LBNL Contractor-Funded Institutional Supporting Research and Development PROGRAM

Background

Contract DE-AC02-05CH11231, Clause H.27, Contractor-Funded Institutional Supporting Research and Development, authorizes the Contractor to conduct Contractor-funded institutional supporting research and development at the Laboratory. This is in addition and separate from the Work for Others Program authorized under Clause H.3.

Program Implementation

DOE and the Laboratory agree that this program benefits the DOE Mission and enables the Laboratory to perform its mission and create new capabilities. The ability to enhance the technology base is increasingly important at a time of constrained DOE and other federal funding.

To ensure appropriate DOE oversight and provide Contractor flexibility in managing this program, the following procedures and guidelines will be implemented:

- All work shall be on a non-interference basis with DOE directed work
- Funds expended shall be under the same terms and conditions as federally expended funds
- Funds expended shall be treated as institutional research and development for cost accounting purposes.

The Laboratory and DOE agree to the following:

- Full implementation of the new program by January 1, 2006
- Currently available funds, estimated to be $300,000 in the existing WFO agreement with UCOP and another $960,000 of prior gift receipts will be grandfathered into this program and expended under the term of Clause H.27
- The Laboratory is authorized $5M for FY06 (combined gift receipts and other sources of contractor-funded activities) for contractor-funded R&D without DOE approval. DOE will be appraised of gift acceptances that fall within the current FY authorization
- The Laboratory will negotiate future year authorizations based upon the success of the current program
- The Laboratory will not knowingly use its access to the Laboratory facilities under this program to compete with the private sector.
- The Laboratory will not use any funds pursuant to this program to augment any federally funded research.

- The LBNL Sponsored Projects Office will be responsible for ensuring that the gift is not a Work for Others project, subject to Clause H.3

- The Laboratory will provide periodic reporting of projects undertaken pursuant to this authority.

- DOE consents without further review to projects within the envelope of the program noted above.

- DOE will require transactional review and consent to the following:

    - Any receipts/expenditures that exceed the authorization, prior to acceptance

    - If there is a current WFO project from the donor, DOE will review the gift to ensure appropriateness

    - Projects that include facilities or equipment that would create more than a nominal future burden on DOE resources to maintain and/or operate.

Approved.

Charles W. Marshall 9/22/05
Charles W. Marshall
Contracting Officer