

Guide to Partnering with DOE National Laboratories



U.S. DEPARTMENT OF
ENERGY

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INTRODUCTION

The Department of Energy (DOE) owns twenty national laboratories that combine decades of experience and billions of dollars in research and development to address national security matters, environmental stewardship, economic competitiveness, and energy sustainability. The technologies and capabilities developed and maintained to support core mission work can have concomitant benefits to businesses of all sizes, universities, and non-profits through technology transfer mechanisms. The Guide to Partnering with DOE's National Laboratories provides a high level overview of the most common methods utilized in working with the DOE laboratories. While there is a common operating framework through legislation and administrative law, each laboratory may have unique requirements and regulations and any prospective partner should contact a specific laboratory of interest for detailed information. Those interested in the Department's overall efforts and many opportunities in technology transfer should contact DOE's Office of Technology Transitions at OfficeofTechnologyTransitions@hq.doe.gov or visit the website at <http://energy.gov/technologytransitions/office-technology-transitions>.

User Facilities

Specialized, standard agreements are available to expedite user access to DOE Designated User Facilities. Each national laboratory has state of the art facilities that are open to industrial and academic users for conducting research in diverse technology areas, including biology and medicine, chemistry and environmental sciences, physics and material science. It is possible to perform proprietary or non-proprietary research at the Designated User Facilities. There is typically no charge for users who are performing non-proprietary research with the understanding that they are expected to publish their results. For proprietary research that is not intended for publication, access to facilities is available on a full cost recovery basis. The submission process for individual or collaborative research may differ at each laboratory; however, access generally begins with an invitation from an employee or through submission and approval of a peer-reviewed proposal. More complete descriptions and models of these Agreements are found in the Class Waiver for Non-Proprietary Users and the Class Waiver for Proprietary Users.

Strategic Partnership Project (SPP)

(Non-federal)

An SPP Agreement is a fee for service contract that enables members of industry, non-profit institutions, and other non-federal entities to pay the laboratory to perform a defined scope of work or tasks. The laboratory cannot compete with industry so any work must draw upon the unique facilities, equipment, or personnel intrinsic to the laboratory. The rights to the inventions and data that arise under such a contract (subject inventions) may vest in the sponsor if the sponsor is a U.S. entity and pays for the work with private funds; however, if the sponsor is subcontracting federal funds to the laboratory or if the sponsor is a non-U.S. entity, then the rights of subject inventions will typically vest with the laboratory performing the work. The Government will retain a license for all subject inventions for use by or on behalf of the Government. The DOE requires either 1) advance payment of the entire amount of funding or 2) a pay plan that requires the first payment to include a 60 (at minimum, some labs require 90) day reserve of expected cost and in some instances funding for the first 30 days of work.

Strategic Partnership Project (SPP) (Non-federal)

Agreement for Commercializing Technology (ACT)

While also a contract for services, an ACT agreement differs from a SPP agreement. Except for the Intellectual Property (IP) terms, ACT is a negotiable agreement with more flexibility than a SPP agreement. Under this mechanism, DOE allows the laboratory contractor to enter into agreements on a commercial basis as a private entity, and assume the risk of some terms of the agreement. For example, the laboratory contractor may 1) waive part or all of the advance payment requirement, 2) assume some of the indemnity requirements, and 3) may accept payment based on milestones or deliverables. Because the contractor can assume contractual and financial risk under this mechanism, the agreement can carry a fee. While ACT agreements are also available to industry, non-profit institutions, and other non-federal entities, under current rules none of the funds used to pay for these services can come from any federal source. ACT is currently a pilot program available at six DOE laboratories.

License Agreement

IP developed by DOE's national laboratories is typically held and licensed by working with the responsible technology transfer office/organization within the laboratory where the technology was developed. Because of the unique set of laws related to IP generated at DOE laboratories, licensing agreements for these technologies include some provisions that may not be present in a license agreement between private entities, e.g. march-in-rights, government-use rights, and indemnification of the federal government. Typically, DOE IP License agreements will also include financial and milestone terms which may include: an issue fee, running royalties, recurring fees, other terms appropriate for the technology and the market, and milestone commitments for technology development. Many of the technologies available for licensing will require additional development before they are commercially viable, so an Option Agreement is another licensing mechanism that will reserve an entity's right to license a technology at a future time.

Cooperative Research and Development Agreement (CRADA)

A CRADA is an Agreement between one or more laboratories and one or more non-federal entities (CRADA Participants), including industry, that facilitates private sector collaboration utilizing laboratories' technologies, processes, R&D capabilities, or technical know-how. The Participant benefits from access to each laboratory's unique technologies, capabilities, and expertise; the option to negotiate up to an exclusive license in a field of use for any laboratory inventions that result from the work performed under the CRADA (subject inventions); and protection for up to five years of commercially valuable information generated through the work under the CRADA. The CRADA Participant must contribute in-kind resources manifest in personnel, equipment, facilities etc. As most DOE laboratories are full cost recovery, a funding source for the laboratory work must be identified before work can start; often the laboratory funding source under a CRADA is funding sent directly from the CRADA Participant. The DOE requires either 1) advance payment of the entire amount of funding or 2) a pay plan that requires the first payment to include a 60 (at minimum some labs require 90) day reserve of expected cost and in some instances funding for the first 30 days of work.

Funding Opportunity Announcements (and other solicitations)

The DOE and other federal agencies often post Funding Opportunity Announcements (FOAs) or other solicitations such as Small Business Innovative Research calls for proposals that encourage teaming with national laboratories to deliver on the missions and goals of that agency. Many of these FOAs and solicitations specifically require or suggest that DOE federal laboratories partner with non-federal entities, including industry, academia, or non-profit agencies. These projects often present very substantial opportunities for these partners to receive funds to perform research or further develop or deploy technologies that may contribute to their goals as well. DOE laboratories welcome input and ideas from interested parties in response to these FOAs, and we strongly encourage such participation. The particular rights and responsibilities related to these projects, including IP rights, cost share, contract terms, etc., vary substantially from one project to another, so all interested parties are encouraged to carefully read the detailed solicitations and contact the DOE national labs for more information on how to participate in a response or proposal.

Contacts

Laboratory/Facility	Contact	Website
Ames Laboratory	Joiner@ameslab.gov	https://www.ameslab.gov/techtransfer
Argonne National Laboratory	partners@anl.gov	http://www.anl.gov/technology/technology-development-and-commercialization
Brookhaven National Laboratory	tech@bnl.gov	https://www.bnl.gov/techtransfer/
Fermi National Accelerator Laboratory	optt@fnal.gov	http://www.fnal.gov/directorate/techtransfer/
Idaho National Laboratory	Collaboration@inl.gov	https://www.inl.gov/inl-initiatives/technology-deployment/
Kansas City Plant	Customer_inquiry@kcp.com	http://honeywell.com/sites/aero-kcp/Partnering/Pages/partnering-agreements.aspx
Lawrence Berkeley National Laboratory	ipo@lbl.gov	http://ipo.lbl.gov/
Lawrence Livermore National Laboratory	pitcock1@llnl.gov	https://ipo.llnl.gov/
Los Alamos National Laboratory	feynmancenter@lanl.gov	http://www.lanl.gov/projects/feynman-center/
National Energy Technology Laboratory	techtransfer@netl.doe.gov	http://www.netl.doe.gov/business/tech-transfer
National Renewable Energy Laboratory	Anne.Miller@nrel.gov	http://www.nrel.gov/technologytransfer/
Oak Ridge National Laboratory	info@partnerships.gov	https://www.ornl.gov/partnerships
Pacific Northwest National Laboratory	TechComm@pnnl.gov	http://www.pnnl.gov/business/tech_transfer.aspx
Pantex Plant	Pantex_WFO@Pantex.com	http://www.pantex.com/doing-business/pages/our-capabilities.aspx
Princeton Plasma Physics Laboratory	lbagley@pppl.gov	http://www.pppl.gov/organization/technology-transfer
Sandia National Laboratories	partnerships@sandia.gov	http://www.sandia.gov/working_with_sandia/technology_partnerships/index.html/
Savannah River National Laboratory	dale.haas@srl.doe.gov	http://srl.doe.gov/tech_transfer/tech_transfer.htm
SLAC National Accelerator Laboratory	iprp@slac.stanford.edu	https://partnerships.slac.stanford.edu/what-we-do
Thomas Jefferson National Accelerator Facility	dowd@jlab.org	https://www.jlab.org/exp_prog/techtransfer/
Y-12 National Security Complex	OTCP@y12.doe.gov	http://www.y12.doe.gov/partnerships



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