



SPECIAL OPERATIONS FORCES INDUSTRY CONFERENCE

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CRADA Crash Course

SCIENCE AND TECHNOLOGY

“Somewhere something incredible
is waiting to be known.”

-Carl Sagan

SCIENCE AND TECHNOLOGY

Cooperative Research and Development Agreement (CRADA)

- A CRADA Is:
 - A Legal Agreement for Research, Development, Test, and Evaluation (RDT&E)
 - A Collaborative Effort With Non-Federal Party (Parties)
 - Parties May Provide and Share Personnel, Services, Facilities, Equipment, or Other Resources in Conducting the RDT&E
 - Non-Federal Party May Also Provide Funds; Statute Prohibits Government From Providing Funds to Non-Federal Party
 - Since Collaborating Party Does Not Receive Federal Funds, Normal Government Procurement Requirements Do Not Apply
 - End Objective – Advance Science and Technology that Meets USSOCOM Mission Requirements but Also Has Viability in Other Potential Commercial Applications

CRADA Highlights

- A Principle Mechanism for Technology Transfer
- Establishes a Collaborative Effort Between a Program Executive Office (PEO), Director Science and Technology, and Non-Federal Entities
- A Legal Document
- No Money Can be Exchanged
- Provides USSOCOM Services, Personnel, Facilities, Equipment, or other Resources in Support of Non-Federal Entity RDT&E Efforts
- Can Potentially Save Both Industry and USSOCOM Time and Money to Mutually Desirable Results
- Cannot Guarantee Future Procurement on Non-Federal Entity Products Developed Under the CRADA

CRADAs

Two Distinct Processes For Special Operations Forces (SOF) AT&L

- OVERARCHING CRADA
 - Formulated to provide general access to USSOCOM gaps and needs to foster collaboration - Must be consistent with the missions of the organization
 - SOF AT&L Acquisition Executive signed – Company coordination and acceptance – generally 30 days
 - CRADA allows for the formulation and execution of Individual Work Plans (IWPs) between the Collaborator and any PEO/Directorate within SOF AT&L
 - IWPs are staffed and approved by the SOF AT&L Office of Research and Technology Applications (ORTA), SOJA-AQ (Legal Office), and signed by the appropriate Director/PEO. Target 30 days for staffing
 - Collaborator may request meetings with appropriate personnel to begin discussions on IWP development through the SOF AT&L PEO Technical POC
- SPECIFIC (TRADITIONAL) CRADA
 - Formulated to provide a collaboration on a specific technology
 - Follows USSOCOM Directive 70-1 Appendix Q procedures
 - Standard Template
 - Specifically between Collaborator and Single PEO/Directorate
 - Writing and Staffing is generally 90 to 120 days

CRADAs-Intellectual Property

- Is an Asset
- Can be Intangible or Proprietary
- Applies to any Product of Human Intellect
- Forms of Protection
 - Patent: Granted by the Government to provide individuals with legal protection for their discoveries (inventions), excludes others from making, using, or selling the invention for a period of 20 years
 - Copyright: Legal protection provided for products of the mind that are produced in tangible expressions and contain some original expression
 - Trademark: Provides protection for words or symbols or combination used by manufacturer or merchant to identify source of goods
 - Trade Secret: Any formula, pattern, device, or compilation of information that is used in a business and gives an opportunity to obtain an advantage over competitors who do not know or use it

CRADAs – Subject Data

- Technical Data First Recorded in the Performance of the CRADA
- Includes Written Information, Electronically Recorded Information, Films, Etc., Done or Created As Part of the Collaborative Effort
- Does Not Include Any Pre-Existing Data of Either Party Before Entering into the CRADA
- Does Not Include All Other Data as a Result of Work By Either Party Even if it Occurred at the Same Time as the CRADA
- Individual Work Plan (IWP) or Joint Work Plan (JWP) is Key to Describing Specifically What Work is Within The Scope of the CRADA and, Therefore, Defines the Limits of Subject Data

Other Considerations

- Will Management Support it and Does it Support USSOCOM's Mission?
- Does it Include Military Critical Technology (MCT)?
- Is the Technology and/or Information to be Generated Classified?
 - Will Approved DD Form 254 Will be Required.
- Is the Collaborator Foreign Ownership Control or Interest (FOCI)? Do They Have an Approved Special Security Agreement (SSA)?
- Is the Collaborator a Government Contractor?
- Is the Collaborator Planning to Use the CRADA to Support an Anticipated Government Contract for Which the Proposal has Not Yet Been Submitted?
- Is the Collaborator a Private Company that Will Likely Want to License and Commercialize the Resulting Technology?
- Are there Known Internal or External Political Sensitivities?

CRADAs

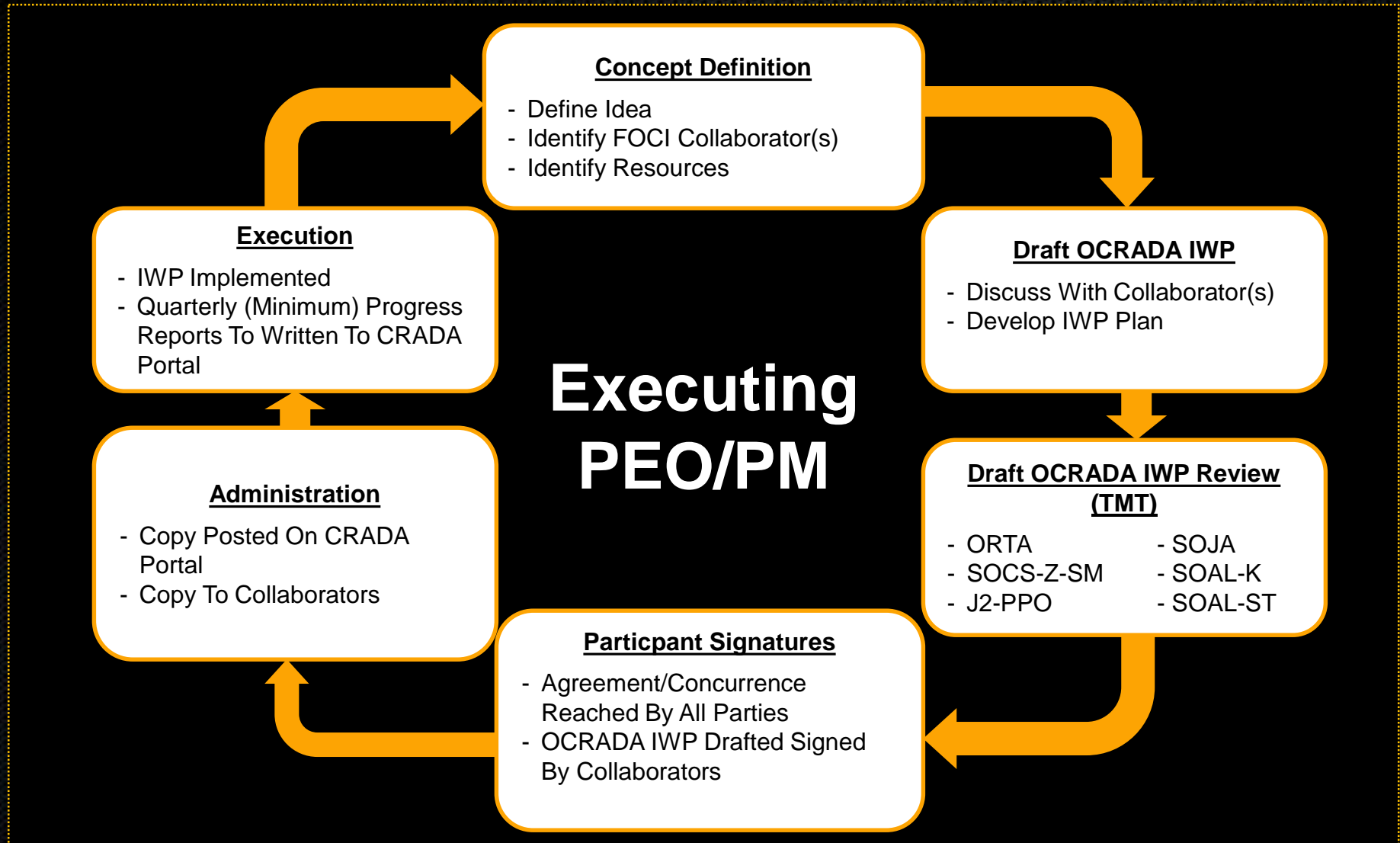
OVERARCHING CRADA PROCESS

- Request Signed Copy of the OCRADA by Providing Email to OCRADA_SOF.Org@socom.Mil
 - Email Must State Reasons for Executing the CRADA, Collaborators Name and POCs, and USSOCOM SOF AT&L Technical POC
- If Acceptable and if No OCRADA Already Exists, You Will be Provided the OCRADA And a Unique Number for Your Effort
 - Have Collaborator Fill in Their Information, Sign the OCRADA and Then Send a Digital Copy Back to the OCRADA_SOF Mailbox
 - If OCRADA Already Exists With the Collaborator, You Will be Provided a Copy
- Develop the Individual Work Plan (IWP) with Collaborator
 - Execute Staffing Action Review of IWP
 - When Complete – Collaborator and SOF AT&L PEO or Director Will Sign the IWP
 - Signed Copy Must be Sent to OCRADA_SOF Mailbox
 - Report Quarterly

Draft OCRADA IWP

- Drafting CRADA Individual Work Plan
 - Treatment of Intellectual Property Must be Addressed – See SOF AT&L Implementing Instruction Appendix Q, Annex C
 - Clearly Define Goals and Objectives
 - Identify Leverage and Non-Negotiable Positions
 - Know the Collaborator(s)' Motives
 - Select Key Representatives to be Present During the Negotiations
 - Be Cognizant of Intellectual Property and Subject Data Rights
 - Identify Each Collaborator's Responsibilities, Both Separate and Joint
 - Answer or Address All Considerations
- Things To Remember
 - Partnering Means Equally Sharing the Rights of Data and Inventions Developed Under a CRADA
 - CRADAs Can Only be Accomplished on a Non-Interference Basis With USSOCOM Mission-Essential Work
 - Security Considerations if IWP Will Involve Military Critical Technical Data of Classified Information
 - Ensure IWP Can be Accomplished Without Actual or Apparent Personal or Organizational Conflict of Interest

OCRADA IWP Process



Lessons Learned

- Make Sure Proposed Technologies Fit in USSOCOM Business Areas
- User Involvement is Always Beneficial
- Best to Work With a PEO
 - They Own the Programs of Record
- Remember – No Guarantee of Follow on Contracts
 - You Will Need to Compete
- Look For Technologies That Can be Inserted in Your Established Systems – Increase Capability of Proven Systems
- We May Say No - Need to Adapt

Questions?