

**ADVANCED SYSTEMS & TECHNOLOGY**

**(U) ATTACHMENT J-11, OPEN FRAMEWORK DATA RIGHTS ASSERTIONS**

**(U) Version 2.0, 17 November 2021**

***(U) Part of the FY21-25 Open BAA Framework – Architecture After Next***

**(U) CHANGE MANAGEMENT LOG**

**for**

**ATTACHMENT J-11, DATA RIGHTS ASSERTIONS**

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| **VERSION** | **DATE** | **REVISED BY** | **AREA AFFECTED** | **REMARKS** |
| 1.0 | 15 October 2020 | Karen McGrath | All | Initial Release |
| 2.0 | 5 November 2021 | Jennifer A. Hughes | Page 1, Table 1.0 | Instructions; added in red |
| Page 3, Table 2.0 | Note added in red |
| Page 4, Table 3.0 | Instructions; added in red |
| Page 6, Table 5.0 | Column 2, modified title in red |
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| **NOTE**: Process for all Framework document version control: Initial version will be 1.0. Identify subsequent versions in the same FY by numerically increasing the number following the decimal, e.g., 1.**1**, 1.**2**, 1.**3**, etc. When an update in the following FY is required, the numerical version will change from **1**.X, to **2**.X, etc. If no changes are required in a given FY, a numerical change is not required. The review of all Framework documents occurs at FY-end and documented in requisite CMLs per guidance herein. | | | | |
| **Table is Unclassified** | | | | |

(U) ATTACHMENT J-11

OPEN FRAMEWORK DATA RIGHTS ASSERTIONS

# Table 1.0 – Data Rights Summary, Non-Commercial for Technical Data/Computer Software/Computer Software Documentation

The Offeror must complete Table 1.0 in the following manner:

* Insert the appropriate CLIN reference(s) in the third column that corresponds to the effort required to deliver the specific CDRL item
* With regard to the items of Technical Data, Computer Software, and Computer Software Documentation, insert either “**U**” for Unlimited (for Technical Data, Computer Software, and Computer Software Documentation), “**R**” for Restricted (for Computer Software), “**GPR**” for Government Purpose Rights (for either Technical Data, Computer Software, or Computer Software Documentation), “**L**” for Limited (for Technical Data or Computer Software Documentation), or “**N/A**” for Data Rights not Required and “**Other**” for Other Information that Cannot Be Easily Categorized. If the Offeror’s asserted proposed rights differ from~~than~~ the minimum rights required by the Government, the Offeror shall annotate the respective cell and provide explanation for the difference. **NOTE**: Offerors must provide justification why Data Rights are not required, e.g., public domain knowledge.
* If a CDRL will require delivery of multiple categories of data (Technical Data and/or Computer Software), the Offeror shall propose one level of data rights for each of those CDRLS and all of its components. If this is not possible, the Offeror shall annotate the respective cell, indicate the proposed rights in Column 5, and explain its applicability in Column 6. In any event, the combined data deliverable marking must not inhibit the Government’s data rights needs for each specific deliverable.

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| Legend for Data Rights | | U = Unlimited Rights | | | R = Restricted Rights | | | | | GPR = Government Purpose Rights | |
| L = Limited Rights | | | Other = Other Information That Cannot Easily be Categorized\* | | | | | \*See NAM N52.227-002(d) | |
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| Column 1 | Column 2 | | | Column 3 | | Column 4 | | Column 5 | | | Column 6 |
| CDRL No. | Data Item Title | | | CLIN | | Govt's Assertion of Data Rights | | Offeror's Assertion of Govt's Data Rights | | | Explanation for Difference |
| A008 | Data Accession List (DAL) | | | 0002 | | U | |  | | |  |
| A021 | Post Award Orientation | | | 0002 | | GPR | |  | | |  |
| A045 | Final Review Presentation Materials | | | 0002 | | GPR | |  | | |  |
| A050 | Integrated Program Management Report (IPMR) | | | 0002 | | U | |  | | |  |
| A057 | Monthly Status Report | | | 0002 | | GPR | |  | | |  |
| B015 | Software Design Specification (SWDS) | | | 0002 | | U | |  | | |  |
| B019 | Computer Program End Item Documentation | | | 0002 | | U | |  | | |  |
| E038 | Algorithm Description Document (ADD) | | | 0002 | | U | |  | | |  |
| R018 | Contract Registration / Compliance Artifacts | | | 0002 | | U | |  | | |  |
| S012 | Final Report | | | 0002 | | GPR | |  | | |  |
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| Table is Unclassified | | | | | | | | | | | |

# Table 2.0 – (U) Commercial TD/CS/CSD License List

The Offeror must complete Table 2.0 in the following manner:

* Fill in all columns of the table identifying all commercial technical data, commercial computer software, and commercial computer software documentation licenses that will be DELIVERED as part of this contract. Unclear or “summary level” descriptions and information or incomplete entries are not acceptable and may render the offer non-responsive to this solicitation.
* If various technical data/software applications are required to generate a CDRL, each technical data/software application must be listed on a separate row in the table

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| Table 2.0 – Data Rights Summary, Commercial for TD/CS/CSD License List | | | | | |
| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 |
| CDRL No. | Data Item Title | CLIN | Vendor Name; Technical Data/Software Application Name; License No.; Version No. | Number of Licenses | Notes |
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| Table 2.0 – Commercial TD/CS/CSD License List | | | | | |
| Table is Unclassified | | | | | |
| NOTE: All Commercial TD/CS/CSD required for performance of the contract and subsequent delivery (or incorporation into any deliverable) must be identified if direct charged to the contract. | | | | | |

**Table 3.0 – (U) Non-Commercial Assertions List for TD/CS/CSD**

The Offeror shall identify all non-commercial TD, CS, and CSD that it asserts should be delivered with other than Unlimited Rights. Offeror is advised that the required information set forth in N52.227-004 with respect to the description of the asserted items in Column 2 must be clear and specific. For example, software assertions must include the Software title(s), Date of Version(s), and Version Number(s). Technical Data and Computer Software Documentation must include the specific document(s) titles, dates, and version numbers. **Unclear or “summary level” descriptions are not acceptable and may render the offer non-responsive to this solicitation and render the Proposer ineligible for award**. Additionally, if there is no technical data or software to be delivered with less than Unlimited Rights, the Offeror shall submit “None” in the body of Table 3.0. For any CDRLs proposed for delivery (in Table 1.0) with any data rights other than Unlimited (to include GPR) the Offeror shall identify the restrictive elements of the TD, CS, and CSD that are applicable to the deliverable that warrant data rights less than Unlimited. If the Offeror is awarded a contract, the Assertions List, Table 3.0, shall be attached to the contract.

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| Column 1 | Column 2 | Column 4 | Column 5 | Column 6 |
| CDRL No. | TD/CS/CSD to Be Furnished With Restrictions | Basis for Assertion | Asserted  Rights Category | Name of Person Asserting Restrictions |
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| Table is UNCLASSIFIED | | | | |

**Table 4.0 – (U) Prior Delivery List for TD/CS/CSD**

The Offeror shall attach to its offer a list identifying all non-commercial TD, CS, and CSD that it intends to deliver with other than Unlimited Rights and that are identical or substantially similar to TD, CS, or CSD that the Offeror has delivered to, or is obligated to deliver to, the Government under any contract or subcontract. Additionally, if there is no technical data or software to be identified in the Prior Delivery List, the Offeror shall submit “None” in the body of Table 4.0. If the Offeror is awarded a contract, the Prior Delivery List, Table 4.0, shall be attached to the contract.

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| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | Column 7 | Column 8 |
| Associated CDRL No. | TD/CS/CSD Previously Delivered | Contract # under which data was produced | Contract # under which data was most recently delivered or will be delivered | Organization Name & Address to which the data was or will be delivered | Delivery Date | Limitations on Government's right to use or disclose data | Date limitation(s) expire |
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| Table is UNCLASSIFIED | | | | | | | |

**Table 5.0 – (U) Specifically Negotiated (Special License List)**

(U) This table identifies a list of the TD, CD, or CSD the Offeror asserts should be delivered with Negotiated License rights or other non-standard rights (Special Licenses) (as discussed at N52.227-001 “Technical Data and Computer Software: Commercial Items” (SEP 2013) and/or N52.227-002 “Rights in Technical Data and Computer Software: Non-commercial Items” (FEB 2011)). Additionally, if there is no technical data or software to be identified in the Special License List, the Offeror shall, enter “None” in the body of Table 5.0. If the Offeror is awarded a contract, the Specifically Negotiated (Special) License List, Table 5.0, shall be attached to the contract.

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| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
| CDRL No. | Data Item/ Software Item Title | CLIN | Vendor Name; Technical Data/Software Application Name; License No; Version No | Complete Description of Non-Standard Restrictions |
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| Table is Unclassified | | | | |

**Table 6.0 – (U) Background Patent List**

A “background invention” is any invention, other than a subject invention, that is covered by any patent or pending patent application in which the Offeror (including its sub-Offerors or suppliers, or potential sub-Offerors or suppliers, at any tier) (1) has any right, title, or interest; and (2) proposes to incorporate into any Items or Components. **Unclear or “summary level” descriptions of background patents are not acceptable and may render the offer non-responsive to this solicitation**. If there is no information to be included in the Background Patent List, the Offeror shall submit “None” in the body of Table 6.0. If the Offeror is awarded a contract, the Background Patent List, Table 6.0, shall be attached to the contract.

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| Column 1 | Column 2 | Column 3 | | Column 4 | Column 5 | Column 6 |
| Patent/Serial No. | Inventor(s) | Contract # under which invention was made | | Description of invention | Publication/Sale/Public Use of Invention | Explanation for need of invention in performance of contract |
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**Table 7.0 – (U) Third-Party Patent List Identification and Licensing**

**Unclear or “summary level” descriptions of third party patents are not acceptable and may render the offer non-responsive to this solicitation**. If there is no information to be included in the Third-Party Patent List, the Offeror shall enter “None” in the body of Table 7.0. If the Offeror is awarded a contract, the Third Party Patent List, Table 7.0, shall be attached to the contract.

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| Column 1 | Column 2 | Column 3 | | Column 4 | Column 5 | Column 6 |
| Patent/Serial No. | Inventor(s)/Patent Holder(s) | Description of Invention | | Publication/Sale/Public Use of Invention | Amount of Royalties to be Paid | Explanation for need of invention in performance of contract |
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