be otherwise subjected to discrimination
under this contemplated financial assistance
(title to equipment)."

(2) By signing the contract, the con-
tractor accepts and agrees to comply
with this requirement.

(e) The policies in paragraphs (b)(1)
through (b)(3) and paragraph (d) of this
section are implemented in the Gov-
ernment Property clauses.

[48 FR 42352, Sept. 19, 1983, as amended at 50
FR 26903, June 28, 1985; 68 FR 28083, May 22,
2003; 72 FR 27385, May 15, 2007]

35.015 Contracts for research with
educational institutions and non-
profit organizations.

(a) General. (1) When the R&D work is
not defined precisely and the contract
states only a period during which work
is conducted (that is, a specific time
for achievement of results is not re-
quired), research contracts with edu-
cational institutions and nonprofit or-
ganizations shall—

(i) State that the contractor bears
primary responsibility for the research;
(ii) Give (A) the name of the prin-
cipal investigator (or project leader), if
the decision to contract is based on
that particular individual’s research ef-
fort and management capabilities, and
(B) the contractor’s estimate of the
amount of time that individual will de-
vote to the work;
(iii) Provide that the named indi-
vidual shall be closely involved and
continuously responsible for the con-
duct of the work;
(iv) Provide that the contractor must
obtain the contracting officer’s ap-
proval to change the principal investiga-
tor (or project leader);
(v) Require that the contractor ad-
vice the contracting officer if the prin-
cipal investigator (or project leader)
will, or plans to, devote substantially
less effort to the work than antici-
pated; and

(vi) Require that the contractor ob-
tain the contracting officer’s approval
to change the phenomenon under
study, the stated objectives of the re-
search, or the methodology.

(2) If a research contract does provide
precise objectives or a specific date for
achievement of results, the contracting
officer may include in the contract the
requirements set forth in subparagraph
(1) above, if it is necessary for the Gov-
ernment to exercise oversight and ap-
proval over the avenues of approach,
methods, or schedule of work.

(b) Basic agreements. (1) A basic agree-
ment should be negotiated if the num-
ber of contracts warrants such an
agreement (see 16.702). Basic agreements
should be reviewed and updated at
least annually.

(2) To promote uniformity and con-
sistency in dealing with educational in-
stitutions and nonprofit organizations,
agencies are encouraged to use basic
agreements of other agencies.

[48 FR 42352, Sept. 19, 1983, as amended at 56
FR 15153, Apr. 15, 1991]

35.016 Broad agency announcement.

(a) General. This paragraph prescribes
procedures for the use of the broad
agency announcement (BAA) with Peer
or Scientific Review (see 6.102(d)(2)) for
the acquisition of basic and applied re-
search and that part of development
not related to the development of a
specific system or hardware procure-
ment. BAAs may be used by agencies
to fulfill their requirements for sci-
centific study and experimentation di-
rected toward advancing the state-of-
the-art or increasing knowledge or un-
derstanding rather than focusing on a
specific system or hardware solution.
The BAA technique shall only be used
when meaningful proposals with vary-
ing technical/scientific approaches can
be reasonably anticipated.

(b) The BAA, together with any sup-
porting documents, shall—

(1) Describe the agency’s research in-
terest, either for an individual program
requirement or for broadly defined
areas of interest covering the full
range of the agency’s requirements;
(2) Describe the criteria for selecting
the proposals, their relative impor-
tance and the method of evaluation;
(3) Specify the period of time during
which proposals submitted in response
to the BAA will be accepted; and

(4) Contain instructions for the prep-
paration and submission of proposals.

(c) The availability of the BAA must
be publicized through the Government-
wide point of entry (GPE) and, if au-
thorized pursuant to subpart 5.5, may
also be published in noted scientific, 
technical, or engineering periodicals.
The notice must be published no less frequently than annually.

(d) Proposals received as a result of the BAA shall be evaluated in accordance with evaluation criteria specified therein through a peer or scientific review process. Written evaluation reports on individual proposals will be necessary but proposals need not be evaluated against each other since they are not submitted in accordance with a common work statement.

(e) The primary basis for selecting proposals for acceptance shall be technical, importance to agency programs, and fund availability. Cost realism and reasonableness shall also be considered to the extent appropriate.

(f) Synopsis under subpart 5.2, Synopses of Proposed Contract Actions, of individual contract actions based upon proposals received under the BAA is not required. The notice published pursuant to subparagraph (c), of this section, fulfills the synopsis requirement.


35.017 Federally Funded Research and Development Centers.

(a) Policy. (1) This section sets forth Federal policy regarding the establishment, use, review, and termination of Federally Funded Research and Development Centers (FFRDC’s) and related sponsoring agreements.

(2) An FFRDC meets some special long-term research or development need which cannot be met as effectively by existing in-house or contractor resources. FFRDC’s enable agencies to use private sector resources to accomplish tasks that are integral to the mission and operation of the sponsoring agency. An FFRDC, in order to discharge its responsibilities to the sponsoring agency, has access, beyond that which is common to the normal contractual relationship, to Government and supplier data, including sensitive and proprietary data, and to employees and installations equipment and real property. The FFRDC is required to conduct its business in a manner befitting its special relationship with the Government, to operate in the public interest with objectivity and independence, to be free from organizational conflicts of interest, and to have full disclosure of its affairs to the sponsoring agency. It is not the Government’s intent that an FFRDC use its privileged information or access to installations equipment and real property to compete with the private sector. However, an FFRDC may perform work for other than the sponsoring agency under the Economy Act, or other applicable legislation, when the work is not otherwise available from the private sector.

(3) FFRDC’s are operated, managed, and/or administered by either a university or consortium of universities, other not-for-profit or nonprofit organization, or an industrial firm, as an autonomous organization or as an identifiable separate operating unit of a parent organization.

(4) Long-term relationships between the Government and FFRDC’s are encouraged in order to provide the continuity that will attract high-quality personnel to the FFRDC. This relationship should be of a type to encourage the FFRDC to maintain currency in its field(s) of expertise, maintain its objectivity and independence, preserve its familiarity with the needs of its sponsor(s), and provide a quick response capability.

(b) Definitions. As used in this section—

Nonsponsor means any other organization, in or outside of the Federal Government, which funds specific work to be performed by the FFRDC and is not a party to the sponsoring agreement.

Primary sponsor means the lead agency responsible for managing, administering, or monitoring overall use of the FFRDC under a multiple sponsorship agreement.

Sponsor means the executive agency which manages, administers, monitors, funds, and is responsible for the overall use of an FFRDC. Multiple agency sponsorship is possible as long a one agency agrees to act as the “primary sponsor.” In the event of multiple sponsors, “sponsor” refers to the primary sponsor.