

27.406-1 General.

(a) It is the Government's practice to determine, to the extent feasible, its *data* requirements in time for inclusion in *solicitations*. The *data* requirements *may* be subject to revision during contract negotiations. Since the preparation, reformatting, maintenance and updating, cataloging, and storage of *data* represents an expense to both the Government and the contractor, efforts *should* be made to keep the contract *data* requirements to a minimum, consistent with the purposes of the contract.

(b) The *contracting officer shall* specify in the contract all known *data* requirements, including the time and place for delivery and any limitations and restrictions to be imposed on the contractor in the handling of the *data*. Further, and to the extent feasible, in *major system acquisitions*, the *contracting officer shall* set out *data* requirements as separate *line items*. In establishing the contract *data* requirements and in specifying *data* items to be delivered by a contractor, agencies *may*, consistent with paragraph (a) of this subsection, develop their own contract schedule provisions. Agency procedures *may*, among other things, provide for listing, specifying, identifying source, assuring delivery, and handling any *data* required to be delivered, first produced, or specifically used in the performance of the contract.

(c) *Data* delivery requirements *should* normally not require that a contractor provide the Government, as a condition of the *procurement*, *unlimited rights* in *data* that qualify as *limited rights data* or *restricted computer software*. Rather, *form, fit, and function data* *may* be furnished with *unlimited rights* instead of the qualifying *data*, or the qualifying *data* *may* be furnished with *limited rights* or *restricted rights* if needed (see [27.404-2\(c\)](#) and (d)). If greater rights are needed, they *should* be clearly set forth in the *solicitation* and the contractor fairly compensated for the greater rights.

Parent topic: [27.406 Acquisition of data.](#)