227.7104-4 Solicitation provisions and contract clauses.

(a)(1) Use the clause at 252.227-7018, Rights in Other Than Commercial Technical Data and Computer Software–Small Business Innovation Research Program and Small Business Technology Transfer Program, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial products and commercial services, when SBIR/STTR data are delivered, developed, or generated during contract performance, and when any portion of contract performance is governed by SBIR or STTR policies (e.g., performance of one or more subcontracts qualifies as a phase III SBIR or STTR award). See 227.7104-1(d) for guidance on contracts or subcontracts governed by SBIR or STTR policies.

(2) For the remainder of the technical data or computer software that is delivered, developed, or generated under the contract, use the following clauses as applicable, in accordance with the prescriptions for those clauses:

(i) 252.227-7013, Rights in Technical Data–Other Than Commercial Products and Commercial Services.

(ii) 252.227-7014, Rights in Other Than Commercial Computer Software and Other Than Commercial Computer Software Documentation.

(iii) 252.227-7015, Technical Data–Commercial Products and Commercial Services.

(b) Use the following provision in solicitations and the following clauses in solicitations and contracts that include the clause at 252.227-7018, in accordance with the prescriptions for the provision and clauses:

(1) 252.227-7016, Rights in Bid or Proposal Information.

(2) 252.227-7017, Identification and Assertion of Use, Release, or Disclosure Restrictions.

(3) 252.227-7019, Validation of Asserted Restrictions–Computer Software.

(4) 252.227-7025, Limitations on the Use or Disclosure of Government-Furnished Information Marked with Restrictive Legends.

(5) 252.227-7028, Technical Data or Computer Software Previously Delivered to the Government.

(6) 252.227-7030, Technical Data–Withholding of Payment.

(7) 252.227-7037, Validation of Asserted Restrictions on Technical Data (paragraph (e) of the clause contains information that must be included in a challenge).

(c)(1) Use the provision at 252.227-7040, Additional Preaward Requirements for Small Business Technology Transfer Program, in solicitations that contain the clause at 252.227-7041.

(2) Use the clause at 252.227-7041, Additional Postaward Requirements for Small Business Technology Transfer Program, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial products and commercial services,

for acquisitions under the STTR program.

Parent topic: 227.7104 Contracts under the Small Business Innovation Research Program and Small Business Technology Transfer Program.