

U.S. DEPARTMENT OF ENERGY

WORK FOR OTHERS & CRADAs

1. WORK FOR OTHERS

Work for others performed by DOE contractor personnel for Federal, State, and local government entities, non-Government/non-profit entities, universities, and privately-held corporations. This work is not directly funded by DOE, but is authorized by and administered by DOE.

a. Agreement/Contract for Services

Agreement executed by DOE, contractor and the requesting Federal, State, local, domestic, or private organization. Agreements stipulate contract length, provisions, articles, clauses, and other related matters. Files include subcontract agreements signed between contractor and subcontractors to perform a specific work scope in support of the larger contract.

(1) Official, signed agreement.

Cut off annually. Destroy 10 years after termination of agreement. (N1-434-95-5)

(2) Other offices.

Cut off annually. Destroy 2 years after cutoff or when no longer needed, whichever is earlier. (N1-434-95-5)

b. Predecisional Case Files

Predecisional case files which document activities prior to formal review. Files include capability statements; informal, preliminary, or predecisional planning documents; correspondence, etc.

(1) Predecisional records approved by DOE for formal review.

Cut off at approval. Transfer case file to formal review case file. (N1-434-95-5)

(2) Predecisional records not authorized for formal review, or terminated prior to the formal review process.

Destroy 3 years after date of termination or denial. (N1-434-95-5)

c. Formal Review Case Files

Formal, written reviews submitted after predecisional case is accepted by DOE. Files include work statements, budget estimates, resource requirements, verification of compliance to applicable requirements, requesting agency or entity information regarding use of DOE facilities

and/or contractors, verification of adherence to applicable laws and regulations; and, statements verifying no direct competition with domestic or private sector parties.

(1) Formal review case files approved by DOE for project review.

Cut off at approval. Transfer case file to project review case files. (N1-434-95-5)

(2) Formal requests terminated or denied prior to project review.

Destroy 3 years after date of termination or denial. (N1-434-95-5)

d. Project Review and Approval Records

Work and funding acceptance records, including cost rate structure, written reimbursement agreement, and other related funding and acceptance documentation.

(1) Review and approval records of proposals approved by DOE for project performance.

Cut off at approval. Transfer case file to project performance case file. (N1-434-95-5)

(2) Review and approval records of proposals terminated prior to the completion of the review and approval process.

Destroy 3 years after date of termination. (N1-434-95-5)

e. Project Performance Records

Performance records that include such deliverables as correspondence, monthly financial status and billing reports, monthly and quarterly status reports, written notification of cost overruns and requests for supplemental funding, and other related documentation.

(0) Records of completed projects, including subcontractor records, as stipulated in the agreement.

Cut off at completion. Transfer case file to project deliverable records. (N1-434-95-5)

(2) Records of projects terminated prior to completion.

Destroy 5 years after project termination. (N1-434-95-5)

f. Project deliverables records

All information created during the life of the project.

- (1) All information and/or technical data arising from work performed for another government agency, unless provided otherwise by DOE.

Transfer 1 record set of the case file to the agency for whom the work was conducted. Retain 1 record set of the case file, for legal and financial purposes, for 10 years, following approval by DOE and the respective government agency, then destroy. (N1-434-95-5)

- (0) All information and/or technical data arising from work performed, under contract, for State agencies, local agencies, or domestic/private corporations.

Transfer 1 record set of the case file to the agency for whom the work was conducted. Retain 1 record set of the case file, for legal and financial purposes, for 10 years, then destroy. (N1-434-95-5)

g. Property, equipment, or system records

Property, building construction and associated equipment records; or, equipment acquired as part of the project will be accounted for and maintained during the term contractual agreement. At project completion, disposition of all buildings and equipment will be as previously agreed to, or as instructed by the Federal, State, or local agency, or domestic/private organization for whom the work was performed. Including equipment or systems procured by subcontractors.

Transfer title of the property, equipment, or systems as stated under contractual agreement. (N1-434-95-5)

2. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS (CRADAS) AND COST-SHARING AGREEMENTS

Many methods are available for the transfer of technology from Government-owned laboratories to industry. The methods, or agreements, differ in regard to issues such as assigning intellectual property rights (ownership of patents and copyrights) and sharing resources. CRADAs are joint partnership opportunities and agreements established between Government-owned, contractor-operated laboratories and industrial partners to perform cooperative research on topics of mutual interest.

CRADAs provide private industry access to commercially valuable technology in a variety of disciplines. Intellectual property rights to inventions developed as a result of CRADA research may be shared with the industry partner. Such sharing of rights protects the competitive edge gained as a result of the cooperative research.

In CRADAs, an industrial partner can provide any combination of funds, personnel, equipment, and services. M&O contractors can provide any combination of personnel, equipment, and services; but are specifically barred from providing funds directly to an industrial partner. In this method of cooperation, technology is transferred to industry by matching the capabilities and resources of Federal laboratories

and private industry partners.

In CRADAs, the sharing of intellectual property rights be negotiated prior to beginning the cooperative research. A benefit derived by the industry partner is that either the Federal researcher or the partner may specify sensitive information resulting from the cooperative research as "protected CRADA information." This information may be protected from disclosure through the Freedom of Information Act (FOIA) for up to five years. This allows proprietary information to be protected from disclosure to the industry partner's competitors. Congress has mandated that DOE's CRADA review process be completed within a specified time.

The CRADA is usually the agreement of choice when:

- the partner is an active participant in the research effort,
- there is a requirement to designate information as CRADA-protected information, or
- there is sharing of intellectual property rights.

Cost-Sharing Agreements allow industry partners to contribute financially to research programs in Federal laboratories. Unlike CRADAs, there is no protection of such projects from Freedom of Information Act (FOIA) requests in a cost-sharing agreement. However, release of information to a third party requestor may be delayed pending patent protection of the invention in question. Additionally, there is no time limit on the cost-sharing review process.

The cost-sharing agreement may be appropriate when the partner's contribution is limited to financial support.

a. CRADA Licensing and Collaborative Agreements/Contracts

Agreement(s) executed by M&O contractor and industry partner, following approval by the local DOE operations office. Files include contract agreement stipulations such as allotments of personnel, equipment, and financial resources; intellectual property rights; the retention and protection of sensitive Information generated as a result of the research, and, other contractual components such, as contract length provisions, articles, clauses, and other related records.

- (1) Official, signed agreement.

Permanent. Offer to NARA 25 years after termination of agreement. (N1-434-95-5)

- (2) Other offices.

Cut off annually. Destroy when no longer needed for reference. (N1-434-95-5)

b. CRADA Project Files

Records, with the exception of those covered by "a" above, documenting CRADA projects from initiation to completion, or termination. Records include, but are not limited to, proposals; project planning and justification records; start-up reports and correspondence; budgetary documentation; monthly, quarterly, and yearly status reports; technical data and studies; partnership meeting minutes; implementing policies and procedures; non-disclosure agreements, presentation materials, and all other related records.

Transfer 1 record set to corporation partner following project completion and/or termination, as set forth in initial CRADA agreement.

Retain 1 record set for 10 years after project completion or termination, then destroy.
(N1-434-95-5)

c. Marketing Research Records

Marketing records including written questionnaires, phone survey reports, financial and product trend analysis, and other related records.

Cut off annually. Destroy 3 years after cutoff. (N1-434-95-5)

d. Product, Services Marketing, and Promotional Records

Promotion records including newsletters, brochures, catalogs, pamphlets, conference contact lists, posters, articles-and photos published in national trade journals and magazines, customer/consumer referrals.

Cut off annually. Destroy 5 years after cutoff. (N1-434-95-5)

e. Client, media, or public mailing lists.

Cut off annually. Destroy when superseded or obsolete. (N1-434-95-5)

f. Cost-Sharing Agreements

(1) Agreement(s) executed by an M&O contractor and an industry partner, following approval by the local DOE Operations Office. Contract agreement stipulates financial resources allocated by industry partner for the furtherance of specific research programs on behalf of the industry partner. Files include intellectual property rights; the retention and protection of sensitive information resulting from the research; other contractual components such as contract length provisions, articles, and clauses; and other related records.

- (a) Official, signed agreement.

Permanent. Offer to NARA 25 years after termination of agreement. (N1-434-95-5)

- (b) Other offices.

Destroy when no longer needed for reference. (N1-434-95-5)

(2) Cost-Sharing Project Files

Records documenting Cost-Sharing Projects from initiation to completion, or termination. Records include, but are not strictly limited to proposals, project planning and justification records; startup reports and correspondence; budgetary documentation; monthly, quarterly, and yearly reports; technical data and studies; partnership meeting minutes, implementing policies and procedures; non-disclosure agreements; presentation materials, and all other related records.

Transfer 1 record set to corporation partner following project completion and/or termination, as set forth in initial Cost-Sharing Agreement.

Retain 1 record set for 10 years after project completion or termination, then destroy.
(N1-434-95-5)

3. TECHNOLOGY TRANSFER CONFLICT OF INTEREST RECORDS

Technology Transfer Conflict of Interest Records are records created and maintained for the purpose of identifying and avoiding employee, consultant, and organizational conflicts of interest in technology transfer activities, and to ensure that the technology transfer process is fairly applied in accordance with all applicable laws, regulations, and policies and procedures.

- a. Annual Certifications

Cut off annually. Destroy 10 years after the end of the contract or agreement. (N1-434-01-4)

- b. Project-Specific Conflict of Interest Records

File in project case file. Refer to case file schedule for disposition. (N1-434-01-4)

4. ELECTRONIC RECORDS

Electronic copies of records that are created on electronic mail and word processing systems and used solely to generate a record keeping copy of the records covered by the other items in this schedule. Also includes electronic copies of records created on electronic mail and word processing systems that are maintained for updating, revision, or dissemination.

- (1) Copies that have no further administrative value after the record keeping copy is made. Includes copies maintained by individuals in personal files, personal electronic mail directories, or other personal directories on hard disk or network drives, and copies on shared network drives that are used only to produce the record keeping copy.

Destroy/delete within 180 days after the record keeping copy has been produced. (N1-434-01-4)

- (2) Copies used for dissemination, revision, or updating that are maintained in addition to the record keeping copy.

Destroy/delete when dissemination, revision, or updating is completed. (N1-434-01-4)