

**Battelle Memorial Institute
505 King Avenue, Columbus, Ohio 43201-2693**

**OFFEROR REPRESENTATIONS AND CERTIFICATIONS – PROCUREMENTS OF NONCOMMERCIAL ITEMS/SERVICES
FORM A
SUPPLEMENT B**

IDENTIFICATION AND ASSERTION OF LIMITED RIGHTS TECHNICAL DATA AND COMPUTER SOFTWARE *(applicable if prime contract contains one or more of the following clauses: DFARS 252.227-7013, DFARS 252.227-7014, DFARS 252.227-7018; and there is the potential for the delivery of technical data, noncommercial computer software, or noncommercial computer software documentation under the resulting purchase order or subcontract)*

Complete the paragraph (b) table and sign below.

- (a)** With respect to an award under a prime contract containing DFARS 252-227-7013 – Rights in Technical Data—Noncommercial Items (Nov 1995) and/or DFARS 252.227-7018, the Rights in Noncommercial Technical Data and Computer Software--Small Business Innovative Research (SBIR) Program:
- (i) The terms used in this provision are defined in the following clause or clauses contained in this solicitation
 - (1) If a successful offeror will be required to deliver technical data, DFARS 252-227-7013, Rights in Technical Data--Noncommercial Items, clause, or, if this solicitation contemplates a contract under the Small Business Innovative Research Program, DFARS 252.227-7018, Rights in Noncommercial Technical Data and Computer Software--Small Business Innovative Research (SBIR) Program clause.
 - (2) If a successful offeror will not be required to deliver technical data, DFARS 252-227-7013, Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation clause, or, if this solicitation contemplates a contract under the Small Business Innovative Research Program, DFARS 252.227-7108, Rights in Noncommercial Technical Data and Computer Software--Small Business Innovative Research (SBIR) Program clause.
 - (ii) The identification and assertion requirements in this provision apply only to technical data, including computer software documentation, or computer software to be delivered with other than unlimited rights. For subcontracts to be awarded under the Small Business Innovative Research Program, the notification and identification requirements do not apply to technical data or computer software that will be generated under the resulting contract. Notification and identification is not required for restrictions based solely on copyright.
 - (iii) Offers submitted in response to this solicitation shall identify, to the extent known at the time an offer is submitted to Battelle/the Government, the technical data or computer software that the offeror, its subcontractors or suppliers, or potential subcontractors or suppliers, assert should be furnished to Battelle/ the Government with restrictions on use, release, or disclosure.
 - (iv) The Offeror's assertions, including the assertions of its subcontractors or suppliers or potential subcontractors or suppliers, shall be submitted as an attachment to its offer in the following format, dated and signed by an official authorized to contractually obligate the offeror:

(b) Identification and Assertion of Restrictions on the Government's Use, Release, or Disclosure of Technical Data or Computer Software.

The offeror asserts for itself, or the persons identified below, that the Government's rights to use, release, or disclose the following technical data or computer software should be restricted:

Technical Data Computer Software to be Furnished With Restrictions ¹	Basis for Assertion ²	Asserted Rights Category ³	Name of Person Asserting Restrictions ⁴
(List) ⁵	(List)	(List)	(List)

¹ For technical data (other than computer software documentation) pertaining to items, components, or processes developed at private expense, identify both the deliverable technical data and each such item, component, or process. For computer software or computer software documentation identify the software or documentation.

² Generally, development at private expense, either exclusively or partially, is the only basis for asserting restrictions. For technical data, other than computer software documentation, development refers to development of the item, component, or process to which the data pertain(s). Battelle/the Government's rights in computer software documentation generally may not be restricted. For computer software, development refers to the software. Indicate whether development was accomplished exclusively or partially at private expense. If development was not accomplished at private expense, or for computer software documentation, enter the specific basis for asserting restrictions.

³ Enter asserted rights category (e.g., government purpose license rights from a prior contract, rights in SBIR data generated under another contract, limited, restricted, or government purpose rights under this or a prior contract, or specially negotiated licenses).

⁴ Corporation, individual, or other person, as appropriate.

⁵ **Enter "none" above when all data or software will be submitted without restrictions.**

Date _____
 Printed name and title _____
 Signature _____