

Amendment 00002 to Broad Agency Announcement 13-012

A. The purpose of Amendment 00002 to Broad Agency Announcement (BAA) 13-012 is to perform the following changes:

1. On page 19 of the BAA V.2, under Section 5.3 entitled “Format and Content of Proposals”, the following is added to the Technical Proposal volume:
 - Assertion of Data Rights: Include here a summary of any assertions to any technical data or computer software that will be developed or delivered under any resultant award. This includes any assertions to pre-existing results, prototypes, or systems supporting and/or necessary for the use of the research, results, and/or prototype. Any rights asserted in other parts of the proposal that would impact the rights in this section must be cross-referenced. If less than unlimited rights in any data delivered under the resultant award are asserted, the Offeror must explain how these rights in the data will affect its ability to deliver research data, subsystems, and toolkits for integration as set forth below. Additionally, the Offeror must explain how the program goals are achievable in light of these proprietary and/or restrictive limitations. If there are no claims of proprietary rights in pre-existing data, this section shall consist of a statement to that effect.

Proposals submitted in response to this BAA shall identify all technical data or computer software that the Offeror asserts will be furnished to the Government with restrictions on access, use, modification, reproduction, release, performance, display, or disclosure. Offeror’s pre-award identification shall be submitted as an attachment to its offer and shall contain the following information:

(1) Statement of Assertion. Include the following statement: “The Offeror asserts for itself, or the persons identified below, that the Government’s rights to access, use, modify, reproduce, release, perform, display, or disclose only the following technical data or computer software should be restricted.”

(2) Identification of the technical data or computer software to be furnished with restrictions. For technical data (other than computer software documentation) pertaining to items, components, or processes developed at private expense, identify both the deliverable technical data and each such item, component, or process as specifically as possible (e.g., by referencing specific sections of the proposal or specific technology or components). For computer software or computer software documentation, identify the software or documentation by specific name or module or item number.

(3) Detailed description of the asserted restrictions. For each of the technical data or computer software identified above in paragraph (2), identify the following information:

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(i) Asserted rights. Identify the asserted rights for the technical data or computer software.

(ii) Copies of negotiated, commercial, and other non-standard licenses.

Offeror shall attach to its offer for each listed item copies of all proposed negotiated license(s), Offeror's standard commercial license(s), and any other asserted restrictions other than Government purpose rights; limited rights; restricted rights; rights under prior Government contracts, including Small Business Innovation Research (SBIR) data rights for which the protection period has not expired; or Government's minimum rights.

(iii) Specific basis for assertion. Identify the specific basis for the assertion. For example:

(A) Development at private expense. For technical data, development refers to development of the item, component, or process to which the data pertains. For computer software, development refers to the development of the software. Indicate whether development was accomplished exclusively or partially at private expense.

(B) Rights under a prior Government contract, including SBIR data rights for which the protection period has not expired.

(C) Standard commercial license customarily provided to the public.

(D) Negotiated license rights.

(iv) Entity asserting restrictions. Identify the corporation, partnership, individual or other person, as appropriate, asserting the restrictions.

(4) Previously delivered technical data or computer software. The Offeror shall identify the technical data or computer software that are identical or substantially similar to technical data or computer software that the Offeror has produced for, delivered to, or is obligated to deliver to the Government under any contract or subcontract. The Offeror need not identify commercial technical data or computer software delivered subject to a standard commercial license.

(5) Estimated cost of development. The estimated cost of development for that technical data or computer software to be delivered with less than Unlimited Rights.

(6) Supplemental information. When requested by the Contracting Officer, the Offeror shall provide sufficient information to enable the Contracting Officer to evaluate the Offeror's assertions. Sufficient information must include, but is not limited to, the following:

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- (i) The contract number under which the data or software were produced;
- (ii) The contract number under which, and the name and address of the organization to whom, the data or software were most recently delivered or will be delivered; and
- (iii) Identification of the expiration date for any limitations on the Government's rights to access, use, modify, reproduce, release, perform, display, or disclose the data or software, when applicable.

Ineligibility for award. An Offeror's failure to submit or complete the identifications and assertions required by this provision with its offer may render the offer ineligible for award.

It is anticipated that the proposed Assertion of Data Rights will be incorporated as an attachment to the resultant award instrument. To this end, proposals must include a severable self-standing Assertion of Data Rights without any proprietary restrictions, which can be attached to the contract or agreement award.

- 2. On page 26 of the BAA V.2, under Section 8.8 entitled "Reporting", the first sentence under Monthly Project Status Report is changed

From: The report must be electronically submitted to the Program Manager within fifteen days after the last day of each month.

To: The report must be electronically submitted to the Contracting Officer and Contracting Officer's Representative by close of business on the 5th business day of the month following the reporting month.

- B. As a result of this Amendment, the attached BAA 13-012 V.3 (dated 9/26/2013) replaces and supersedes BAA 13-012 V.2 (dated 9/10/2013).
- C. Except as identified herein, all other terms and conditions of the BAA remain in full force and effect.