

**Pre-Offer Conference for Technology Innovation FY 2009 Projects
May 2, 2008 at 10:00 AM PDT**

Questions and Answers

- Q. How is company proprietary information and intellectual rights handled?
- A. Please discuss this in your offer. Mark it as such in your offer as confidential and let BPA know that it is intellectual property of your entity. A blanket confidentiality agreement may be issued. Ownership of intellectual property is discussed in the draft Terms and Conditions that were sent to you. There is an opportunity to discuss the Ts & Cs if necessary. Our object is not to share your intellectual property.
- Q. What about specific terms and conditions if awarded?
- A. Draft terms and conditions are included in the RFO package. Specific terms may be negotiated for a resulting contract.
- Q. Regarding ownership of property rights, publications, property rights, etc, if the project is successful on the vendor's part, there is going to be something "patentable." A quote "BPA quote of special works" Paragraph B on pg. 27, the contractor retains the rights, but also the federal government retains the rights. Going back and forth between those clauses seems to be counter indicative and confusing. Can you clarify?
- A. BPA's primary interest is to see the project move forward. If it results in something patentable—since BPA is funding this project—we would anticipate a license agreement or a use agreement, but the license or ownership of patent rights would stay with your company. We are currently doing a policy review on how BPA deals with intellectual property.
- Q. If the government helps fund something then they want to continue to use it for free and sell it. Is that statement correct?
- A. BPA is not interested in owning your property rights. We would expect to have some rights of use, yes, but Bonneville has no desire to ownership rights.
- Q. Does BPA have the right to sell any intellectual property or patented item it to any other entity...and only wants rights of use?
There are many clauses that say we inform the CO that we have something patentable, and we go some period beyond time to patent, that BPA has the legal right to give it to someone else?
- A. That is the intent of how that clause is written. If the contractor develops a product or patentable item, and gets a patent, BPA doesn't want to take it, we want to use it.
- Q. The non-filing of a patent would be considered an abnormal action?
- A. Yes. If the entity doesn't patent the product resulting from our award within the legal and certain amount of time, at this point BPA has the legal right to patent and sell this product or idea. This would be considered an abnormal action.

- Q. Can you clarify the \$3M and the internal and external projects?
- A. There is \$3M for internal **and** external projects. What we have is an R&D Portfolio process. Part of that is recruiting ideas from internal and external parties. These end up with the technology innovation council and are chosen through that. The \$3M is to fund new projects for FY 09. There isn't any favoritism or conflict of interest regarding these projects. They both go through the same process equally.
- Q. What happened last year regarding this question?
- A. Proportionally, it was about the same. 46 projects, 30 of which were internal and 16 from outside were funded for FY08. The \$3M is a soft number, we may very well go above that number, which is dependent on this portfolio review.
- Q. There are other similar DOE accounts that are offering funding; can we use other DOE agency funding?
- A. Yes, we don't treat them in conflict. That is able to be used as a cost share.
- Q. Regarding the Homeland Security clause, we have listed on our SOQ that one of our consultants is European. Does this need to be submitted to BPA after or before the RFO is submitted?
- A. These terms and conditions are a draft of what the final contractual terms. After award, if there was a foreign national there needs to be notification to the contracting officer so proper action can be taken.
- Q. Would it require two separate proposals to use two DOE funds?
- A. As long as the proposal fills the requirements for us, we will accept it. As far as the other DOE entity goes, if your proposal happens to fit their requirements as well, then you wouldn't have to create two. Bonneville isn't directly linked with other DOE entities and do not share proposals between other Federal Agencies.
- Q. What is the boundary limits of the geographical area regarding the project? Wyoming?
- A. Not Wyoming, we're concerned with just the BPA service area.
- Q. We have some expensive equipment that is going to be purchased this year, how would that be stated in proposal?
- A. Stated as in-kind contributions from your company.
- Q. Many of us have projects that are going to be under way, regardless, if we have projects that are started before October 1st will the funding still be available?
- A. The awards are based for FY 09. No money spent before the beginning of our FY09 will be reimbursable.

- Q. Any brownie points for the entity putting in over 50% of the cost share?
- A. I wouldn't propose it would be "brownie points" but what we're looking at is the total cost of the project, our portion of 50%, and what benefit gets provided to the project has an impact on BPA. I assume the review panel would be more willing to fund your project if it were less than 50% on our part to get the benefit.
- Q. So having more than 50% would be more impressive?
- A. I think the evaluators would be more impressed with that option.
- Q. There's a big focus on wind integration issues in the RFO, but BPA is also interested in helping the industry at large...will projects not directly related to wind, or projects helping the industry be penalized?
- A. No, the focus will be on Wind Power, but other projects won't be disregarded. All the projects awarded this year are not going to be wind, and we understand that. There is an appropriate distribution of all projects.
- Q. After the RFSOQ we noted there may be outside of what we proposed outside of an application in terms of the Technology Roadmaps. Would we address that in the same proposal, or present two?
- A. I would present them as one project. If the project is focused on one roadmap and influences another, include both. The more benefit the project has to BPA, the better your chances for an award, which includes focusing on more than one roadmap.