

Guidance for User Facility Agreements Los Alamos National Laboratory

Overview - In July 1993, the DOE Office of Technology Utilization approved a policy for the establishment of Technology Deployment Centers/User Facilities (TDC/UF). The Final Report of the Technology Transfer Field Task Force and the approved policy state that “Technology deployment facilities that facilitate direct DOE/industry interaction are essential to a successful technology transfer program.”

In February 1994, Victor H. Reis, Assistance Secretary for Defense Programs, delegated to the Department of Energy’s Albuquerque Operations Office (AL) the authority to approve TDC/UF’s for its laboratories and production plants.

Once a facility has been approved as a TDC/UF, Los Alamos National Laboratory (LANL) has been granted authority to seek out and enter into User Agreements for that facility. Normally, these agreements may be executed without prior approval by the DOE. The current exceptions to this—i.e., individual and prior approval from DOE must be received—are as follows: 1) Any deviation from the Standard Agreement; 2) The activity will be taking place in a classified area; 3) The activity presents an unusual environmental safety or health issue; 4) There is need for an intellectual property class waiver; 5) The activity is otherwise unusual in any other respect.

Effective January 1995, the United States Department of Energy (DOE), Albuquerque Operations Office (AL), authorized Los Alamos National Laboratory (LANL), to execute and administer the User Facility Agreements (UFA) for DOE/AL. This authorization allows LANL to provide private industry, state governments, local governments, colleges, universities, nonprofit, not for profit, foreign companies and foreign governments (hereinafter, individually and collectively referred to as “Participant”), access to highly specialized or unique technical expertise, services and facilities not available in the domestic private or non-federal public sector as authorized by the Atomic Energy Act of 1954, as amended.

LANL has major national programs in fundamental scientific research, energy and environmental research, and nuclear weapons research development and production which may, in part, be of benefit to potential Participants.

Contract - The UFA is a bilateral contract between the Participant and LANL for LANL to provide a unique experimental facility for the Participant to use in return for payment by the Participant. In order to assure compliance with applicable laws, regulations, policies and directives, DOE has prescribed the terms and conditions under which LANL can provide TDC/UF, and these are set forth in the User Facility. Intellectual Property is to be handled in accordance with Appendix C Patents and Technical Data Clauses.

Questionnaire - The UFA Questionnaire is required to be submitted prior to the start of a UFA. This Questionnaire provides necessary information for the UFA and helps by identifying issues which may require DOE involvement.

Payment in Advance - Cash advances from the Participant are required prior to authorizing work under the UFA. Full funding is required prior to beginning work under the UFA with an estimated cost of \$25,000 or less, or that will be completed in 120 days or less. For an UFA that is greater than \$25,000 and with a period of performance greater than 120 days, the Participant has the option of requesting that funds be advanced on an incremental basis. Funds shall be advanced each month to maintain a continuous 90 day advance of funds during the period of performance of the agreement. The initial invoice for funds in such cases will be for 120 days.

Pricing Policy - It is DOE policy to establish prices and charges for the facility, materials, and services provided to Non-Federal entities at DOE's full cost. Full cost to the Participant includes the cost of LANL's depreciation of the facilities and equipment, and DOE overhead. Depreciation and DOE overhead are subject to change annually. Currently, the combined rate for DOE depreciation and DOE overhead is 3%. Cost and pricing data is not available to Participants.

Waiver of Depreciation and DOE Overhead - DOE has implemented a class waiver of the DOE overhead and depreciation costs for small businesses and non-profit organizations (including Universities and Institutes). This waiver is in effect, on a trial basis. If this class waiver applies to your organization, please provide the enclosed form, certifying your status as a small business or non-profit organization.

Preliminary Discussions - Requests for use of LANL's TDC/UF's are generally initiated between technical representatives of the Participant and LANL. During this initial contact, a draft statement of work and preliminary estimate of the LANL cost is developed to meet the Participant's preliminary requirements. While these early discussions with LANL are important in meeting the decision-making needs of the Participant, they are preliminary in nature.

Participant Submits to LANL - To initiate the UFA:

- (1) The completed and signed Participant Questionnaire;
- (2) Notification to request waiver of depreciation and DOE overhead, if applicable; (justification by Participant not required);
- (3) Small business or non-profit organization certification to support the request for waiver of DOE added costs, if applicable;
- (4) The Statement of Work which has been prepared in cooperation with and confirmed by the LANL PI. (The LANL PI and your Technical Point of Contact are usually responsible for writing the Statement of Work together.)

LANL Reviews Participant's Information, Executes Agreement, and Obtains Participants

Signature - Following receipt of the Participant's information, LANL will request information from the Principal Investigator (PI) which includes a confirmed statement of work, facility to be used, cost estimate, and agreement duration. LANL then requests DOE's approval if a request for approval was requested. The UFA is then executed by LANL and submitted to the Participant for signature along with an invoice for advance payment.

Authorization to Proceed and Performance of Work - After receipt by LANL of the signed agreement and advance funding, work can begin. The Participant will deal directly with LANL on all technical and administrative aspects of the agreement.