

DFARS 231.205-18 Independent research and development and bid and proposal costs

DFARS PART 31--CONTRACT COST PRINCIPLES AND PROCEDURES

231.205 Selected costs.

231.205-18 Independent research and development and bid and proposal costs.

(a) Definitions. As used in this subsection-

(i) "Covered contract" means a DoD prime contract for an amount exceeding the simplified acquisition threshold, except for a fixed-price contract without cost incentives. The term also includes a subcontract for an amount exceeding the simplified acquisition threshold, except for a fixed-price subcontract without cost incentives under such a prime contract.

(ii) "Covered segment" means a product division of the contractor that allocated more than \$1,100,000 in independent research and development and bid and proposal (IR&D/B&P) costs to covered contracts during the preceding fiscal year. In the case of a contractor that has no product divisions, the term means that contractor as a whole. A product division of the contractor that allocated less than \$1,100,000 in IR&D/B&P costs to covered contracts during the preceding fiscal year is not subject to the limitations in paragraph (c) of this subsection.

(iii) "Major contractor" means any contractor whose covered segments allocated a total of more than \$11,000,000 in IR&D/B&P costs to covered contracts during the preceding fiscal year. For purposes of calculating the dollar threshold amounts to determine whether a contractor meets the definition of "major contractor," do not include contractor segments allocating less than \$1,100,000 of IR&D/B&P costs to covered contracts during the preceding fiscal year.

(c) Allowability.

(i) Departments/agencies shall not supplement this regulation in any way that limits IR&D/B&P cost allowability.

(ii) See 225.7303-2(c) for allowability provisions affecting foreign military sale contracts.

(iii) For major contractors, the following limitations apply:

(A) The amount of IR&D/B&P costs allowable under DoD contracts shall not exceed the lesser of-

(1) Such contracts' allocable share of total incurred IR&D/B&P costs; or

(2) The amount of incurred IR&D/B&P costs for projects having potential interest to DoD.

(B) Allowable IR&D/B&P costs are limited to those for projects that are of potential interest to DoD, including activities intended to accomplish any of the following:

- (1) Enable superior performance of future U.S. weapon systems and components.
 - (2) Reduce acquisition costs and life-cycle costs of military systems.
 - (3) Strengthen the defense industrial and technology base of the United States.
 - (4) Enhance the industrial competitiveness of the United States.
 - (5) Promote the development of technologies identified as critical under 10 U.S.C. 2522.
 - (6) Increase the development and promotion of efficient and effective applications of dual-use technologies.
 - (7) Provide efficient and effective technologies for achieving such environmental benefits as: improved environmental data gathering, environmental cleanup and restoration, pollution reduction in manufacturing, environmental conservation, and environmentally safe management of facilities.
- (iv) For major contractors, the cognizant administrative contracting officer (ACO) or corporate ACO shall-
- (A) Determine whether IR&D/B&P projects are of potential interest to DoD; and
 - (B) Provide the results of the determination to the contractor.
- (v) The cognizant contract administration office shall furnish contractors with guidance on financial information needed to support IR&D/B&P costs and on technical information needed from major contractors to support the potential interest to DoD determination (also see 242.771-3(a)).