

ESTABLISHING OR CONTRACTING WITH FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (FFRDCs) AND NATIONAL LABORATORIES

I. Purpose

This directive defines Department of Homeland Security (DHS) policies and procedures regarding the establishment, administration, and use of Federally Funded Research and Development Centers (FFRDCs) and related sponsoring agreements. This directive, and any subsequent revisions, replaces the DHS FFRDC Directive of the same subject and number, revision 01, dated February 7, 2014.

II. Scope

This directive applies throughout DHS, unless exempted by statutory authority.

Directive 143-04, Revision 01, Establishing or Contracting with Federally Funded Research and Development Centers (FFRDCs) and National Laboratories, is hereby superseded.

III. Authorities

- A. 6 United States Code (U.S.C.) Section 185, Federally Funded Research and Development Centers.
- B. 6 U.S.C. Section 186(b), Miscellaneous Provisions/Construction.
- C. 6 U.S.C. Section 189, Utilization of Department of Energy laboratories and sites in support of homeland security activities.
- D. 31 U.S.C. Section 1535, the Economy Act.
- E. 41 U.S.C. Section 3304(a)(3)(B), Use of noncompetitive procedures.
- F. Federal Acquisition Regulation 17.5, Interagency Acquisition.
- G. Federal Acquisition Regulation 35.017, Federally Funded Research and Development Centers.

- H. Homeland Security Acquisition Manual (HSAM) Subchapter 3017.5, Interagency Acquisitions.
- I. DHS Interagency Acquisitions Guide.
- J. Office of Federal Procurement Policy (OFPP) memorandum entitled, *Improving the Management of Use of Interagency Acquisitions*, dated June 6, 2008.
- K. DHS Management Directive 10100.1, *Organization of the Office of the Under Secretary for Science and Technology*, dated June 21, 2007.
- L. Memorandum of Agreement Between the Department of Energy (DOE) and the Department of Homeland Security, dated February 23, 2003.

IV. Responsibilities

- A. The Under Secretary for Science and Technology (US(S&T)):
 - 1. Is responsible for administering all aspects of this directive and the accompanying instruction;
 - 2. Ensures all DHS work proposed to be placed with an FFRDC is within the purpose, mission, general scope of effort, or special competency of the FFRDC;
 - 3. Oversees each FFRDC for which DHS is the primary sponsor or a co-sponsor. DHS's responsibilities attendant to this oversight responsibility include, with co-sponsor(s) as applicable by:
 - a. Ensuring as the Primary Sponsor that the Sponsoring Agreement is consistent with Federal Acquisition Regulation (FAR) 35.017 and contains a core statement;
 - b. Serving as the single DHS point of contact to conduct reviews of the proposed work to FFRDCs;
 - c. Ensuring that FFRDC operational practices are consistent with federal standards and regulations, that proper mechanisms are in place for FFRDCs to report the development of federally funded intellectual property; and that FFRDC personnel are free of potential conflicts of interest; and
 - d. Ensuring that the FFRDCs are continually assessed for quality, cost-effectiveness, conformity with this directive and the FAR 35.017.

4. Oversee DHS use of non-DHS sponsored FFRDCs (i.e. DHS is neither the primary sponsor nor a party to a multiple agency sponsorship agreement).

This responsibility includes:

- a. Ensuring the work requested of any other-agency FFRDC is within the limits of the FFRDC;
- b. Ensuring that the requested work does not place the FFRDC in direct competition with domestic private industry; and
- c. Acting as a primary DHS focal point for work to be performed by DOE national laboratories pursuant to “work for others” arrangements formalized by the *Memorandum of Agreement between the Department of Energy and the Department of Homeland Security*, and in accordance with 6 U.S.C. Section 189(a)(1)(C).

B. The Office of National Laboratories, on behalf of the US(S&T):

1. Serves as the primary point of contact with DOE for work to be performed for DHS Components by DOE’s FFRDCs, including national laboratories. This responsibility includes, as appropriate, the review of all DHS proposed statements of work, the conduct of any appropriate reviews, and the approval of work to DOE laboratories;
2. Serves as the primary point of contact in areas related to DHS owned laboratory facility operations and research; and
3. Coordinates its activities with the Associate General Counsel (AGC) for Technology Programs and consults with the Office of the Chief Procurement Officer (OCPO).

C. The FFRDC Program Management Office, on behalf of the US(S&T):

1. Serves as the primary point of contact for DHS FFRDCs where the US(S&T) is the primary or co-sponsor, except for DHS owned laboratory facilities;
2. Certifies that requested work is within the core statement of the FFRDC, and conforms to applicable regulations and management directives;
3. Serves as the primary point of contact for liaison with other federal agency FFRDCs, except for DOE FFRDCs;

4. Certifies that any requested DHS work of non-DOE FFRDCs is within the purpose, mission, general scope of effort, or special competency of the non-DOE FFRDC and that the work does not place the FFRDC in direct competition with domestic private industry;
5. Manages and oversees the use of the core research funding and the core research plan that is funded by authorized users through application of core funds derived from each task order under the FFRDC contract;
6. In conjunction with the Contracting Officer responsible for the award of each DHS FFRDC contract, issues and updates instructions for DHS users to issue task orders to a DHS-sponsored FFRDC; and
7. Coordinates its activities with the AGC for Technology Programs and consults with the OCPO.

D. Component Heads:

1. Coordinate with the US(S&T) prior to seeking to sponsor a task to any DHS or non-DHS sponsored FFRDC. A complete list of FFRDCs can be found at <http://www.nsf.gov/statistics/ffrdclist/>;
2. Provide US(S&T) with a copy of any task order, or subsequent modification to any task order, issued to a DHS-sponsored FFRDC; and
3. Provide US(S&T) with a Financial Transaction for the administrative and core research fees associated with use of a DHS-sponsored FFRDC concurrent with the award of the FFRDC Task Order.
4. For additional implementation instructions please see section V. A of the accompanying instruction.

V. Policy & Procedures

The following policies govern the overall establishment, administration, and use of FFRDCs and related sponsoring agreements:

- A. The US(S&T) is designated as the primary sponsor for DHS FFRDCs.
- B. Other Components may be designated as the sponsor; however, that Component closely coordinates its management thereof with the US(S&T).
- C. DHS ensures that the multiple agency sponsorship agreements contain a DHS-specific core statement.
- D. DHS uses FFRDCs in compliance with each core statement and sponsoring agreement.

E. DHS maintains a strategic relationship with each DHS sponsored FFRDC (even as a party to a multiple agency sponsorship agreement).

F. Prior to renewal or competition of a DHS sponsored FFRDC contract, the US(S&T) conducts a comprehensive review of the use of the FFRDC, to include an assessment of the continuing need for the FFRDC (see 48 Code of Federal Regulations 35.017-4)

VI. Questions

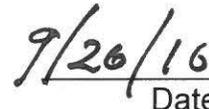
Questions or concerns on the use of DHS FFRDCs; or the use of other agencies' FFRDCs, excluding the DOE laboratories and sites, should be directed to the FFRDC Program Management Office of the Science and Technology Directorate.

Questions or concerns regarding DOE laboratories and sites and DHS laboratory operations and research should be directed to the Director of the Office of National Laboratories Science and Technology Directorate.



Russell C. Deyo

Under Secretary for Management



Date