

27.406-3 Major system acquisition.

(a) The clause at 52.227-21, *Technical Data Declaration, Revision, and Withholding of Payment-Major Systems*, implements 41 U.S.C. 2302(e). When using the clause at 52.227-21, the section of the contract specifying *data* delivery requirements (see 27.406-1(b)) *shall* expressly identify those *line items* of *technical data* to which the clause applies. Upon delivery of the *technical data*, the *contracting officer shall* review the *technical data* and the contractor's declaration relating to it to assure that the *data* are complete, accurate, and comply with contract requirements. If the *data* are not complete, accurate, or compliant, the *contracting officer should* request the contractor to correct the deficiencies, and *may* withhold payment. Final payment *shall* not be made under the contract until it has been determined that the delivery requirements of those *line items* of *data* to which the clause applies have been satisfactorily met.

(b) In a contract for, or in support of, a *major system* awarded by a civilian agency other than NASA or the U.S. Coast Guard, the following applies:

(1) The *contracting officer shall* require the delivery of any *technical data* relating to the *major system* or *supplies* for the *major system*, that are to be developed exclusively with Federal funds if the delivery of the *technical data* is needed to ensure the competitive *acquisition* of *supplies* or services that will be required in substantial quantities in the future. The clause at 52.227-22, *Major System-Minimum Rights*, is used in addition to the clause at 52.227-14, *Rights in Data-General*, and other required clauses, to ensure that the Government acquires at least those rights required by Pub. L. 98-577 in *technical data* developed exclusively with Federal funds.

(2) *Technical data*, relating to a *major system* or *supplies* for a *major system*, procured or to be procured by the Government and also relating to the design, development, or manufacture of *products* or processes offered or to be offered for sale to the public (except for such *data* as *may* be necessary for the Government to operate or maintain the product, or use the process if obtained by the Government as an element of performance under the contract), *shall* not be required to be provided to the Government from persons who have developed such *products* or processes as a condition for the *procurement* of such *products* or processes by the Government.

Parent topic: 27.406 Acquisition of data.