



Department of Energy
Acquisition Regulation

No. AL-2006-10
Date 08/11/06

ACQUISITION LETTER

This Acquisition Letter is issued under the authority of the DOE and NNSA Procurement Executives.

Subject: CLASS DEVIATION FOR CERTAIN DEAR INTELLECTUAL
PROPERTY CLAUSES

References: DEAR 970.2704 Rights in Data

DEAR 970.2770 Technology Transfer

DEAR 970.5227-2 Rights in Data-Technology Transfer

DEAR 970.5227-3 Technology Transfer Mission

When is this Acquisition Letter (AL) Effective?

This AL is effective upon issuance.

When does this AL Expire?

This AL remains in effect until superseded or canceled.

Who is the Point of Contact?

Contact Robert M. Webb of the Office of Procurement and Assistance Policy at (202)287-1338 or Robert.Webb@hq.doe.gov.

Visit our website at www.pr.doe.gov for information on Acquisition Letters and other policy issues.

What is the Purpose of this Acquisition Letter?

This Acquisition Letter provides class deviations to two clauses for use in contracts, generally management and operating contracts, that have technology transfer as part of the mission of the contract. As used in this AL, reference to DOE includes both NNSA and non-NNSA sites.

What is the Background?

The class deviation transmitted by this Acquisition Letter modifies the clauses at 970.5227-2, Rights in Data-Technology Transfer and 970.5227-3, Technology Transfer Mission. The revisions to the Rights in Data clause expressly allow DOE's M&O contractors to establish copyright in contract software, using an Open Source form of license, whether the software originated under the contract or was modified under the contract from other software subject to an Open Source license. The modifications to the Technology Transfer Mission clause provide for an efficient process for the contractor to coordinate prospective licensing with the U.S. Trade Representative. Revised versions of the two clauses are attached to the deviation determination.

What is the Guidance?

Contracting Officers shall incorporate the two modified clauses into solicitations and awards for management and operating contracts. Additionally, Contracting Officers shall attempt to negotiate these clauses in existing M&O contracts at the next annual negotiation.

Attachment:

Class Deviation to Reflect Changes to Certain Intellectual Property Clauses