

**Army Regulation 70-74**

**Research, Development, and Acquisition**

# **Independent Research and Development**

**Headquarters  
Department of the Army  
Washington, DC  
3 December 1984**

**Unclassified**

# ***SUMMARY of CHANGE***

AR 70-74

Independent Research and Development

AR 70-74 establishes policy on Department of the Army participation in the Tri-service evaluation and negotiation functions associated with contractor Independent Research and Development programs (para 1-5). It further designates the Assistant Secretary of the Army (Research, Development and Acquisition) as the Army representative on the Department of Defense, Independent Research and Development (IR&D) Policy Council. The mission and operations of the Council are described in appendix A, enclosure 1.

Research, Development, and Acquisition

Independent Research and Development

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By Order of the Secretary of the Army:

JOHN A. WICKHAM, JR.  
General, United States Army  
Chief of Staff

Official:

DONALD J. DELANDRO  
Brigadier General, United States Army  
The Adjutant General

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**History.** This UPDATE printing publishes a new Army regulation which is effective 3 December 1984.

**Summary.** This regulation establishes Department of the Army policy and responsibilities for evaluating contractor independent research and development (IR&D) programs and negotiating advance agreements on the

recovery of IR&D costs as required by section 203, Public Law 91-441 (PL 91-441). It also implements DOD Instruction 3204.1, which is included as appendix A, and retains the US Army Materiel Command as executive agent.

**Applicability.**

*a.* This regulation applies to all Active Army organizations, including civil works elements of the US Army Corps of Engineers, that direct, administer, perform, or support research, development, manufacturing, test, and evaluation programs.

*b.* This regulation does not apply to the Army National Guard or the US Army Reserve.

**Proponent and exception authority.** Not applicable

**Impact on New Manning System.** This regulation does not contain information that affects the New Manning System.

**Army management control process. Supplementation.** Supplementation of this regulation is prohibited unless prior approval

is obtained from HQDA (DAMA-ARP), WASH DC 20310-0634.

**Interim changes.** Interim changes to this regulation are not official unless they are authenticated by The Adjutant General. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

**Suggested Improvements.** The proponent agency for this regulation is the Office of the Deputy Chief of Staff for Research, Development, and Acquisition. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DAMA-ARP), WASH DC 20310-0634.

**Distribution.** Active Army: D; ARNG and USAR: None.

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**RESERVED**

## Chapter 1 Introduction

### 1-1. Purpose

This regulation establishes policies and assigns responsibilities for the following:

*a.* Army participation in Department of Defense (DOD) tri-service activities associated with evaluating contractor independent research and development (IR&D) programs and negotiating advance agreements for recovery of IR&D costs.

*b.* Coordination of Army research, development, test, and evaluation (RDTE) programs with contractor IR&D programs.

### 1-2. Reference

Federal Acquisition Regulation is a required publication. (Cited in para 1-4.)

### 1-3. Explanation of abbreviations and terms

*a.* Abbreviations.

(1) ASA(RDA)—Assistant Secretary of the Army (Research, Development, and Acquisition).

(2) B&P—bid and proposal.

(3) CG—commanding general.

(4) AMC—US Army Materiel Command.

(5) DCSRDA—Deputy Chief of Staff for Research, Development, and Acquisition.

(6) DOD—Department of Defense.

(7) FAR—Federal Acquisition Regulation.

(8) IR&D—independent research and development.

(9) R&D—research and development.

(10) RDTE—research, development, test, and evaluation.

*b.* Terms. Special terms used in this regulation are defined below. Other terms are in DOD Instruction 3204.1 at appendix A.

(1) Technical plan. A document prepared by a contractor describing the projects that comprise that contractor's IR&D program.

(2) Technical evaluation. Review of a contractor technical plan to determine the quality of the contractor's IR&D program and its relationship to military functions.

(3) Materiel developer. The command or agency responsible for research, development, development tests, and production validation of an item (to include the system for its logistic support) that responds to Department of the Army objectives and requirements. Materiel developers will be designated from the following with specific responsibilities assigned as appropriate:

*(a)* Chief of Engineers.

*(b)* The Surgeon General (Office of the Assistant Surgeon General for Research and Development).

*(c)* Commanding General, US Army Materiel Command.

*(d)* Commander, US Army Research Institute for the Behavioral and Social Sciences.

(4) Technical evaluation lead organization. A command, center, or laboratory designated by the Army IR&D manager to coordinate IR&D technical evaluations for a particular contractor.

### 1-4. Concept

*a.* There are basically two ways in which research and development (R&D) activities are performed by industry for the benefit of DOD. The first is the normal R&D contracting process, and the second is through technical efforts initiated and funded by the company itself. This company-controlled independent R&D program is aimed at—

(1) Increasing basic knowledge.

(2) Exploiting scientific discoveries.

(3) Improving current products and systems or creating new ones.

*b.* IR&D is recognized by DOD as a necessary cost of doing business and is recoverable on contracts as an indirect cost. Two methods are used to determine the reasonableness of IR&D/bid and proposal (B&P) costs that may be allocated to DOD contracts. For companies which recover less than \$4.4 million of IR&D/B&P in a

given year on DOD and other Federal agency contracts, reasonableness is determined by a formula prescribed in the Federal Acquisition Regulation (FAR), subpart 31.205-18. When a contractor's recovery exceeds \$4.4 million in any given year, pursuant to PL 91-441, that contractor must negotiate an advance agreement with DOD on a ceiling on such costs for the following year as prescribed in the FAR, subparts 31.205-18 and 42.10. In either case, the ceiling applies to the amount of IR&D/B&P costs that may be allocated to all customers of that contractor's cost center. DOD will then pay its share of IR&D/B&P costs (up to the ceiling) allocated to its contracts. However, the total recoverable against negotiated DOD contracts cannot exceed the costs on those projects which have potential relationships to military functions.

*c.* Contractors that are required to negotiate pursuant to PL 91-441 must submit annual technical plans describing their proposed IR&D projects. Under IR&D, allocable technical efforts include R&D as well as systems concept and formulation studies. These plans are evaluated by DOD to assess the technical quality of the program and to determine whether the individual projects have potential relationships to military functions. In the negotiation process, particular attention is given to the results of the technical evaluations and the potential military relationship determinations.

*d.* In addition to the review of the technical plan each year, an on-site technical review takes place at least once every 3 years. The objectives of these on-site reviews are as follows:

(1) Permit face-to-face technical dialogue between industry and Government peers.

(2) Confirm the technical plan evaluation through on-site review of a sample of the contractor's IR&D projects.

*e.* Additional benefits accrue from the review process since DOD is informed about new ideas from industry at an early stage. This allows DOD scientists, engineers, and program managers to factor these ideas into their plans for new programs and systems. Also, DOD laboratory and contract results can be transmitted to IR&D participants to strengthen their efforts. This increases the rate and quality of technology transfer between DOD and its contractors.

### 1-5. Policy

*a.* The Department of the Army will be a full participant in the tri-service evaluation and negotiation functions associated with contractor IR&D programs. Specifically—

(1) Army materiel developers will perform technical evaluations of all IR&D projects related to their mission areas. These evaluations will be performed by qualified personnel.

(2) Army materiel developers will participate in on-site reviews of contractor IR&D programs that are of substantial interest to the developers' missions.

(3) The Army will assume responsibility for an equitable share among the Services of lead technical evaluation and lead negotiation assignments.

*b.* The Department of the Army will make full use of access to contractor IR&D programs provided by the evaluation requirement to coordinate Army RDTE programs with current IR&D projects. Specifically—

(1) Materiel developers will keep IR&D contractors aware of advanced R&D planning information so that this information can be used by contractors in formulating IR&D program plans.

(2) Materiel developers will maintain an awareness of current projects in technical areas related to their missions so that RDTE and IR&D programs can be coordinated and duplication minimized. (This policy does not imply an intent to reduce duplication between contractors which is necessary to promote competition.)

*c.* Information submitted by contractors for use in evaluation and negotiation procedures will be protected by the Army to prevent injury to contractors through unauthorized release of that information.

## **Chapter 2 Responsibilities and Data Collection Requirements (RCS CSCRD-184)**

### **2-1. Assistant Secretary of the Army (Research, Development, and Acquisition) (ASA(RDA))**

The ASA(RDA) serves as the Army representative to the DOD IR&D Policy Council. Mission and operations of the council are described in appendix A, enclosure 1.

### **2-2. Deputy Chief of Staff for Research, Development, and Acquisition (DCSRDA)**

The DCSRDA has Army staff responsibility for IR&D.

### **2-3. Commanding General, US Army Materiel Command (CG, AMC)**

The CG, AMC will designate an Army IR&D manager who will direct IR&D technical evaluation functions as described in appendix A, paragraph H.4. The CG, AMC will also designate the Army IR&D/B&P negotiation staff. The senior member of the negotiation staff will serve as the Army representative to the Tri-Service Negotiation Group with functions described in appendix A, paragraphs G and H.3.

### **2-4. Heads of materiel developing agencies**

The heads of materiel developing agencies will—

*a.* Direct technical evaluations of contractor IR&D programs by subordinate elements as required by the Army IR&D manager.

*b.* Designate an IR&D technical coordinator at each subordinate element who will do the following:

(1) Receive, store, and distribute IR&D technical plans within the organization.

(2) Coordinate technical evaluation of IR&D projects by Army personnel.

(3) Collect and transmit completed IR&D evaluations to the designated lead organization for technical evaluation.

(4) Each year, report, under RCS CSERD-184, the following data to the Army IR&D manager:

*(a)* Number of evaluations transmitted for each technical plan.

*(b)* Number of attendees at each on-site review.

*(c)* Other information requested by the IR&D manager.

*c.* Support manpower and travel requirements for IR&D technical evaluations and on-site reviews using appropriate local resources.

*d.* Assure awareness within the organization of contractor IR&D projects so as to allow for coordinated planning of RDTE resources.

*e.* Inform contractors of Army objectives and requirements so that contractors can so orient their IR&D programs.

### **2-5. Commanders of major Army commands**

Commanders of major Army commands not covered by paragraphs 2-3 and 2-4 may participate in IR&D technical evaluations if desired. However, they will follow the provisions of this regulation by fully complying with the procedures in paragraph 2-4.

### **2-6. Heads of technical evaluation lead organizations**

The heads of technical evaluation lead organizations will—

*a.* Receive completed evaluations of the contractor's IR&D projects from DOD and National Aeronautics and Space Administration evaluators.

*b.* Prepare an evaluation each year of the contractor's IR&D technical plan and submit the evaluation to the Army IR&D manager.

*c.* Schedule an IR&D on-site review with the contractor at least once every 3 years, notify the Army IR&D manager of the review dates, and designate a chairperson for the contractor's on-site review.

*d.* Designate a contractor point of contact to do the following:

(1) Report results of IR&D technical plan evaluations to the contractor and conduct discussions with the contractor on the evaluation prior to its submission to the Army IR&D manager.

(2) Support the contractor in planning and executing on-site reviews and coordinate DOD participation in these reviews.

(3) Maintain a technical communication channel with the contractor for exchanging R&D planning and program information to increase the military relevance of the contractor's IR&D program.

**Appendix A**  
**Department of Defense Instruction Number 3204.1**



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## Department of Defense Instruction USDR&E

SUBJECT: Independent Research and Development

- References:
- (a) DoD Instruction 5100.66, "Establishment of Policy for, and Administration of, Independent Research and Development Programs (IR&D)," January 7, 1975 (hereby canceled)
  - (b) Title 10, United States Code, Section 2358 NOTE (Public Law 91-441, Section 203, DoD Appropriation Authorization Act, 1971)
  - (c) Defense Acquisition Regulation (DAR), Section XV
  - (d) DoD Directive 5129.1 "Under Secretary of Defense for Research and Engineering," November 29, 1978
  - (e) DoD Directive 3200.12, "DoD Scientific and Technical Information Program," February 15, 1983
  - (f) DoD Instruction 7700.17, "Report to the Congress on IR&D/B&P Advance Agreements Negotiated with Defense Contractors," April 12, 1974
  - (g) DoD 7110.1-M, "DoD Budget Guidance Manual," July 8, 1982, authorized by DoD Instruction 7110.1, October 30, 1980

### A. PURPOSE

This Instruction replaces reference (a), updates DoD policy for contractor recovery of independent research and development (IR&D) costs, establishes the Technical Evaluation Group (TEG) and the Tri-Service Negotiation Group (TSNG), prescribes the charter for the IR&D Policy Council (enclosure 1), and assigns IR&D responsibilities.

### B. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense (OSD), the Military Departments, and the Defense Agencies (hereafter referred to collectively as "DoD Components"). The term "Tri-Service," as used herein, refers to the Army, Navy, and Air Force.

### C. DEFINITIONS

1. IR&D Policy Council. An organization responsible for developing and disseminating DoD policy and guidance essential to the efficient administration of IR&D and related bid and proposal (B&P) activities.

2. Lead Department for Technical Evaluation. The Military Department responsible for arranging and conducting onsite reviews and for coordinating and summarizing technical evaluations of project descriptions in a contractor's IR&D technical plan.

3. Lead Department for Tri-Service Negotiation. The Military Department responsible for arranging, coordinating, and conducting the negotiation of advance agreements for IR&D and B&P required by reference (b).



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## D. POLICY

1. The costs incurred for IR&D projects and B&P are recognized by the Department of Defense as a necessary cost of doing business, particularly in a high-technology environment. Through support of contractors' IR&D and B&P programs, consistent with the cost principles established in the Defense Acquisition Regulation (DAR) (reference (c)), the Department of Defense seeks to:

a. Ensure the creation of an environment that encourages research and the development of innovative concepts for DoD systems and equipment that complement and broaden the spectrum of concepts developed internally in the Department of Defense.

b. Develop technical competence in two or more contractors who then can respond competitively to any one DoD requirement.

c. Contribute to the economic stability of its contractors by allowing each contractor the technical latitude to develop a broad base of technical products.

2. The Department of Defense encourages Tri-Service participation in technical plan evaluation, onsite review, and IR&D and B&P advance agreement pre-negotiation to foster technical interchange and uniformity of treatment of contractors by DoD Components.

a. The basic purpose of IR&D technical evaluation is to assess the reasonableness and technical quality of the contractors' IR&D programs and to determine the IR&D projects' potential military relationship (PMR).

b. The objective of the onsite review is twofold: first, to permit face-to-face technical dialogue between government and industry peers; and second, to confirm the technical plan evaluation ratings through onsite evaluation of a sampling of the contractor's IR&D projects.

3. IR&D projects that lead to reduction in acquisition and support costs of defense systems and equipment shall be given the same consideration as is given to projects exploring the solution of critical performance deficiencies in U.S. military capability.

## E. PROCEDURE

To assist the DoD Components in coordinating the DoD contract R&D and in-house R&D programs with IR&D, a computer-based IR&D data bank has been established at the Defense Technical Information Center. The IR&D data bank is not a real-time reporting mechanism, but a centralized body of information on projects already underway. It is useful in identifying what IR&D is being pursued and by whom. DoD Component staff who plan and introduce new in-house or contract R&D projects are encouraged strongly to search the IR&D data bank to determine whether the proposed work duplicates contractor IR&D efforts.

F. TECHNICAL EVALUATION GROUP

1. Organization and Management

a. The TEG shall be formed by the Military Departments' IR&D managers (subsection H.4.c., below), and its chair shall be appointed by the Under Secretary of Defense for Research and Engineering (USDR&E) from the Office of the Deputy Under Secretary of Defense (Research and Advanced Technology) (ODUSD(R&AT)) (paragraph H.1.b., below).

b. The TEG shall meet at least twice in each calendar year and at the call of the chair.

2. Functions. The purpose of the TEG is to devise and monitor the procedures and methodology of the IR&D technical evaluation process.

G. TRI-SERVICE NEGOTIATION GROUP

1. Organization and Management

a. The TSNG shall be formed by the senior members of the IR&D and B&P negotiation staff of each Military Department, and its chair shall be the person responsible for the IR&D function assigned to the Directorate for Cost, Pricing, and Finance, Office of the Deputy Under Secretary of Defense (Acquisition Management) (ODUSD(AM)).

b. The TSNG shall meet at least twice in each calendar year and at the call of the chair.

2. Functions. The purpose of the TSNG is to identify and resolve problems that affect Tri-Service IR&D and B&P negotiations.

H. RESPONSIBILITIES

1. The Under Secretary of Defense for Research and Engineering, consistent with DoD Directive 5129.1 (reference (d)), shall:

a. As chair of the IR&D Policy Council, convene the Council and take appropriate actions to carry out its mission. In support of the Council:

(1) The Deputy Under Secretary of Defense (Research and Advanced Technology) shall:

(a) Develop policy, supporting data, and rationale for all technological aspects of IR&D and B&P.

(b) Coordinate with DUSD(AM) representatives on all IR&D and B&P matters.

(c) Represent the OSD with industry and others on all technological aspects of IR&D and B&P.

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(d) Coordinate with other federal agencies on the technological aspects of procurement policies affecting IR&D and B&P.

(e) Provide surveillance and policy for the IR&D data bank (DoD Directive 3200.12, reference (e)).

(2) The Deputy Under Secretary of Defense (Acquisition Management) shall:

(a) Develop policy, supporting data, and rationale for all business aspects of IR&D and B&P. This includes providing for:

1 Surveillance and administration over IR&D and B&P reports to Congress (DoD Instruction 7700.17, reference (f)).

2 Development of policy, practices, and procedures for negotiation of advance agreements.

3 Preparation of input for modification of IR&D and B&P cost principles (DAR 15-205.35 and DAR 15-205.3, reference (c)).

4 Coordination with the Office of Management and Budget (OMB) and other federal agencies on the accounting and business aspects of any OMB policies affecting IR&D and B&P.

(b) Coordinate with DUSD(R&AT) representatives on all IR&D and B&P matters.

(c) Represent the OSD with industry and others on any accounting or business aspects of IR&D and B&P.

b. Appoint a chair from the ODUSD(R&AT) who, with the Military Departments' IR&D managers (paragraph H.4.c., below), shall form the TEG.

2. The Technical Evaluation Group shall:

a. Establish, subject to the approval of the IR&D Policy Council, criteria and methodology to be used uniformly by the Military Departments for performing technical evaluations, establishing quality ratings of contractor IR&D programs, and making PMR determinations.

b. Designate the lead Department for technical evaluation for each contractor.

c. Establish uniform procedures for debriefing contractors whose IR&D programs have been reviewed.

d. Provide guidance on the content and format for submitting contractors' IR&D technical plans and on the conduct of onsite reviews.

e. Establish a schedule for submission of contractors' IR&D technical plans.

f. Establish, before each calendar year, the annual schedule for onsite reviews.

g. Establish procedures for providing the designated Tri-Service negotiator with a technical evaluation of each contractor's IR&D program for use in structuring the IR&D advance agreement with that contractor.

h. Establish procedures for providing the Defense Logistics Agency (DLA) with technical evaluations of contractor-submitted IR&D project descriptions to support negotiations of advance agreements as required by law.

i. Provide assistance to contracting officers as needed to determine the PMR of B&P effort.

j. Provide assistance to the Defense Contract Audit Agency and contracting officers to resolve cost classification questions involving IR&D and B&P.

k. Establish the content and format of the IR&D data bank, subject to IR&D Policy Council approval.

l. Invite the National Aeronautics and Space Administration to provide a representative to the TEG.

3. The Tri-Service Negotiation Group shall:

a. Designate the lead Department for Tri-Service negotiation for each contractor.

b. Maintain a master list of contractor locations and responsible activities for which negotiated advance agreements for IR&D and B&P costs are required by Pub. L. 91-441 (reference (b)).

c. Review proposed changes relative to the assignments for negotiations of IR&D and B&P advance agreements.

d. Ensure that the technical evaluation is used as a factor in the negotiation of IR&D and B&P advance agreements.

4. The Secretary of each Military Department shall:

a. Direct Departmental review of IR&D technical plans furnished by contractors and submission of written evaluation reports of such IR&D plans to the lead Department.

b. Submit, in the research, development, test, and evaluation budgets, estimates of expenses required to support the technical evaluation of contractors' IR&D programs, as prescribed in DoD 7110.1-M (reference (g)).

c. Designate a Departmental IR&D manager who shall act as the Military Department's liaison in carrying out the responsibilities set forth in subsection H.2., above, and who shall:

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(1) Designate the organizations within the Military Department that shall evaluate each contractor's IR&D projects.

(2) Ensure an effective evaluation of the contractor-submitted IR&D project descriptions.

(3) Arrange for, and participate in, onsite IR&D reviews, as required.

(4) Ensure that a current distribution list for IR&D brochures is maintained.

d. If assigned lead Department responsibility:

(1) Verify that the overall evaluation of a contractor's IR&D projects is comprehensive enough to judge the technical quality of the contractor's program.

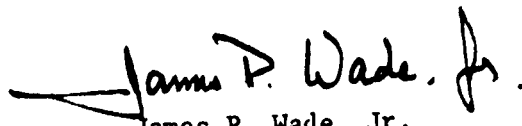
(2) Provide a lead Department determination of the PMR of IR&D projects.

(3) Conduct onsite reviews, at least once every 3 years, of contractors with whom the Department of Defense negotiates IR&D advance agreements.

5. Under the operational control of the Director, DLA, and in accordance with USDR&E policy guidance, the Defense Technical Information Center shall maintain and operate the IR&D data bank.

#### I. EFFECTIVE DATE AND IMPLEMENTATION

This Instruction is effective immediately. Forward two copies of implementing documents to the Under Secretary of Defense for Research and Engineering within 120 days.



James P. Wade, Jr.  
Acting Under Secretary of  
Defense for Research  
and Engineering

Enclosure - 1  
Charter of the Independent  
Research and Development Policy Council

CHARTER OF THE INDEPENDENT  
RESEARCH AND DEVELOPMENT POLICY COUNCIL

A. PURPOSE

This charter prescribes the mission, composition, and administration of the IR&D Policy Council.

B. MISSION

The mission of the IR&D Policy Council is to develop and disseminate DoD policy and guidance essential to the efficient administration of IR&D and related B&P activities. This policy and guidance shall include such factors as the proper level of required DoD administrative support, an outline of the goals of IR&D and B&P, the mechanisms to be employed to increase or decrease the overall level of effort, guidance necessary to ensure valid potential military relationship determinations, appropriate negotiation policies, and response to congressional inquiries.

C. COMPOSITION

The members of the IR&D Policy Council shall be the Under Secretary of Defense for Research and Engineering, who shall serve as chair; the Director, Defense Advanced Research Projects Agency, who shall serve as vice chair; the Principal Deputy Under Secretary of Defense for Research and Engineering; the Assistant Secretary of Defense (Comptroller); the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics); the Deputy Under Secretary of Defense (Acquisition Management); the Deputy Under Secretary of Defense (Research and Advanced Technology); and the Assistant Secretaries of the Army (Research, Development, and Acquisition), Navy (Research, Engineering, and Systems) and (Shipbuilding and Logistics), and Air Force (Research, Development, and Logistics). Representatives from the Office of Management and Budget; Office of Science and Technology Policy, Executive Office of the President; and the National Aeronautics and Space Administration shall be invited to participate as advisors.

D. ADMINISTRATION

1. The Under Secretary of Defense for Research and Engineering shall appoint an executive secretary to the IR&D Policy Council. The chair of the TEG normally shall be so designated.

2. The executive secretary to the IR&D Policy Council shall receive from members any items for discussion; shall prepare the agenda and minutes of each meeting; and shall obtain the chair's approval of the agenda and minutes. The executive secretary also shall act as coordinating agent for the implementation of Council decisions.

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3. The IR&D Policy Council shall meet during the 2nd half of each calendar year to establish the IR&D and B&P objectives and guidelines for the next calendar year. Other meetings of the Council shall be held at the call of the chair.

4. The IR&D Policy Council shall have two permanent working groups: (1) the TEG, composed of the Military Departments' IR&D managers and a USDR&E-appointed chair; and (2) the TSNG, composed of the senior Military Departments' IR&D negotiation staff members and a DUSD(AM)-appointed chair.

5. Ad hoc working groups may be established as required by the IR&D Policy Council.

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