

# FYI For Your Information

June 2004

## Technology Services Provided By the MI-SBTDC<sup>SM</sup>

The Michigan Small Business & Technology Development Center<sup>SM</sup> network provides a full range of services for a variety of small businesses that are emerging and growing throughout Michigan—new venture companies, existing small businesses, expanding businesses, new technology companies and innovators. The MI-SBTDC is known throughout Michigan for its quality counsel, training and market research capabilities. All services are available at low or no cost because of the funding support of the Small Business Administration and local partners in each region.

The Michigan Technology Initiative Program is a joint venture of the Michigan Small Business & Technology Development Center, the Michigan Economic Development Corporation and the U.S. Small Business Administration. This U.S. Small Business Administration Cooperative Agreement is partially funded by the SBA. SBA funding is not an endorsement of any products, opinions or services. All SBA funded programs are extended to the public on a nondiscriminatory basis.

### Technology Business Consultants

The MI-SBTDC has four technology business consultants on staff. All consultants hold an MBA or equivalent, have five or more years of business experience and two or more years experience in a technology-related field. Their expertise reflects Michigan's technology initiatives and needs in four functional areas:

- Advanced manufacturing
- Bio-medicine/life sciences
- Energy
- Information technology

TBCs work with fewer clients than the general MI-SBTDC business consultants and provide proactive facilitation and strategic planning for business development. In contrast, MI-SBTDC general business consultants work with a wider

variety of companies, providing more typical business development assistance such as business plan writing, cash-flow projections, marketing and human resource consulting. Many of the general business consultants have areas of expertise that the technology counselors can access to assist technology innovators. The MI-SBTDC general business consultants also will assist technology counselors in identifying innovators and small businesses that may be MI-SBIR-eligible.

The MI-SBTDC has a systemic referral process by which regional directors use a Technology Business Counselor Referral Information Form to refer clients to a TBC. *See Tech Client Assistance Model*

TBCs provide specialized counseling in the following areas:

#### **Intellectual Property**

Basics of patenting/trademarks/copyrights  
Licensing basics

#### **Management Team Assessment**

Management Team strengths and weaknesses

#### **Financing Alternatives**

Small Business Innovation Research  
Small Business & Technology Transfer  
Venture Capital  
Angel Capital

#### **Commercialization Strategies**

New product development/  
commercialization strategies  
Strategic and business planning  
Technology marketing  
Licensing strategies

#### **Networking and Resource Identification**

National and statewide resources of  
MI-SBTDC partners

*Additional information can be found at the Michigan Small Business & Technology Development Center Web site, [www.misbtcd.org](http://www.misbtcd.org)*



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# Understanding Search Results and Documents at FedBizOpps.gov

The Federal Business Opportunities Web site, FedBizOpps.gov, is the single government point-of-entry for federal government procurement opportunities over \$25,000. Government buyers can publicize their business opportunities by posting information directly to FedBizOpps via the Internet. Through this portal, commercial vendors seeking federal markets for their products and services can search, monitor and retrieve opportunities solicited by the entire federal contracting community. In the March 2004 FYI Newsletter, instructions for searching in FedBizOpps was explained. Below is an explanation of understanding the search results.

After performing a search at [www.FedBizOpps.gov](http://www.FedBizOpps.gov) a list of results will appear on your screen. Several items will be included in each result:

- **Agency**—the government agency procuring the product or service
- **Office**—the specific agency office procuring the item
- **Location**—where the agency is located
- **Posted**—the date the opportunity was published on FedBizOpps
- **Type**—the type of document posted at the site
- **Title**—the title of the solicitation
- **SOL**—the solicitation number

After previewing the list and items just described you may be interested in learning more about the opportunity. The Title link will take you to more information. One or more of the following will be listed on the next screen. Be sure to click each item listed to receive the pertinent information on pursuing the contract:

- A **synopsis** typically will provide a brief description of the product or service being sought. Many times the synopsis is the Pre-solicitation Notice, which is published before the solicitation is ready for posting. The date the solicitation is expected to be posted is usually defined in the Description and/or

Original Response Date. The Contracting Office information and Point of Contact are typically noted in the synopsis, as well.

- A **solicitation** is a document that contains details on a procurement as well as important bidding information, specifications or drawings. The solicitation is a document that may be downloaded from the FedBizOpps site. In many cases, you will be directed to another site where you can download the solicitation.
- An amendment is a change to a solicitation, which has already been posted to FedBizOpps.

All postings on the FedBizOpps site allow you to be notified if there are any changes, or amendments, to a specific procurement.

As you review the synopsis, solicitation, and amendments you

will see several important pieces of information:

- **General Information:** document type, solicitation number, posted date, original response date (due date), current response date, archive dates, and classification code or Federal Supply Group.
- **Contracting office address.**
- **Description:** a detailed description of the procurement, including an overview of the product or services being sought. Additional information such as obtaining drawings, location of where the work will be performed, where and how to submit your bid and required business qualifications may be included here.
- **Original Point of Contact:** the buyer or contracting officer/specialist responsible for the procurement. This individual is a great resource for specific questions pertaining to the solicitation.
- **Additional information, not always present:** links to bid site, drawings and solicitations.
- **Register to Receive Notification button:** each posting on FedBizOpps has this button. It allows you to register your e-mail address and receive notification when there are changes or amendments to the procurement.



# Upcoming Seminars and Events

## **How to Start a Small Business: From Vision to Reality**

June 9, July 7 or August 4, 2004  
9:30 a.m.–Noon

June 23, July 21 or August 18, 2004  
6–8:30 p.m.

\$25 per person

A three-hour seminar designed for those interested in learning a practical step-by-step process for starting a new business. The session will provide participants with a network and resources to use when questions arise.

## **How to Write a Business Plan: Your Road Map to Success**

June 16 or August 11, 2004  
9:30 a.m.–12:30 p.m.

July 14, 2004  
6–9 p.m.

\$40 per person

This one-time seminar provides an overview of what is included in a dynamic business plan. It is designed for new and existing business owners who do not currently have a business plan in place. You will receive worksheets that outline the basic items in a business plan, allowing you to complete the plan on your own.

### **RESERVATIONS REQUIRED for all seminars**

For more information contact the  
Business Development Center at  
734-462-4438.

## **QuickBooks® Basics: A Fast Start to Setting up Your Accounting System**

July 13, 2004  
6–9 p.m.

\$60 per person

A training session designed to give participants a hands-on learning experience setting-up and utilizing QuickBooks® Financial Software Edition 2004.

Attendees will receive a Customer Manage tool that works with QuickBooks® to help small businesses organize business-critical customer data more efficiently, intelligently and profitably.

## **How to Become a Government Contractor**

September 23, 2004  
9 a.m.–1 p.m.

\$35 per person

The federal government purchases more than \$200 billion of goods and services a year. Find out what it takes to sell your goods and services successfully to the federal government and the State of Michigan. In addition, learn about the services and resources the Business Development Center has available to help your company with the contracting process.

## **Registration Assistance for Government Contractors**

September 30, 2004  
9 a.m.–Noon

\$15 per person

Business Development Center clients looking for assistance completing their Central Contractor Registration, SBA's Procurement Marketing and Access Network, the State of Michigan Vendor Registration, or any other online registration are invited to the BDC for this seminar. Counselors will be available to help clients understand and complete their registrations, using the BDC's computer lab.

# Upcoming Seminars and Events

## Financing Growth Roundtable

June 3, 2004  
9–11 a.m.  
No admission charge

When it's time to get a loan, you need to be fully prepared when you visit your bank. This session gives you a detailed look at bank lending from the banker's perspective. You'll learn about the five Cs of credit; the types of loans and when and why you should use them; SBA programs; and non-bank loan programs that are available to businesses unsuccessful at getting bank support. Get answers to all of your questions about the banking process. This session is presented by TEAM SBA, including an SBA Loan Officer, a bank loan officer, and an SBTDC consultant.

## A Day with GSA

August 10, 2004  
9 a.m.–4 p.m.  
\$60 per person

Michigan's Small Businesses will have an opportunity to gain important information regarding the powerful marketing vehicle of the GSA schedules/contracts. This procurement vehicle continues to be most important in selling products and services to all entities of the federal government. In the near future this will be true for states and municipalities as well. Tips on schedules, selling, marketing and the future of GSA procurement opportunities will be addressed.

## Strategy Matrix

Date and time to be announced

The Strategy Matrix® is a simple, group-facilitated discussion process that allows your business to evaluate proposed strategic initiatives against current goals, the key characteristics and the culture of your organization. It is a quantitative tool for exploring the impacts of internal and external events on the strategic goals of your organization. The MI-SBTDC network provides Strategy Matrix® trainings statewide.

## Certified: Woman Business Enterprise

August 18, 2004  
9–11 a.m.  
\$25 per person

The Michigan Women's Business Council invites women business owners to learn what it means to be certified as a Woman Business Enterprise. If you have a product or service that you would like to market to American corporations, here is your chance to explore certification. The Michigan Women's Business Council is a program of the Center for Empowerment and Economic Development, an SBA Women's Business Center. Call the Michigan Women's Business Council at 734-677-1444 to register.

## How to Grow Your Business: Effective Marketing Techniques for Small Businesses

June 24, 2004  
6–9 p.m.  
\$40 per person

This three-hour, one-time seminar will provide a comprehensive guide to *re-evaluating* your product or service and how to price, promote and distribute it effectively. The seminar is designed for new and existing business owners who want to get an edge on the competition and successfully compete in the marketplace. Participants will learn how to identify and retain the right customers as well as how to develop a winning annual marketing plan with supporting budget.



**RESERVATIONS REQUIRED for all seminars**

For more information contact the Business Development Center at 734-462-4438.

# Protecting Your Intellectual Property When Contracting with the Federal Government

By George W. Ash

The statutes and regulations that address what rights the government obtains in a contractor's intellectual property are among the most complex in government procurement. Unfortunately for some contractor, protecting and preserving their IP rights is crucial to the success or even survival of their business. While a brief outline cannot substitute for knowledgeable legal counsel tailored to your particular circumstance, there are some general principles every contractor needs to understand. These are my 10 rules of survival you must master if IP is important to you.

1. Recognize that the government "pigeon holes" IP rights into certain categories, primarily patents, technical data, computer software and copyrights. While the patent rights provision in *contracts* are generally the same, based on a statute, agencies have different regulations concerning treatment of the other categories of IP.

2. Technical data and computer software rights are heavily influenced by who funded the creation of the data or software. If you intend to claim your product was developed in whole or in part at private expense, you must keep records showing the expense in order to withstand a challenge. Keep in mind research funded under your Independent Research and Development account is treated as "private expense," even if substantially charged to the government as an indirect cost.

3. Patent rights are determined by when and under what circumstance a "subject invention" was first conceived or actually reduced to practice. If you are a U.S. business performing a government contract or subcontract, you will be able to retain title to the patent, subject to notifying the government of the invention and pursuing the patent, while the government will be given a non-exclusive royalty free license. If you have already "created" the invention before performing the contract, you should put the government on notice of that fact at contract award.

4. To the extent you can control or influence it, develop patentable inventions outside the performance of the contract, and develop key technical data and computer software exclusively at private expense. Sometimes this is easier said than done, but it is not unusual to control the government's IP rights by being thoughtful about how the work is structured and what you commit to deliver.

5. IP provisions and clauses are different for contracts, grants, cooperative agreements, CRADAs or "other agreements." Recognizing that different procurement instruments have different rules, take advantage of them. For example, an "other agreement" will generally allow you greater freedom to limit the government's rights in your IP than a traditional contract.

6. Understand the government's basic IP scheme well enough to have an expectation of what will be in your contract, and if what you expected isn't there, ask why. Don't ignore these provisions.

7. Take advantage of the special rules that apply to commercial items. Commercial item contracts are streamlined to be more like traditional non-governmental contracts, and one important area where this is true is the treatment of IP where contractors generally retain their IP rights. If you let the government treat the contract as "non-commercial," you will be stuck with the traditional clauses.

8. Develop a protocol for marking your data/software with the appropriate legend to protect your right. If you deliver a product without any restriction, it is treated as a deliverable in which the government has unlimited rights. Make your people "funnel" all such deliveries (even drafts) through the person responsible for adding the appropriate marking.

9. As a subcontractor, you generally do not have to give the higher tier contractor rights to your IP. Government contract clauses on IP are unique in that the IP rights go directly from the sub to the government, like the spokes of a wheel. Higher tier contractors are not supposed to require IP rights from their subs, but many try to do so.

10. Get in the habit of using non-disclosure agreements with your team members and contracting parties to clearly identify the parties rights and obligations concerning the treatment of each others IP.

These 10 rules will go a long way toward protecting your IP rights, but if IP is really important to your business, you should talk to a qualified government contract expert to get counsel specifically designed for your business and product.

*George W. Ash is a member of the law firm of Foley & Lardner LLP in Detroit, where he specializes in government procurement issues. He may be reached at 313-442-6434.*

*Note: This update provides information of general interest presented in summary form, and does not constitute individual legal advice.*

# 2004 Business Opportunity Forums

Federal, state and local agencies spend millions of dollars every year with companies who can provide everything from alarms to asbestos removal to pavement and painting.

The time has never been better to network with public sector buyers who can help you grow your business.

No lengthy formal presentations. The trade fair-like sessions will provide ample opportunity for you to meet one-on-one or around the table with buyers from various state and local government

offices. Representatives from the Small Business Administration and Internal Revenue Service also will be available to provide up-to-date information and answer questions. Don't miss this great opportunity to meet with federal, state and local government!

No admission charge.

For additional dates and locations for the Business Opportunity Forums, visit the State of Michigan Web site at [www.michigan.gov/doingbusiness](http://www.michigan.gov/doingbusiness). Click on 2004 Business Opportunity Forum Schedule.

June 9, 2004

9 a.m.–Noon

Southfield Public Library  
26300 Evergreen Road, Southfield

June 17, 2004

9 a.m.–Noon

Washtenaw Community College  
Morris Lawrence Building  
4800 E. Huron River Drive, Ann Arbor

July 21, 2004

9 a.m.–Noon

Best Western Gateway International Hotel  
9191 Wickham, Romulus

July 28, 2004

9 a.m.–Noon

Highland Park Career Academy  
Glendale and Second, Highland Park

October 6, 2004

7:30–11 a.m.

Oakland County Bid & Breakfast  
Novi City Hall, Novi

Watch your mailbox for additional seminar details or log onto our Web site at [www.schoolcraft.edu/bdc/seminars.htm#government](http://www.schoolcraft.edu/bdc/seminars.htm#government)



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