

**LIVING MARINE RESOURCES PROGRAM  
BAA SOLICITATION  
APPENDIX B**

***DATA RIGHTS AND HANDLING PROCEDURES AGREEMENT***

*August 2020*

1. All data and information collected under a contract will be governed by the specific data rights clauses in the contract.
2. The Navy requires the ability to use data collected under this contract for regulatory compliance, environmental planning, public outreach, and/or other reports and documents, as needed. This includes all raw/unfiltered observation and telemetry data, associated metadata, and survey effort trackline data. In addition, the Navy is required to obtain and release all government funded data per the directive of the Presidential Executive Order of May 9, 2013 (Executive Order 13642 -- Making Open and Machine Readable the New Default for Government Information). The Navy will consult the scientist(s) collecting the data for further analysis as necessary, subject to the scientist(s) ability to meet Navy schedules and mission requirements. The Navy intends to give proper credit in any presentation or report to the Contractor or Sub-Contractor who collected the data; however, the Navy is not required to do so.
3. In accordance with the clause at DFARS 252.204-7000, the Contractor or Sub-Contractors shall not make public release of any information relating to all or any part of this contract, or products/deliverables developed thereunder without prior approval of either the Procurement Contracting Officer or the Administrative Contracting Officer, as applicable. The Government intends to identify information that does not involve covered defense information or controlled technical information (i.e. information with military or aerospace applications) so that contractors are not required to submit requests for approval related to that information. After information is determined to not involve covered defense information or controlled technical information, Contractor or Sub-Contractors may publish and present their work to professional societies or the public. Abstracts of presentations dealing with work funded under this contract shall be provided to the COR prior to or concurrent with submission for presentation. Proper credit shall be given to the U.S. Navy's Living Marine Resources Program for funding this work.
4. The Navy may be provided an opportunity to review any presentations and publications in an advisory capacity prior to final publication, but any comments from the Navy are not binding with the exception of issues deemed to potentially impact national security. Proper credit shall be given to the U.S. Navy's Living Marine Resources Program for funding this work. The Contractor or Sub-Contractor shall furnish electronic copies of each publication to the COR at no additional expense.

6. Reports specified within the Scope of Work are considered contract deliverable products and may be subject to QA/QC review by the primary contractor as well as review and commenting by the COR or ACOR.
7. Use of photographs taken under the authorization of a NMFS Scientific Research Permit must be accompanied by a statement indicating that the photos were taken pursuant to a NMFS Scientific Research Permit. The Navy intends to attribute this material to the Contractor or Sub-Contractor and include the accompanying permit information when using any photographs taken under this contract.
8. All visual survey and tagging data collected under the contract will be contributed as complete data sets, including all observations, telemetry locations, attributes or metadata, and survey effort trackline data, to the following databases as appropriate (e.g. OBIS-SEAMAP, Movebank, Animal Telemetry Network Data Assembly Center [ATN-DAC], or other databases specified by the COR). Data format and standards should follow guidelines established in Appendix C (Geospatial Data Requirements) unless otherwise directed by the COR. Ensure that labor towards this effort is included in your Scope of Work.
9. The procedures described in Appendix D (Living Marine Resources Program Ocean Observing System Notification Procedures) shall be followed when acoustic recordings are obtained.
10. All data collected under the contract will be archived. At a minimum, there should be two copies of the data, preferably with each copy in a different location. For visual survey and tag data, contribution into databases described under #8 above can be considered as one of the acceptable locations.