



Department of Energy

Brookhaven Site Office
P.O. Box 5000
Upton, New York 11973

JUL 17 2019

Mr. George Clark
Brookhaven Science Associates, LLC
Brookhaven National Laboratory
Upton, New York 11973

Dear Mr. Clark:

SUBJECT: REQUEST FOR APPROVAL OF BROOKHAVEN SCIENCE ASSOCIATE' (BSA) AGREEMENT FOR COMMERCIALIZING TECHNOLOGY ("ACT") IMPLEMENTATION AND FedACT PILOT BASED ON DOE ACQUISITION LETTER NO. 2018-06 DATED APRIL 5, 2018

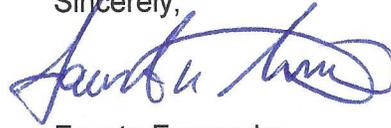
BHSO has reviewed BSA's revised policy and procedure for the management and administration of ACT and inclusion of the FedACT pilot in accordance with section 14(a) of the H. 27 Clause "Agreements for Commercializing Technology (ACT)". BHSO has determined that BSA's policy and procedures meet the expectations and is in accordance with the criteria set forth in the clause. Approval is hereby granted to BSA to proceed with the permanent implementation of the ACT mechanism and inclusion of the FedACT pilot pending the following:

1. Correction of the Acquisition Letter reference No 2018-66 to Acquisition Letter No 2018-06
2. BHSO approval of a standard template to be used if the "M&O Contractor is charging the third party additional compensation beyond the full costs of the work performed under the M&O contract, which will capture written certification from the Federal agency funding the third party that such additional compensation using Federal funds is permissible under the Federal award and includes at a minimum:
 - i. The amount of and explanation for the cost difference between performing the work as an ACT agreement as compared with an SPP or CRADA; and
 - ii. A detailed description of the risk and/or consideration offered the participant by the M&O Contractor in exchange for charging beyond full cost recovery. This information shall also be included in the statement of consideration contained in the ACT proposal package submitted to BHSO."

BSA is reminded that this approval of ACT and FedACT pilot are considered tools to be used to aid Brookhaven National Laboratory in attaining its strategic goal of strengthening and diversifying its research portfolio. ACT and FedACT should not be used as a mechanism to displace the existing non-DOE funded approaches such as Strategic Partnership Projects (SPP) and Cooperative Research and Development Agreements (CRADA's). Success of the ACT and FedACT pilot will be on evaluated on an annual basis.

Should you have any questions or require additional information, please contact Jennifer Hartmann at extension 3438.

Sincerely,



Fausto Fernandez
Business Division Director
Contracting Officer

cc: J. Hartmann, SC-BHSO
A. Clifton, SC-BHSO
R. Gordon, SC-BHSO
J. Anderson, BSA
M. Schoonen, BSA
E. Hunt, BSA