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## Memo

*Date:* September 30, 1999  
*To:* George Malosh  
*From:* Gregory Fess   
*Subject:* DOE Technology Partnership Ombuds Initiative Commitment

Enclosed is an executed copy of the above referenced Commitment. Please be advised that I have been appointed Ombudsman by Dr. Marburger.

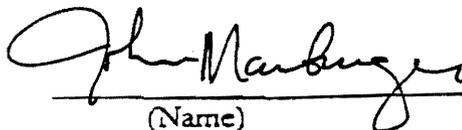
Enclosure:  
As above stated

**DEPARTMENT OF ENERGY  
TECHNOLOGY PARTNERSHIP  
OMBUDS INITIATIVE COMMITMENT**

The Department of Energy ("DOE") and its major facilities that engage in technology partnership activities ("Technology Partnership Facilities") share a mutual objective to encourage programs that further departmental missions and transfer federally funded technologies into the marketplace for the benefit of the U.S. economy. DOE and the Technology Partnership Facilities have a strong interest in open lines of communication and the early identification of issues, complaints and disputes between the facilities and their existing or potential partners. DOE and the Technology Partnership M&O Facilities wish to facilitate the early resolution of technology partnership concerns and complaints at the lowest possible level within the contractors' organizations and to make available a focal point within those organizations for entities who believe they have been adversely affected by the facilities' technology partnership activities.

**In recognition of the above, I pledge my organization's commitment to:**

- promote the early identification of concerns with respect to technology partnership activities;
- establish an Ombuds capability within the next ninety days that provides at a minimum, neutrality, confidentiality, independence and the ability to look into matters, in an effort to provide an inexpensive and effective avenue for the public, existing partners, and potential future partners to voice and resolve concerns, complaints, and disputes relating to technology partnership activities;
- promote the use of additional collaborative alternative dispute resolution techniques to facilitate the resolution of complaints and disputes when appropriate; and
- report to the Department annually on the number and nature of complaints and disputes raised and resolved, while protecting confidentiality.

  
\_\_\_\_\_

(Name)

DIRECTOR

\_\_\_\_\_

Title

BROOKHAVEN NATIONAL LABORATORY

\_\_\_\_\_

Organization

SEPTEMBER 30, 1999

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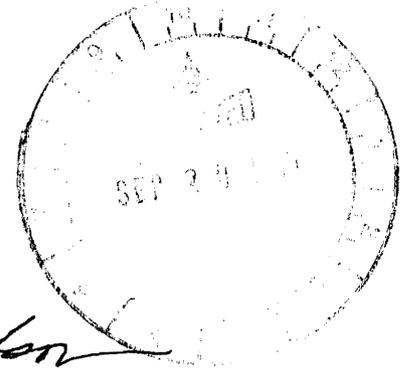
Date



Number: CC 1999-615  
Director: Marburger, J  
Due: 11/30/1999 Rec'd: 09/16/1999  
PDF File Name: CC1999-615-ID.pdf  
Concurrence: **Not Required**  
Actionee: Fess, G

The Secretary of Energy  
Washington, DC 20585

September 16, 1999



MEMORANDUM FOR DISTRIBUTION

FROM: BILL RICHARDSON *Bill Richardson*  
SUBJECT: Technology Partnerships Ombuds Initiative

The Department of Energy and its major facilities that engage in technology partnership activities ("Technology Partnership Facilities") share a mutual objective to encourage programs that further departmental missions and transfer federally funded technologies into the marketplace for the benefit of the U.S. economy. We also all share a strong interest in open lines of communication and the early identification of issues, complaints and disputes between the facilities and their existing or potential partners. Although we have received a relatively small number of complaints throughout the system, timely and effective resolution of technology partnership concerns and complaints at an appropriate level is a priority.

I recently released a report by DOE's Research and Development (R&D) Council Technology Transfer Working Group, "Partnering for Success: A Review of DOE Technology Transfer Policies and Procedures" that included a finding that, although a variety of mechanisms to resolve complaints and disputes of our technology transfer partners exist throughout the system, these mechanisms may not be widely known. In recognition of this, **I am requesting that each Technology Partnership Facility establish an Ombuds capability** in an effort to provide an inexpensive and effective avenue for the public, existing partners, and potential future partners to voice and resolve concerns, complaints, and disputes relating to technology partnership activities. The current draft from the American Bar Association Ombuds Committee defines "ombuds" as:

an independent, impartial person occupying a high status office who is authorized to receive and address in a confidential manner, complaints, and inquiries from a specified constituency concerning acts, omissions, and alleged improprieties of an administrative jurisdiction or associated individuals or entities. Based either on such complaints or inquiries or on the ombuds' own initiative, the ombuds may (1) investigate or otherwise examine the matter and (2) take appropriate action to aid in the resolution of the specific issue or a broader, underlying problem. The ombuds is not authorized to make, change, or set aside a law, policy or administrative decision.



Ideally, the Ombuds (or some functional equivalent) would be a senior official who reports to the contractor's site manager and who is removed from the actual day-to-day negotiation of technology partnership arrangements. This official would not necessarily be an additional or new position but could be an existing official who would be designated by the lab director to serve in the capacity of the Technology Partnership Ombuds. This individual would:

- serve as a focal point to industry and the public to assist in the resolution of technology transfer complaints and disputes;
- promote the use of collaborative alternative dispute resolution techniques such as mediation to facilitate resolution of complaints and disputes when appropriate; and
- report to the Department annually on the number and nature of complaints and disputes raised and resolved, while protecting confidentiality.

Technology partnerships contribute both to the overall success of DOE's research programs and to the economic strength of the nation. We must continue to strive to strengthen partnering experiences to all of those who work with and in our laboratories. Ombuds capability will help us to ensure that our partnerships continue to serve the interests of our laboratories, our private sector partners and the American public.

I invite all directors of facilities that engage in technology partnership activities to participate in this Technology Partnership Ombuds Initiative by forwarding to the cognizant DOE field office manager an executed copy of the attached commitment by September 30, 1999 and the name of your designated Ombuds by November 1, 1999. In an effort to assist you in the development of this capability at your site, we will facilitate, via video conferencing on October 4, an open forum for discussion of the "best practices" for developing an Ombuds program. If you have any questions regarding this initiative, please contact, David Heyman at (202) 586-3500.

Attachment

cc:  
Managers, Operations Offices  
Lead Program Secretarial Officers

**DEPARTMENT OF ENERGY  
TECHNOLOGY PARTNERSHIP  
OMBUDS INITIATIVE COMMITMENT**

The Department of Energy ("DOE") and its major facilities that engage in technology partnership activities ("Technology Partnership Facilities") share a mutual objective to encourage programs that further departmental missions and transfer federally funded technologies into the marketplace for the benefit of the U.S. economy. DOE and the Technology Partnership Facilities have a strong interest in open lines of communication and the early identification of issues, complaints and disputes between the facilities and their existing or potential partners. DOE and the Technology Partnership M&O Facilities wish to facilitate the early resolution of technology partnership concerns and complaints at the lowest possible level within the contractors' organizations and to make available a focal point within those organizations for entities who believe they have been adversely affected by the facilities' technology partnership activities.

**In recognition of the above, I pledge my organization's commitment to:**

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- promote the use of additional collaborative alternative dispute resolution techniques to facilitate the resolution of complaints and disputes when appropriate; and
- report to the Department annually on the number and nature of complaints and disputes raised and resolved, while protecting confidentiality.

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(Name)

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Organization

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Title

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Date

***DISTRIBUTION LIST:***

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