

Fact Sheet

TECHNOLOGY TRANSFER AND PARTNERING WITH THE PRIVATE SECTOR

BACKGROUND

Technology transfer is the process by which knowledge, facilities, or capabilities developed by Federal laboratories are used to fulfill public and private needs. The purpose of technology transfer is to strengthen the nation's economy by accelerating the application of Federal laboratory technology and resources to public and private sector needs and opportunities.

MECHANISMS

Technical Assistance Agreement (TAA); 33 USC § 2314a

Provides technical assistance on a non-exclusive basis to help U.S. firms compete for or perform contracts for work outside the United States. TAAs enhance the competitiveness of U.S. firms abroad by making available the technical and scientific expertise and technical resources of the U.S. Army Corps of Engineers (USACE) laboratories, districts, and divisions.

Research and Development Assistance Agreement (RDAA); 33 USC § 2323

Provides U.S. firms with access to USACE research and development (R&D) facilities and technical capabilities that are not reasonably and expeditiously available from the private sector. R&D assistance will be provided to address technical problems identified by the firm and must be within both the mission of USACE and in the public interest.

Cooperative Research and Development Agreement (CRADA); 15 USC § 3710, et seq.

An agreement between a Federal laboratory and one or more non-Federal parties. The government, through the laboratory, provides personnel, facilities, equipment, or other resources to the non-Federal parties. Federal laboratories can be reimbursed by the non-Federal parties, but cannot provide funds to the non-Federal parties. The non-Federal parties can provide funds, personnel, facilities, equipment, or other resources to conduct specific research and development. Rights to intellectual property are negotiated as part of the CRADA.

Patent License Agreement (PLA); 37 CFR § 404

The transfer of less-than-ownership rights in Federal intellectual property to a third party, to permit the third party to use the intellectual property. PLAs can be exclusive or non-exclusive, for a specific field of use, or geographical area. Licensees develop plans for commercialization of the invention.

Grants, Cooperative Agreements, and "Other Transactions"; 10 USC § 2358, 10 USC § 2371, 31 USC § 6305, 10 USC § 2361

Legal instruments under which a Government agency can carry out certain activities that cannot be more properly executed under other, more appropriate agreements.

Intergovernmental Cooperation Act; 31 USC § 6505

An agreement initiated by a state or local government agency for support that is not reasonably and expeditiously available through normal private sector business channels.



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Educational Partnership Agreement; 10 USC § 2194

An agreement under which a Defense laboratory works with an educational institution to encourage and enhance study in scientific disciplines at all levels of education.

Cost-Shared Contract; FAR 16.303

A cost-sharing contract in which the contractor receives no fee and bears some of the risk of cost overruns by agreeing to pay a predetermined portion of its allowable costs. Appropriate where the contractor is expected to receive a significant commercial benefit from performance of the contract.

Memorandum of Agreement/Memorandum of Understanding (MOA/MOU)

Provides support to other agencies within the United States. The MOA/MOU establishes the framework for a mutual relationship and provides a concise description of the type of assistance that each of the parties will supply.

Small Business Innovation Research (SBIR) Program; <http://www.acq.osd.mil/sadbu/sbir>

Federally funded program to promote small business participation in government programs. Small business will propose Phase One concepts for development with Federal funding limited to \$100,000. Federal funding under Phase Two is limited to \$750,000 for further development of the new technology. The private sector absorbs Phase Three funding involving commercial applications of the technology developed. The small business partner may obtain title to inventions.

Unsolicited Proposals

Private firms may submit proposals at any time. If the proposal fits the mission and funds are available, normal contracting procedures will be employed to create a contract.

Support Center Arrangements

This mechanism supports Army and civilian architects/engineers in the use of products developed by USACE researchers on military facilities.

BENEFIT/SAVINGS

As a result of technology transfer, research products originally developed for use by the Army are finding widespread use throughout the private sector. Their use has resulted in product improvement, service efficiencies, improved manufacturing processes, and the development of major new products to increase productivity. The manufacturing of government-developed products by the private sector not only ensures their availability for public use, but also ensures their availability for government procurement.

POINT OF CONTACT

Sharon L. Borland, Office of Research and Technology Applications
603-646-4735
Fax: 603-646-4448
E-mail: Sharon.L.Borland@erdc.usace.army.mil

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