

**National Technical Information Service
U.S. Department of Commerce**

FAQs on NTIS Joint Venture Opportunity Announcement

1. What is a Joint Venture (JV) Partnership (JVP) and how is a JV structured?

The NTIS joint ventures are defined as an “NTIS – Business Partnership” where both parties invest resources to deliver a product or service to Federal agencies. These business partnerships are focused on complex data projects that require fast execution and innovative technologies and are not amenable to typical contracts or available commercial solutions. Based on review of proposals from for-profit, non-profit or research-performing service organizations in response to the JV Opportunity Announcement published in the Federal Register, NTIS will select multiple well-qualified companies and organizations using the merit-based process detailed in the Federal Register notice to become a joint venture partner. A joint venture partnership agreement will be entered into between NTIS and each selected company or organization.

2. Who is the “customer” of this JV Partnership?

The customers are Federal agencies that will be the consumers of data services produced by the JV partnership based on specific agency requirements. Data service(s) requirements may differ for each agency based on their mission. NTIS will work closely with the agency to define those requirements in an agile way. NTIS will look to those requirements in making a merit-based selection of one or more of its JV partners to work with NTIS and the agency to achieve the needed data services.

3. How long will the JVP agreements last? Is renewal possible? How can I exit a JVP agreement?

NTIS plans to enter into JVP agreements for up to three years. For JVP agreements with initial periods less than three years, NTIS will determine whether to renew the agreements based on objective criteria for one or more additional periods. Joint venture partners are eligible to re-apply in future Opportunity Announcements in the Federal Register without waiting for their agreements to expire. All JVP agreements contain a termination clause permitting either party to terminate with a specified number of days’ written notice (typically in the range of 60 to 90 days) to the other party.

4. Why should my company or organization consider becoming a JV partner?

Companies or organizations which enter into JVP agreements with NTIS will be eligible to partner with NTIS on innovative data projects. Specifically, JV partners will:

- have the opportunity to work on innovative and challenging data projects which:
 - support federal data priorities such as Big Data, Open Data, Open Access, Smart Cities, Internet-of-Things, and Cyber-Physical Systems;
 - use Federal data, either alone or in combination with non-Federal data, to fuel economic growth, improve public services, or increase the efficiency of government operations; and
 - involve emerging technology, technical complexity, agile development and operations, or unique requirements.
- leverage NTIS’s
 - unique JV authority to plan, execute, and deliver innovative data projects rapidly and in a highly flexible, interactive, and collaborative manner; and
 - extensive knowledge and experience working with federal agencies to develop and deliver joint venture projects that meet mission needs.

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5. How does a JV differ from federal wide procurement vehicle or a contract under the FAR?

The NTIS joint ventures are business partnerships on data-focused projects that require fast execution and innovative technologies which are not amenable to typical contracts or available commercial solutions. NTIS and its JV partners will jointly plan, invest resources in, and execute projects to meet an agency mission need and will share any fees that may be generated from the project.

Typically, a joint venture project will involve one or more of the following attributes: (a) first or early use of emerging technology; (b) complexity of solution architecture, interoperability, and/or security; (c) agile applications development and systems operations which require adaptive scoping; or (d) custom solutions to meet unique requirements without commercial-off-the-shelf solutions.

6. Why not simply add the data science capability as a feature or CLIN within an existing federal wide contract vehicle?

NTIS is one of very few federal agencies with the legal authority to establish JV partnerships. NTIS will use this authority to provide data services for speedy execution of innovative projects, typically involving one or more of the following attributes: (a) first or early use of emerging technology; (b) complexity of solution architecture, interoperability, and/or security; (c) agile applications development and systems operations which require adaptive scoping; or (d) custom solutions to meet unique requirements without commercial-off-the-shelf solutions. When NTIS determines that a contract is the appropriate vehicle for a particular project it will not use a JVP arrangement to carry out the project.

7. Can you give examples of JV projects that support innovation through the use of emerging technologies and application of new data science, engineering, and best practices?

NTIS expects to support a broad spectrum of innovative data projects which apply new data science, engineering, and best practices to meet the mission needs of Federal agencies in one or more of the following areas: (a) using data and data services; (b) sharing and enhancing the usability of data and data services; (c) advancing the analysis and interpretation of data; and (d) developing deep understanding from and new insights into data. Illustrative examples include, but are not limited to, the following:

- The JV may enable federal statistical data-centric agencies to create new capabilities to derive insights from national economic, social, and demographic data sets in both the federal government and the private sector. The focus here is on new capabilities, and the derived insights will be downstream innovation.
- The JV may create new capabilities to support Smart City initiatives. Cities and communities, working with land use planners, will apply new capabilities in data science and predictive analytics to support improvements in transportation, environment, health and safety, and environment.
- The JV may promote the creation of innovative data interoperability capabilities to enable federal agencies to find and connect disparate data sets in order to derive insights to move from data collection to processing to insights and ultimately to decisions that affect public service. The resulting data suites will be reusable and merged under a new and sustainable open data analytic framework.

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8. At the idea sharing stage....Is NTIS willing to sign a non-disclosure agreement to protect my ideas?

NTIS projects create value through the open sharing of ideas by the private sector partner and, if applicable, its team with the government during the proposal process. NTIS typically does not use non-disclosure agreements during the proposal phase of a joint venture project.

9. Concerning product development, if I add value with the cooperation of NTIS how will my intellectual property be protected?

NTIS will protect intellectual property developed as part of a joint venture project in accordance with applicable laws and regulations, the joint venture partnership agreement, and the letter agreement for each joint venture project.

10. If I add value using my investment to government data that was accessed by NTIS, do I need to share revenue with NTIS?

NTIS and the private sector partner will jointly plan, invest resources in, and execute a joint venture project to meet an agency mission need and will share any fees that may be generated from the project. NTIS expects to provide data services that support the development of solutions with its joint venture partners. In addition, NTIS will provide technical guidance and oversight for joint venture partnerships. Proposals to enter into joint venture partnerships are required to address proposed business terms for revenue sharing between NTIS and the proposed joint venture partner.

11. Do you envision any “exclusive” rights to use of government data sets being granted to Joint Venture Partners (JVPs)?

NTIS does not expect to grant “exclusive” rights for use of government data sets by the joint venture partner. Data received from Federal agencies and from non-Federal organizations as part of a project performed by NTIS with a joint venture partner may only be accessed and utilized for project purposes consistent with all applicable statutory and regulatory provisions and all relevant agreements.

12. Do you envision “licensing agreements” that give secure access to government data sets with special terms on access (example: timing of data release)?

Federal agencies and private sector organizations that provide data as part of a project performed by NTIS with a joint venture partner will retain ownership of the data rights. These Federal agencies and private sector organizations may be requested to provide licenses to use the data for the purposes of a joint venture project. NTIS and the joint venture partner will follow the terms of such licensing agreements for use of the data on a joint venture project.

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13. Do you envision that agencies requesting data services from NTIS will be a party to the JVP agreement?

Joint venture partnership agreements are between NTIS and a joint venture partner. Similarly, letter agreements for each joint venture project are also between NTIS and the joint venture partner. NTIS enters into separate interagency agreements with other federal agencies to provide requested services on a reimbursable basis in accordance with applicable federal laws and regulations.

14. NTIS currently has many JVP service agreements with customer agencies for IT projects that include data. Will those opportunities continue to be offered to JVPs? If so, how?

All current JV Partnership agreements will be terminated once NTIS enters into JV Partnership agreements with the new JV partners selected under the current Opportunity Announcement and the project work in progress is completed while mitigating undue risks to customers and NTIS finances.

Once the new JV Partners enter into JV Partnership agreements with NTIS, the companies or organizations will then be available to partner with NTIS on data-related projects. NTIS will use a merit-based process to select a joint venture partner or partners from the pool of joint venture partners for each new project opportunity. NTIS and the selected private sector partner(s) will jointly plan, invest resources in, and execute the project to meet an agency mission need and will share any fees that may be generated from the project.

NTIS is evolving its project portfolio—consistent with its existing authorities—toward a focus on Department of Commerce and Federal data priorities, including open access and open data, and transitioning away from projects that are not aligned with these data priorities. These data-centric projects will use Federal data, either alone or in combination with non-Federal data, to fuel economic growth, improve public services, or increase the efficiency of government operations.

15. Do you foresee that a company's participation in the 8(a) Business Development Program will help small, disadvantaged businesses compete in the NTIS joint venture selection?

NTIS joint ventures are not procurements and do not result in contracts under the Federal Acquisition Regulation (FAR). The 8(a) Business Development Program does not apply in this context since this authority applies to small and disadvantaged companies competing for government contracts. In contrast, NTIS joint ventures are business partnerships on data projects that require fast execution and innovative technologies that are not amenable to typical contracts or available commercial solutions. Such projects will typically involve emerging technology, technical complexity, agile development and operations, or unique requirements. NTIS encourages submission of joint venture proposals from small and medium enterprises and startups as well as other for-profit, non-profit, or research performing service organizations, either alone or as part of teams with more than one company or organization.

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- 16. Can you point me to a source that identifies the types of data available from NTIS for use under the joint venture program? Will the joint venture program include most or all of the data made available by NTIS or is there some clearly defined set of available data?**

Through joint ventures with qualified private sector partners, NTIS expects to provide solutions to data challenges facing departments and agencies across the Federal enterprise. The nature of the data in any given NTIS joint venture project will reflect the mission and needs of the agency requesting NTIS services to support the development and implementation of innovative, agile ways to collect, connect, access, analyze, or use Federal data and data services.