



University of California
Office of the President

Senior Vice President—
Business and Finance

Costing Policy & Analysis
Research Administration Office

Memo

Operating Guidance

No. 96-07
Supplement 1
June 19, 1996

CONTRACT AND GRANT OFFICERS (CAMPUS AND LAB)*

Subject: Jet Propulsion Laboratory - Cost Reimbursement Without Fee With an Educational Institution Contract: Negotiated Alterations to General Provisions Fax Dated May 6, 1996

The Jet Propulsion Laboratory (JPL), California Institute of Technology, has submitted additional provisions to the subject contract to the Office of the President, Research Administration Office (RAO), for review. A copy of these Negotiated Alterations to the General Provisions, fax dated May 6, 1996, is attached to this memo. Also attached is a copy of the RAO letter to John Davis, Acquisition Division, JPL, stating that these additional alterations are acceptable to the University with the understandings described in the letter.

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In addition to the information about the negotiated alterations provided in the letter to John Davis, the Office of Technology Transfer has advised us that the clauses on Limited Rights Notice and Restricted Rights Notice now included with these negotiated alterations in Article GP-51, Rights in Data - General, may need to be discussed with Principal Investigators. These clauses present language not normally found in federal contracts. Universities usually have FAR clause 52.227-14, Alternate IV, in their federal contracts. However, Alternate IV is used primarily in basic or applied research performed solely by universities. Subcontracts to universities from for-profit government contractors or other intermediaries of federal funding such as JPL may now contain the Limited Rights Data and Restricted Rights Data clauses also found in FAR 52.227-14, but not previously used in university contracts with federal agencies.

Principal Investigators need to be advised of the requirements in these new clauses when their research involves delivering to the Government or the direct sponsor data which is confidential or software which is a trade secret or copyrighted. This situation could occur when the JPL contract involves industry collaborators or subcontractors or software developed outside of the JPL contract by the University. Failure to correctly mark restricted data or software will result in the Government receiving unlimited rights to the data.

OTT will be issuing an Operating Guidance Memo on this subject in the near future.

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Organization Index: P-100

David F. Mears
David F. Mears
Director, Research Administration

Attachments

*Note: The addressees above represent the standard distribution of Contract and Grant Memos. Additional addressees, if any, may be added based on the subject of the Memo. See cc's.