

## 27.202-5 Solicitation provisions and contract clause.

(a)

(1) Insert a *solicitation* provision substantially the same as the provision at [52.227-6](#), Royalty Information, in-

(i) Any *solicitation* that *may* result in a negotiated contract for which royalty information is desired and for which *certified cost or pricing data* are obtained under [15.403](#); or

(ii) Sealed bid *solicitations* only if the need for such information is approved at a level above the *contracting officer* as being necessary for proper protection of the Government's interests.

(2) If the *solicitation* is for communication services and facilities by a common carrier, use the provision with its *Alternate I*.

(b) If the Government is obligated to pay a royalty on a patent involved in the prospective contract, insert in the *solicitation* a provision substantially the same as the provision at [52.227-7](#), Patents-Notice of Government Licensee. If the clause at [52.227-6](#) is not included in the *solicitation*, the *contracting officer* may require *offerors* to provide information sufficient to provide this notice to the other *offerors*.

(c) Insert the clause at [52.227-9](#), Refund of Royalties, in negotiated fixed-price *solicitations* and contracts when royalties *may* be paid under the contract. If a fixed-price incentive contract is contemplated, change "price" to "target cost and target profit" wherever it appears in the clause. The clause *may* be used in cost-reimbursement contracts where agency approval of royalties is necessary to protect the Government's interests.

**Parent topic:** [27.202 Royalties](#).