

## Section II - 5

### CRADA Creation Process

This outline describes a typical process for the creation of a CRADA. A separate outline will address CRADA Monitoring.

1. Choosing the mechanism
  - a. Approached by laboratory scientist/engineer
    - i. Identify what is the desired work to be done
      1. Is CRADA appropriate?
      2. Is 10 USC the appropriate statute?
    - ii. Check with your lawyer
  - b. Approached by external customer
    - i. Identify what is the desired work to be done
      1. Is CRADA appropriate?
      2. Is 10 USC the appropriate statute?
    - ii. Is this in your mission area?
    - iii. Identify what is the desired work to be done
      1. Is CRADA appropriate?
      2. Is 10 USC the appropriate statute?
    - iv. Identify potential laboratory team
      1. Are personnel available?
      2. Identify other resources needed.
    - v. Check with your lawyer
    - vi. Notify relevant local authorities of intent
2. Non-Navy Collaborator Identification
  - a. FOCI
    - i. Notify local Security Office
    - ii. Notify relevant System Command
    - iii. Notify US Trade Representative
    - iv. Identify any ITAR's issues
  - b. Non-FOCI
    - i. Check Corporate Status
      1. Registered in which state?
      2. Large or small business
      3. Identify any federal restraints
  - c. Identify Non-Navy Collaborator Authority
    - i. Who is authorized to negotiate?
    - ii. Who is authorized to sign?
3. CRADA application
  - a. Provide application to all parties
  - b. Each party identify Principal Investigators
  - c. Identify non-subject data relevant to proposed work
  - d. Identify funding mechanism
    - i. Non-Navy Collaborator funds Navy
      1. Incremental Payment
        - a. Annual
        - b. Milestone
      2. Fully funded

- ii. Third party payment
      - 1. Navy Sponsor
        - a. Annual
        - b. Milestone
        - c. Other
      - 2. Other Federal Source
        - a. Annual
        - b. Milestone
        - c. Other
      - 3. Other Non-Federal Source
        - a. Annual
        - b. Milestone
        - c. Other
    - e. Collaborators prepare SOW
- 4. Review and Negotiate SOW
  - a. Provide copy to base lawyer.
  - b. Local review
    - i. PI
    - ii. PI supervisor
    - iii. ORTA
    - iv. Laboratory Lawyer
  - c. Submit reviewed SOW to Non-Navy Collaborator

(Iterate Steps a – c as necessary)
- 5. Review Funding Plan
  - a. Local Review
    - i. PI
    - ii. PI supervisor
    - iii. ORTA Manager
    - iv. Laboratory Comptroller
  - b. Submit reviewed Funding Profile to Non-Navy Collaborator
- 6. ORTA Prepares CRADA
  - a. Two originals
  - b. Local review before mailing
    - i. Local Lawyer
    - ii. Principal Investigator
    - iii. ORTA Manager
  - c. Mail to Non-Navy Partner for Signature
- 7. Further Negotiation
  - a. Authorization
    - i. ORTA Manager
    - ii. Local Lawyer
    - iii. Non-Navy Collaborator's authorized negotiator
  - b. Conflict resolution
    - i. What can and cannot be changed
    - ii. Do it in writing
  - c. ORTA drafts revised CRADA as necessary

8. Signatures and Registration
  - a. ORTA receives two signed copies from Non-Navy Collaborator
  - b. Local routing by ORTA Manager
    - i. Internal memos/summaries
    - ii. Include legal review
    - iii. Commanding Officer Signs
  - c. Correspondence with Non-Navy Collaborator
    - i. Cover letter
    - ii. Original signed copy enclosed
  - d. Other copies
    - i. Local Security Office
    - ii. Legal Office
    - iii. Principal Investigator with Oral Review
    - iv. Others (USTR, SYSCOM, ONR)
  - e. Register with DTIS