

How Private Customers and Nonfederal Governments Obtain Technical Resources and Skills from the U.S. Department of Energy

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The U.S. Department of Energy technology transfer mission is to help enhance U.S. competitiveness and national security by expanding and accelerating the transfer of federally funded technologies and knowledge to commercial applications by U.S.-based industry.

Contents

[Introduction](#)

[Working with the U.S. Department of Energy Laboratories](#)

[Benefits of Using U.S. Department of Energy Facilities](#)

[Forming a Contractual Arrangement with the U.S. Department of Energy](#)

[Administration of Research Programs](#)

[Financial Requirements](#)

[Patent Rights](#)

[Ownership of Data](#)

[Property and Equipment](#)

[Environment, Safety, and Health](#)

[Business-Sensitive Information](#)

[Security Classification Guidance](#)

[Subcontracting](#)

[For Further Information](#)

[Disclaimer](#)

Introduction

As the United States approaches the twenty-first century, the U.S. Department of energy (DOE) laboratories and technical centers-in particular, their many talented people-are exploring and expanding the frontiers of scientific understanding and technical knowledge. These people are committed to applying, in service to this country, their collective intellectual curiosity; a wide array of unique, multifaceted facilities and scientific tools; and a vast fund of accumulated professional expertise unmatched by any other nation.

***Laboratory Resources and Skills
Benefit Private Customers***

By taking advantage of the resources offered by DOE's network of national laboratories, private customers can

*Access top-level scientific and engineering capabilities,
Realize significant cost savings from using existing technologies and facilities,*

*Solve difficult problems with solutions that may be unobtainable elsewhere,
Advance critical technologies, and
Promote national economic interests.*

The DOE laboratories and technical centers (both hereafter referred to as laboratories or national laboratories) have always applied their resources and skills to the specific needs of nonfederal entities, including private companies, state and local governments, and academic institutions. As evidenced by past successes, DOE's network of laboratories is uniquely qualified to support nonfederal entities (hereafter referred to as private customers) as they seek to advance their knowledge.

The national laboratories have a long history of excellence in a number of areas, including the basic sciences, applied energy research, systems engineering, and weapons-related technologies. As a result of research at the laboratories, important scientific discoveries have been made and more efficient energy sources, new materials, and related technologies have been developed; at the same time, DOE-sponsored education, training, and outreach programs have increased the scientific and engineering capabilities of the nation as a whole.

In carrying out its mission, DOE has developed world-class core competencies in a number of important areas, including energy, pollution control and remediation, advanced materials, advanced instrumentation, biotechnology, advanced manufacturing, information and communication software, and aerospace and transportation technologies.

This brochure briefly describes guidelines for private customers wishing to obtain technical resources and skills from the national laboratories. The brochure does not, however, present all relevant contractual procedures; specific requirements may vary with the work proposed. For further information on working with national laboratories, contact any of the offices listed at this link.

Working with the U.S. Department of Energy Laboratories

The national laboratories are available to conduct work for private customers on a reimbursable basis. This research *is not* directly funded, in whole or in part, by DOE. (Guidelines governing work that *is* partly funded by DOE may differ from those described here.) Work undertaken for private customers

- Uses laboratory personnel,
- Pertains to the mission of the laboratory or facility,
- Does not conflict or interfere with achievement of DOE program requirements,
- Does not compete directly with capabilities available in the domestic private sector,
- Does not create a potential future burden on DOE resources, and
- Complies with established regulations for protecting human and animal subjects.

Historically, the Atomic Energy Act of 1954 recognized the benefits of making national laboratories and technical centers available to nonfederal entities for the conduct of R&D and training, provided that private facilities or laboratories are inadequate for that purpose.

In conducting work for private customers, DOE has the following objectives:

- Assist in accomplishing goals that may otherwise be unattainable.
- Avoid unnecessary duplication of effort.
- Provide access to highly specialized or unique facilities, services, or technical expertise.

- Increase the number of technologies transferred from the national laboratories to the marketplace for further development or commercialization.
- Maintain core competencies and enhance the science and technology base at the laboratories.

Benefits of Using U.S. Department of Energy Facilities

Private customers can benefit greatly by linking up with DOE's national laboratories. No other laboratory system in the world can match that of DOE for its diversity in people and programs; its attention to a spectrum of long-and short-term basic and applied research encompassing all areas of energy and environmental science; its wide variety of complex, multifaceted facilities; or its ability to deal independently and objectively with sensitive research topics.

This unique system serves as a bridge connecting all of the country's research communities-universities; industries; and federal, state, and local governmental agencies. As a vital link among these different organizations, the national laboratories are significant contributors in the cross-fertilization of ideas and approaches among the nation's researchers.

The excellence of R&D work conducted by the national laboratories is indicated by the high standing of their personnel within the scientific and technical community and the awards they receive within this community. For example, since the inception of the national laboratory system, (58 scientists) supported by DOE and its predecessors have won the most prestigious scientific awards in the world, the Nobel prizes. Staff of the DOE laboratories have also received more than (375 R&D 100 awards), awarded each year by *R&D Magazine* to developers of the 100 technologically most innovative products.

Forming a Contractual Arrangement with the U.S. Department of Energy

Private customers can arrange for work to be done at any national laboratory through a relatively simple business arrangement. The key steps in the overall process are:

Early Interaction between DOE Laboratory and Private Customer. Discussions are informal. Planning documents, capability statements, and related material are of a preliminary nature. No commitments are made on either side.

Formal Request. After a formal request is received from a private customer, the laboratory prepares work statements, budget estimates, and resource requirements.

Project Review and Approval. DOE, its laboratory, and the requesting private customer review and approve work statements, budget estimates, and related documents, thereby ensuring that the needs of all parties are met.

Funding Acceptance and Authorization. The laboratory begins work when the agreement is executed and funded.

Project Performance. The project is performed on a best-effort basis, in compliance with the terms and conditions of each individual agreement.

Billing and Payment. Bills are issued monthly, payments are normally due within 30 days of the billing date.

Administration of Research Programs

Financial Requirements

Financing of Work. Federal law prohibits the use of DOE funds to finance or supplement a private customer's work. The private customer should have sufficient funding available at all times to cover incurred and expected costs, thereby avoiding work stoppages. The private customer is responsible for termination costs if a project is terminated before its completion. The DOE office responsible for the work may grant exemptions to the full-funding requirement if the laboratory involved requests an exemption.

Cost Recovery-Rate Structure. Generally, the private customer is charged all costs associated with the project. Under certain conditions, DOE may waive overhead and other charges.

Financial Controls. Work is done according to the individual contract provisions and the following guidelines:

- Work to be performed by national laboratories is reviewed, approved, and accepted by DOE before work can begin.
- Work does not continue and costs are not incurred beyond either the time period agreed upon or the amount of funding provided.

Patent Rights

Patent rights are allocated by contract terms and conditions, applicable international agreements, statutes and regulations, and DOE policies.

Ownership of Data

Unless otherwise agreed to by DOE, the federal government owns all technical data resulting from the work. However, contract terms provide for the protection of any proprietary data furnished by the private customer.

Property and Equipment

Title to permanent construction at DOE laboratories or sites passes to DOE upon completion of construction and acceptance by DOE. If equipment is acquired as part of the project, it is accounted for and maintained during the term of the agreement in the same manner as DOE property. When the agreement terminates, equipment is disposed of under the conditions of the original agreement or as instructed by the private customer. This equipment is delivered to the private customer's location, transferred to DOE, or declared as excess in accordance with federal government property regulations.

Environment, Safety, and Health

Each project is conducted in compliance with applicable environment, safety, and health statutes, regulations, and standards. DOE has the authority to stop work if applicable requirements are not met.

Business-Sensitive Information

If a research project involves confidential, nondisclosure, or proprietary information, the requesting private customer provides relevant guidance before the work begins.

Security Classification Guidance

For work involving classified information, DOE and its laboratory classification staff work with the private customer to develop appropriate security classification guidance.

Subcontracting

A DOE national laboratory may sometimes elect to subcontract selected portions of a project. In these cases, the DOE laboratory selects the subcontractor and the work to be subcontracted. The requesting private customer cannot designate either the subcontractor to be used or the portions of the work to be subcontracted.

For Further Information

For more information on working with DOE laboratories, please send your written request to any of the following persons. Briefly describe your specific area of interest or need, and include your name, address, and phone and fax numbers.

Note: The Y-12 National Security Complex has been added to the contact list with the approval of the Department of Energy-Oak Ridge Operations Office on May 7, 1996.

Work for Others Contacts

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<p>Rick Inada Lawrence Berkeley Laboratory Technology Transfer Department One Cyclotron Road, MS-90-1070 Berkeley, CA 94720 510/486-5882 510/486-4386 (fax) rminada@lbl.gov</p>	<p>Edward B. Harris Oak Ridge National Laboratory P. O. Box 2008 Oak Ridge, TN 37831-6396 865/574-9931 865/576-7192 (fax) harriseb@ornl.gov</p>	<p>Y-12 National Security Complex P. O. Box 2009 Oak Ridge, TN 37831-8084 800/356-4USA 865/576-5925 (fax) 4USA@ornl.gov</p>

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[Return to the WFO Home Page](#)

The information owner is listed below if you have questions, comments, or suggestions. An e-mail form

is provided with the appropriate links for your convenience. Please include title, URL, or other document descriptor in your message.

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