A Primer for Departmental Administrators

Understanding the FAR

Presenters

Cara Egan-Williams
Office of Research – Sponsored Projects

Jason Gonzalez
Business & Financial Services - Purchasing

Lisa King
Electrical & Computer Engineering

Kevin Stewart
Office of Technology & Industry Alliances
Topics

- The Basics of the FAR
  - What is the FAR?
  - How to look up a FAR clause
  - FAR vs. UG

- Contractual Responsibilities under the FAR
  - PI, Departmental, and Central Responsibilities
    - Equipment Requirements
    - Additional Reporting
    - Small Business Subcontracting Plans
    - Payments & Invoicing
    - Additional Certifications

What is the FAR?

The Basics
What is the FAR?

FAR 1.101: Purpose.

- The Federal Acquisition Regulations System is established for the codification and publication of uniform policies and procedures for acquisition by all executive agencies. The Federal Acquisition Regulations System consists of the Federal Acquisition Regulation (FAR), which is the primary document, and agency acquisition regulations that implement or supplement the FAR.

What is the FAR?

- Federal Acquisition Regulations
  - Title 48 of the Code of Federal Regulations (CFR)
  - Government-wide procurement (contract) regulations
  - Individual agencies have their own implementation of the FAR
    - Defense Federal Acquisition Regulations (DFAR)
    - Army FAR (AFAR), Air Force FAR (AFFAR), etc...
    - Department of Energy Acquisition Regulations (DEAR)
    - Other agencies...
What is the FAR?

- FAR 1.102: Statement of guiding principles for the Federal Acquisition System.
  - (a) The vision for the Federal Acquisition System is to deliver on a timely basis the best value product or service to the customer, while maintaining the public’s trust and fulfilling public policy objectives.

Scenarios where the FAR will come into play...

- Proposals
  - Submission of a proposal to a Federal agency where a contract is requested as the funding mechanism
  - Submission of a proposal as a subcontractor, where prime is requesting a contract as the funding mechanism
    - Typically the case when a for-profit is the prime
Scenarios where the FAR will come into play...

- **Awards**
  - Federal agency awards a contract as the funding mechanism
    - Can be in response to a contract proposal **OR** a grant proposal
  - A Subcontract is issued by a prime contractor that incorporates the FAR from their prime contract
    - Prime contractor can be another university or non-profit, or a for-profit company

How is the FAR organized?

- **FAR 1.105-2** Arrangement of regulations.
  - (a) General. The FAR is divided into subchapters, parts (each of which covers a separate aspect of acquisition), subparts, sections, and subsections.
How is the FAR organized?

- Subchapter A—General
  - Parts 1 – 4
- Subchapter B—Competition and Acquisition Planning
  - Parts 5 – 12
- Subchapter C—Contracting Methods and Contract Types
  - Parts 13 – 18
- Subchapter D—Socioeconomic Programs
  - Parts 19 – 26
- Subchapter E—General Contracting Requirements
  - Parts 27 – 33
- Subchapter F—Special Categories of Contracting Requirements
  - Parts 34 – 41
- Subchapter G—Contract Management
  - Parts 42 – 51
- Subchapter H—Clauses and Forms
  - Parts 52 – 53

How is the FAR organized?
Agency Implementations...

- Prefix numbering in clauses is consistent with the Chapter within the Title 48 of the CFR that the agency is assigned
  - Defense FAR (DFAR) – Chapter 2 of 48 CFR
    - Clause Numbering: 2xx
    - 252.227-7013 – Rights in Technical Data -- Noncommercial Items
  - Air Force FAR (AFFAR) – Chapter 53 of 48 CFR
    - Clause Numbering: 53xx
    - 5352.215-9000 – Facility clearance
  - Health & Human Services AR (HHSAR) - Chapter 3 of 48 CFR
    - Clause Numbering: 3xx
    - 352.270-13 – Tobacco-free facilities
Where do I find the FAR?

- Federal Site: https://www.acquisition.gov/far/
- Air Force Site http://farsite.hill.af.mil/

A Contract Subject to the FAR

- Just a page...
How to look up & interpret a FAR clause

- FAR Clause 52.216-7
  - Allowable Cost and Payment (JUN 2013)
    - Request Alternate II to clause – substitutes paragraph (a)(1) for version which replaces words “Subpart 31.2” with “Subpart 31.3”
How to look up & interpret a FAR clause
How to look up & interpret a FAR clause

(a) The contracting officer shall insert the clause at 52.201-7, Long Lead Time Items, in solicitations and contracts when a cost-reimbursement contract in which materials or services are ordered more than 60 days prior to the date of delivery of those materials or services, is contemplated. If the contract is for a commercial item, the clause at 52.201-7, and only the portion of the contract that provides for reimbursement of materials or services, is inserted in solicitations and contracts. The contracting officer shall use the clause at 52.201-7, and only the portion of the contract that provides for reimbursement of materials or services, is inserted in solicitations and contracts, when a contract is for a commercial item, and the materials or services are ordered more than 60 days prior to the date of delivery of those materials or services.

(b) The contracting officer shall also include the clause at 52.202, Assurance of Price, in solicitations and contracts when an additional assurance of price is required.

(c) The contracting officer shall use the clause at 52.201-8, Financial Assistance for Construction, in solicitations and contracts when construction is not a cost-sharing contract.

(d) The contracting officer shall use the clause at 52.201-9, Financial Assistance for Construction, in solicitations and contracts when construction is a cost-sharing contract.

(e) The contracting officer shall use the clause at 52.201-10, Financial Assistance for Construction, in solicitations and contracts when a cost-reimbursement contract is contemplated, and the materials or services are ordered more than 60 days prior to the date of delivery of those materials or services.

(f) The contracting officer shall use the clause at 52.201-11, Financial Assistance for Construction, in solicitations and contracts when a cost-reimbursement contract is contemplated, and the materials or services are ordered more than 60 days prior to the date of delivery of those materials or services.

How to look up & interpret a FAR clause

(a) The contracting officer shall insert the clause at 52.202-1, Cost-Plus Contract – No Fee, in solicitations and contracts when a cost-reimbursement contract is contemplated, and the materials or services are ordered more than 60 days prior to the date of delivery of those materials or services.

(b) The contracting officer shall use the clause at 52.202-2, Cost-Plus Contract – Firm Fee, in solicitations and contracts when a cost-reimbursement contract is contemplated, and the materials or services are ordered more than 60 days prior to the date of delivery of those materials or services.

(c) The contracting officer shall use the clause at 52.202-3, Cost-Plus Contract – Incentive Fee, in solicitations and contracts when a cost-reimbursement contract is contemplated, and the materials or services are ordered more than 60 days prior to the date of delivery of those materials or services.

(d) The contracting officer shall use the clause at 52.202-4, Cost-Plus Contract – Incentive Fee, in solicitations and contracts when a cost-reimbursement contract is contemplated, and the materials or services are ordered more than 60 days prior to the date of delivery of those materials or services.

(e) The contracting officer shall use the clause at 52.202-5, Cost-Plus Contract – Incentive Fee, in solicitations and contracts when a cost-reimbursement contract is contemplated, and the materials or services are ordered more than 60 days prior to the date of delivery of those materials or services.

(f) The contracting officer shall use the clause at 52.202-6, Cost-Plus Contract – Incentive Fee, in solicitations and contracts when a cost-reimbursement contract is contemplated, and the materials or services are ordered more than 60 days prior to the date of delivery of those materials or services.
How to look up & interpret a FAR clause

Interpretation of FAR Clause 52.216-7 Allowable Cost and Payment (JUN 2013)

- Request Alternate II to clause – substitutes paragraph (a)(1) for version which replaces words “Subpart 31.2” with “Subpart 31.3”
  - Establishes that OMB Circular A-21 applies to the contract (Cost Principles for Educational Institutions)
Contract Proposals

- If being submitted in response to a Request for Proposal (RFP) or Request for Quote (RFQ) (whether direct from Federal prime, or from prime contractor):
  - Request that RFP or RFQ be sent to SPO for review at least two weeks prior to submission deadline
    - In many instances, RFPs or RFQs will contain contract provisions that need to be agreed to prior to proposal submission

Items to be aware of:

- Concept of COMPETITION
- For anticipated subcontractors, need to solicit formal proposal from each
  - Any specialized information needed from us for submission may be also needed from each sub
  - SPO can assist with formulation of RFP to be sent out to anticipated subcontractors
# FAR vs. Uniform Guidance

**Uniform Guidance** - *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl

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## FAR vs. Uniform Guidance

<table>
<thead>
<tr>
<th>FAR (48 CFR 1-99)</th>
<th>UG (2 CFR 200)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Set of regulations applicable to Federal Contracts</td>
<td>Set of regulations applicable to Federal Grants &amp; Cooperative Agreements</td>
</tr>
<tr>
<td>Contains all administrative requirements for all types of entities (contractors), and all types of contracts</td>
<td>Contains all uniform administrative requirements applicable to non-Federal entity recipients (State &amp; local governments, Indian tribes, universities, and nonprofit organizations)</td>
</tr>
<tr>
<td>Individual clauses are listed in their full text in contract, or are individually incorporated by reference</td>
<td>Text of UG is incorporated by reference into grant or cooperative agreement award</td>
</tr>
</tbody>
</table>
FAR vs. Uniform Guidance

FEDERAL CONTRACT
- Applicable Cost Principles
  - FAR Clause 52.216-7, Alternate II (Allowable Cost & Payment)
    - (Currently invokes OMB Circular A-21, which is now 2 CFR 200, Subpart E)
- Applicable Audit Requirements
  - FAR Clause 52.215-2, Alternate II (Audit and Records – Negotiation)
    - (Currently invokes OMB Circular A-133, which is now 2 CFR 200, Subpart F)
- Applicable Administrative Requirements
  - Varies, as set forth in contract.

FEDERAL GRANT OR COOPERATIVE AGREEMENT
- Applicable Cost Principles
  - 2 CFR 200, Subpart E (Cost Principles)
- Applicable Audit Requirements
  - 2 CFR 200, Subpart F (Audit Requirements)
- Applicable Administrative Requirements
  - 2 CFR 200, Subparts A through D

FAR vs. Uniform Guidance

FAR
- Awards terms can vary greatly between contracts...

UNIFORM GUIDANCE
- Award terms are generally similar between grants...
Contractual Responsibilities under the FAR
FAR Clauses

Equipment Provisions

- FAR Clause 52.245-1
  Government Property (Apr 2012)
  Alternate II
Equipment Provisions

- Alternate II switches out the language in (e)(3) of the clause with requirements that are written specifically for educational institutions/non-profits.
- By default (even with the Alternate), title to equipment purchased under Federal contracts vests with the Government
  - UC title is sometimes successfully negotiated
  - Not usually attainable in industry flow-through

Equipment Provisions

- Requirements for Contractor-Acquired Property (Government title) and Government-Furnished Property
  - Must be used only for the contract under which it was purchased or provided
  - Prior authorization is needed before an individual equipment item can be used on another Government contract
  - The Government decides how the equipment is to be disposed of at end of contract (returned to them, kept by contractor, etc.)
**Equipment Provisions**

- In all instances:
  - Prior approval is needed for equipment purchases not in the approved budget
- Note:
  - Definition of Equipment
    - Acquisition Cost of greater than $5,000
    - Useful life of greater than one year

**Limitation of Funds Notification**

- FAR Clause 52.232-20
  Limitations of Cost (APR 1984)
- FAR Clause 52.232-22
  Limitation of Funds (APR 1984)
Limitation of Funds Notification

- PI & Department track expenditures on awards subject to requirement
- When expenditures reach level which requires Sponsor notification, letter is prepared and signed by PI
- Letter is sent to SPO (or TIA) for institutional endorsement and submission to Sponsor

Limitation of Funds

In accordance with the provisions of Federal Acquisition Regulation (FAR) Clause 52.222-11, the Regents of the University of California, Santa Barbara ("UCSB") shall ensure that no expenditures on the project in question in excess of 75% of the awarded amount or by subcontract to the non-subsidiary organization, exceed 25 percent (25%) of the total amount so be submitted to the sponsor (regardless of availability of funds).

If you have any questions, please feel free to contact me at [email] or [phone number].
Invention Reporting

- DFAR Clause 252.227-7039
  Patents – Reporting of Subject Inventions (APR 1990)

Invention Reporting

- Interim (every twelve months) and final patent reporting required
- Reporting is required whether or not there are inventions to report
- Typically accomplished using the DD Form 882
Invention Reporting

Employment Eligibility Verification

- FAR Clause 52.222-54 (Oct 2015)
  Employment Eligibility Verification (E-Verify)
Employment Eligibility Verification

- Need to verify each employee's eligibility at the e-verify site prior to hiring on to contract.
- UCSB guidance in process.
- Obtain E-Verify log-in by completing the Request for Access to PPS form and checking the E-Verify box (send to Susan Esparza /Mark Mares).

Employment Eligibility Verification

- E-Verify compares information on the I-9 with Social Security and DHS databases.
- E-Verify should be completed within 3 business days for any new or existing employee assigned to a Federal contract subject to E-Verify. (Condition Code 93)
Small Business Concerns

- FAR 52.219-8
  Utilization of Small Business Concerns (as of May 2004)

“Small Business concerns shall have the maximum practicable opportunity to participate in performing contracts let by any Federal agency”

What is a Small Business Concern?

- A “for-profit” business entity with its place of business located in the U.S., is independently owned and operated and is not dominant in its field of operation

- The size standards are determined by:
  - # of employees
  - based on the company’s average annual gross receipts

The Small Business Administration (SBA) includes the table of size standards in the Small Business Size Regulations, 13 CFR 121.201 at: http://www.sba.gov/size
Categories of Small Businesses

- Small Business
- Woman-Owned
- Veteran-Owned
- Service-Disabled Veteran Owned
- Small Disadvantaged*
- HUBZone*

* = MUST be certified by the SBA

Small Business Subcontracting Plan

- FAR Clause 52.219-9
  Small Business Subcontracting Plan (APR 2008)
**Small Business Subcontracting Plan**

- FAR 19.7: Required for all federally contracted projects expected to exceed $750,000 ($1.5 Million for construction)
- A Plan’s primary objective is to identify and project a percentage of dollars that can be subcontracted to the various small business categories on federally funded research contracts
- Target expenditure goals include direct expenses: equipment, supplies and services (including travel)
- A Plan is established either at proposal stage or as part of the award negotiations
- The funding agency must approve the Plan, including its target goals, BEFORE funds can be released
- Once the Plan has been approved, it becomes part of the University’s contract with the federal funding agency
- Semi-annual reports are submitted to the agencies reflecting subcontracting progress

**Developing a Plan**

- To streamline the development of a Plan, provide the following information to Jason Gonzalez at jason.gonzalez@bfs.ucsb.edu:
  - Detailed Scope or Statement of Work/Technical Proposal
  - Detailed budget by option year
  - Detailed list of proposed equipment, products and services to be purchased including the name of all potential suppliers
  - All Subcontractor information
- Jason will work directly with Department Representative and/or PI to set the targeted goals for each small business group
- Upon completion and approval of the Plan between the PI and Procurement Services & Control, the Plan will be forwarded to the Sponsored Projects Officer for submission to the funding agency
- If the goals set forth in the Plan are not acceptable to the funding agency, the Sponsored Projects Officer will notify Procurement Services to re-evaluate the Plan and obtain the necessary goals

*Please allow 10 business days in most cases for the development of a Small Business Subcontracting Plan!*
Plan Reporting

- Actual subcontracting accomplishments are reported by Procurement Services to the Federal Government on a semi-annual basis through the web-based “electronic Subcontracting Reporting System (eSRS)”

- Historically, these accomplishments have been calculated using Data Warehouse spend results pulled by individual fund (Note: This reporting data will soon be generated by Spend Radar, starting sometime in FY16)

- Upon submission of the report(s) through eSRS, the Department Representative, SPO, and (if applicable) subcontractor will receive electronic notification that the Plan has been reported

- An agency can question or reject a report if subcategory goals are not achieved, which could result in award fees being suspended or ceased. Further, per the SBA memo of Aug. 2013, this can also lead to awardee paying back amounts not spent for each category (Liquidated Damages)

- Procurement Services may contact the department, requiring explanation as to why goals are not met or at zero. If goals are set at zero, the eSRS will require a mandatory explanation.

Types of Reports

- There are 2 types of reports submitted:
  - ISR – Individual Subcontracting Report
    - Provides inception-to-date subcontracting information for each prime and immediate subcontractor
    - Reporting Periods:
      - 1st: Oct 1 – March 31 and 2nd: Oct 1 – Sept 30
  - SSR – Summary Subcontract Report
    - Provides an annual summary of subcontracts awarded per agency that required a Plan for the previous fiscal year
    - This information is used for the SBA Subcontracting Achievement Report prepared for the President and Congress March 1st of every year
    - Reporting Periods:
      - For civilian agencies (non-DoD); annual submission Oct 1 – Sept 30
      - For DoD and NASA, 1st: Oct 1 – March 31 and 2nd: Oct 1 – Sept 30
Small Business Sub Contracting Plan Resources

- “Suggested Small Business Vendors” list will be provided by Procurement Services upon completion of Subcontracting Plan. NOTE: Per the SBA memo of Aug. 2013, all plans are required to adhere to their category spend commitments or may be asked to return these funds to the Awarding Agency in the form of Liquidated Damages.

- Gateway (UCSB Procurement System) - Look for icons denoting Small Business type next to supplier name.

- Small Business suppliers used by colleagues or other departments.

- Jason Gonzalez in Procurement Services, x.4638.

- Procurement Services website: http://www.bfs.ucsb.edu/procurement/small-business-program

FFATA Reporting

- FAR Clause 52.204-10
- Reporting Executive Compensation and First-Tier Subcontract Awards (Oct 2015)
FFATA Reporting

- Federal Funding Accountability and Transparency Act (FFATA) requires Contractors to report information on federal subcontract awards. The law requires all reported information be made public, therefore, the Contractor is responsible for notifying its subcontractors that the required information will be made public. This does not include classified information.

FFATA Reporting

- Reporting required on subcontracts with a value of $30,000 or more. (Grants are $25,000 or more).
- The Sponsored Projects Office collects and enters the information into a federal database.
- Condition Code 20
- Purchasing collects the same information on their contracts and send to SPO for reporting.
**FFATA Reporting**

- Reporting of Executive compensation of the prime contractor:
  - As part of our annual registration requirement in System for Award management (SAM) data base, we are required to report the names and total compensation for each of the 5 most highly compensated executives for our preceding fiscal year, if:

**FFATA Reporting**

- In the Contractor’s preceding fiscal year, the Contractor received:
  - (A) 80% or more of its annual gross revenues from Federal contract (and subcontracts), loans, grants (and subgrants), cooperative agreements, and other forms of Federal financial assistance; and
  - (B) $25,000,000 or more in annual gross revenues from Federal contracts (and subcontracts), loans, grants (and subgrants), cooperative agreements, and other forms of Federal financial assistance; and
FFATA Reporting

- The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.

Combating Trafficking in Persons

- FAR Clause 52.222-50
- Combating Trafficking in Persons (Mar 2015)
Combating Trafficking in Persons

- **Background:** Federal agencies are required to implement federal legislated restrictions against sex trafficking, prostitution, and related activities via contract clauses.

- **Policy:** The United States Government has adopted a zero tolerance policy regarding trafficking in persons. This applies to Contractors and contractor employees.

- **Contractor Requirements**
  - Notify its employees and agents of –
    - The United States Government’s policy prohibiting trafficking in persons...
    - The actions that will be taken against employees or agents for violations of this policy...
  - PI certifies that s/he is aware of this clause and the responsibility to notify all project personnel of the policy and the consequences of violating the policy when signing the data sheet.

- **Condition Code 96**
  - Is a reminder at award stage that PI/Dept. are responsible for notifying all project personnel of the policy and the consequences of violating the policy.
Combating Trafficking in Persons

- FAR Clause:  
  https://www.acquisition.gov/sites/default/files/current/far/html/52_222.html#wp1151848

- UCOP Guidance:  
  http://researchmemos.ucop.edu/index.php/site/memoDetail/memo_id/RPAC-13-07

Covered Defense Information

- DFARS Clause 252.204-7012
- Safeguarding Covered Defense Information and Cyber Incident Reporting (Dec 2015)
Covered Defense Information

- Required in all DOD contracts
- Definition of CDI includes
  - "Controlled technical information"—meaning technical information with military or space applications that is subject to controls on the access, use, reproduction, modification, performance, display, release, disclosure, or dissemination. CTI may be marked with DoD Distribution Statements B-F.
  - "Critical information"—meaning information specifically relating to facts identified through the Operations Security process.
  - "Export control"—encompassing information concerning items identified in the Export Administration Regulations (EAR) or the International Traffic in Arms Regulations (ITAR), information concerning dual use items, license applications, "sensitive nuclear technology information," and other information "whose export could reasonably be expected to adversely affect the United States’ national security and nonproliferation objectives."
  - Any other information, marked or otherwise identified in the contract, that requires safeguarding or dissemination controls pursuant to and consistent with law, regulations and government-wide policies.

In general, PIs should not be creating CDI as we perform fundamental research.

- If a PI indicates that s/he may be creating CDI, your SPO team will need to discuss with the Research Integrity Director to create a plan to do so without violating University policy.
- If PI has access to a secured environment that meets the requirements of the regulation, the PI may accept CDI.
### Covered Defense Information

- **At proposal stage** –
  - If it is likely that the DOD proposal will be funded as a contract, the SPO team will send an email notifying the PI of the regulation and the need to comply at award stage.
- **At Award stage** –
  - If the clause is included, the SPO team will work closely with the PI and Dept. to confirm whether CDI will be created or received, try to negotiate the clause out of the agreement, and/or require an informed consent signed by the PI

### Restriction On Accepting Funds from China

- NASA FAR Clause 1852.225-71
  Restriction on Funding Activity with the People’s Republic of China (PRC)
Restriction On Accepting Funds from China

This restriction prohibits NASA and The Office of Science and Technology (OSTP) from engaging bilaterally, whether funded or unfunded, in any joint scientific activity with China, or any Chinese-owned company unless such activity is authorized.

UC must assure that it will not engage in activities as described in the below referenced memo:
•13-06: NASA Restriction on Funding Activity with the People’s Republic of China (PRC) is published at http://www.ucop.edu/raohome/cgmemos/13-06.pdf

Restriction On Accepting Funds from China

- Lead PIs for all NASA proposals, including NASA flow-through agreements, will be required to complete and sign UCSB Office of Research – Sponsored projects NASA China Restriction form/questionnaire prior to proposal submission.
  http://www.research.ucsb.edu/media/171991/pi%20cert%20onasa%20contracts_12.10.13.docx
**Invoicing & Payment Provisions**

- For Cost-Reimbursement Contracts:
  - FAR Clause 52.216-7, Alternate II
    - Allowable Cost and Payment (June 2013)
      - Subsection (a) of clause establishes invoicing standards
        - In arrears as costs are incurred, no more frequently than every 2 weeks
        - Net 30 payment terms
      - Section G of Contract will have contract-specific invoicing details
        - Submission through DFAS, WAWF, etc.

- When University is subcontractor:
  - Very challenging to secure advance payments for Fed flow-through subcontracts – typically need to bill in arrears
    - Companies may seek to specify invoices will be paid once they receive payment from the Federal agency
    - Companies may seek to tie payments to deliverables (potentially also invoking acceptance/rejection concerns for contracted work)
  - With large companies in particular, invoicing requirements can be exceedingly complex
**Technical Data/Computer Software**

- DFAR Clause 252.227-7013
  Rights in Technical Data--Noncommercial Items (Feb 2014)
- DFAR Clause 252.227-7014
  Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation (Feb 2014)

**Technical Data/Computer Software**

- Contractor is required to deliver technical data and/or computer software to the Government with unlimited rights for them to “use, modify, reproduce, perform, display, release, or disclose... and to authorize others to do [the same]” unless:
  - At proposal stage: Any technical data or computer software for which rights are to be limited is disclosed with contract proposal
  - At award stage: Any technical data or computer software for which rights is to be limited is addressed in the contract negotiations
## Technical Data/Computer Software

- When identifying technical data and/or computer software for which the Gov't is not to have unlimited rights, need to have:
  - Data/Software to be furnished with restrictions
  - Basis for Assertion (Most common: developed solely/primarily at private expense)
  - Asserted Rights Category (Different levels of restrictions on the Government’s ability to “use, modify, reproduce...”)
  - Name or Person/Entity asserting rights

### Technical Data/Computer Software

<table>
<thead>
<tr>
<th>Technical Data to be Furnished With Restrictions*</th>
<th>Basis for Assertion**</th>
<th>Asserted Rights Category***</th>
<th>Name of Person Asserting Restrictions****</th>
</tr>
</thead>
<tbody>
<tr>
<td>(LIST)</td>
<td>(LIST)</td>
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*If the assertion is applicable to items, components, or processes developed at private expense, identify both the data and each such item, component, or process.

**Generally, the development of an item, component, or process at private expense, either exclusively or partially, is the only basis for asserting restrictions on the Government’s rights to use, release, or disclose technical data pertaining to such items, components, or processes. Indicate whether development was exclusively or partially at private expense. If development was not at private expense, enter the specific reason for asserting that the Government’s rights should be restricted.

***Enter asserted rights category (e.g., government purpose license rights from a prior contract, rights in SBIR data generated under another contract, limited or government purpose rights under this or a prior contract, or specifically negotiated licenses).

****Corporation, individual, or other person, as appropriate.

Date

Printed Name and Title

Signature

(End of identification and assertion)
Technical Data/Computer Software

- Verification of Government’s ability to have unlimited rights to technical data and/or computer software needs to be provided by our PI.
- Verification also needs to be obtained from all subcontractors (if a contract proposal is being submitted, this should be included in their subcontract proposal).

Thank you!

Thank you for attending! Contact information for presenters:

Cara Egan-Williams  Jason Gonzalez
eganwilliams@research.ucsb.edu  jason.gonzalez@bfs.ucsb.edu
x8809  x4638

Lisa King  Kevin Stewart
lisa@ece.ucsb.edu  stewart@tia.ucsb.edu
x3939  x5197