

27.304-2 Contracts placed by or for other Government agencies.

The following procedures apply unless an interagency agreement provides otherwise:

(a) When a Government agency requests another Government agency to award a contract on its behalf, the request *should* explain any special circumstances surrounding the contract and specify the patent rights clause to be used. The clause *should* be selected and modified, if necessary, in accordance with the policies and procedures of this subpart. If, however, the request states that a clause of the *requesting agency* is required (*e.g.*, because of statutory requirements, a deviation, or exceptional circumstances), the awarding agency *shall* use that clause rather than those of this subpart.

(1) If the request states that an agency clause is required and the work to be performed under the contract is not severable and is funded wholly or in part by the *requesting agency*, then include the *requesting agency* clause and no other patent rights clause in the contract.

(2) If the request states that an agency clause is required, and the work to be performed under the contract is severable, then the *contracting officer shall* assure that the *requesting agency* clause applies only to that severable portion of the work and that the work for the awarding agency is subject to the appropriate patent rights clause.

(3) If the request states that a *requesting agency* clause is not required in any resulting contract, the awarding agency *shall* use the appropriate patent rights clause, if any.

(b) Any action requiring an agency determination, report, or deviation involved in the use of the *requesting agency's* clause is the responsibility of the *requesting agency* unless the agencies agree otherwise. However, the awarding agency *may* not alter the *requesting agency's* clause without prior approval of the *requesting agency*.

(c) The *requesting agency may* require, and provide instructions regarding, the forwarding or handling of any invention disclosures or other reporting requirements of the specified clauses. Normally, the *requesting agency* is responsible for the administration of any *subject inventions*. This responsibility *shall* be established in advance of awarding any contracts.

Parent topic: [27.304 Procedures.](#)