



<b>Topic:</b>	NSF Business Issues II
<b>Lead:</b>	Eddie Whitehurst, Deputy Branch Chief, Cooperative Support Branch
<b>Speaker(s) Name and Title:</b>	Eddie Whitehurst, Deputy Branch Chief, Cooperative Support Branch Matt Hawkins, LFO Head, Large Facilities Office
<b>Scribe Name:</b>	
<b>Session Description:</b>	Business Issues II: terms and conditions and branding
<b>Session Time Slot:</b>	1:40 pm
<b>Purpose and Desired Outcome:</b>	Bring awareness amongst Awardees on terms and conditions and draft requirements associated with branding

**Disclaimer:** *These are raw notes that were captured by the assigned scribe during this session at the 2018 Large Facilities Workshop. This is one individual's interpretation of what took place during the session, and its content does not necessarily represent the viewpoint of the National Science Foundation.*

<b>Notes &amp; Key Points</b>	<ul style="list-style-type: none"> <li>• <i>Language on branding needs clarification in various places (see Q&amp;A below). Awardees provided helpful read on draft text.</i></li> <li>• <i>CRADA interpretation question and application to NSF major facility awards (FFRDCs), needs attention because T/Cs are silent.</i></li> </ul>
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**Notes:**

Terms and Conditions

- See PPT slides for outline of significant talking points.
- Note FFRDCs, were always contained and the same as always followed
- T/Cs as described in this session only apply to new awards, increment, supplement
- Example of branding – existing clause on advertising but facilities has more details and will replace.
- Roy Q: application of CRADA and Stevenson-Wydler Act (see [Wikipedia](#) excerpt below); which specifically authorizes government-owned facilities/laboratories, including FFRDCs, are authorized to collaborate research on topics within their missions. Along with this comes requirements certain patent requirements. I don't see these addressed, does it apply to NSF? Answer: NSF will follow-up; Jeff Leithead stated that NSF doesn't get involved in these/CRADA. When raised in the past, NSF sent individuals to general counsel's office. NSF is silent on this legislation so you would have to know that it applies.

Branding

- See PPT slides for outline of significant talking points.
- Matt: New signage is allowable can be included as part of the negotiation. Assure that you have dialogue with Program Officer. Intent is making public aware.
- Size should be appropriate to scale where it is located. Appropriate cost, location etc.
- Terms and conditions will not be rolled-out until next funding increment. Should be thinking about "items" for next action. Impetus from OD to get this done soon.

- What would Awardees like to see on next iteration? How will it be revised and get back to Awardees? Eddie – could share draft term and circulate via the mailing list in the next two weeks.

WIKIPEDIA excerpt

[Designated under the [Federal Technology Transfer Act of 1986](#) (P.L. 99-502) (which amended the [Stevenson-Wydler Technology Innovation Act of 1980 \(P.L. 96-480\)](#) ),<sup>[1]</sup> a CRADA is intended to speed the [commercialization](#) of [technology](#), optimize resources, and protect the private company involved. A CRADA allows both parties to keep research results confidential for up to five years under the [Freedom of Information Act](#).<sup>[2]</sup> The [Office of Scientific and Technical Information](#) (OSTI) is responsible for preserving the [scientific](#) and [technical](#) information generated through a CRADA and making this information readily available to the [scientific community](#) as well as the public.<sup>[3]</sup>]

BRANDING QUESTIONS/COMMENTS: Awardees did not introduce themselves, so few details on person/s.

- Q: Related to branding questions, what does publication mean?; Answer (NSF OLPA) – NSF is working on more details to help explain when there is less than full funding, for example?
- Q: ??? They want to rollout to users, giving them language. Awardees need to know what the language should be. NSF: may require different types
- Q: slide 12 – “the” is missing from T/Cs presented on slide? Answer, we don’t typically don’t use “the”.
- Q: suggest if we could add “operated by...” NSF: OLPA is in the mid-stage of pulling everything together. They wanted to get input from Awardees on branding.
- Q: slide 13: “define “events”, is that conference, seminar, colloquia? Answer: they need to specify but OLPA wants to know so they can assist in planning and invite key people like the Director. Agree that OLPA needs to specify types like public and qualifiers such as all, some, etc. It’s meant to inform not request permission.
- Q: helpful to qualify public relations such as Education and Public Outreach. Science days for example?
- Q: slide 12, major facility fully funded “funded at the 100% level” was his interpretation – suggest something like “funded solely or exclusively” and avoid reading like a budget.
- Q: with reference to major facilities language and application to FFRDCs, should they use the term major facilities? A: in broad terms major facilities would/should apply.
- Slide 13, number 2:....advanced notification of inquiries, doesn’t make sense as stated. Which inquiry to you want? Advanced notification is it, one-way or two-way? A: OLPA, thinks is a bit of both. They will get back to them.
- Slide 13, number 2:....Congressional inquiry, and as currently stated there is concern about bringing NSF inadvertently into discussions about their (lobbying, discussion with Congress) which is not related to the NSF award.
- Q: if in commercial award they would assign more money to planning but doesn’t sound like they will have more money to do this? Answer: If there is a major rework, the cost should be negotiated with NSF. No unfunded mandates.
- Q: slide 14: consider adding “cost” to the
- Q: NEON, They will have 1,000 sites and it could be a major undertaking. A: this is the dialogue to talk about number and timing. NSF has no expectations on when and how it will get implemented. Could, for example, synchronize with changes to site.

#### Best Practices:

- None explicitly noted/discussed

#### Actionable Recommendations (Action Owner Name & Organization):

**Decisions:**

- CSB to take a turn on related terms, and circulate via the LF workshop mailing list in the next two weeks.
- CSB to follow-up on CRADA question and NSF process for Awardees who are interested in applicability to NSF.