

**PART 34—ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH FOR-PROFIT ORGANIZATIONS**

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 113.

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**Subpart A—General**

- Sec.
- 34.1 Purpose.
- 34.2 Definitions.
- 34.3 Deviations.
- 34.4 Special award conditions.

**Subpart B—Post-Award Requirements**

**FINANCIAL AND PROGRAM MANAGEMENT**

- 34.10 Purpose of financial and program management.
- 34.11 Standards for financial management systems.
- 34.12 Payment.
- 34.13 Cost sharing or matching.
- 34.14 Program income.
- 34.15 Revision of budget and program plans.
- 34.16 Audits.
- 34.17 Allowable costs.
- 34.18 Fee and profit.

**PROPERTY STANDARDS**

- 34.20 Purpose of property standards.
- 34.21 Real property and equipment.
- 34.22 Federally owned property.
- 34.23 Property management system.
- 34.24 Supplies.
- 34.25 Intellectual property developed or produced under awards.

**PROCUREMENT STANDARDS**

- 34.30 Purpose of procurement standards.
- 34.31 Requirements.

**REPORTS AND RECORDS**

- 34.40 Purpose of reports and records.
- 34.41 Monitoring and reporting program and financial performance.
- 34.42 Retention and access requirements for records.

**TERMINATION AND ENFORCEMENT**

- 34.50 Purpose of termination and enforcement.
- 34.51 Termination.
- 34.52 Enforcement.
- 34.53 Disputes and appeals.

**Subpart C—After-the-Award Requirements**

- 34.60 Purpose.
- 34.61 Closeout procedures.
- 34.62 Subsequent adjustments and continuing responsibilities.
- 34.63 Collection of amounts due.

**APPENDIX A TO PART 34—CONTRACT PROVISIONS**

**Subpart A—General**

**§ 34.1 Purpose.**

(a) This part prescribes administrative requirements for awards to for-profit organizations.

(b) Applicability to prime awards and subawards is as follows:

(1) *Prime awards.* DoD Components shall apply the provisions of this part to awards to for-profit organizations. DoD Components shall not impose requirements that are in addition to, or inconsistent with, the requirements provided in this part, except:

(i) In accordance with the deviation procedures or special award conditions in § 34.3 or § 34.4, respectively; or

(ii) As required by Federal statute, Executive order, or Federal regulation implementing a statute or Executive order.

(2) *Subawards.* (i) Any legal entity (including any State, local government, university or other nonprofit organization, as well as any for-profit entity) that receives an award from a DoD Component shall apply the provisions of this part to subawards with for-profit organizations. It should be noted that subawards (see definition in § 34.2) are financial assistance for substantive programmatic performance and do not include recipients' procurement of goods and services.

(ii) For-profit organizations that receive prime awards covered by this part shall apply to each subaward the administrative requirements that are applicable to the particular type of subrecipient (e.g., 32 CFR part 33 specifies requirements for subrecipients that are States or local governments, and 32 CFR part 32 contains requirements for universities or other nonprofit organizations).

**§ 34.2 Definitions.**

The following are definitions of terms as used in this part. Grants officers are cautioned that terms may be defined differently in this part than they are in other parts of the DoD Grant and Agreement Regulations (DoDGARs).