Establishing and Maintaining Proprietary APS User Accounts

Changes made in this revision:

- No changes made to this procedure since its last review

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1 DEFINITIONS

Proprietary data	Technical data which embody trade secrets developed at private expense, such as design procedures or techniques, chemical composition of materials, or manufacturing methods, processes, or treatments, including minor modifications thereof, provided that such data are not generally known or available from other sources without obligation concerning their confidentiality; have not been made available by the owner to others without obligation concerning their confidentiality; and are not already available to the Government without obligation concerning their confidentiality. [definition from Proprietary User Agreements]
Proprietary work:	Work done with the intention to designate the results as proprietary data.
Proprietary sample:	A sample that is the subject of proprietary work.
Proprietary beam time:	All time used by an APS user (defined as either an individual or a collaborating group) during which the following conditions apply: the APS is delivering user beam; and the user is using an APS experiment station for any activity (e.g., experimental set-up or data collection) that is a part of proprietary work.

2 POLICY

1. Each APS User institution ("User") that wishes to use APS beam time for proprietary work must first execute a Proprietary User Agreement with Argonne National Laboratory and establish a Proprietary APS User Account.
2. In accordance with the requirements imposed by the U.S. Department of Energy (DOE), each Proprietary Account must be pre-funded at a level that covers at least three months' worth of anticipated proprietary beam time at the provisional full-cost-recovery rate that is currently in effect. The unit of beam time for charging purposes is one hour. In addition, if all of the User's work at the APS is to be proprietary, the pre-funded amount must include the estimated total cost (including overheads) of materials, supplies, and services that the User expects to purchase from the APS for use during the period of proprietary work.

3 PROCEDURE

1. The User submits a Purchase Order (PO) to the APS User Account Specialist at the following address:

   Deana Kinzler
   Advanced Photon Source - Bldg. 401
   Argonne National Laboratory
   9700 South Cass Avenue
   Lemont, IL 60439
   Phone: (630) 252-1244
   Fax: (630) 252-3222
   E-mail: useracct@aps.anl.gov

   The PO must include the following information:
   - A statement that the purpose of the PO is to establish a Proprietary APS User Account.
   - A DUNS number. If needed, register here: http:/fedgov.dnb.com/webform
   - The starting and expiration date of the PO, with options to extend the term of the PO, if desired. Generally, the minimum initial term is three months, and the minimum extension is three months.
   - The name and address of the "Account Contact" to whom account information should be reported.
   - The addressee for Argonne invoices, if different from the Account Contact.
   - A list of individuals authorized to request proprietary beam time and (if applicable) materials, supplies, and services.
   - The estimated value of the PO, based upon the User's expectations of the total amount of proprietary beam time to be used and, if applicable, the value of materials, supplies, and services, including provisional overhead charges, to be purchased, during the term of the PO. Information on the provisional full-cost-recovery rate for proprietary beam time and the provisional overhead rate on materials, supplies, and services is available from the APS User Account Specialist.
2. The APS accepts the PO by sending the Purchasing Agent or Account Contact an "Acknowledgment of Purchase Order" for signature. Execution of the Acknowledgment establishes the User Account and the terms for its use. The Account Contact is informed of the procedures for charging purchases against the account.
3. The User provides advance payment by means of a check or electronic funds transfer payable to Argonne National Laboratory in U.S. dollars sufficient to cover a) all anticipated proprietary beam time if the term of the PO is three months or less, or b) three months of proprietary beam time if the term of the PO is greater than three months.
4. Once payment is confirmed as received, authorization to initiate work will be provided.

5. Refer to "User Policy and Procedure Identification of Proprietary Beam Time" (APS_1001655) for information relating to identification of proprietary beam time.
6. When the User uses proprietary beam time or (if applicable) purchases materials, supplies, and services, and the term of the PO is three months or less, the cost is applied to the cash advance. When the User uses proprietary beam time and the term of the PO is greater than three months, charges are invoiced on a monthly basis as incurred. The advance payment is held on deposit until User requests that the account be closed.
7. The Account Contact promptly notifies the APS User Account Specialist in writing of any subsequent changes to the list of authorized signatures, and the APS modifies the Acknowledgment accordingly.
8. Whenever Argonne adjusts its provisional rates to actual rates, the account will be charged or credited accordingly.
9. The APS User Account Specialist monitors the account with respect to expiration date, dollar ceiling, signature authority list, etc., and notifies the Account Contact generally three months before the expiration date of the PO or when the number of proprietary hours charged to the account is 80% of, or equal to, the number allowed on the PO, whichever occurs first.
10. Upon receiving notification of an impending expiration date, the User (a) provides a revised or new PO with a new expiration date; or (b) directs the APS User Account Specialist to close the account and refund the advance payment if no additional proprietary work is planned.
11. Upon receiving notification that the number of proprietary hours charged to the account is 80% of, or equal to, the number of hours provided on the PO, the User (a) provides a revised or new PO with an estimate of the additional number of proprietary hours to be used during the term of the PO, or (b) directs the APS User Account Specialist to close the account and refund the advance payment if no additional proprietary work is planned.
12. When User requests that the account be closed, any outstanding charges will be applied to the cash advance, and any remaining advance will be refunded.
13. **Invoice payment terms are net 30 days.** Payment must be made in U.S. dollars. Argonne works to get unpaid invoices resolved in a timely manner. If invoices are unpaid after 60 days, proprietary access and proprietary work will be suspended until the delinquency is removed.
14. If the account limit is exceeded or the expiration date passes and the User has provided no instructions to the contrary, Argonne will close the account until the initiating PO is revised or a new PO is received from the User.

4 FEEDBACK AND IMPROVEMENT

If you are using this procedure and have comments or suggested improvements for it, please go to the APS Policies and Procedures Comment Form* to submit your input to a Procedure Administrator. If you are reviewing this procedure in workflow, your input must be entered in the comment box when you approve or reject the procedure.

Instructions for execution-time modifications to a policy/procedure can be found in the following document: Field Modification of APS Policy/Procedure (APS_1408152).

* https://www1.aps.anl.gov/Document-Central/APS-Policies-and-Procedures-Comment-Form