

Subject: Policy for Research Sponsored by Non-DOE Entities	Effective Date: April 18, 2003	Initiated by: Head, Business Operations
	Supersedes: Rev. 0, Dated 6/16/02	Approved: Director

REFERENCES: DOE Order 481.1C Work For Others (Non-Department of Energy Funded Work

DEFINITIONS

WFO	Work For Others Agreements
CRADA	Corporate Research and Development Agreements
ORPA	Princeton University Office of Research and Project Administration

This document outlines the policy and procedures for implementing the Laboratory's program for performing research or non-research work for entities other than DOE. The Policy addresses such effort performed under Work-For-Others (WFO) agreements and Cooperative Research And Developmental Agreements (CRADA), including those instances in which the sponsor provides 100% of project funding. All work funded by the DOE, either in whole or in part, is excluded from the provisions of this policy. Also excluded from the provisions of this policy, are the following: 1) work for non-federal sponsors which is supported, in part, by DOE direct funding, via a formally negotiated cost sharing agreement; and, 2) consulting services by individual PPPL staff. This policy is geared to meet the requirements of DOE Order 481.1C, which addresses non-DOE funded projects.

KEY POLICY REQUIREMENTS:

All work performed for non-DOE entities should be consistent with the Laboratory's mission statement and is governed by the following key policy requirements:

1. It is the policy of the DOE that facilities and resources at laboratories managed by M&O contractors may be made available for the performance of work for non-DOE entities providing that such work is consistent with, and complementary to, DOE's mission for the Laboratory, that the proposed work would not adversely impact the execution of assigned programs at the Laboratory, would not create a detrimental future burden on DOE resources, and would not place the Laboratory in direct competition with the private sector.
2. PPPL may engage in the type of work described above that the Laboratory is qualified to do, using existing facilities and expertise. This type of work, funded by non-DOE entities, benefits the Laboratory by supporting valuable research opportunities, broadening the intellectual base in plasma physics and smoothing out short term fluctuations in PPPL's budgets and staffing requirements, but should not be used to maintain domains of expertise for which the Laboratory's DOE-based long term need is declining or non-existent. There should be no new

hires to staff, with the exception, where appropriate, of post-doctoral and term–appointments, for work for non-DOE funded projects. Hires to regular appointments must have the expertise to support the DOE-approved Laboratory mission and be consistent with the long-term needs of the Laboratory.

3. It must be determined that the work intended to be performed is of a unique nature, in order that the Laboratory not be placed in direct competition with the domestic private sector. The determination that the private sector can not perform the work is the joint responsibility of the Sponsor and the DOE Contracting Officer.
4. The professional staff at PPPL, by virtue of their appointments in the University, have the opportunity to pursue independent research if it is of interest to the Laboratory and when funds are provided from external sources. These privileges, and the attendant responsibilities, are outlined in the Rules and Procedures of the Professional Research and Technical Staff of Princeton University. The key elements of Princeton University’s policy for PPPL regarding independent research are:
 - a. A member of the faculty, a Principal Research Physicist (Rank 4-6), Research Physicist (Rank 3), or a senior member of the engineering staff (Rank 7-10) must lead the project. In special circumstances, other members of the research staff can lead a project if approved by the Director and the University Research Board.
 - b. The sponsor cannot have the continuing responsibility for the scientific direction of the research.
 - c. Limitations on publication of research results must be in accordance with the policy of the University Research Board.
 - d. No classified research is permitted.

The above key requirements are applicable to both WFO and CRADA agreements; the specific form of contract applicable to a particular fact situation will be determined jointly by the Head, Business Operations, and the Head, Plasma Science and Technology Department, based on the criteria set forth in this policy.

ADMINISTRATIVE/OPERATIONAL REQUIREMENTS:

All projects sponsored by non-DOE entities, whether using the WFO or CRADA format, are subject to the following administrative/operational requirements:

1. All proposed non-DOE funded research or non-research work involving the use of government equipment, facilities, or materials must have the approval of the DOE/PAO Contracting Officer and ORPA, except that proposals to Federal Agencies other than DOE do not require ORPA’s approval, prior to the submission of any proposals or acceptance of awards. Work that is directly funded by a foreign entity sponsor requires the review and approval of the Office of International Science and Technology Cooperation and the cognizant DOE program office.

2. All non-DOE funded research or non-research work will be completed on a full-cost recovery basis and must utilize the administrative methods, practices, and procedures incorporated in those DOE orders that are applicable to PPPL. Full-cost recovery includes all direct expenses and all applicable indirect costs of the Laboratory, including, unless waived by the DOE/PAO, the current DOE-added administrative charge of 3%. The DOE Administrative charge may be waived for small businesses and “not for profit” entities.
3. Funding for all research or non-research work performed by the Laboratory must be incorporated into the prime contract via a funding modification. The funding to cover the applicable work scope will be made available through DOE’s letter-of-credit account. In the case of other federal agencies, the appropriate financing will be made available by DOE, and a funding modification will be executed, once an Interagency Agreement or other appropriate vehicle, as determined between DOE and the funding agency, has been executed. In the case of non-federal sponsors, the subject sponsor generally must provide pre-financing adequate to cover no less than 90 days of anticipated costs at the proposed expenditure rate throughout the life of the project; full funding is required in advance in those instances where the estimated cost is less than or equal to \$25 thousand. The pre-financing payment is to be forwarded to DOE, and a funding modification must be executed, prior to the commencement of work.
4. PPPL is prohibited by law from competing with the private sector; thus, PPPL cannot respond to any federal government acquisition request for proposals (RFPs) or any other solicitation from another Federal agency or non-federal entity that involves head-to-head competition with the private sector, either as an offeror, team member, or a subcontractor to an offeror. PPPL may respond to federally published *Broad Agency Announcements of Research Opportunities, Financial Assistance Solicitations, Program Research and Development announcements, and similar solicitations from another Federal agency or non-federal entity that do not result in head-to-head competition with the private sector*. Submission of unsolicited proposals is permissible provided the criteria of this document are met.
5. The availability of specialized facilities and capabilities which exist at PPPL may be made known through the exchange of information using technical publications, professional exchanges at conferences, or, through any other distribution of general capability statements of PPPL’s operations and facilities.
6. A NEPA review must be undertaken and a NEPA clearance must be obtained prior to the commencement of work. In the event that an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required, all direct costs associated with obtaining the EA or the EIS must be born by the sponsor. (Support from the Laboratory’s indirect activities [ES&H] will continue to be charged indirectly.)

7. In the case of work-for-others agreements with federal agencies, PPPL can procure automated data processing equipment (ADPE) on behalf of the federal sponsor under the following conditions:
 - a. All PPPL procurement requirements related to the purchase of ADPE are satisfied.
 - b. PPPL must provide a statement to DOE/PAO that title to the ADPE will be handled in accordance with the personal property provisions of the DOE prime contract.
 - c. In those grants (NASA/DOD) where the contracting officer determines at the completion of the contract who has title to ADPE, the contracting officer must, at the beginning of the contract, permit DOE to retain title to the ADPE.