

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

1. Is the joint venture (JV) model new to NTIS or already in existence? Does NTIS already have a team of incumbent JV partners?

NTIS has provided and continues to provide services to Federal agencies in collaboration with JV partners. However, NTIS is refocusing how it will use its joint venture partnership (JVP) authority as described in the Federal Register notice announcing the Opportunity to Enter Into a Joint Venture with the National Technical Information Service for Data Innovation Support (81 FR 39025, June 15, 2016) (Opportunity Announcement). Therefore, the NTIS JV model will be revised to be more appropriate for NTIS's new mission. All current JVP agreements will be terminated once NTIS enters into JVP agreements with the new JV partners selected under the current Opportunity Announcement and the project work on existing projects involving current JV partners is completed, while mitigating undue risks to customers and NTIS finances.

2. Please share the anticipated number of JV partners that NTIS expects to have at the completion of this process.

NTIS has not identified a specific number of JV partners to be selected under the Opportunity Announcement. NTIS will select JV partners to provide innovative data services to Federal agencies in the four technical areas described in the Opportunity Announcement using the merit-based selection process described in the Opportunity Announcement

3. Please share the historical and anticipated level of revenue expected by NTIS, annually or over a given time period, as a result of the JVP program.

In Fiscal Year 2016 NTIS total revenues are projected at approximately \$190 million. More than half of NTIS current revenues are from e-training and knowledge management projects, with the remaining revenues arising from various other information technology projects. Less than 5% of NTIS revenues come from products such as the Technical Reports Library. As NTIS moves to projects falling within its new data mission, we expect Fiscal Year 2017 revenues to be approximately \$163 million.

4. The notice states that all opportunities are JVs, requiring investment by the JV partners, and that proposers must have the ability to fund their portion of any projects commenced pursuant to a JV partnership agreement for a period of time. Can NTIS estimate the typical or target timeframe for this "period of time" that is needed to develop the potential solution. Also, what is the target investment (i.e. budget or hours) before solutions can be presented to the Federal Agencies?

For each project, NTIS will enter into an interagency agreement with the Federal agency(ies) customer(s) under which the customer Federal agency(ies) will pay for the services provided. In addition, if the resulting solution is made publicly available, NTIS may generate fees as well. NTIS will share any revenues generated with the JV partner(s) in accordance with the terms of the JVP agreement and JVP letter for that project. JV partners must have the ability to fund their portion of any projects commenced pursuant to a JVP agreement for a period of time, which may differ on individual projects, due to federal accrual accounting practices. The "period of time" varies typically from days to weeks but is rarely more than 30 days from the receipt of invoice. JV partners can determine the level of effort required to deliver the services on a project once the final problem

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

statement is distributed to the JV partners. At that point in the process the JV partner can determine the unique skills, software, hardware, and resources that will be required to complete the project, and that will be the basis for submitting the proposal and cost estimate to NTIS. A JV partner, based on their assessment of the needs of Federal agencies, may, on their own, make corporate investment decisions that fill a void in the market, and that investment will be funded by the JV partner at their sole discretion.

- 5. For discussions about potential projects, will all JV partners be allowed to meet directly with the different Federal agencies and present potential solutions? Does NTIS want to serve as the main point of communication with the Federal agencies?**

NTIS has restructured its JV program. Going forward, NTIS will be the focal point for engaging and communicating with Federal agencies about projects to be performed by NTIS and its JV partner(s). To ensure equal access, NTIS will inform all JV partners when a project opportunity arises, and the JV partners will inform NTIS if they are interested. All JV partners with an interest in responding to a project opportunity will be invited to an informational session to engage with the customer Federal agency or agencies and NTIS. The revised problem statement resulting from the informational session will be distributed to all interested JV partners, and they will be invited to submit proposals. NTIS will make selections using a merit-based process. Once a JV partner is selected to work on a joint venture project, NTIS and the JV partner will meet with the Federal agency customer as needed to execute the project. If a JV partner becomes aware of a Federal agency's need that it believes could appropriately be addressed by NTIS and an NTIS JV partner, the JV partner should inform NTIS about the opportunity, and, if NTIS in its sole discretion determines that its JVP authority is appropriate for the opportunity, NTIS will contact the Federal agency to pursue the opportunity. However, NTIS will not pursue opportunities that have been announced by a Federal agency as a procurement opportunity in FedBizOpps.

- 6. How does NTIS currently sell to their Federal agency customers? (Products, Proof of Concepts, Dedicated resources, etc.) What happens if NTIS and one of the JV partners does not agree with the approach, budget or solution delivery to the Federal Agency?**

NTIS is changing the process by which it engages Federal agency customers to develop and execute joint venture projects. Specifically, NTIS staff will engage directly with Federal agencies to craft the initial problem statement for the required data services solution(s) and desired outcome. NTIS will then make that initial problem statement document (project opportunity) available only to all NTIS JV partners for consideration, and JV partners who are interested in responding will inform NTIS. All JV partners with an interest in responding to a project opportunity will be invited to an informational session to engage with the sponsoring Federal agency or agencies and NTIS. Following the information session, all JV partners will be invited to submit a proposed work plan and cost estimate to NIST for consideration. JV partners may partner and collaborate amongst themselves and with other parties if the solution will deliver greater value to the customer Federal agency or agencies. NTIS will use a merit process to review and select from among the proposals submitted. The JV partner(s) whose proposal(s) is selected will be asked to enter into a letter agreement to execute the project. Once an agreement is signed by the parties, NTIS and the JV partner or partners selected on a merit-basis to work on a joint venture project will meet with the customer Federal agency or agencies as needed to execute the project. The JV partner(s) has the option not

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

to sign the agreement if it does not agree with the approach, budget or solution delivery to the Federal Agency.

- 7. Describe the proposal process NTIS will use to select which JV partner(s) will perform work on a project.**

See response to Question #6.

- 8. Is NTIS seeking key partners sorted by area of expertise, such that a single partner has been qualified for specific data services and products, or do you anticipate JV partners competing for work for each opportunity?**

JV Partners may be selected in any one of the four areas listed in the FRN, or any combination of the four areas. All JV partners will be invited to submit proposals for each project opportunity, as outlined in the response to Question #6.

- 9. If the JV is comprised of several different companies, how will the responsibilities, work and investment be assigned and divided?**

The Opportunity Announcement states "Proposals should describe any proposed teaming arrangements, including the relationships among the parties, how the team would function, and how the team may be augmented to fill missing capabilities." If the JV is comprised of several different companies, the proposal must contain a description of the teaming arrangements among the companies and how the JV team would function in responding to project opportunities and executing projects with NTIS. The teaming arrangement will be evaluated by NTIS as part of the selection process for the Opportunity Announcement under "Technical Merit of Contribution" evaluation criterion.

- 10. Please describe NTIS' vision of the process of developing the requested "suite of products" based on Federal data to be offered to different Federal agencies. Are there existing requirements and needs that have been identified? Or is it up to the JV team to be creative?**

The Opportunity Announcement states that activities conducted by joint ventures may include "facilitating the creation, based on Federal data or the use of Federal data in some combination with non-Federal data, of suites of products, platforms, and services that meet the needs of businesses, innovators, government agencies, and others". NTIS welcomes innovative ideas from proposers as to how they would work with NTIS--if they were selected as a joint venture partner--to assist Federal agencies to improve access, data interoperability, search, or use of Federal data and data services to drive innovation and business outcome.

- 11. Can the JV team work with the Federal agency to define their needs and then create a proof of concept or pilot solution? Will the Federal agency pay the JV team for creating the proof of concept or pilot solution, or will this be part of the JV partner's investment?**

See response to Question #6. Proofs-of-concept or pilot solutions may be proposed by JV partners as part of their proposal submission for a project opportunity even if the initial problem statement

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

does not specifically mention it. Unless specified in the project agreement, JV partners will not be paid to develop proofs-of-concept or pilot solutions.

- 12. Activity requested: Designing, testing, analyzing, and demonstrating the application of Federal Data. Is NTIS looking for the JV team to show generic features and capabilities of the potential solution(s)? Or does NTIS want to create working solutions using actual Government data? Is the time to create working prototypes and proof of concepts a revenue generating activity (RE: question 7)?**

The Opportunity Announcement states that activities conducted by joint ventures may include "Designing, testing, analyzing, or demonstrating the application of Federal data and data services, either alone or in combination with non-Federal data". NTIS welcomes innovative ideas from proposers as to how they would work with NTIS--if they were selected as a joint venture partner--to assist Federal agencies to improve access, data interoperability, search, or use of Federal data and data services to drive innovation and business outcome. The Opportunity Announcement describes the proposal evaluation criteria as well as the proposal review and selection process which will be used to select JV partners. A separate proposal process as described in the response to Question #6 will be used for each project opportunity. Working prototypes, proofs-of-concept, and working solutions may be proposed by JV partners as part of their proposal submission for a project opportunity even if the initial problem statement does not specifically mention it. Working prototypes or other prior work may help the customer Federal agency visualize their desired result or accelerate the project completion.

- 13. Where will these potential solutions be hosted or stored? Is NTIS looking for the partner to also provide the server infrastructure and hosting environment to support the potential solutions? What is the potential duration for providing and supporting the hardware, software, and hosting components?**

The scope of technical requirements described in the Opportunity Announcement for "providing innovations in the use of data and data services" includes data science and engineering innovations associated with "data infrastructure and security such as advancements for data inventories, data capture, cloud-based data solutions, cybersecurity, and assistive technologies." NTIS welcomes ideas from proposers as to how they would work with NTIS--if they were selected as a joint venture partner--to provide such innovations. Possible hosting solutions to meet customer Federal agency requirements may include commercial, private, or government clouds or Federal sites.

- 14. The Opportunity Announcement includes a request for data interoperability, data infrastructure, and security. Does NTIS want the JV to provide specific infrastructure to support each potential customer separately? What are the integration and security requirements for the different environments?**

See response to Question #13. Customer requirements will typically vary from project to project and from customer to customer.

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

- 15. Please explain how the Cost Recovery model outlined in the Opportunity Announcement works? How does NTIS charge for their services and solutions? How is NTIS paid? Please explain how the revenue sharing model works?**

The normal NTIS pricing structure for the joint venture will split the revenue from a project between NTIS and the JVP. NTIS is no longer computing revenue share on a percentage basis. Rather, NTIS and the JV partner will recover costs in accordance with the direct and indirect costs provided in their JV project proposal submitted to the customer Federal agency, and the amount to be paid to the JV partner will be documented in a mutually signed JVP letter agreement for each JV project. For each project, NTIS will enter into an interagency agreement with the Federal agency(ies) customer(s) under which the customer Federal agency(ies) will pay for the services provided. In addition, if the resulting solution is made publicly available, NTIS may generate fees as well. NTIS will share any revenues generated with the JV partner(s) in accordance with the terms of the JVP agreement and JVP letter for that project.

- 16. The Opportunity Announcement says NTIS has the authority to recover cost. Are any costs considered not recoverable? Are there certain services or products for which cost cannot be recovered?**

As a self-supporting agency without direct federal appropriations, the NTIS revenue share must recover all of its direct and indirect costs. See response to Q#15 for additional details.

- 17. Can you provide examples of the types of non-Federal data to be integrated under the category "Providing innovations in the use of data and data services"? Is this structured data, unstructured data, or both?**

NTIS and its JV partners will provide data services to assist Federal agencies develop and implement innovative ways to collect, connect, access, analyze, or use Federal data, either alone or in combination with non-Federal data. The types of non-Federal data will depend on customer Federal agency requirements and will vary from project to project. Examples of non-Federal data may include data provided by industry such as credit bureau data, universities such as time series data, state and local governments such as local development costs and impacts of those expenditures, and other non-Federal sources such as international trade data. Such data may be structured, unstructured, or both.

- 18. For all of the Technical Requirements described in the Opportunity Announcement (1 to 4), will NTIS support solutions that are Cloud-based solutions and will NTIS require data to be uploaded into the Cloud? Does NTIS prefer these solutions to be installed on-premises only, or do you see this as situational depending upon the customer?**

See responses to Questions #13 and #14.

- 19. For the "new insights" described in Technical Requirements, requirement #4, what are the different formats and/or data types that will need to be supported and imported by the proposed innovation platform? Also, what are the formats of the non-Federal data? Are all of these data sources readily available? How often do they change?**

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

The types and formats of Federal and non-Federal data will vary from project to project depending on Federal agency customer requirements and the innovative ideas and solutions proposed by JV partners. Many of the data sets will likely be readily accessible from the customer Federal agency while other data sets may require the execution of agreements prior to access. The frequency of change is likely to vary widely depending on the nature of the data sets being used to execute a project.

20. NTIS expects that the services proposed under the JVP agreement to solely be available through NTIS. Can this requirement be removed since all partners are already providing similar services and products to other Federal and commercial clients?

NTIS expects and desires that its JV partners will be able to leverage the cutting-edge innovations they develop in performing an NTIS joint venture project, including their IP rights in those innovations, to serve other parties. Variations from that premise are possible, and will be negotiated on a project-by-project basis as they may arise, based on the particular needs of the project's Federal agency customer. In addition, working with NTIS on a JV project does not preclude a JV partner from responding to other Federal agency opportunities involving similar subject matter.

21. Can you provide specific references for the OMB and NIST guidelines that all systems must comply with prior to use as part of this JVP?

Systems, programs, and applications used by Federal Government agencies are required to meet information security and privacy management requirements specified in law (e.g., Federal Information Security Management Act of 2002 and Federal Information Security Modernization Act of 2014), policies issued by the Office of Management and Budget, and standards and guidance issued by the National Institute of Standards and Technology. These requirements, policies, standards, and guidance may be found in a number of different source documents. Examples include: <https://www.dhs.gov/fisma>, https://www.ada.gov/2010_regs.htm, and <http://www.nist.gov/itl/csd/soi/fisma.cfm>.

22. With regard to the Proposal's Technical, Administrative and Business Information, item #2, can you describe the core capabilities of NTIS's in-house delivery team, highlighting where NTIS feels it will provide the highest technical or project management value to a typical JV project? For example, NTIS may provide a program/project management role and data scientists, researchers, etc.

NTIS expects to provide data services that support the development of solutions with its JV partners. In addition, NTIS will provide technical guidance and oversight for JVPs. In addition, NTIS has extensive knowledge and experience working with Federal agencies to develop and deliver JV projects that meet mission needs.

23. Can you provide a generic version of the Joint Venture Partnership agreement to review prior to the submission?

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

NTIS is drafting a new JVP agreement template. The current version of the JVP agreement template will not be used for the JV partners since NTIS is restructuring the JVP program. NTIS will make the new template publicly available as soon as it is finalized.

24. Can you provide examples of specific, very large data sets that NTIS can make available to industry now for proposal purposes?

The types and formats of Federal and non-Federal data will vary from project to project depending on Federal agency customer needs and the innovative ideas and solutions proposed by JV partners. Many of these data sets will likely be readily accessible from the customer Federal agency while other data sets may require the execution of agreements prior to access. NTIS will not provide data for proposal purposes. As stated in the Opportunity Announcement, NTIS JV projects will support several federal priorities for the Data Economy such as Big Data, Open Data, Open Access, Cyber-Physical Systems, Smart Cities, and Internet-of-Things. NTIS will also support the Commerce Department's data priorities. The Commerce Department collects, stores, and analyzes a wealth of information, including data on the Nation's economy, population, and environment.

25. Will selected JV proposals be evenly spread between industry, non-profits, academia, etc.?

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 Opportunity Announcement to become JV partners. The final proposal selections will take into consideration the results of the reviewers' evaluations, relevance to the scope and objectives described in the Opportunity Announcement, the distribution of proposals across technical areas, and the distribution of proposers among large, medium and small organizations. NTIS has not specified a defined number of partners to be selected.

26. The Opportunity Announcement states: "Upon entering into a JVP agreement, NTIS expects the proposed services to be available solely to Federal agencies and only through agreements between NTIS and the customer Federal agencies." To clarify, please confirm that we are able to propose services that are already listed on GWACs.

See response to Question #20.

27. Will there be a register of interested parties that's going to be shared? There might be collaborations if parties know who else is also interested.

NTIS will not make publicly available a list of organizations who respond to or express interest in the Opportunity Announcement.

28. How will data privacy regulations affect the JV? With NTIS as a partner, are there certain exemptions/regulations that should be considered in building a solution/business model?

For each project NTIS and the customer Federal agency will work with the JV partner(s) to define how the data will need to be treated, including addressing privacy and security issues. Parties that

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

provide data as part of a project performed by NTIS with a JV partner will retain any pre-existing data rights, as determined by Federal law. The Federal agencies and private sector organizations may be requested to provide licenses to use the data for the purposes of a JV project. NTIS and the JV partner will follow the terms of any such licensing agreements for use of the data on a JV project. Privacy and security requirements may be documented in the licensing agreements or in the JVP letter agreement for each JV project.

29. Small Business Innovation Research (SBIR) from the Small Business Administration. With SBIRs, there is some seed money from the Federal agency. Will there be seed money from NTIS?

No seed funding will be provided by NTIS to its JV partners. JV partners must have the ability to fund their portion of any projects commenced pursuant to a JVP agreement for a period of time, which may differ on individual projects, due to federal accrual accounting practices. The "period of time" varies typically from days to weeks but is rarely more than 30 days from the receipt of invoice. See response to Question # 15.

30. Will NTIS be required to release proposals in response to requests submitted under the Freedom of Information Act (FOIA)?

FOIA requirements apply to all NTIS records, including proposals submitted in response to the Opportunity Announcement. In accordance with Department of Commerce FOIA regulations (15 CFR part 4) NTIS will provide proposal submitters with prompt written notice of a FOIA request seeking its proposal and request that the proposer identify any materials contained in the proposal that the proposer believes may satisfy a FOIA exemption such as trade secrets and commercial or financial information that is confidential or privileged. However, the final decision regarding what information may be withheld rests with NTIS. A full list of FOIA exemptions is provided at: <https://www.foia.gov/faq.html#exemptions>.

31. If a company has more than one combination of ideas, expertise and target market segment, should it submit two proposals or combine them into one proposal?

NTIS does not have a preference for one approach versus the other.

32. Given this is not a traditional government "procurement", can we have discussions with NTIS management before the proposals are due?

Since all proposers must have equal access and information, it is not possible to arrange one-on-one discussions with NTIS management prior to the submission of all proposals.

33. Do all concepts of data have to do with the volume of "big data," or can one deal with the long tail or complexity of data even when data sets are not "large"? That may go to the heart of data sharing and governance and culture. Would you entertain partners who could help agencies address these softer kinds of issues, or is it only hard large volume data applications?

The Technical Requirements identified in the Opportunity Announcement cover a very broad scope of data services. The scope is not limited to "big" or "large" data sets.

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

34. Will NTIS be able to drop the pay wall on your technical reports, make them more readily available?

NTIS is intending to migrate the NTRL database to make it more accessible. NTIS provides free access to electronic documents.

35. It is a great idea to partner with private companies. However, since some micro-data cannot be shared with outside partners, will those need to be integrated and then shared with private partners after making sure Personally Identifiable Information is not present?

Yes, there are many potential projects to integrate and standardize data, and we hope to provide these services to our Federal agency customers with our JV partners. NTIS and the JV partner will follow the terms of agreements regarding privacy and security for use of data (including micro-data) on a JV project.

36. Is there any mandate or funds to standardize and integrate the data available within the Federal government, say within the Census Bureau (that you mentioned)? This can create several synergies across Federal departments and their data, and more predictive analytics models and opportunities.

While NTIS does not have a mandate (or funds) to standardize and integrate the data available within the Federal Government, 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. NTIS projects will support several federal priorities for the Data Economy such as Big Data, Open Data, Open Access, Cyber-Physical Systems, Smart Cities, and Internet-of-Things.

37. Private companies are focused on profiting from the data. What is the measurable return to the Federal government?

NTIS is focused on achieving its data mission which seeks to advance Federal data priorities, promote economic growth, and enable operational excellence. In addition, NTIS and its JV partners will assist other Federal agencies in achieving their data-related objectives.

38. That which is commonly done within Federal agencies is often commonly done in other Government agencies worldwide. Would NTIS seek to build international collaboration to help establish a larger buying group of similar agencies upon which common problems could be solved?

NTIS has the statutory authority to cooperate and coordinate its operations with other Government data programs and in conjunction with the private sector as appropriate, collect and disseminate unclassified foreign data. NTIS is not currently looking at international agreements to foster its mission execution.

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

39. Can you elaborate on types and structure of revenue sharing that has worked on other JV partnerships? Or, elaborate on NTIS expectations for revenue sharing structure?

NTIS and the JV partner will jointly plan and execute a joint venture project to meet an agency mission need. See response to Question #15.

40. What needs does NTIS anticipate for Education and Training? What role should institutions of higher education play?

NTIS welcomes proposals from research-performing service organizations with capabilities to support JV projects in one more or more areas of innovation identified under Technical Requirements in section II. General Scope of the Opportunity Announcement.

41. Is teaming permitted for a proposal as a JVP?

Proposers are encouraged to include proposed teams of more than one private sector organization, including small and medium enterprises and startups. Proposals should describe any proposed teaming arrangements, including the relationships among the parties, how the team would function, and how the team may be augmented to fill missing capabilities.

42. Will the proposal include how to manage JVPs?

All proposal requirements are stated in the Opportunity Announcement.

43. Will your proposal be published publicly? If yes, where?

NTIS does not plan to publish the proposals submitted in response to the Opportunity Announcement. See response to Question #30.

44. What are the qualification criteria for selecting a partner?

NTIS will perform a merit based selection based on the criteria and process stated in the Opportunity Announcement.

45. Awards - They will be based on merit but are the awards in the form of a plaque or financial awards?

Neither plaques nor financial awards will be given to the selected NTIS JV partners. As described in the Opportunity Announcement, JV partners will enter into JVP agreements with NTIS and may share in the revenue generated from NTIS JV projects.

46. In innovative projects, there is generally some intellectual property or potential patentable aspects that are generated. In this JVP, who would own the intellectual property?

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

NTIS expects and desires that its JV partners will be able to leverage the cutting-edge innovations they develop in performing an NTIS joint venture project, including their IP covering those innovations. Variations from that premise are possible, and will be negotiated on a project-by-project basis as they may arise, based on the particular needs of the project's Federal agency customer.

47. How many projects has NTIS worked on in the past three years; what is the value of the typical engagement in staff and dollar value? What is the total value of the work completed in the past three years?

NTIS typically works on over 100 distinct major projects each year. In Fiscal Year 2016 NTIS total revenues are projected at approximately \$190 million. Over half of NTIS current revenues are from e-training and knowledge management projects with the rest of the revenues coming from various other information technology projects. Less than 5% of NTIS revenues come from products such as the Technical Reports Library. As NTIS moves to projects falling within its new data mission, we expect Fiscal Year 2017 revenues to be approximately \$163 million. NTIS has ongoing projects with numerous Defense organizations (approximately 1/3 of the revenues in FY 2016), and multiple DHS organizations (approximately 1/4 of FY 2016 revenues). We also have ongoing efforts with Department of Commerce, Agriculture, Education, Housing and Urban Development, Justice, and Treasury, the Environmental Protection Agency, Health and Human Services, Federal Communications Commission, General Services Administration, National Archives and Records Administration, Pension Benefit Guaranty Corporation, and Social Security Administration.

48. Currently NTIS doesn't allow for JVPs to use NTIS work as past performance references. On the new JVPs will partners be able to use work performed as past performances references?

The work conducted by a JV partner on a JV project cannot be used in describing past performance on a contract since a JVP agreement is not a contract.

49. How will the financial arrangement and timing be determined if selected? Will it be a licensing arrangement or consulting arrangement or both?

See response to Question #15. Since NTIS and the JV partner will jointly plan and execute each JV project to meet an agency mission need, the revenue sharing will depend on the specific needs of the project and may vary from project to project. The focus of JV projects will be on providing innovative data services. If such projects also require licensing agreements, the appropriate parties enter into such agreements. JV partners must have the ability to fund their portion of any projects commenced pursuant to a JVP agreement for a period of time, which may differ on individual projects, due to federal accrual accounting practices. The "period of time" varies typically from days to weeks but is rarely more than 30 days from the receipt of invoice.

50. My company is very interested in pursuing this JVP with NTIS, but we are not certain that this present time is a good fit for us. Will NTIS be doing either 1) open enrollment in the future or 2) are they going to be opportunities to approach NTIS directly to pursue a JVP outside this proposal?

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

NTIS will publish future Joint Venture Opportunity Announcements in the Federal Register. While no decision has been made on timing of future announcements, NTIS anticipates future announcements to broaden and refresh its capabilities for data innovation support.

51. Can unique terms in Letter of Agreement supersede JVP Agreement terms?

A JVP project letter agreement may include terms that supersede a JVP agreement based on the specific requirements of the project.

52. If a Project implementation requires licensing of underlying software or a subscription to online services, not just limited to data licenses, will that be treated as a separate procurement by the sponsoring Agency?

Whether software or a subscription is provided as part of the project will depend upon the circumstances of the project. If the JV partner can provide the software or subscription, then NTIS and the JV partner could provide the software or subscription as part of the project. On the other hand, the Government may want to leverage a Volume Licensing Agreement if there was one in place for some software, as an example, and therefore not include provision of the software or subscription in the agreement with NTIS. The need for software or subscriptions, and the method of obtaining them if needed, will be determined on a project-by-project basis.

53. Please confirm that each party retains IP rights to patents or copyrights funded entirely by that party, and that rights will be negotiated with respect to joint inventions similar to a CRADA.

Please read the sample JVP agreement that will be posted on the NTIS site. JVPs are not contracts, grants, cooperative agreements, nor CRADAs, and the statutes governing IP for these types of agreements are not applicable to JVPs.

54. The Federal Register announcement stated that Federal agencies that provide data as part of a project performed by NTIS with a partner will retain ownership of the data. Generally under 17 U.S. Code §105 of the U.S. Copyright Act, works made by U.S. Government agencies at taxpayer expense are not entitled to copyright protection and are in the public domain. Assuming an exception does not exist (e.g., works produced by contractors who retain rights; works transferred or assigned to the Government) or other applicable laws prohibit releasing the data to the public domain (e.g., HIPAA or other privacy rights), why would a license from the Government be required?

For each project, NTIS will determine who, if anyone, owns the data and will enter into agreements to use the data when appropriate.

55. The Federal Register notes that NTIS would split revenues with the Partners. Would the fees that NTIS charges the sponsoring Agency be limited to cost recovery and would that include the partner's cost? Do we have to disclose a cost build up or may we set a firm fixed price value for our contributions?

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

See response to Question #15 for revenue sharing and project pricing. NTIS and selected JV partner(s) will provide Federal agency customer(s) with detailed cost breakouts for each project, which will be included in the proposals submitted to Federal agency customer(s) and documented in interagency agreements between NTIS and the Federal agency customer(s).

- 56. The Federal Register Notice for the proposal requests that applicants include information on the qualifications of the personnel that would be participating in any of the projects created under a Joint Venture Authority. We are a large company and have several different teams that could theoretically participate in a Joint Venture Project. Instead of speaking about any individual's qualifications, would it be acceptable to describe the qualifications of the teams as a whole or describe a few individuals that would likely participate?**

NTIS is looking for the qualifications of personnel who would likely support JV partner efforts with NTIS, especially individuals whose innovative technical capabilities will be critical to the development or execution of JV projects in a substantive and measurable way. Proposers may augment this information with additional qualifications of key teams to provide an understanding of the depth of your offerings.