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CHAPTER 141
DEPARTMENT OF STATE LANDS

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FILING CAPTION: Amend/Adopt 141-141, Rules Governing the Oregon Ocean Science Trust

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RULES:

141-141-0100, 141-141-0110, 141-141-0120, 141-141-0130, 141-141-0140, 141-141-0150, 141-141-0160, 141-141-0170, 141-141-0180

AMEND: 141-141-0100

REPEAL: Temporary 141-141-0100 from DSL 1-2020

RULE TITLE: Purpose and Applicability

NOTICE FILED DATE: 05/29/2020

RULE SUMMARY: 141-141-0100 is amended to recognize the broader scope of the rule division, to update statutes implemented, and to change the acronym "OST" to "OOST."

RULE TEXT:

These rules govern the Oregon Ocean Science Trust (OST).

STATUTORY/OTHER AUTHORITY: ORS 196.565(6)

STATUTES/OTHER IMPLEMENTED: ORS 196.565–196.570

AMEND: 141-141-0110

REPEAL: Temporary 141-141-0110 from DSL 1-2020

RULE TITLE: Policies

NOTICE FILED DATE: 05/29/2020

RULE SUMMARY: 141-141-0110 is amended to more closely align with the statutory direction of the Trust, to update statutes implemented, and to change the acronym "OST" to "OOST."

RULE TEXT:

- (1) The OOST shall promote peer-reviewed, competitive research and monitoring that leads to increased knowledge and understanding of Oregon's ocean and coastal resources.
- (2) The OOST shall promote innovative, collaborative, community-oriented, multi-institutional approaches to research, monitoring and data management related to Oregon's ocean and coastal resources.
- (3) The OOST shall enhance this state's capacity for peer-reviewed scientific ocean and coastal research; and
- (4) The OOST shall, subject to available funding, establish and execute a competitive grant program to conduct research and monitoring related to Oregon's ocean and coastal resources. [2013 c.776 §2]

STATUTORY/OTHER AUTHORITY: ORS 196.565(6)

STATUTES/OTHER IMPLEMENTED: ORS 196.565–196.570

AMEND: 141-141-0120

RULE TITLE: Definitions

NOTICE FILED DATE: 05/29/2020

RULE SUMMARY: 141-141-0120 is amended to define "peer review," remove the definition of "technical review," update statutes implemented, and change the acronym "OST" to "OOST."

RULE TEXT:

(1) "Oregon Ocean Science Trust (OOST)" has the meaning provided in ORS 196.565.

(2) "Oregon's Ocean and Coastal Resources" means the ocean and coast resources under the jurisdiction of the state of Oregon and adjacent waters.

(3) "Period of Performance" means the period between the project start and end dates as specified in the executed grant agreement.

(4) "Person" means any individual or entity.

(5) "Science and Technical Advisory Committee (STAC)" has the meaning provided in ORS 196.451

(6) "Peer Review" means scrutiny of work or ideas by colleagues (peers) who are qualified to provide scientific merit-based review.

STATUTORY/OTHER AUTHORITY: ORS 196.565(6)

STATUTES/OTHER IMPLEMENTED: ORS 196.565–196.570

AMEND: 141-141-0130

REPEAL: Temporary 141-141-0130 from DSL 1-2020

RULE TITLE: Competitive Grants Process

NOTICE FILED DATE: 05/29/2020

RULE SUMMARY: 141-141-0130 is amended to clarify the OOST's authority to pay for administrative costs, and provide third-party administrators the ability to make funding decisions, consistent with the new authority granted by SB 753 (2019). The acronym "OST" is changed to "OOST," statutes implemented are updated to align with 2019 legislation, minor grammatical corrections are made, and the term "technical review" is replaced with "peer review."

RULE TEXT:

(1) The OOST shall oversee a competitive grants process that will carry out funding priorities established by the OOST.

(2) The OOST, or a third-party administrator selected by the OOST, shall solicit and review proposals to address the funding priorities.

(3) The OOST may use a portion of funds available to support the administrative costs of the OOST or the costs of a third-party administrator selected by the OOST.

(4) The competitive grants process shall consist of the following:

(a) Development of a request for proposals (RFP).

(A) The OOST shall develop an RFP for each grant cycle.

(B) Pre-proposals may be requested depending on the scope of the RFP. Requirements of any pre-proposals will be described in the RFP.

(b) Issuance and notification of the RFP.

(A) Any person may submit a proposal to the competitive grant program in accordance with the eligibility requirements outlined in the RFP.

(B) Details of proposal length and scope will be specified in the RFP and shall include information necessary for objective evaluation of the submission such as but not limited to:

(i) Qualifications of investigators to complete the work;

(ii) Alignment of proposed activities with OOST funding priorities;

(iii) Potential partners and their anticipated involvement;

(iv) Identification of a fiscal agent;

(v) Planned outcomes;

(vi) Realistic project timeline;

(vii) Budget and budget justification, including sources and amount of cash and in-kind matching funds;

(viii) Peer review process; and

(ix) Data management plan.

(c) Peer review of all proposals received in response to the RFP.

(A) Written evaluation of each project based on established criteria shall be provided by peer reviewers to the OOST along with funding recommendations. Review criteria may include but are not limited to:

(i) Projects that are cost-effective, innovative, collaborative and multi-institutional; and

(ii) Include involvement by, or address issues relevant to, community stakeholders with interests in Oregon's ocean and coastal resources.

(B) Actual and perceived conflicts of interest shall be avoided in the review process.

(d) Selection of proposals to be funded, contingent upon availability of funds.

(A) In the event a third-party administrator is selected by the OOST to manage the competitive grants process, the third party shall provide recommendations to the OOST based on the peer review process. The OOST is the final decision authority in selection of proposals to be funded, unless such authority is inconsistent with the terms of any agreement reached under OAR 141-141-0180.

(B) The OOST's funding decision shall take into account overall programmatic considerations such as but not limited to:

- (i) The balance of priorities addressed;
 - (ii) Geographic regions and communities represented; and
 - (iii) The diversity of participants within the portfolio of proposals being considered.
- (C) Notification of supported projects shall be publicly disseminated.
- (e) Development and execution of grant agreements with selected proposals and their applicants.
- (A) Each successful applicant shall enter into a grant agreement with the OOST or its administrator.
- (B) All grant agreements will be on a form provided by the OOST that has been approved by the Oregon Department of Justice.
- (C) No grant expenditures may be incurred outside of the period of performance.
- (D) The grant agreement describes requirements as determined by the OOST, which may include but are not limited to those related to:
- (i) Schedule and submission of deliverables;
 - (ii) Project management;
 - (iii) Allowable administrative costs;
 - (iv) Insurance requirements;
 - (v) Schedule for the release of grant payments;
 - (vi) Requirements for release of funds;
 - (vii) Data accessibility;
 - (viii) Compliance with local, state, federal and other applicable regulations; and
 - (ix) Programmatic and financial reporting.
- (f) Engagement and management of interactions with applicants during proposal development and review, and project and grant execution including but not limited to technical and fiscal oversight.
- (A) The OOST, or third-party administrator, will serve as the point-of-contact for management and questions regarding all aspects of the grant program.
- (B) The OOST reserves the right to negotiate and/or adjust the final grant amount and work plan prior to the award as appropriate and consistent with OOST policy and fund availability.
- (g) Management of grant reporting requirements.
- (A) Programmatic and financial reporting requirements will be outlined in the grant agreement.
- (B) Continued support of grants is subject to compliance with grant agreements and approval of required reports.
- (C) Future funding is contingent on successful completion and reporting of existing grants.

STATUTORY/OTHER AUTHORITY: ORS 196.565(6)

STATUTES/OTHER IMPLEMENTED: ORS 196.565–196.570

AMEND: 141-141-0140

RULE TITLE: Management of data reporting and data management requirements

NOTICE FILED DATE: 05/29/2020

RULE SUMMARY: 141-141-0140 is amended to update statutes implemented, correct minor grammatical errors, and change the acronym "OST" to "OOST."

RULE TEXT:

(1) Data and information collected or created under OOST grants must be publicly visible and accessible in a timely manner at no cost, with the exception of reproduction costs, in a format which is machine-readable and based on open standards along with the metadata necessary to find and properly use the data.

(2) The grant agreement shall stipulate when data access must be provided. The data access deadline shall be no later than two years after the performance period ends except where limited by law, regulation, policy or by security requirements.

(3) The RFP shall stipulate requirements for proposals to include data management and accessibility plans.

(4) Applicants who fail to share data as required in the grant agreement may be subject to a number of sanctions including but not limited to denial of future awards, freezing of funds in any current awards, or repayment of the award.

STATUTORY/OTHER AUTHORITY: ORS 196.565(6)

STATUTES/OTHER IMPLEMENTED: ORS 196.565–196.570

AMEND: 141-141-0150

RULE TITLE: Request for Qualifications (RFQ)

NOTICE FILED DATE: 05/29/2020

RULE SUMMARY: 141-141-0150 is amended to update statutes implemented, correct minor grammatical errors, and change the acronym "OST" to "OOST."

RULE TEXT:

- (1) The OOST may request qualifications in order to support a project or activity that has not been proposed for funding through the competitive grants process but may be necessary for the OOST to address one or more funding priorities.
- (2) Proposals submitted by qualified applicants shall be managed in the same manner as outlined in OAR 141-141-0130 and 141-141-0140 above.

STATUTORY/OTHER AUTHORITY: ORS 196.565(6)

STATUTES/OTHER IMPLEMENTED: ORS 196.565–196.570

AMEND: 141-141-0160

RULE TITLE: Competitive Grants Program Evaluation

NOTICE FILED DATE: 05/29/2020

RULE SUMMARY: 141-141-0160 is amended to update statutes implemented, correct minor grammatical errors, and change the acronym "OST" to "OOST."

RULE TEXT:

- (1) The OOST shall request the competitive grants program be evaluated at regular intervals by the STAC based on evaluation criteria developed by the STAC in consultation with the OOST.
- (2) Results of the evaluation will be communicated to the Oregon State Legislature, the State Land Board and the public.

STATUTORY/OTHER AUTHORITY: ORS 196.565(6)

STATUTES/OTHER IMPLEMENTED: ORS 196.565–196.570

ADOPT: 141-141-0170

REPEAL: Temporary 141-141-0170 from DSL 1-2020

RULE TITLE: Grants to Public Entities

NOTICE FILED DATE: 05/29/2020

RULE SUMMARY: 141-141-0170 is adopted to explain the OOST's authority to make noncompetitive grants to public entities, and to extend grant eligibility to federally-recognized tribes in Oregon.

RULE TEXT:

(1) The OOST may make direct, noncompetitive grants to a public body as defined in ORS 174.109, a public university listed in ORS 352.002, or any federally recognized Indian tribe in Oregon, for projects that advance the strategic priorities of the OOST.

(2) The grant-making authority in subsection (1) is in addition to the authority in ORS 196.568 to reimburse the State Treasurer, the Department of State Lands, or other agencies for the costs of administering the fund or supporting the trust.

(3) The OOST may use a portion of funds received to support the administrative costs of the OOST.

STATUTORY/OTHER AUTHORITY: ORS 196.565(6)

STATUTES/OTHER IMPLEMENTED: ORS 196.565 - 196.570

ADOPT: 141-141-0180

REPEAL: Temporary 141-141-0180 from DSL 1-2020

RULE TITLE: Agreements with Private, Nonprofit Organizations

NOTICE FILED DATE: 05/29/2020

RULE SUMMARY: 141-141-0180 is adopted to explain the OOST's ability to enter into agreements with private, nonprofit organizations for fundraising and grant distribution.

RULE TEXT:

- (1) Under the direction of the OOST, the executive director of the OOST may enter into an agreement with a private, nonprofit organization under which the organization shall solicit gifts, grants and donations in support of the work of the trust.
- (2) The agreement may allow for the private, nonprofit organization to:
 - (a) Distribute the funds received for an activity that advances the strategic priorities of the OOST, consistent with the policies and procedures established by the private, nonprofit organization, and the statutes, rules, policies and procedures under which OOST operates, or
 - (b) Transfer the funds received to the OOST for deposit into the Oregon Ocean Science Fund to be used as provided for in ORS 196.567.
 - (c) Acknowledge that the OOST may use a portion of the funds received to support the administrative costs of the OOST.

STATUTORY/OTHER AUTHORITY: ORS 196.565(6)

STATUTES/OTHER IMPLEMENTED: ORS 196.565 - 196.570