

RFI: What are best practices when contracting with the DoD for M&S capabilities?

**Briefing to NDIA SE M&S Committee
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Study Question

- What set of government and industry contracting best practices will lead to more rapid fielding of M&S capabilities, and will make these capabilities useful and available to a wide range of DoD and industry users?
- To what extent will these practices
 - Encourage competition and maintain a robust M&S industry?
 - Protect industry IP and other proprietary information?
 - Promote collaboration between industry and government on M&S?
 - Enable the sharing and reuse of M&S between and across services?
 - Build a flexible M&S infrastructure available to both industry and government?
 - Encourage continued improvements in M&S capabilities by leveraging existing resources rather than building from scratch

Best Practices Guide for M&S Contracting

1. Deciding when, where and how to use M&S
2. Developing M&S requirements
3. Discovery process
 - Assessing availability and capability of existing M&S
 - Conducting market research
4. Choosing between new development or existing COTS/GOTS products?
5. Developing the solicitation
 - Target group of bidders
 - Type of contract
 - Nature of deliverables
6. Source selection
 - Experience of M&S providers
 - Tradeoffs between schedule and capabilities
7. Contract negotiation, award and execution
8. Contract monitoring and performance evaluation
 - Criteria for acceptance of deliverables
 - Markings on software and data; protecting proprietary data
 - Rights to reuse within an M&S environment of L/V/C components
 - Transition strategies

Government Interests

- Field M&S capabilities faster
- Acquire M&S in a cost-effective way
- Negotiate for “rights” to reuse M&S where appropriate
- Increase DoD awareness of existing M&S resources (and license rights)
- Acquire interoperable M&S built to open standards
- Promote collaboration and sharing of M&S expertise and resources throughout DoD and with industry
- Acquire flexible M&S resources that are readily adaptable to new problems, scenarios, threats,...

Concerns of Industry

- IP compromised during solicitation or contracting process when provided in a technical or pricing proposal or delivered with proprietary markings
- Patent infringement occurring on Government contracts without proper levels of compensation
- DOD labs appropriating properly marked proprietary IP and disseminating for use for procurement and other unauthorized purposes
- Lack of enforcement of NDA by Government personnel and others privy to proprietary IP
- Failure to protect SBIR contract technical data in follow-on contracts
- IP data rights provisions are often flowed down on prime contracts from the Government which can be over restrictive in requiring access to proprietary data

RFI: Survey process

- **Target audience: DoD M&S Industry**
- **Distribution mechanism: NDIA SE M&S Committee**
- **Time required to complete: March 2010**
- **Follow-up opportunities: Interview April 2010**
- **Tabulation and analysis of results: May 2010**
- **Final report: July 2010**

RFI: Survey topics

- Basic company characteristics
- Type(s) of M&S capabilities provided to DoD
- Nature of acquisition process
 - Scope of competition and agreement type
 - Payment structure
- Data rights issues
 - Nature of intellectual property involved
 - Contract provisions used to protect company's proprietary information
- Licensing, reuse and enforcement issues
- Effectiveness of current acquisition process and areas for improvement