

227.7103-1 Policy.

- (a) DoD policy is to acquire only the technical data, and the rights in that data, necessary to satisfy agency needs.
- (b) Solicitations and contracts shall -
 - (1) Specify the technical data to be delivered under a contract and delivery schedules for the data;
 - (2) Establish or reference procedures for determining the acceptability of technical data;
 - (3) Establish separate contract line items, to the extent practicable, for the technical data to be delivered under a contract and require offerors and contractors to price separately each deliverable data item; and
 - (4) Require offerors to identify, to the extent practicable, technical data to be furnished with restrictions on the Government's rights and require contractors to identify technical data to be delivered with such restrictions prior to delivery.
- (c) Offerors shall not be required, either as a condition of being responsive to a solicitation or as a condition for award, to sell or otherwise relinquish to the Government any rights in technical data related to items, components or processes developed at private expense except for the data identified at 227.7103-5(a)(2) and (a)(4) through (9).
- (d) Offerors and contractors shall not be prohibited or discouraged from furnishing or offering to furnish items, components, or processes developed at private expense solely because the Government's rights to use, modify, release, reproduce, perform, display, or disclose technical data pertaining to those items may be restricted.
- (e) As provided in 10 U.S.C. 3208, solicitations for major systems development contracts shall not require offerors to submit proposals that would permit the Government to acquire competitively items identical to items developed at private expense unless a determination is made at a level above the contracting officer that -
 - (1) The offeror will not be able to satisfy program schedule or delivery requirements; or
 - (2) The offeror's proposal to meet mobilization requirements does not satisfy mobilization needs.
- (f) For acquisitions involving major weapon systems or subsystems of major weapon systems, the acquisition plan shall address acquisition strategies that provide for technical data and the associated license rights in accordance with 207.106(S-70).
- (g) The Government's rights in a vessel design, and in any useful article embodying a vessel design, must be consistent with the Government's rights in technical data pertaining to the design (10 U.S.C. 8687; 17 U.S.C. 1301(a)(3)).

Parent topic: 227.7103 Other than commercial products, commercial services, or commercial processes.