

E2. ENCLOSURE 2 DEFINITIONS

E2.1.1. Cooperative Research and Development Agreement (CRADA). An agreement between one or more Federal laboratories and/or technical activities and one or more non-Federal parties. Under a CRADA, the Government laboratories and/or technical activities shall provide personnel, services, facilities, equipment or other resources with or without reimbursement (but not funds to the non-Federal parties). CRADAs are instruments that may be used in all aspects of a product and/or system life cycle where RDT&E activities occur. The non-Federal parties shall provide funds, personnel, services, facilities, equipment or other resources toward the conduct of specified R&D efforts that are consistent with the missions of the laboratory. The CRADA partners shall share in the intellectual property developed under the effort. The terms of a CRADA may not conform to a procurement contract or cooperative agreement as those terms are used in Sections 6303-6305 of 31 U.S.C. (reference (i)). Besides that definition, two types of CRADAs are, as follows:

E2.1.1.1. Technical Assistance CRADA. That allows a Federal laboratory and a non-Federal partner to work jointly to assist local businesses by providing limited (4-day maximum) free technical consulting. Preference is given to non-Federal partners that are State organizations, universities, non-profit entities, or business incubators that shall publicize availability of Federal assistance, receive and assess requests for cooperative research, ensure that the laboratory and/or technical activity shall not compete with private organizations, and coordinate work of the laboratory and/or technical activity with the requester companies. The laboratory and/or technical activity shall provide the required assistance and reports to the CRADA partner and the requester company. The requester company only shall provide a problem statement and sign a short 2-page "mini-CRADA" agreement, "sub-agreement," or "CRADA amendment."

E2.1.1.2. Military-Use CRADA. A CRADA between a DoD laboratory and/or technical activity and an industrial partner to utilize existing unique capabilities and facilities at the DoD laboratory in a product or process intended primarily for DoD or other military use. Each participant recognizes that it cannot support the research alone nor duplicate existing research or facilities. The technology is incorporated in new DoD systems or products as well as in other commercial opportunities. Specific concerns to be addressed in each military-use CRADA include the following:

E2.1.1.2.1. A CRADA may be the proper vehicle (work is not a contract).

E2.1.1.2.2. Government rights are maintained (not establishing a sole source).

E2.1.1.2.3. Equal opportunity shall be provided to other qualified companies.

E2.1.1.2.4. The laboratory shall not compete with private sector.

E2.1.1.2.5. Preferably, the funds for the laboratory shall not go through industry.

E2.1.2. Federal Employee. That is defined in U.S.C. 2105 (reference (g)).

E2.1.3. Laboratory and/or Technical Activity. For the Instruction, that term is, as broadly defined, in 15 U.S.C. 3710a(d)(2)(A) (reference (d)), and shall include the following:

E2.1.3.1. "A facility or group of facilities owned, leased, or otherwise used by a Federal Agency, a substantial purpose of which is the performance of research, development, or engineering by employees of the Federal Government."

E2.1.3.2. Use of this broad definition, in subdefinition E2.1.3.1., above, is deliberate. That definition is not confined to those DoD Components that are formally titled "laboratories." The intent of that definition is to encompass the wide range of organizations and arrangements that function as laboratories and/or technical activities in DoD research, development, and engineering programs. It shall include laboratories and/or technical activities and reference more diverse arrangements that shall provide a virtual laboratory capability. For example, a DoD Component may have a virtual lab involving a management function accomplished in a Defense Agency activity, plus a dispersed set of research activities to be accomplished by a variety of organizations outside of the sponsoring and/or managing activity. Those capabilities are included in test, logistics, and product centers; depots; arsenals; program offices; and all DoD offices providing for RDT&E. That is consistent with 15 U.S.C. 3710a(d)(2)(A) (reference (d)), which uses such encompassing terms as "facility." That broad definition is in accordance with new DoD practices.

E2.1.3.3. While the definition cited in Subsection 3710a(d)(2)(A) of reference (d) occurs in a Section of the U.S.C. dealing with CRADAs, the use of that broad definition in the Instruction (and DoD Directive 5535.3, reference (a)) shall not be limited to matters involving CRADAs. The broad definition applies to all citations of laboratories and/or technical activities in the Instruction and reference (a).

E2.1.4. Nonprofit Institution. That is an organization owned and operated exclusively for scientific or educational purposes, the net earnings of which shall not benefit any private shareholder or individual.

E2.1.5. Technical Assistance. Allows a Federal laboratory and a non-Federal partner to work jointly to assist local businesses by providing limited (up to 4-day maximum) free technical consulting. Preference shall be given to non-Federal partners that are State organizations, universities, or non-profit entities, including the FLC, which shall publicize availability of Federal assistance, ensure that the laboratory and/or technical activity shall not compete with private organizations, and coordinate the work of the laboratory and/or technical activity with the requester companies. The laboratory and/or technical activity shall provide the required assistance in the form of technical information, lessons, learned, problem solving, or further advice. At no time are technical assistance activities or technical assistance CRADAs to be used to accomplish R&D.

E2.1.6. Technology Transfer (T2). The intentional communication (sharing) of knowledge, expertise, facilities, equipment, and other resources for application to military and nonmilitary systems. Domestic T2 activities shall include the following:

E2.1.6.1. Spin-off activities that shall demonstrate DoD technology; e.g., commercial viability of technologies already developed or presently being developed for U.S. security purposes. The primary purpose of those activities, which encompass T2, shall be to promote and make available existing DoD-owned or -developed technologies and technical infrastructure to a broad spectrum of non-DoD applications.

E2.1.6.2. Dual-use science and technology and other activities that develop technologies that have both DoD and non-DoD applications.

E2.6.3 Spin-on promotion activities that shall demonstrate the U.S. security utility of technologies developed outside of the Department of Defense. That goal shall be to incorporate the innovative technology into military systems to meet mission needs at a lower acquisition cost by taking advantage of the economies of scale by purchasing from a larger industrial base.