maximum.

9.3.1.4 Keyword descriptors – maximum of five, 30-character maximum per keyword.

9.3.2 *Project Summary*. 4,000 character maximum. Alpha/numeric characters only. HTML may be used. Spaces and HTML code count as characters. The summary may be created in a word processing application and then cut and pasted into the box.

The Project Summary should be written such that an expert in the research field, but not necessarily an expert in the specific research specialty, would understand the proposal. The summary should be organized in four sections with the following headings:

- **Project Goals, Approach and Impact**

  Describe how the proposed project would achieve valuable results, and how it would contribute to the scientific community. Describe why the project would be innovative and original. Explain the logic and feasibility of the proposed methods and planned conduct of research.

- **Student Education and Training**

  Describe how student involvement would be integrated into the project. Provide numbers of students participating by type, i.e., undergraduate, graduate, post-doctoral. Describe intended outcomes of student participation.

- **Research Personnel**

  With respect to the proposed project, describe the background, research history, and intended contribution of the Principal Investigator and any other staff assigned to the project.

- **Facilities and Resources**

  Document the facilities and physical resources necessary to complete the project.

9.3.3 *Additional Page*. One additional PDF page may be uploaded into the pre-proposal. The additional page may be used for one diagram, formula, graph, picture, chart, etc. A figure would be similar to a figure in a hard-copy journal, and therefore could be a composite figure depicting, e.g., stages within a time sequence. A brief caption (maximum of 30 words) may be included. It is the responsibility of OSP to ensure that the rule for the separate PDF is followed sensibly. Reviewers have the option of not considering the extra page if instructions are not followed. Maximum size for the uploaded file is 3 MB.

9.3.4 *Biographical Sketch for the Principal Investigator*. A biographical sketch limited to two pages is required for the Principal Investigator. The following information must be provided in the order specified below. An National Science Foundation or National Institute of Health format may be used, if modified to two pages.

(a) Name and Position Title

(b) Professional Preparation

List the Principal Investigator's undergraduate and graduate education and postdoctoral training.

(c) Appointments

List the Principal Investigator's academic/professional appointments.

(d) Selected Publications

List up to five of the Principal Investigator's publications, which are most relevant to the proposed project. Patents, copyrights and software systems developed may be substituted for publications.

(e) Recent Publications

List all publications from the last two years. Do not re-list publications from the "Selected Publications" list.

(f) Research Support

List both selected ongoing and completed research projects for the past three years.

(g) Statement Concerning Personal Factors *(optional)*

Briefly describe factors such as family care responsibilities, illness, disability, and active duty military service that may have affected your scientific advancement or productivity.

10 PROPOSAL SUBMISSION GUIDELINES

10.1 STIPULATIONS

10.1.1 All proposals must originate from pre-proposals that were selected by reviewers for continuation.

10.1.2 Each proposal must be submitted in the same research area as its preceding pre-proposal.

10.1.3 The Principal Investigator named on the pre-proposal must be the Principal Investigator named on the proposal. Proposals from Principal Investigators with progress or final reports deemed to be delinquent from previous or current ARP/ATP/TDT grants will not be reviewed.

10.1.4 Budget submissions are evaluated during the review process and are subject to modifications.

10.1.5 The total project budget may not be greater than the funding request presented in the related pre-proposal.

PROPOSAL DEADLINE:

December 15, 2011, 5:00 PM C.T.

10.2 SUBMISSION METHOD – PRINCIPAL INVESTIGATORS

All proposals must be submitted electronically. Principal Investigators must submit their proposal, via the NHARP online system, to their institution's OSP, which then submits the project to THECB. The full online proposal submission procedure and forms are available on the website (http://www.thecb.state.tx.us/NHARP/) under each individual Principal Investigator's password-protected pages.

Software used by Principal Investigators must be capable of writing PDF files. Instructions for completion are provided in each section of the proposal. Sections not applicable to a particular proposal should not be submitted with the proposal; i.e., sections on which "not applicable" is the only response should not be submitted.

Principal Investigators may view their proposals at any time during preparation by clicking the "View Entire Proposal" button. This generates the cover page, bundles all of the completed sections, and allows the entire proposal to be previewed prior to submission. THECB strongly encourages Principal Investigators to review their proposals in this manner prior to submission to the OSP. The proposal may be edited by the Principal Investigators until it is submitted to the OSP.

When the proposal is finalized and submitted:

- The Principal Investigator will click the "Send to OSP" button on the Proposal Preparation page. This will change the proposal status to "Sent to OSP."
- The proposal is finalized when the "Send to OSP" button is clicked and the proposal status changes to "Sent to OSP." Principal Investigators must adhere to institution-specific internal deadlines for the completion of their proposals.
- The proposal is submitted when the OSP has clicked the button "Send to THECB," and the proposal status changes to "Received."

10.3 SUBMISSION METHOD – SPONSORED PROGRAMS OFFICERS

All proposals must be submitted electronically to THECB by Sponsored Program Officers or other designated officials.

- A Sponsored Programs Officer or designated official must click the "Submit to THECB" button at the bottom of each proposal to submit the proposal to THECB.
- The proposal status will change to "Received."
- Electronic transfer through the OSP at the Principal Investigator's institution represents a signed submission of the proposal.

10.4 PROPOSAL FORMAT

Every proposal must contain the following elements:

10.4.1 *Cover Page.* The cover page provides identifying information of the proposal. This will automatically generate when the "Finalize Proposal" button is clicked. Sponsored Programs Officers should update their account contact information in the NHARP online system to display the correct institutional representative.

10.4.2 *Description of Research*. The contents and method of preparation of this section are described in 10.5, DESCRIPTION OF RESEARCH FORMAT.

10.4.3 *Biographical Sketch(s)*. Each participating Principal Investigator must upload his/her bio sketch. There is a two-page maximum for each Principal Investigator. Include only publications dated after January 1, 2006.

10.4.4 *Capital Equipment List*. This form must be completed if capital equipment is requested for the project. All capital equipment items included in project costs must be specifically listed and justified. The total amount on this form will automatically appear on the Capital Equipment line of the Proposal Budget. Capital Equipment will be defined by the grantee institution.

10.4.5 *Proposal Budget.* The total project budget will be for two years and may not be greater than the budget estimate presented in the related pre-proposal.

Indicate in the parentheses the number of people in each personnel category. A portion of the budget must include funding support for undergraduate students at general academic institutions and/or undergraduate and graduate students at health-related institutions. The Capital Equipment amount may not be changed on the Proposal Budget form. To change this amount, revise the Capital Equipment List.

10.4.6 *Project Summary*. Provide a summary of the proposed work written in terms that the general public would understand. It should be suitable for public release and should not contain proprietary information. The project summary may be no more than 3,500 characters in length, with a minimum font size of 11 point. It should be single-spaced.

10.4.7 *Non-Academic Support*. This form is optional. If this project has non-academic support, the Principal Investigator may list funding sources, including industry support.

10.4.8 *Groundwork*: *Record of Previous Research Sponsored by Another Source*. Complete this form to indicate any external funding received, other than THECB support, related to the work described in this proposal.

10.4.9 *Record of Previous CB-Sponsored Research*. Complete one form for each THECB-sponsored ARP, ATP, TDT, or other research project on which a proposed Principal Investigator served as an Principal Investigator.

10.4.10 *Current Support for Research and Education*. Provide requested information for the Principal Investigator. Upload an abstract from each project listed. Include title, amount, and dates at the top of each abstract.

10.4.11 *Additional Materials*. Additional pertinent materials may be included as necessary. Reviewers have the option of not considering this material, and it should not be used as a continuation of the Description of Research. The maximum page number for Additional Materials is eight pages.

10.5 DESCRIPTION OF RESEARCH FORMAT

The Description of Research must be a PDF file in the following format:

- A maximum of eight pages including tables and figures
- Double-spaced text
- One inch margins on all four sides
- Font size at least 11 point

Proposals that exceed the page limitations will not be reviewed.

The Description of Research may be prepared in word processor software and uploaded using the online instructions.

The Description of Research should be written such that an expert in the research field, but not necessarily an expert in the exact research specialty, would understand the proposal. The Description of Research must include the following sections:

10.5.1 *Research objectives*. Describe the research objectives of the proposal and explain their importance. Explain the relationship between the work proposed under this grant and other funded research projects managed by the Principal Investigator(s).

10.5.2 *Methodology*. Include enough information about methods and techniques to allow an evaluation of the merits of the proposal. Include details of experimental methods and procedures as appropriate. Outline a schedule for accomplishing the project.

10.5.3 *Research personnel*. Describe the individuals who will work on the proposed project, their qualifications, and how they will be organized. Indicate whether this project will be staffed by personnel currently on your campus or personnel recruited to work on this project.

10.5.4 *Student involvement and research opportunities*. Provide a brief description of how the proposed research will involve students and affect the education of future researchers at your institution, other institutions of higher education, or secondary or elementary schools.

10.5.5 *Institutional commitment and sources of additional support.* Describe the institutional commitment and resources available to this specific project. Delineate the plan for "leveraging" NARP funds by obtaining additional support from other sources. If support by an industry collaborator is promised, complete an "Industrial Support" form.

10.5.6 *Budget justification.* Provide a brief justification of major budget elements. Capital equipment included in project costs must be specifically listed and justified on the "Capital Equipment List."

10.5.7 *Bibliography.* Cite relevant work in the area of the proposed project. (This section may be single-spaced.)

11 USE OF AWARD FUNDS

All reasonable costs are allowable except for those expressly prohibited in Subsection 11.4 below.

11.1 STUDENT SUPPORT

Awards for projects at general academic institutions must use a portion of the grant to support undergraduate research efforts. At health-related institutions, a portion of awards must be used to support undergraduate or graduate research.

Students may be paid salaries, wages, or monthly fellowships for their work, but no scholarships, tuition, or stipends may be charged to these funds.

11.2 FACULTY SALARIES

Faculty salaries, including summer salaries, may not be paid from award funds.

11.3 CAPITAL EQUIPMENT

- Awards are not provided exclusively for equipment acquisition. However, requests may be made for equipment.
- Capital equipment will be defined by the grantee institution.
- Capital equipment included in project costs must be specifically listed and justified in the proposal.
- Only capital equipment specifically listed in the approved capital equipment list may be purchased with grant funds.
- Capital equipment may not be purchased after August 31, 2013, without prior THECB approval.

11.4 PROHIHBITED COSTS

All reasonable costs are allowable with the following exceptions:

- Costs for construction or remodeling of facilities cannot be charged to award funds.
- Indirect costs cannot be charged to award funds.
- Scholarships, tuition, and stipends cannot be charged to award funds.
- Public institutions cannot include fringe benefits in project costs. Fringe benefits for public institutions are paid from separate lines in their state appropriations.
- Capital equipment cannot be charged to award funds unless it is specifically listed in the approved capital equipment list.
- International travel cannot be charged to award funds.
- Travel expense for consultants based outside the U.S. cannot be charged to award funds.
- Visa application fees cannot be charged to award funds.

12 EVALUATION PROCESS

12.1 EVALUATION OF PRE-PROPOSALS

Each pre-proposal will be evaluated by two reviewers with recognized expertise in the general research area. Instructions to reviewers on pre-proposal evaluation criteria are included in Appendix A.

Persons currently employed by any institution of higher education in Texas are not eligible to serve as reviewers. Panel chairs may, at their discretion, shift pre-proposals submitted from one research area into another.

12.2 PRE-PROPOSAL RESULTS

Pre-proposals will be classified as either “Continue” or “Do Not Continue.” A pre-proposal that is selected for continuation by two reviewers will be invited to submit a full proposal. Invitations to submit full proposals consist of the “Continue” status shown on Sponsored Program Officers’ and individual Principal Investigators’ password-protected web pages at http://www.thecb.state.tx.us/NHARP/. This is the only notice that will be provided.

12.3 EVALUATION OF PROPOSALS

A panel of nationally recognized experts in the general research area will evaluate each proposal. Instructions to reviewers on proposal evaluation criteria are included in Appendix A.

Persons currently employed by Texas institutions of higher education are not eligible to be reviewers. Panel chairs may, at their discretion, shift submitted proposals from one research area into another.

Each panel will rank proposals it considers eligible for funding and recommend proposals to be funded. THECB’s Advisory Committee on Research Programs will

review the recommendations and, in turn, recommend proposals for funding to the Texas Higher Education Coordinating Board.

In their evaluation, reviewers will be asked to consider whether research programs managed by THECB support a Principal Investigator exclusively. It is not the intent of NHARP to provide the sole support for a Principal Investigator on an ongoing basis.

Proposals will be evaluated on:

- merit and soundness of the proposal,
- student involvement and research education opportunities,
- capability of the Principal Investigator, and
- adequacy of institutional commitment and resources.

Reviewers will also be asked to comment on proposal readability. For more details on evaluation criteria, see Instructions for Review of Proposals in Appendix A.

13 LIMITATIONS ON AWARDS

A Principal Investigator may receive only one award for which he/she is the PI.

There is no upper limit to the percentage of funds that can be awarded to institutions outside The University of Texas and Texas A&M University systems. However, no more than 70 percent of the funds may be awarded to component institutions of The University of Texas and Texas A&M University Systems.

14 DISTRIBUTION OF AWARD FUNDS

14.1 NOTICE OF GRANT AWARD

Following the announcement of awards, grantee institutions will receive an electronic copy of THECB's NHARP Notice of Grant Award (NOGA, Appendix B), which will take effect on the day of execution.

14.2 FUNDS DISTRIBUTION

NHARP is funded through state general appropriations. Funding will be disbursed in full upon execution of the NOGA. The grantee institutions shall receive payments under this program through the Office of the State Comptroller.

THECB is not bound by any award estimates in the RFA. Funding may be reduced or terminated if funds allocated to THECB should become reduced, depleted, or unavailable during the Contract Term. After making a finding that an Awarded Applicant has failed to perform or failed to conform to Grant Conditions, THECB may retract or reduce the Grant Amount for the Awarded Applicant.

14.3 LAST DAY OF EXPENDITURES

All expenditures must be made or encumbered before July 31, 2014.

14.4 BUDGET CHANGES

Over the life of the grant, no more than a cumulative total of $5,000 may be removed from student support (undergraduate/graduate/post doctoral trainees) without prior THECB approval.

Over the life of the grant, no more than a cumulative total of $10,000 may be moved across budget categories (Personnel, Capital Equipment, Travel, and Other Direct Costs) without prior THECB approval.

Budget changes exceeding the limitations above will require completion of an online Budget/Equipment Change Request and submission through the institution's OSP (or its equivalent) to THECB for approval. Supplies, materials, services, and equipment purchased with these funds are not subject to the purchasing authority of the State Comptroller.

14.5 RETURN OF UNEXPENDED FUNDS

Grantee institutions shall return any unexpended funds at the end of the grant period.

15 PROGRAM REPORTING REQUIREMENTS

The Principal Investigator for each funded proposal must complete and submit the following items:

15.1 PROGRESS REPORTS

A Progress Report shall be submitted electronically to the Division of Academic Affairs and Research of THECB by March 1 of each year during which the grant is active. The Progress Report format is specified by THECB. Principal Investigators with Progress Reports deemed to be delinquent will be ineligible to participate in the next NHARP competition.

15.2 FINAL REPORT

Within 30 days of the expiration of the grant, the grantee must electronically file a final report with THECB in a format specified by the Board. This report should contain a summary of progress to date, including a list of publications, presentations, patents, and a technical description of the project and its results. Principal Investigators with final reports deemed to be delinquent will be ineligible to participate in the next NHARP competition.

15.3 FINAL FINANCIAL REPORT

Within 90 days of the expiration of the grant, the grantee institution shall file a final Financial Report with THECB that contains information on the final expenditure of funds.

16 PROVISIONS AND ASSURANCES

16.1 COST OF APPLICATION PREPARATION

All costs associated with the preparation and submission of an Application for this RFA are the responsibility of Applicant. These costs shall not be chargeable to THECB by any successful or unsuccessful Applicant.

16.2 APPLICATION DELIVERY AND LATE APPLICATIONS

16.2.1 Applications must be submitted by an authorized agent of the Applicant.

16.2.2 Applications shall be considered to be "on time" if they are received on or before the date and time of established deadlines. Applicant shall be solely responsible for ensuring that Application is received by THECB prior to the deadlines outlined in Section 2. THECB shall not be responsible for failure of electrical or mechanical equipment, operator error, or inability of an electronic delivery agent to deliver an Application prior to the deadline. Failure to respond in a timely manner to this RFA shall result in Applicant losing the opportunity to receive a grant under this program. A late Application, regardless of circumstances, shall not be evaluated or considered for award.

16.3 CONFLICT OF INTEREST

Applicants must disclose any existing or potential conflicts of interest relative to the performance of the requirements of this RFA. Failure to disclose a conflict of interest may be cause for disqualification of an Application or termination of a Contract resulting from this RFA. If, following a review of this information, it is determined by THECB that a conflict of interest exists, Applicants may be disqualified from further consideration.

16.4 CONTRACT

16.4.1 Submission of an Application confers no rights of Applicant to an award or to a subsequent Contract, if there is one. The issuance of this RFA does not guarantee that a Contract will ever be awarded. THECB reserves the right to amend the terms and provisions of the RFA, negotiate with Applicant, add, delete, or modify the Contract and/or the terms of Application submitted, extend the deadline for submission of Application, or withdraw the RFA entirely for any reason solely at THECB's discretion. An individual Application may be rejected if it fails to meet any requirement of this RFA. THECB may seek clarification from Applicant at any time, and failure to respond within a reasonable time frame is cause for rejection of an Application.

16.4.2 Upon execution of a Contract resulting from this RFA, the term ‘Applicant’ shall have the same meaning as ‘Awarded Applicant’. Likewise, the terms ‘Request for Applications’ and ‘Application’ shall have the same meaning as the terms ‘Contract.’

16.5 PROPRIETARY INFORMATION

During the performance of a project implemented under a Contract resulting from this RFA, Awarded Applicant may have access to data, information, files, and/or materials (collectively referred to as "data"), which are the property of THECB. These data shall be handled in a method that concurs with the Family Educational Rights and Privacy Act (FERPA) regulations and guidelines.

Applicant agrees to comply with FERPA, 20 U.S.C. Section 1232g, and the implementing federal regulations, 34 CFR Part 99. Applicant agrees (1) to protect any confidential student information it receives or accesses that could make a student's identity traceable, and (2) any confidential data analysis or report shall not be disclosed to any third party without THECB's prior written consent.

Awarded Applicant shall have a system in effect to protect all data received or maintained in connection with the activities of this RFA. Awarded Applicant agrees to use its best efforts to preserve the safety, security, and integrity of the data, and to ensure the privacy and confidentiality of all data. Any disclosure or transfer of proprietary information by Awarded Applicant shall be in accordance with applicable federal or Texas law.

16.6 RELEASE OF INFORMATION BY AWARDED APPLICANT

16.6.1 Awarded Applicant shall NOT release any data that is not FERPA compliant. Failure to follow the guidelines established may result in immediate termination of the Contract.

16.6.2 Awarded Applicant agrees to notify THECB Point of Contact of any information released to the news media regarding the activities being conducted under any Contract resulting from this RFA.

16.6.3 Dissemination of project results

The grantee is expected to publish or otherwise make publicly available the results of the work conducted under the grant. Publication in popular media as well as scholarly journals is encouraged. One reprint of any publication should be made available electronically to the Division of Academic Affairs and Research of the THECB on request.

16.6.4 Acknowledgment of support

An acknowledgment of THECB support must appear in any publication of any material based on this project in terms such as the following:
"This material is based in part upon work supported by the Texas Higher Education Coordinating Board's Norman Hackerman Advanced Research Program."

16.7 RELEASE OF APPLICATION INFORMATION BY THECB

Texas Education Code, Section 142.007, requires that information submitted as part of an NHARP pre-proposal or proposal or related to the evaluation and selection of research projects to be funded by the program is confidential unless made public by Coordinating Board rule.

16.8 AMENDMENT AND TERMINATION

16.8.1 *Amendment.* Any amendment or change to the Contract performance requirements which becomes necessary shall be accomplished by a formal Contract amendment signed and approved by duly authorized representatives of Awarded Applicant and THECB. None of the parties to the Contract will be bound by any oral statements, agreements, or representations contrary to the written Contract requirements and terms and conditions.

16.8.2 *THECB Right to Terminate for Cause:* THECB may terminate the Contract, in whole or in part, immediately upon notice to Awarded Applicant, or at such later date as THECB may establish in such notice, upon the occurrence of any material breach, including, but not necessarily limited to, non-compliance with requirements and assurances outlined in the RFA or its Section 16 "Provisions and Assurances,"

failure to provide accurate, timely, and complete information as required by THECB to evaluate the effectiveness of NHARP, or a failure to perform any of the work under the Contract to THECB's satisfaction within the time specified herein or any extension thereof. Any instance of non-compliance shall constitute a material breach. THECB may, in its sole discretion, provide Awarded Applicant with an opportunity for consultation with THECB prior to termination. If Awarded Applicant fails or refuses to perform its obligations under the Contract, THECB may exercise any and all right as may be available to it by law or in equity.

16.8.3 *Interpretation.* The Contract may be terminated in the event that federal or state laws or other requirements or a judicial interpretation renders continued fulfillment of the Contract on the part of either party unreasonable or impossible. If the parties hereto should be unable to agree upon amendment which would thereafter be needed to enable the substantial continuation of the services contemplated herein, then, upon written notification by THECB to Awarded Applicant, the parties shall be discharged from any further obligations created under the terms of the Contract, except for the equitable settlement of the respective accrued interests or obligations incurred up to the date of termination. THECB reserves the right, at its sole discretion, to unilaterally amend the Contract throughout the Contract Term to incorporate any modifications necessary for THECB's compliance, as an agency of the state of Texas, with all applicable state and federal laws, rules, regulations, requirements, and guidelines.

16.8.4 *Termination for Convenience.* THECB may terminate the Contract, either in whole or in part, with a sixty (60) day written notice.

16.8.5 *Effect of Termination.* Upon receipt of written notice to terminate, Awarded Applicant shall promptly discontinue all Services affected (unless the notice directs otherwise), refund partially or fully all grant proceeds in accordance with written notice, and shall deliver or otherwise make available to THECB, a summary of work products developed by Awarded Applicant under the Contract, whether completed or in process. Upon any termination, all indemnities, including without limitation those set forth in the Contract, as well as Contract provisions regarding confidentiality, records retention, right to audit, and dispute resolution, shall survive the termination

of the Contract for any reason whatsoever and shall remain in full force and effect. THECB shall be liable to Awarded Applicant for that portion of the Services authorized by THECB and which have been completed prior to the effective date of termination, provided that THECB shall not be liable for any work performed that is not acceptable to THECB and/or does not meet Contract requirements.

16.8.6 In the event of termination, THECB reserves the right to negotiate a Contract based on another Applicant's submission if it is in the state's best interest.

16.9 NOTICE

Any notice or written communication between the parties shall be considered delivered when postmarked, except that such notice or written communications sent by certified mail, return receipt requested, or delivered in person to the authorized representative of the party designated in accordance with the Contract shall be considered to be delivered when received.

16.10 ASSIGNMENT OR SUBCONTRACTING

No rights, interest, or obligations in a Contract resulting from this RFA shall be assigned, delegated, or subcontracted by Awarded Applicant without prior written permission of THECB Point of Contact at THECB. Any attempted assignment, delegation, or subcontract by Awarded Applicant shall be wholly void and totally ineffective for all purposes unless made in conformity with this Paragraph. No delegation, assignment, or subcontract shall relieve Awarded Applicant of any responsibility under this RFA.

16.11 LIABILITY AND INDEMNIFICATION

16.11.1 LIABILITY

16.11.1.1 Neither THECB's review, approval, or acceptance of, nor payment for any of the services provided hereunder shall be construed to operate as a waiver of any rights under the Contract, or of any cause of action arising out of the performance of the work required by the Contract.

16.11.1.2 THECB shall have no liability except as specifically provided by law.

16.11.1.3 *Sovereign Immunity.* THECB and Awarded Applicant stipulate and agree that no provision of, or any part of the Contract between THECB and Awarded Applicant, or any subsequent change order, amendment, or other Contract modification shall be construed: (1) as a waiver of the doctrine of sovereign immunity or immunity from suit as provided for in the Texas Constitution and the Laws of the State of Texas; (2) to extend liability to THECB beyond such liability provided for in the Texas Constitution and the Laws of the State of Texas; or (3) as a waiver of any immunity provided by the 11th Amendment or any other provision of the United States Constitution or any immunity recognized by the Courts and the laws of the United States.

16.11.2 INDEMNIFICATION

16.11.2.1 To the extent allowed by law, Awarded Applicant agrees to indemnify, defend and hold harmless, to the extent allowed by law, the State of Texas, THECB, as well as officers, agents, and employees of THECB from any liability, for any and all claims, demands, fees, suits or actions of any nature whatsoever, including but not limited to personal injury or illness, bodily injury (including death) and property damage occurring in connection with or in any way incident to or arising out of the use, service, operation or performance of work under the terms of the Contract, except claims, demands, fees, suits or actions arising from any negligence by THECB, its officers, agents, employees, contractor, subcontractors or any negligence of a third party, its (their) officers, agents, employees, contractors, subcontractors. THECB shall give Awarded Applicant written notice of each such claim or suit and full right and opportunity to conduct Awarded Applicant's own defense thereof, together with full information and all reasonable cooperation. Awarded Applicant shall coordinate its defense with the Texas Attorney General as requested by THECB.

16.11.2.2 Additionally, if Awarded Applicant requires or desires to use any design, trademark, device, material or process covered by letters of patent or copyright, Awarded Applicant shall indemnify, defend and hold harmless, to the extent allowed by law, the State of Texas, THECB, as well as officers, agents, and employees of THECB, from any liability, for any and all claims, demands, fees, suits or actions of any nature whatsoever, from any and all claims for infringement by reason of the use of any such patented design, device, trademark, copyright, material or process in connection with the work agreed to be performed and shall indemnify (to the extent allowed by law) the State of Texas, THECB, as well as officers, agents, and employees of THECB, from any cost, expense, royalty or damage which the State of Texas, THECB, as well as officers, agents, and employees of THECB may be obligated to pay by reason of any infringement at any time during the performance of or after completion of the work. Awarded Applicant represents and warrants that it has determined what licenses, patents and permits are required under the Contract and has lawfully acquired all such licenses, patents, and permits.

16.11.2.3 Notwithstanding any indemnification clause, THECB shall have full authority to conduct its own defense, negotiations, and settlements, but Awarded Applicant's indemnification nevertheless remains in full force and effect. Any settlement shall only be reimbursable by Awarded Applicant if Awarded Applicant approves such settlement in advance, and any liability upon unsuccessful defense shall only be reimbursable by Awarded Applicant if Awarded Applicant has full opportunity to participate equally in the defense of the action.

16.12 OWNERSHIP OF WORK

16.12. The Principal Investigator shall abide by the intellectual property policy of his/her institution. Title to equipment purchased or fabricated with these funds shall vest in the grantee institution.

16.12.2 To the extent allowed by law, Awarded Applicant shall indemnify and hold harmless THECB and its respective officers, directors, agents and employees, from and against any and all claims, damages, liabilities, costs and expenses (including reasonable attorney's fees), arising out of or in any way connected with any claim that the work performed by Awarded Applicant infringes any intellectual property rights or other rights of any third party, except to the extent such claim arises from a breach by THECB.

16.13 SEVERABILITY AND STRICT PERFORMANCE

The invalidity, illegality, or unenforceability of any provisions of the Contract shall in no way affect the validity, legality, or enforceability of any other provisions.

Each and every right granted to THECB and Awarded Applicant hereunder or under any other document delivered hereunder or in connection herewith, or allowed them by law or equity, shall be cumulative and may be exercised from time to time. Failure by THECB or Awarded Applicant at any time to require strict performance of any contractual provision or obligation contained herein shall not constitute a waiver or diminish the rights of either party thereafter to demand strict compliance. THECB's review, approval, acceptance of, or payment for any of the services provided in the Contract shall not be construed to operate as a waiver of any of its rights under the Contract, or of any cause of action arising out of the performance of the services required by the Contract.

16.14 FORCE MAJEURE

16.14.1 THECB may grant relief from performance of the Contract if Awarded Applicant is prevented from compliance and performance by force majeure. Force majeure may include: an act of war; order of legal authority; act of God (except that certain natural phenomena, such as rain, wind or flood which are normally expected for the locale in which performance is to take place, shall not be considered acts of God for purposes of the Contract); work stoppages due to labor disputes or strikes; fires; explosions; epidemics; riots; war; rebellion; or sabotage. The burden of proof for the need for such relief shall rest on Awarded Applicant.

16.14.2 To obtain relief based upon force majeure, Awarded Applicant shall file a written request with THECB Point of Contact.

16.14.3 In the event Awarded Applicant claims relief due to force majeure Awarded Applicant shall be required to use due diligence to overcome obstacles to performance created by the force majeure. Awarded Applicant shall resume performance immediately after the obstacles have been removed. No extension of time shall be granted to the extent that any delay or failure to perform was caused by the negligence or other fault of Awarded Applicant.

16.15 CONFLICTING RFA LANGUAGE

In the event that language contained in a particular Section of the RFA is found to be in conflict with language in another Section, the most stringent requirement(s) shall prevail.

16.16 INSPECTIONS/SITE VISITS

Throughout the Contract Term, THECB and/or its representatives shall have the right to make site visits to review project accomplishments.

16.17 AUDIT AND ACCESS TO RECORDS

16.17.1 Pursuant to Texas Government Code 2262.003, Awarded Applicant acknowledges that acceptance of funds under the Contract acts as acceptance of the authority of (1) the Texas State Auditor's Office, or any successor agency, (2) the Texas State Auditor's Office or any successor agency, under the direction of the Texas Legislative Audit Committee, (3) THECB's Internal Auditor, and (4) any external auditors selected by THECB or by the United States (collectively referred to as "Audit Entities"), to conduct an audit or investigation in connection with those funds. Awarded Applicant further agrees to cooperate fully with Audit Entities in the conduct of the audit or investigation, including providing all records requested. Awarded Applicant shall ensure that this clause concerning the authority to audit funds received indirectly by subcontractors through Awarded Applicant and the requirement to cooperate is included in any subcontract Awarded Applicant awards.

16.17.2 Awarded Applicant shall maintain its records and accounts in a manner which shall assure a full accounting for all funds received and expended by Awarded Applicant in connection with the Contract. These records and accounts (which includes all receipts of expenses incurred by Awarded Applicant) shall be retained by Awarded Applicant and made available for inspecting, monitoring, programmatic or financial auditing, or evaluation by THECB and by others authorized by law or regulation to do so for a period of not less than five (5) years from the date of completion of the Contract or the date of the receipt by THECB of Awarded Applicant's final claim for payment or final expenditure report or until a resolution of all billing questions in connection with the Contract, whichever is later. If an audit has been announced, the records shall be retained until such audit has been completed. Awarded Applicant shall make available at reasonable times and upon reasonable notice, and for reasonable periods, all documents and other information related to the Contract. Awarded Applicant and any subcontractors shall provide any Audit Entities with any information the entity deems relevant to any monitoring, investigation, evaluation, or audit.

16.17.3 Each grantee institution shall have a system established in writing to ensure that appropriate officials provide all necessary organizational reviews and approvals for the expenditure of funds and for monitoring project performance and adherence to grant terms and conditions under the Contract. The grantee institution agrees to conduct audits all of its funded projects with its internal audit staff once during each round of grants and to furnish a copy of such complete audit~~s~~ reports to THECB. An audit guide, list of audit issues, and list of information to include in audit reports are available at www.thecb.state.tx.us/NHARP/.

16.17.4 THECB reserves the right to require the reimbursement of any over-payments determined as a result of any audit or inspection of records kept by Awarded Applicant on work performed under the Contract. Awarded Applicant shall reimburse THECB within 30 calendar days of receipt of notice from THECB of overpayment. Awarded Applicant's failure to comply with this "Audit and Access to Records" subsection shall constitute a material breach of the Contract.

16.18 ACCOUNTING SYSTEM

Awarded Applicant shall have an accounting system that accounts for cost in accordance with generally accepted accounting principles. Awarded Applicant's accounting system must include an accurate and organized file/records system for accounting and financial purposes for providing backup materials for billings.

16.19 DISPUTE RESOLUTION PROCESS

16.19.1 For non-state agencies (e.g. independent institutions of higher education), the dispute resolution process provided for in Chapter 2260 of the Texas Government Code shall be used, as further described herein, by THECB and Awarded Applicant to attempt to resolve any claim for breach of Contract made by Awarded Applicant:

16.19.1.1 An Awarded Applicant's claims for breach of the Contract that the parties cannot resolve in the ordinary course of business shall be submitted to the negotiation process provided in Chapter 2260, Subchapter B, of the Government Code. To initiate the process, the Awarded Applicant shall submit written notice, as required by Subchapter B, to THECB's Deputy Commissioner for Business and Finance. Said notice shall specifically state that the provisions of Ch. 2260, Subchapter B, are being invoked. A copy of the notice shall also be given to all other representatives of the THECB and the Awarded Applicant otherwise entitled to the notice under the parties' Contract. Compliance by the Awarded Applicant with Subchapter B is a condition precedent to the filing of a contested case proceeding under Chapter 2260, Subchapter C, of the Government Code.

16.19.1.2 The contested case process provided in Chapter 2260, Subchapter C, of the Government Code is the Awarded Applicant's sole and exclusive process for seeking a remedy for any and all alleged breaches of Contract by the THECB if the parties are unable to resolve their disputes under the preceding paragraph.

16.19.1.3 Compliance with the contested case process provided in Subchapter C is a condition precedent to seeking consent to sue from the Legislature under Chapter 107 of the Civil Practices and Remedies Code. Neither the execution of the Contract by the THECB nor any other conduct of any representative of the THECB relating to the Contract shall be considered a waiver of sovereign immunity to suit.

16.19.2 The submission, processing and resolution of the Awarded Applicant's claim are governed by the published rules adopted by the THECB pursuant to Ch. 2260 hereafter enacted or subsequently amended. These rules are found at 19 T.A.C. Section 1.11.

16.19.3 Neither the occurrence of an event nor the pendency of a claim shall constitute grounds for the suspension of performance by the Awarded Applicant, in whole or in part.

16.19.4 For state agencies (including public institutions of higher education as defined under Texas Education Code Section 61.003), the dispute resolution process provided for in Texas Government Code, Chapter 771 (the Interagency Cooperation Act) shall be used by THECB and the institution to attempt to resolve any claim for breach of contract.

16.20 NON-APPROPRIATION OF FUNDS

The Contract may be terminated if funds allocated to THECB should become reduced, depleted, or unavailable during the Contract period, and to the extent that THECB is unable to obtain additional funds for such purposes. THECB shall negotiate efforts as first consideration and if such efforts fail, then THECB shall immediately provide written notification to the Awarded Applicant of such fact and the Contract shall be deemed terminated upon receipt of the notification, and neither party shall have any further rights or obligations hereunder. Awarded Applicant shall not incur new obligations after the effective date of termination and shall cancel as many outstanding obligations as reasonably practicable. THECB shall be liable for costs incurred up to the time of such termination. Under no circumstances shall this RFA or any provisions herein be construed to extend the duties, responsibilities, obligations, or liabilities of the State of Texas or THECB beyond the then existing biennium.

16.21 REPORTING REQUIREMENTS

Awarded Applicant shall be required to complete a program evaluation for a Program funded as a result of this RFA. Reporting format will be provided by THECB to Awarded Applicant. THECB shall provide templates for reporting and the THECB evaluation staff shall provide standard data entry and transmission instructions and program evaluation templates as required under this RFA. The templates shall include, but may not be limited to:

16.21.1 *Program reports*. Program reports are due by the deadline outlined in Subsections 11.1-11.2.

16.21.2 *Financial Expenditure reports.* Final financial expenditure report is due by the deadline outlined in Subsection 11.3.

16.22 STATE FISCAL COMPLIANCE GUIDELINES

The standard financial management conditions and uniform assurances set out in the RFA are applicable to all grants, cooperative agreements, contracts and other financial assistance arrangements executed between state agencies, local governments and any other sub-recipient not specifically excluded by state or federal law. All applicable conditions and uniform assurances can be found at http://governor.state.tx.us/files/state-grants/UGMS062004.doc .

16.23 APPLICABLE LAW AND VENUE

The Contract and any incorporated documents shall be governed by and construed in accordance with the laws of the State of Texas. The exclusive venue of any suit brought concerning the Contract and any incorporated documents is fixed in any Court of competent jurisdiction in Travis County, Texas, and all payments under the Contract shall be due and payable in Travis County, Texas.

16.24 APPLICANT RESPONSIBILITIES

Applicant shall comply with all federal, state and local laws, statutes, ordinances, rules and regulations and the orders and decrees of any court or administrative bodies or tribunals in any matter affecting the performance of the Contract, including, if applicable, workers compensation laws, compensation statutes and regulations, and licensing laws and regulations. When requested to do so by THECB, Applicant shall furnish THECB with satisfactory proof of its compliance.

16.25 PRINCIPAL INVESTIGATOR ABSENCE OR CHANGES

16.25.1 *Notification of absence of Principal Investigator*
THECB shall be notified via an online Notice of Leave prior to a Principal Investigator's absence from campus for a period of more than six weeks.

16.25.2 *Changes in Principal Investigator*
If a Principal Investigator leaves the grantee institution or otherwise relinquishes active direction of the project, the institution must notify THECB before the Principal Investigator leaves. Awards may not be transferred to universities in other states or to any organizations other than eligible institutions of higher education within Texas, and then only with THECB approval.

16.26 ELIGIBILITY/AUTHORIZATION TO WORK IN THE UNITED STATES

Awarded Applicant shall ensure that all personnel provided to perform work under the Contract possess proof of eligibility/authorization to work in the United States in compliance with the Immigration Reform and Control Act of 1986, the Immigration Act of 1990, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Awarded Applicant shall maintain written records on all personnel provided under the Contract and shall provide such records to THECB upon request. Failure to maintain and provide records upon request shall represent a material breach of this Contract and THECB shall have the right to terminate the Contract for cause. Awarded Applicant shall ensure this section is included in all subcontracts it is authorized by THECB to enter.

16.27 AFFIRMATION CLAUSES

Applicant has not given, offered to give, nor intends to give at anytime hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, travel, favor, or service to a THECB public servant, including employees, in connection with the submitted response.

Neither Applicant nor the firm, corporation, partnership, entity, or institution represented by Applicant or anyone acting for such firm, corporation, partnership, entity, or institution has (1) violated the antitrust laws of the State of Texas under

Texas Business & Commerce Code, Chapter 15, or the federal antitrust laws, or (2) communicated the contents of this Application either directly or indirectly to any competitor or any other person engaged in the same line of business during the procurement process for this RFA.

If applicable, the Texas business address shown herein is, in fact, the legal business address of Applicant and Applicant qualifies as a Texas Resident Bidder under Texas Government Code Chapter 2252.

Under Texas Government Code § 2155.004, no person who was compensated by the THECB to assist in preparing the RFA specifications or this RFA has any financial interest in Applicant's Application. If Applicant is not eligible, then any contract resulting from this RFA shall be immediately terminated. Further, under Section 2155.004, Texas Government Code, Applicant certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate.

THECB is federally mandated to adhere to the directions provided in the President's Executive Order (EO) 13224, Executive Order on Terrorist Financing – Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism, effective 9/24/2001 and any subsequent changes made to it via cross-referencing Applicants with the Federal General Services Administration's Excluded Parties List System (EPLS, http://www.epls.gov), which is inclusive of the United States Treasury's Office of Foreign Assets Control (OFAC) Specially Designated National (SDN) list. Applicant is not so prohibited from entering into this contract. Moreover, Applicant further certifies that the responding entity and its principals are eligible to participate in this transaction and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state or local governmental entity and that Applicant is in compliance with the State of Texas statutes and rules relating to procurement and that Applicant is not listed on the federal government's terrorism watch list as described in Executive Order 13224. (Entities ineligible for federal procurement are listed at http://www.epls.gov.)

Under Section 2155.006(b) of the Texas Government Code, a state agency may not accept a bid or award a contract, including a contract for which purchasing authority is delegated to a state agency, that includes proposed financial participation by a person who, during the five-year period preceding the date of the bid or award, has been: (1) convicted of violating a federal law in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459(a)(2), Texas Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005; or (2) assessed a penalty in a federal civil or administrative enforcement action in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459(a)(2), Texas Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005. Under Section 2155.006 of the Texas Government Code, Applicant certifies that the individual or business entity named in this Application is not ineligible to receive a contract resulting from this RFA and acknowledges that any contract

resulting from this RFA may be terminated and payment withheld if this certification is inaccurate.

Appendix A

Norman Hackerman Advanced Research Program

2011 INSTRUCTIONS FOR REVIEW OF PROPOSALS

The Texas Higher Education Coordinating Board's Norman Hackerman Advanced Research Program (NHARP) supports basic research designed to attract and retain the best researchers and students. It supports projects that help provide the knowledge base needed for innovation.

The review and evaluation of the proposals by national expert reviewers is a key factor in the selection process for funding. A high quality review process is essential to the success of NHARP.

A reviewer's responsibility is to:

- select, from the pre-proposals submitted and assigned, project leaders that should be invited to submit a full proposal,
- select and recommend to the proposal review panel the assigned proposals that should be considered for funding, and
- deliberate within the panel proposal review proceedings towards panel consensus of proposal rank for all proposals submitted.

Principal Investigators will not be given an opportunity to modify proposals in response to reviewer evaluations and comments.

A. CHARACTERISTICS OF THE NHARP REVIEW

Funded projects can be classified as basic research.

Funded projects promise top-quality science.

NHARP seeks to fund the best projects based on scientific merit. The quality of the funded proposals should be comparable to those supported by national funding agencies.

Awards have a high potential for making an impact in the scientific community.

Impact is measured by the degree to which the work has the potential of making a difference.

The review panels have great flexibility in selecting the proposals they recommend for funding.

This allows review panels to consider scientific merit and impact in light of a Principal Investigator's institutional setting and goals.

Funded projects provide quality research opportunities for undergraduate, graduate, and postdoctoral students.

Proposal evaluation considers the education and training value a project would provide. Student contributions have to be integrated sensibly with the goals of the project.

NHARP is not restricted to seed funding.

Principal Investigators who currently have other sources of support are eligible for support under the NHARP. It is appropriate to consider other commitments in evaluating an Principal Investigator's ability to handle the additional responsibilities of the proposed project.

Principal Investigators who currently are funded by an NHARP award should neither be penalized nor given priority for funding.

However, unsuccessful leveraging of previously received NHARP funding should be considered during proposal review.

Final proposal assessment and rank is based on review panel consensus that follows an oral panel deliberation.

While the proposal review starts with two reviewers evaluating a pre-proposal, and later a proposal, independently of each other, review panel consensus determines final proposal rating. It is important that reviewers clearly indicate the final panel opinion in the written comment section of their reviews.

B. CONFLICT OF INTEREST AND CONFIDENTIALITY

If a reviewer has an affiliation or financial connection with an institution or a person submitting a proposal that might be construed as creating a conflict of interest, the reviewer should consult Stacey Silverman at 512-427-6206 or Stacey.Silverman@thecb.state.tx.us.

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The names and affiliations of all reviewers will be available to the public following the public announcement of awards.

C. GUIDELINES FOR REVIEW

The panel chair will assign a set of pre-proposals, and later proposals, to each reviewer. Every effort will be made to match a reviewer's areas of research interest with the topics of assigned proposals. However, it is not always possible to have an exact match. *Proposals must be written such that an expert in the research field, but not necessarily an expert in the exact research specialty, can understand the proposal*. A reviewer should contact THECB staff in the rare case that a reviewer would not be qualified to review a proposal.

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  - consider the likelihood the project will achieve valuable results;
  - consider whether the proposed project would contribute to the scientific community;
  - consider the innovation and originality of the proposed project;
  - consider the logic and feasibility of the proposed methodologies and the soundness of the proposed conduct for the research.
- **Student Involvement**
  - consider if the proposed project would integrate undergraduate and/or graduate students into the project in a meaningful way (for universities, undergraduate student participation is required; at health science centers, graduate students, including post-doctoral students, may participate instead of undergraduate students);
  - consider whether the project would allow students to gain an understanding of the process of research through participation;
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- **Research Personnel**
  - consider past performance, experience, and potential of the Principal Investigator with respect to the proposed project;
  - consider adequacy of support staff needed for the project.
- **Resources**
  - consider whether the proposal adequately documents the facilities and physical resources necessary to accomplish the research;
  - consider whether facilities and physical resources available are appropriate for the proposed project.

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During pre-proposal review, two reviewers will independently evaluate each pre-proposal and recommend either CONTINUE or DO NOT CONTINUE. Principal Investigators with pre-proposals that receive two CONTINUE recommendations will be invited to submit a proposal. Principal Investigators with pre-proposals that receive one or more DO NOT CONTINUE recommendations will not be invited.

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Four review criteria must be rated by means of seven radio buttons that range from "excellent" (6 points) to "poor" (0 points). Reviewers should refer to the general guidelines of how to evaluate a project, presented in Section C above. The online system titles for the pre-proposal review criteria correspond to the four required sections in the pre-proposal project summary. These are:

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2. **Student Education and Training**
3. **Research Personnel**
4. **Facilities and Resources**

The reviewer must provide a written comment that will serve as feedback to the Principal Investigator on his/her proposal. The written comment is a requirement and the evaluation is not complete without it. *For pre-proposals that receive a DO NOT CONTINUE recommendation, please include a comment about what was lacking and why the work was not recommended for continuation*.

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After the panel chair assigns a set of proposals to each reviewer for evaluation, reviewers will have until the adjournment of panel meetings to review and make recommendations through the NHARP online system.

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Reviewers should refer to the general guidelines of how to evaluate a project, presented in Section C above. The online system includes pre-formulated reviewer comments, one of which may be selected for each of the six review criteria within the four weighted categories:

Merit and Soundness of Proposal (40 percent)

1. *Scientific Base and Importance*

   Pre-formulated Reviewer Comments:

   - Research of far-reaching significance and based on quality, adequately referenced, scientific work
   - Research important to development of the discipline and based on quality, adequately referenced work
   - Research important to development of the discipline but based on more speculative research
   - Research is significant in only a narrow area
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2. *Originality*

Pre-formulated Reviewer Comments:

- Original idea that looks feasible
- Established technique applied to new area
- Idea previously investigated

3. *Research Plan and Budget*

Pre-formulated Reviewer Comments:

- Well-documented research plan with appropriate budget and time schedule
- Feasible plan, but proposed budget or schedule is 25 percent greater or less than what is needed to do the job
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4. *Education and Training of Undergraduate Students, Graduate Students and Post-Doctoral Trainees*

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- Research designed to attract, retain, and enhance the qualifications of the best students and researchers
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Capability of The Principal Investigator (20 percent)

5. *Staff*

Pre-formulated Reviewer Comments:

- Principal Investigator capable of conducting outstanding research in the proposed area and qualified support personnel listed
- Principal Investigator with some experience in this area and qualified support personnel listed
- Principal Investigator with qualified support staff needed but not included
- Principal Investigator with thus far little demonstrated potential for research in this area

Adequacy of Institutional Commitment and Resources (10 percent)

6. *Institutional Priority and Available Laboratory Equipment*

Pre-formulated Reviewer Comments:

- Clear institutional priority with significant institutional support and needed equipment in place
- Clear institutional priority with significant institutional support and equipment can reasonably be expected to be in place when needed
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F. GUIDELINES FOR PROPOSAL REVIEW DURING PANEL MEETINGS

Every reviewer will take part in a discussion of each of the assigned proposals during panel deliberations. Each proposal is assigned to two reviewers, who share equal responsibility for presenting his/her evaluation. The panel, by consensus, may revise the individual reviewer scores with a panel score; may suggest revisions to the evaluation and comments; or may provide a separate comment based on the panel consensus. Evaluations by both reviewers will be made available online to the Principal Investigator. Principal Investigators will not receive scores, which serve as tools for panel deliberation only, but will receive proposal rank and evaluation.

A special electronic tool for ranking NHARP proposals will be used to facilitate comparisons of scores and reviews of individual proposals. Panel members will have access to all proposals within their research area and can view evaluation scores, funding categories, and rank for any of these proposals.

The panel will select from among its members a “scribe.” For each individual proposal, the scribe will record, using the ranking tool, the proposal’s fund category, rank as result of panel consensus, and any additional comments from the panel.

NHARP has three funding categories based on scores:

- Fund – Priority 1: for proposals scoring 86-100 points
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The panel will assign a funding category to each proposal. The number of proposals that receive a top rating (“Fund Priority 1”) should be driven by the quality of the proposals submitted and not by the amount of funds available for awards.

If there is a major flaw in any area of a proposal, we urge reviewers to recommend that it not be funded (fund category Do Not Fund), even though it might score high in other areas. Proposals in which the proposed work is applied research, rather than basic research, should be put in fund category Do Not Fund. Proposals that are recommended by both reviewers for the Do Not Fund category do not require further deliberation by the panel or a panel consensus comment.

After reviewer presentation and panel deliberation, and after determination of fund categories, the panel will make a consensus decision with regard to the numerical rank of the top proposals. The panel will numerically rank all proposals for which funding is available, plus four additional proposals that rank below the funding cut-off. (The electronic ranking tool will provide a running award sum for all top-ranked proposals.)

Individual reviewers are free to revise their part of the evaluation form at any time until the conclusion of the panel review proceedings. *However, the panel as a group must ensure that Principal Investigators receive comments that reflect panel consensus, either through the individual reviewers' comments or through separate panel comments*.

Appendix B

THECB Contract Number: **XXXX**
Appropriation Year: **XX**

Notice of Grant Award Agreement

to

_____

Grantee Name and Address:	Amount of Award:
	Principal Investigator:
	Division:
	Term of Grant: **XXXX** to **XXX**
	Payment Issuance: **In full upon execution.** The advancement of funds is necessary to enable the Grantee to fully perform the Services described in their Proposal.

The approved signature below serves as a formal acceptance by the Texas Higher Education Coordinating Board (THECB) of the Proposal (and its addenda, if any) submitted by the Grantee, and the approval of this Notice of Grant Award (NOGA) creates a legally binding agreement between the Grantee and THECB. The Program requirements (e.g., objectives, scope, budget, methodology) as stated in (1) the applicable federal and/or state statute and regulations, (2) the original Norman Hackerman Advanced Research Program Request for Applications including any addenda issued, (3) addenda to the original Grantee's Proposal (if applicable), and (4) Grantee's Proposal are incorporated into and made a part of this NOGA for all purposes, supersede any prior or contemporaneous understandings between the parties pertaining to the subject matter herein whether oral or written, and collectively constitute the entire agreement between the parties. In the event of a conflict in the language contained in the incorporated documents, conflicts shall be resolved by reference to the language contained in the documents in the order listed above. Any changes in the approved Grant must follow THECB's process. Any funds received by Grantee and not expended prior to the end of the grant term indicated above shall be returned to THECB within ninety (90) days unless otherwise agreed by THECB and Grantee.

Debarment/Suspension Certification: The Grantee certifies that the jurisdiction and its' contractors/vendors are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded by any state or federal department or agency and do not appear in the Excluded Parties List System at http://www.epls.gov.

Approving THECB Official:

_____ Date_____

Grantee Acceptance: I have read and understand and agree to the Terms and Conditions.

Authorized Grantee Official:

_____ Date_____

Appendix C

RFA DEFINITIONS

The following definitions shall apply:

1. **Applicant** – A Principal Investigator from an eligible Texas public or independent institutions of higher education, as defined in Section 4.1 of this RFA, submitting an Application in accordance with the terms and conditions of this RFA.

2. **Application** – The final document submitted by an Applicant to THECB in response to and in accordance with the terms of this RFA.

3. **Awarded Applicant or Sub-Recipient** – The successful recipient ultimately awarded a Contract by THECB who is responsible for performing all services and activities required to fully comply with Contract performance requirements and all Contract terms and conditions.

4. **FERPA** – The Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g, and the federal regulations, 34 CFR Part 99, which is a federal law regarding the privacy of student records and the obligations of the institution, primarily in the areas of release of the records and the access provided to these records. Any educational agency or institution that receives funds under any program administered by the U.S. Secretary of Education is bound by FERPA requirements. Institutions that fail to comply with FERPA may have funds administered by the Secretary of Education withheld.

5. **NHARP –** The Norman Hackerman Advanced Research Program.

6. **NOGA** – Notice of Grant Award – Term applied to the official document used by THECB to notify grantees that funding has been approved. NOGAs include such information as award amount, project and budget periods, and specific award terms and conditions.

7. **State of Texas Business Days** - Monday through Friday, 8:00 a.m. to 5:00 p.m., except for scheduled State of Texas and national holidays.

8. **THECB** – The Texas Higher Education Coordinating Board, an agency of the State of Texas.

This document is available on the Texas Higher Education Coordinating Board Website:
http://www.thecb.state.tx.us/reports/PDF/nharp/rfa/

Appendix A

Norman Hackerman Advanced Research Program

2011 INSTRUCTIONS FOR REVIEW OF PROPOSALS

The Texas Higher Education Coordinating Board's Norman Hackerman Advanced Research Program (NHARP) supports basic research designed to attract and retain the best researchers and students. It supports projects that help provide the knowledge base needed for innovation.

The review and evaluation of the proposals by national expert reviewers is a key factor in the selection process for funding. A high quality review process is essential to the success of NHARP.

A reviewer's responsibility is to:

- select, from the pre-proposals submitted and assigned, project leaders that should be invited to submit a full proposal,
- select and recommend to the proposal review panel the assigned proposals that should be considered for funding, and
- deliberate within the panel proposal review proceedings towards panel consensus of proposal rank for all proposals submitted.

Principal Investigators will not be given an opportunity to modify proposals in response to reviewer evaluations and comments.

A. CHARACTERISTICS OF THE NHARP REVIEW

Funded projects can be classified as basic research.

Funded projects promise top-quality science.

NHARP seeks to fund the best projects based on scientific merit. The quality of the funded proposals should be comparable to those supported by national funding agencies.

Awards have a high potential for making an impact in the scientific community.

Impact is measured by the degree to which the work has the potential of making a difference.

The review panels have great flexibility in selecting the proposals they recommend for funding.

This allows review panels to consider scientific merit and impact in light of a Principal Investigator's institutional setting and goals.

Funded projects provide quality research opportunities for undergraduate, graduate, and postdoctoral students.

Proposal evaluation considers the education and training value a project would provide. Student contributions have to be integrated sensibly with the goals of the project.

NHARP is not restricted to seed funding.

Principal Investigators who currently have other sources of support are eligible for support under the NHARP. It is appropriate to consider other commitments in evaluating an Principal Investigator's ability to handle the additional responsibilities of the proposed project.

Principal Investigators who currently are funded by an NHARP award should neither be penalized nor given priority for funding.

However, unsuccessful leveraging of previously received NHARP funding should be considered during proposal review.

Final proposal assessment and rank is based on review panel consensus that follows an oral panel deliberation.

While the proposal review starts with two reviewers evaluating a pre-proposal, and later a proposal, independently of each other, review panel consensus determines final proposal rating. It is important that reviewers clearly indicate the final panel opinion in the written comment section of their reviews.

B. CONFLICT OF INTEREST AND CONFIDENTIALITY

If a reviewer has an affiliation or financial connection with an institution or a person submitting a proposal that might be construed as creating a conflict of interest, the reviewer should consult Stacey Silverman at 512-427-6206 or Stacey.Silverman@thecb.state.tx.us.

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Capability of The Principal Investigator (20 percent)

5. *Staff*

   Pre-formulated Reviewer Comments:

   - Principal Investigator capable of conducting outstanding research in the proposed area and qualified support personnel listed
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6. *Institutional Priority and Available Laboratory Equipment*

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Appropriation Year: **XX**

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to

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	Term of Grant: **XXXX** to **XXX**
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Debarment/Suspension Certification: The Grantee certifies that the jurisdiction and its' contractors/vendors are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded by any state or federal department or agency and do not appear in the Excluded Parties List System at http://www.epls.gov.

Approving THECB Official:

_____ Date_____

Grantee Acceptance: I have read and understand and agree to the Terms and Conditions.

Authorized Grantee Official:

_____ Date_____

Appendix C

RFA DEFINITIONS

The following definitions shall apply:

1. **Applicant** – A Principal Investigator from an eligible Texas public or independent institutions of higher education, as defined in Section 4.1 of this RFA, submitting an Application in accordance with the terms and conditions of this RFA.

2. **Application** – The final document submitted by an Applicant to THECB in response to and in accordance with the terms of this RFA.

3. **Awarded Applicant or Sub-Recipient** – The successful recipient ultimately awarded a Contract by THECB who is responsible for performing all services and activities required to fully comply with Contract performance requirements and all Contract terms and conditions.

4. **FERPA** – The Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g, and the federal regulations, 34 CFR Part 99, which is a federal law regarding the privacy of student records and the obligations of the institution, primarily in the areas of release of the records and the access provided to these records. Any educational agency or institution that receives funds under any program administered by the U.S. Secretary of Education is bound by FERPA requirements. Institutions that fail to comply with FERPA may have funds administered by the Secretary of Education withheld.

5. **NHARP –** The Norman Hackerman Advanced Research Program.

6. **NOGA** – Notice of Grant Award – Term applied to the official document used by THECB to notify grantees that funding has been approved. NOGAs include such information as award amount, project and budget periods, and specific award terms and conditions.

7. **State of Texas Business Days** - Monday through Friday, 8:00 a.m. to 5:00 p.m., except for scheduled State of Texas and national holidays.

8. **THECB** – The Texas Higher Education Coordinating Board, an agency of the State of Texas.

This document is available on the Texas Higher Education Coordinating Board Website:
http://www.thecb.state.tx.us/reports/PDF/nharp/rfa/