

AMENDMENT 2

DEPARTMENT OF DEFENSE SMALL BUSINESS TECHNOLOGY TRANSFER (STTR) PROGRAM STTR 23.D Program Broad Agency Announcement (BAA)

The purpose of Amendment 2 is to provide additional information in sections 4.3, 5.3.f, 5.3.h and 5.3.i.

The purpose of Amendment 1 is to incorporate important programmatic changes as required by the SBIR and STTR Extension Act of 2022 (Pub. L. 117-183), to include:

- a. Add Section 2.2 Due Diligence Program to Assess Security Risks; renumber subsequent sections.
- b. Replace Attachment 2: Foreign Ownership or Control Disclosure with Attachment 2: Disclosures of Foreign Affiliations or Relationships to Foreign Countries
- c. Add definitions to Section 3, as highlighted.
- d. Revisions to section 4.2.e., as highlighted.
- e. Add Section 4.3 Disclosures Regarding Ties to People's Republic of China and Other Foreign Countries; renumber subsequent sections.
- f. Revise Section 5.3.h
- g. Add Section 5.3.i and corresponding Attachment 4: Disclosure of Funding Sources
- h. Revisions to section 6.0, as highlighted.
- i. Removal of section 8.1.bb. (DFARS 252.209-7002, Disclosure of Ownership or Control by a Foreign Government).
- j. Add Section 8.2; renumber subsequent sections.
- k. Various text updates, as highlighted below.

IMPORTANT

The DoD STTR FY2023.D Annual BAA is structured to allow participating DoD Components to advertise STTR topics throughout the course of the fiscal year, outside of the three pre-determined BAA cycles. To be notified of STTR opportunities released under this BAA and to receive e-mail updates on the DoD SBIR and STTR Programs, it is highly encouraged that proposing small business concerns subscribe to the DoD SBIR/STTR Listserv by visiting <https://www.dodsbirsttr.mil/submissions/login> and clicking "DSIP Listserv" located under Quick Links.

In addition to the instructions provided in this BAA, each topic release will be accompanied by Component-specific proposal submission instructions, which will detail requirements such as proposal content, formatting, structure, budget/duration and proposal submission deadlines. **Only proposals submitted in response to an active topic under this BAA will be evaluated.**

Active topic releases and associated Component-specific instructions can be viewed at: <https://www.defensesbirsttr.mil/SBIR-STTR/Opportunities/>. A full topic release index can be viewed in Appendix A of this BAA.

This BAA and the Defense SBIR/STTR Innovation Portal (DSIP) sites are designed to reduce the time and cost required to prepare a formal proposal. DSIP is the official portal for DoD SBIR/STTR proposal submission. Proposing small business concerns are required to submit proposals via DSIP; proposals submitted by any other means will be disregarded. Proposing small business concerns submitting through this site for the first time will be asked to register. Proposing small business concerns are required to register for a Login.gov account and link it to their DSIP account. See section 4.14 for more information regarding registration.

AMENDMENT 2

IMPORTANT (continued)

The Small Business Administration (SBA), through its SBIR/STTR Policy Directive, purposely departs from normal Government solicitation formats and requirements, thus authorizing agencies to simplify the SBIR/STTR award process and minimize the regulatory burden on small business. Therefore, consistent with the SBA SBIR/STTR Policy Directive, the Department of Defense is soliciting proposals as a Broad Agency Announcement. The DoD SBIR/STTR Programs follow the policies and practices of the SBA SBIR/STTR Policy Directive, current version.

The guidelines presented in this BAA incorporate and make use of the flexibility of the SBA SBIR/STTR Policy Directive to encourage proposals based on scientific and technical approaches most likely to yield results important to the DoD and the private sector. The SBIR/STTR Policy Directive is available [HERE](#).

Classified proposals will not be accepted under the DoD STTR Program.

This BAA incorporates **MANDATORY** foreign disclosure requirements and other important programmatic changes as required by the SBIR and STTR Extension Act of 2022 (Pub. L. 117-183). These updates can be found in sections **2.2, 2.5, 3.0, 4.2.e., 4.3, 6.0, 8.2 and Attachment 2**. Small business concerns are highly encouraged to review the full BAA to remain apprised of any additional recent programmatic changes.

Questions: Please refer to the DSIP [Customer Support Document](#) for general information regarding the DoD SBIR/STTR process in DSIP. For additional assistance with the DSIP application, please visit the Learning & Support section of the DSIP at <https://www.dodsbrsttr.mil/submissions/learning-support/>. Email DSIP Support at DoDSBIRSupport@reisystems.com only [for further assistance with issues pertaining directly to the DSIP application](#). Questions submitted to DSIP Support will be addressed in the order received during normal operating hours (Monday through Friday, 9:00 a.m. to 5:00 p.m. ET). **See section 4.14 for further information on where to direct questions regarding instructions and topics in this BAA.**

TABLE OF CONTENTS

1.0 INTRODUCTION..... 5

2.0 PROGRAM DESCRIPTION..... 5

 2.1 Objectives 5

 2.2 Due Diligence Program to Assess Security Risks..... 5

 2.3 OUSD(R&E) Critical Technology Areas..... 6

 2.4 Three Phase Program 6

 2.5 Program on Innovation Open Topics 7

3.0 DEFINITIONS 7

4.0 PROPOSAL FUNDAMENTALS 15

 4.1 Introduction..... 15

 4.2 Proposing Small Business Concern Eligibility and Performance Requirements 15

 4.3 Disclosures Regarding Ties to People's Republic of China and Other Foreign Countries 16

 4.4 Joint Ventures 17

 4.5 Majority Ownership in Part by Multiple Venture Capital, Hedge Fund, and Private Equity Firms 18

 4.6 Conflicts of Interest..... 18

 4.7 Organizational Conflicts of Interest 18

 4.8 Classified Proposals 19

 4.9 Research Involving Human Subjects 19

AMENDMENT 2

4.10 Research Involving Animal Subjects 20

4.11 Research Involving Recombinant DNA Molecules 20

4.12 Debriefing/Technical Evaluation Narrative 20

4.13 Pre-Award and Post Award BAA Protests..... 20

4.14 Award Information..... 21

4.15 Questions about this BAA and BAA Topics..... 21

4.16 Registrations and Certifications 23

4.17 Promotional Materials 24

4.18 Prior, Current, or Pending Support of Similar Proposals or Awards 24

4.19 Fraud and Fraud Reporting 24

4.20 State and Other Assistance Available 25

4.21 Discretionary Technical and Business Assistance (TABAs)..... 25

5.0 PHASE I PROPOSAL 25

5.1 Introduction..... 25

5.2 Marking Proprietary Proposal Information 26

5.3 Phase I Proposal Instructions 27

6.0 PHASE I EVALUATION CRITERIA 34

7.0 PHASE II PROPOSAL INFORMATION 35

7.1 Introduction..... 35

7.2 Proposal Provisions..... 35

7.3 Commercialization Strategy..... 36

7.4 Phase II Evaluation Criteria 36

7.5 Phase II Award Information..... 36

7.6 Adequate Accounting System..... 36

7.7 Phase II Enhancement Policy 37

7.8 Commercialization Readiness Program (CRP) 37

8.0 CONTRACTUAL REQUIREMENTS 37

8.1 Additional Contract Requirements..... 37

8.2 Agency Recovery Authority and Ongoing Reporting..... 39

8.3 Basic Safeguarding of Covered Contractor Information Systems 40

8.4 Prohibition on Contracting with Persons that have Business Operations with the Maduro Regime..... 41

8.5 Copyrights..... 42

8.6 Patents 42

8.7 Technical Data Rights..... 42

8.8 Invention Reporting 42

8.9 Final Technical Reports - Phase I through Phase III..... 43

APPENDIX A: Topic Release Index.....45

ATTACHMENTS

Contractor Certification Regarding Provision of Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment 46

Disclosures of Foreign Affiliations or Relationships to Foreign Countries..... 47

Verification of Eligibility of Small Business Joint Ventures 51

AMENDMENT 2

Disclosure of Funding Sources..... 61

AMENDMENT 2

1.0 INTRODUCTION

The Department of Defense (DoD), Office of the Undersecretary of Defense, Research and Engineering (OUSD(R&E)) invites small business concerns and research institutions to jointly submit proposals under this BAA for the Small Business Technology Transfer (STTR) Program. Proposing small business concerns with the capability to conduct research and development (R&D) in any of the defense-related topic areas described in this BAA and to commercialize the results of that R&D are encouraged to participate.

The STTR Program, although modeled substantially after the Small Business Innovation Research (SBIR) Program, is a separate program and is separately financed. Subject to availability of funds, DoD Components will support high quality cooperative research and development proposals of innovative concepts to solve the listed defense-related scientific or engineering problems, especially those concepts that also have high potential for commercialization in the private sector. Partnerships between small businesses and Historically Black Colleges and Universities (HBCUs) or Minority Institutions (MIs) are encouraged, although no special preference will be given to STTR proposals from such proposing small business concerns.

DoD Components may elect to release topics under this BAA throughout the duration of fiscal year 2023. Each topic release will have its own corresponding pre-release, open and close dates, which will be outlined within the Component-specific instructions contained in each release. Topics will be published for at least 45 days prior to the deadline for proposal submission. Small business concerns can stay informed of the release of topics by visiting <https://www.defensesbirsttr.mil/SBIR-STTR/Opportunities/> and <https://www.dodsbirsttr.mil/submissions/login>, as well as by subscribing to the DoD SBIR/STTR Listserv by visiting <https://www.dodsbirsttr.mil/submissions/login> and clicking “DSIP Listserv” located under Quick Links. **Only proposals submitted in response to an active topic under this BAA will be evaluated.**

Active topic releases and associated Component-specific instructions can be viewed at: <https://www.defensesbirsttr.mil/SBIR-STTR/Opportunities/>. A full topic release index can be viewed in Appendix A of this BAA.

This BAA is for Phase I proposals only. All proposing small business concerns that receive a Phase I award originating from this BAA will be eligible to participate in Phases II competitions and potential Phase III awards. A separate BAA will not be issued requesting Phase II proposals. Unsolicited proposals will not be accepted. DoD Components will notify Phase I awardees of the Phase II proposal submission requirements. The details on the due date, content, and submission requirements of the Phase II proposal will be provided by the awarding DoD Component either in the Phase I award or by subsequent notification. Submission of Phase II proposals will be in accordance with instructions provided by the individual Components. If a proposing small business concern submits their Phase II proposal prior to the dates time specified by the individual Components, it will be rejected without evaluation.

DoD is not obligated to make any awards under Phase I, Phase II, or Phase III. All awards are subject to the availability of funds. DoD is not responsible for any monies expended by the proposing small business concern before the issuance of any award.

AMENDMENT 2

2.0 PROGRAM DESCRIPTION

2.1 Objectives

The objectives of the DoD STTR Program include stimulating technological innovation, strengthening the role of small business in meeting DoD research and development needs, fostering and encouraging participation by minority and disadvantaged persons in technological innovation, and increasing the commercial application of DoD-supported research or research and development results.

2.2 Due Diligence Program to Assess Security Risks

The SBIR and STTR Extension Act of 2022 (Pub. L. 117-183) requires the Department of Defense, in coordination with the Small Business Administration, to establish and implement a due diligence program to assess security risks presented by small business concerns seeking a Federally funded award. The full text of the SBIR and STTR Extension Act of 2022 is available at <https://www.congress.gov/117/plaws/publ183/PLAW-117publ183.pdf>.

As previously stated, the DoD SBIR/STTR Programs follow the policies and practices of the Small Business Administration (SBA) SBIR/STTR Policy Directive. The SBA revisions to the Policy Directive are in effect as of May 3, 2023. The Federal Register Notice is available at: <https://www.federalregister.gov/documents/2023/04/03/2023-06870/small-business-innovation-research-program-and-small-business-technology-transfer-program-policy>. This revision is incorporated into this BAA, including the utilization of the Appendix III, Disclosure Questions, as Attachment 2 “Disclosures of Foreign Affiliations or Relationships to Foreign Countries”.

In accordance with Section 4 of the SBIR and STTR Extension Act of 2022, the Department of Defense will review all proposals submitted in response to this BAA to assess security risks presented by small business concerns seeking a Federally funded award. The Department will use information provided by the small business concern in response to the Disclosures of Foreign Affiliations or Relationships to Foreign Countries (Attachment 2) and the proposal to conduct a risk-based due diligence review on the cybersecurity practices, patent analysis, employee analysis, and foreign ownership of a small business concern, including the financial ties and obligations (which shall include surety, equity, and debt obligations) of the small business concern and employees of the small business concern to a foreign country, foreign person, or foreign entity. The Department will also assess proposals utilizing open-source analysis and analytical tools, for the nondisclosures of the information set forth in 15 U.S.C. 638(g)(13).

DoD has partnered with Project Spectrum to provide an online course on Understanding Foreign Ownership, Control, or Influence (FOCI). This course defines FOCI, explains what it means to be under FOCI, and details FOCI's effect on a company seeking initial or continued eligibility for access to a federally funded award. Small business concerns can register and access this course by following the instructions below:

1. Go to projectspectrum.io
2. Click “Profile/Dashboard” in the top right and then click “Sign Up” from the dropdown menu.
3. Follow the instructions to sign up for an account. Descriptions of the account types are provided below each option.
4. Verify your email by entering the code sent to the email address you provided when signing up.
5. Log in to Project Spectrum by clicking “Profile/Dashboard > Login” in the top right.
6. Find the Training Course on “Understanding Foreign Ownership, Control, or Influence (FOCI)” by clicking “Courses > Training Courses”

AMENDMENT 2

7. Copy the provided password.
8. Click on the course and log in to Encite.io using your email address and the copied password.
9. Enroll in the course and click “Enter” to begin.

For assistance with registration or access to the Project Spectrum website, please contact support@projectspectrum.io.

2.3 OUSD(R&E) Critical Technology Areas

Each DoD Component develops SBIR and STTR topics that are mission-oriented to their programs, however topics generally align with the OUSD(R&E) Critical Technology Areas. While many technologies may cross between these categories, these areas represent the broad and different approaches that are required to advance technologies crucial to the Department. By focusing efforts and investments into these critical technology areas, the Department will accelerate transitioning key capabilities to the Military Services and Combatant Commands.

OUSD(R&E) Critical Technology Areas:

- FutureG
- Trusted AI and Autonomy
- Biotechnology
- Advanced Computing and Software
- Integrated Sensing and Cyber
- Directed Energy (DE)
- Hypersonics
- Microelectronics
- Integrated Network Systems-of-Systems
- Quantum Science
- Space Technology
- Renewable Energy Generation and Storage
- Advanced Materials
- Human-Machine Interfaces

Below are additional technology areas supporting DoD Component-specific mission-critical areas:

- Advanced Infrastructure & Advanced Manufacturing
- Combat Casualty Care
- Emerging Threat Reduction
- Military Infectious Diseases
- Military Operational Medicine
- Mission Readiness & Disaster Preparedness
- Nuclear
- Sustainment & Logistics

Full descriptions of the above technology areas can be reviewed here:

https://media.defense.gov/2023/Mar/21/2003183351/-1/-1/1/USDRE_SBIR_STTR_CRITICAL_TECH_AREAS.PDF.

2.4 Three Phase Program

The STTR Program is a three-phase program. Phase I is to determine, to the extent possible, the scientific, technical, and commercial merit and feasibility of ideas submitted under the STTR Program. Phase I awards are made in accordance with the SBA Policy Directive guidelines, current version. The period of performance is generally between six to twelve months with twelve months being the maximum period allowable. Proposals should concentrate on research or research and development which will significantly contribute to proving the scientific and technical feasibility, and commercialization potential of the proposed effort, the successful completion of which is a prerequisite for further DoD support in Phase II. Proposing small business concerns are encouraged to consider whether the research or research

AMENDMENT 2

and development being proposed to DoD Components also has private sector potential, either for the proposed application or as a base for other applications.

Phase II awards will be made to proposing small business concerns based on the results of their Phase I effort and/or the scientific merit, technical merit, or commercialization potential of a Phase II proposal. Phase II awards are made in accordance with the SBA Policy Directive guidelines, current version. The period of performance is generally 24 months. Phase II is the principal research or research and development effort and is expected to produce a well-defined deliverable prototype. A Phase II contractor may receive up to one additional, sequential Phase II award for continued work on the project.

Under Phase III, the Proposing small business concern is required to obtain funding from either the private sector, a non-STTR Government source, or both, to develop the prototype into a viable product or non-R&D service for sale in military or private sector markets. STTR Phase III refers to work that derives from, extends, or completes an effort made under prior STTR funding agreements, but is funded by sources other than the STTR Program. Phase III work is typically oriented towards commercialization of STTR research or technology.

2.5 Program on Innovation Open Topics

Section 7 of the SBIR and STTR Extension Act of 2022 requires the Department of Defense to establish innovation open topic activities in order to—

- (A) increase the transition of commercial technology to the Department of Defense;
- (B) expand the small business nontraditional industrial base;
- (C) increase commercialization derived from investments of the Department of Defense; and
- (D) expand the ability for qualifying small business concerns to propose technology solutions to meet the needs of the Department of Defense.

Unlike conventional topics, which specify the desired technical objective and output, open topics can use generalized mission requirements or specific technology areas to adapt commercial products or solutions to close capability gaps, improve performance, or provide technological advancements in existing capabilities.

A small business concern may only submit one (1) proposal to each open topic. If more than one proposal from a small business concern is received for a single open topic, only the most recent proposal to be certified and submitted prior to the submission deadline will receive an evaluation. All prior proposals submitted by the small business concern for the same open topic will be marked as nonresponsive and will not receive an evaluation.

Open topics released under this BAA will be clearly identified as such in the title and objective of the topic. Proposal preparation instructions for open topics may vary significantly across DoD Components. Proposing small business concerns are advised to carefully read and follow all instructions from the DoD Component for the open topic of interest. Unless specifically noted in the Component instructions, all requirements outlined in this BAA remain in effect for open topics.

3.0 DEFINITIONS

The following definitions from the SBA STTR Policy Directive and the Federal Acquisition Regulation (FAR) apply for the purposes of this BAA:

AMENDMENT 2

Commercialization

The process of developing products, processes, technologies, or services and the production and delivery (whether by the originating party or others) of the products, processes, technologies, or services for sale to or use by the Federal government or commercial markets.

Cooperative Research and Development

For the purposes of the STTR Program this means research and development conducted jointly by a small business concern and a research institution in which not less than 40% of the work is performed by the small business concern, and not less than 30% of the work is performed by the single research institution. The percentage of work is usually measured by both direct and indirect costs; however, proposing small business concerns should verify how it will be measured with their DoD contracting officer during contract negotiations.

Covered Individual

An individual who contributes in a substantive, meaningful way to the scientific development or execution of a research and development (R&D) project proposed to be carried out with a Federally funded award from DoD. DoD has further designated covered individuals as including all proposed key personnel.

Essentially Equivalent Work

Work that is substantially the same research, which is proposed for funding in more than one contract proposal or grant application submitted to the same Federal agency or submitted to two or more different Federal agencies for review and funding consideration; or work where a specific research objective and the research design for accomplishing the objective are the same or closely related to another proposal or award, regardless of the funding source.

Export Control

The International Traffic in Arms Regulations (ITAR), 22 CFR Parts 120 through 130, and the Export Administration Regulations (EAR), 15 CFR Parts 730 through 799, will apply to all projects with military or dual-use applications that develop beyond fundamental research, which is basic and applied research ordinarily published and shared broadly within the scientific community. More information is available at https://www.pmdtc.state.gov/ddtc_public.

NOTE: Export control compliance statements found in the individual Component-specific proposal instructions are not meant to be all inclusive. They do not remove any liability from the submitter to comply with applicable ITAR or EAR export control restrictions or from informing the Government of any potential export restriction as fundamental research and development efforts proceed.

Federal Laboratory

As defined in 15 U.S.C. §3703, means any laboratory, any federally funded research and development center (FFRDC), or any center established under 15 U.S.C. §§ 3705 & 3707 that is owned, leased, or otherwise used by a Federal agency and funded by the Federal Government, whether operated by the Government or by a contractor.

AMENDMENT 2

Federally Funded Award

A Phase I, Phase II (including Direct to Phase II, sequential Phase II/subsequent Phase II and cross-agency Phase II), or Phase III SBIR or STTR award made using a funding agreement.

Foreign Affiliation

As defined in 15 U.S.C. § 638(e)(16), foreign affiliation means a funded or unfunded academic, professional, or institutional appointment or position with a foreign government or government-owned entity, whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary). This includes appointments or positions deemed adjunct, visiting, or honorary with research institutions located in a foreign country of concern.

Foreign Country of Concern

As defined in 15 U.S.C. § 638(e)(17), foreign country of concern means the People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, the Islamic Republic of Iran, or any other country determined to be a country of concern by the Secretary of State.

Foreign Entity

Foreign entity means any branch, partnership, group or sub-group, association, estate, trust, corporation or division of a corporation, non-profit, academic institution, research center, or organization established, directed, or controlled by foreign owners, foreign investors, foreign management, or a foreign government.

Foreign Government

Foreign government means any government or governmental body, organization, or instrumentality, including government owned-corporations, other than the United States Government or United States state, territorial, tribal, or jurisdictional governments or governmental bodies. The term includes, but is not limited to, non-United States national and subnational governments, including their respective departments, agencies, and instrumentalities.

Foreign Nationals

Foreign Nationals (also known as Foreign Persons) as defined by 22 CFR 120.16 means any natural person who is not a lawful permanent resident as defined by 8 U.S.C. § 1101(a)(20) or who is not a protected individual as defined by 8 U.S.C. § 1324b(a)(3). It also means any foreign corporation, business association, partnership, trust, society or any other entity or group that is not incorporated or organized to do business in the United States, as well as international organizations, foreign governments and any agency or subdivision of foreign governments (e.g., diplomatic missions).

“Lawfully admitted for permanent residence” means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

"Protected individual" means an individual who (A) is a citizen or national of the United States, or (B) is an alien who is lawfully admitted for permanent residence, is granted the status of an alien lawfully admitted for temporary residence under 8 U.S.C. § 1160(a) or 8 U.S.C. § 1255a(a)(1), is admitted as a refugee under 8 U.S.C. § 1157, or is granted asylum under Section 8 U.S.C. § 1158; but does not include

AMENDMENT 2

(i) an alien who fails to apply for naturalization within six months of the date the alien first becomes eligible (by virtue of period of lawful permanent residence) to apply for naturalization or, if later, within six months after November 6, 1986, and (ii) an alien who has applied on a timely basis, but has not been naturalized as a citizen within 2 years after the date of the application, unless the alien can establish that the alien is actively pursuing naturalization, except that time consumed in the Service's processing the application shall not be counted toward the 2-year period.

Fraud, Waste and Abuse

- a. **Fraud** includes any false representation about a material fact or any intentional deception designed to deprive the United States unlawfully of something of value or to secure from the United States a benefit, privilege, allowance, or consideration to which an individual or business is not entitled.
- b. **Waste** includes extravagant, careless or needless expenditure of Government funds, or the consumption of Government property, that results from deficient practices, systems, controls, or decisions.
- c. **Abuse** includes any intentional or improper use of Government resources, such as misuse of rank, position, or authority or resources.
- d. The STTR Program training related to Fraud, Waste and Abuse is available at: <https://www.sbir.gov/tutorials/fraud-waste-abuse/tutorial-1>. See Section 4.17 for reporting Fraud, Waste and Abuse.

Funding Agreement

Any contract, grant, or cooperative agreement entered into between any Federal Agency and any small business concern for the performance of experimental, developmental, or research work, including products or services, funded in whole or in part by the Federal Government. Only **contracts and other transaction authority (OTA) agreements** will be used by DoD Components for all STTR awards.

Historically Black Colleges and Universities and Minority Institutions (HBCU/MI)

Listings for the Historically Black Colleges and Universities (HBCU) and Minority Institutions (MI) are available through the Department of Education Web site, <http://www.ed.gov/about/offices/list/ocr/edlite-minorityinst.html>.

Certified HUBZone Small Business Concern

An SBC that has been certified by SBA under the Historically Underutilized Business Zones (HUBZone) Program (13 C.F.R. § 126) as a HUBZone small business concern listed in the Dynamic Small Business Search (DSBS).

Malign Foreign Talent Recruitment Program

As defined in 42 U.S.C § 19237, the term “malign foreign talent recruitment program” means-

- (A) any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to the targeted

AMENDMENT 2

individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue, in exchange for the individual-

- (i) engaging in the unauthorized transfer of intellectual property, materials, data products, or other nonpublic information owned by a United States entity or developed with a Federal research and development award to the government of a foreign country or an entity based in, funded by, or affiliated with a foreign country regardless of whether that government or entity provided support for the development of the intellectual property, materials, or data products;
- (ii) being required to recruit trainees or researchers to enroll in such program, position, or activity;
- (iii) establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or affiliated with a foreign country if such activities are in violation of the standard terms and conditions of a Federal research and development award;
- (iv) being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;
- (v) through funding or effort related to the foreign talent recruitment program, being limited in the capacity to carry out a research and development award or required to engage in work that would result in substantial overlap or duplication with a Federal research and development award;
- (vi) being required to apply for and successfully receive funding from the sponsoring foreign government's funding agencies with the sponsoring foreign organization as the recipient;
- (vii) being required to omit acknowledgment of the recipient institution with which the individual is affiliated, or the Federal research agency sponsoring the research and development award, contrary to the institutional policies or standard terms and conditions of the Federal research and development award;
- (viii) being required to not disclose to the Federal research agency or employing institution the participation of such individual in such program, position, or activity; or
- (ix) having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the Federal research and development award; and

(B) a program that is sponsored by-

- (i) a foreign country of concern or an entity based in a foreign country of concern, whether or not directly sponsored by the foreign country of concern;
- (ii) an academic institution on the list developed under section 1286(c)(8) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; 1 Public Law 115-232) ; or
- (iii) a foreign talent recruitment program on the list developed under section 1286(c)(9) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; 1 Public Law 115-232).

Performance Benchmark Requirements

Companies with multiple SBIR/STTR awards must meet minimum performance requirements to be eligible to apply for a new Phase I or Direct-to-Phase II award. The purpose of these requirements is to ensure that Phase I applicants that have won multiple prior SBIR/STTR awards are making progress towards commercializing the work done under those awards. The Phase I to Phase II Transition Rate addresses the extent to which an awardee progresses a project from Phase I to Phase II. The Commercialization Benchmark addresses the extent to which an awardee has moved past Phase II work towards commercialization.

AMENDMENT 2

The SBIR and STTR Extension Act of 2022 (Pub. L. 117-183) amended the application of these benchmarks for more experienced firms. Detailed information on benchmark calculations and increased performance standards for more experienced firms can be found at <https://www.sbir.gov/performance-benchmarks>.

Personal Conflict of Interest

A situation in which an individual has a financial interest, personal activity, or relationship that could impair the employee's ability to act impartially and in the best interest of the Government when performing under the contract. (A de minimis interest that would not "impair the employee's ability to act impartially and in the best interest of the Government" is not covered under this definition.)

Among the sources of personal conflicts of interest are-

- (i) Financial interests of the covered employee, of close family members, or of other members of the covered employee's household;
- (ii) Other employment or financial relationships (including seeking or negotiating for prospective employment or business); and
- (iii) Gifts, including travel.

Financial interests referred to in paragraph (1) of this definition may arise from-

- (i) Compensation, including wages, salaries, commissions, professional fees, or fees for business referrals;
- (ii) Consulting relationships (including commercial and professional consulting and service arrangements, scientific and technical advisory board memberships, or serving as an expert witness in litigation);
- (iii) Services provided in exchange for honorariums or travel expense reimbursements;
- (iv) Research funding or other forms of research support;
- (v) Investment in the form of stock or bond ownership or partnership interest (excluding diversified mutual fund investments);
- (vi) Real estate investments;
- (vii) Patents, copyrights, and other intellectual property interests; or
- (viii) Business ownership and investment interests.

Principal Investigator

The principal investigator/project manager is the one individual designated by the applicant to provide the scientific and technical direction to a project supported by the funding agreement.

For both Phase I and Phase II, the primary employment of the principal investigator must be with the proposing small business concern or research institution at the time of award and during the conduct of the proposed project. Primary employment means that more than one-half of the principal investigator's time is spent in the employ of the small business concern or research institution. This precludes full-time employment with another organization. Occasionally, deviations from this requirement may occur, and must be approved in writing by the contracting officer after consultation with the agency SBIR/STTR Program Manager/Coordinator. Further, a small business concern or research institution may replace the principal investigator on an SBIR/STTR Phase I or Phase II award, subject to approval in writing by the contracting officer.

Proprietary Information

Proprietary information is any information that a small business concern considers to be non-public information that is owned by the small business concern and is marked accordingly.

AMENDMENT 2

Research Institution

Any organization located in the United States that is:

- a. A university.
- b. A nonprofit institution as defined in Section 4(5) of the Stevenson-Wydler Technology Innovation Act of 1980.
- c. A contractor-operated federally funded research and development center, as identified by the National Science Foundation in accordance with the government-wide Federal Acquisition Regulation issued in accordance with Section 35(c)(1) of the Office of Federal Procurement Policy Act. A list of eligible FFRDCs is available at: <https://www.nsf.gov/statistics/ffrdclist/>.

Research or Research and Development

Any activity that is:

- a. A systematic, intensive study directed toward greater knowledge or understanding of the subject studied.
- b. A systematic study directed specifically toward applying new knowledge to meet a recognized need; or
- c. A systematic application of knowledge toward the production of useful materials, devices, and systems or methods, including design, development, and improvement of prototypes and new processes to meet specific requirements.

Research Involving Animal Subjects

All activities involving animal subjects shall be conducted in accordance with DoDI 3216.01 “Use of Animals in DoD Programs,” 9 C.F.R. parts 1-4 “Animal Welfare Regulations,” National Academy of Sciences Publication “Guide for the Care & Use of Laboratory Animals,” as amended, and the Department of Agriculture rules implementing the Animal Welfare Act (7 U.S.C. §§ 2131-2159), as well as other applicable federal and state law and regulation and DoD instructions.

“Animal use” protocols apply to all activities that meet any of the following criteria:

- a. Any research, development, test, evaluation or training, (including experimentation) involving an animal or animals.
- b. An animal is defined as any living or dead, vertebrate organism (non-human) that is being used or is intended for use in research, development, test, evaluation or training.
- c. A vertebrate is a member of the subphylum Vertebrata (within the phylum Chordata), including birds and cold-blooded animals.

See DoDI 3216.01 for definitions of these terms and more information about the applicability of DoDI 3216.01 to work involving animals.

Research Involving Human Subjects

All research involving human subjects shall be conducted in accordance with 32 C.F.R. § 219 “The Common Rule,” 10 U.S.C. § 980 “Limitation on Use of Humans as Experimental Subjects,” and DoDI 3216.02 “Protection of Human Subjects and Adherence to Ethical Standards in DoD-Supported Research,” as well as other applicable federal and state law and regulations, and DoD component guidance. Proposing small business concerns must be cognizant of and abide by the additional restrictions and limitations imposed on the DoD regarding research involving human subjects, specifically as they regard vulnerable populations (DoDI 3216.02), recruitment of military research subjects (DoDI

AMENDMENT 2

3216.02), and informed consent and surrogate consent (10 U.S.C. § 980) and chemical and biological agent research (DoDI 3216.02). Food and Drug Administration regulation and policies may also apply.

“Human use” protocols apply to all research that meets any of the following criteria:

- a. Any research involving an intervention or an interaction with a living person that would not be occurring or would be occurring in some other fashion but for this research.
- b. Any research involving identifiable private information. This may include data/information/specimens collected originally from living individuals (broadcast video, web-use logs, tissue, blood, medical or personnel records, health data repositories, etc.) in which the identity of the subject is known, or the identity may be readily ascertained by the investigator or associated with the data/information/specimens.

See DoDI 3216.02 for definitions of these terms and more information about the applicability of DoDI 3216.02 to research involving human subjects.

Research Involving Recombinant DNA Molecules

Any recipient performing research involving recombinant DNA molecules and/or organisms and viruses containing recombinant DNA molecules shall comply with the National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules, dated January 2011, as amended. The guidelines can be found at: https://osp.od.nih.gov/wp-content/uploads/2016/05/NIH_Guidelines.pdf. Recombinant DNA is defined as (i) molecules that are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in living cells or (ii) molecules that result from the replication of those described in (i) above.

Service-Disabled Veteran-Owned Small Business (SDVOSB)

A small business concern owned and controlled by a Service-Disabled Veteran or Service-Disabled Veterans, as defined in Small Business Act 15 USC § 632(q)(2) and SBA’s implementing SDVOSB regulations (13 CFR 125).

Small Business Concern (SBC)

A concern that meets the requirements set forth in 13 C.F.R. § 121.702 (available [here](#)).

An SBC must satisfy the following conditions on the date of award:

- a. Is organized for profit, with a place of business located in the United States, which operates primarily within the United States or which makes a significant contribution to the United States economy through payment of taxes or use of American products, materials or labor;
- b. Is in the legal form of an individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative, except that if the concern is a joint venture, each entity to the venture must meet the requirements set forth in paragraph (c) below;
- c. Is more than 50% directly owned and controlled by one or more individuals (who are citizens or permanent resident aliens of the United States), other small business concerns (each of which is more than 50% directly owned and controlled by individuals who are citizens or permanent resident aliens of the United States), or any combination of these; and
- d. Has, including its affiliates, not more than 500 employees. (For explanation of affiliate, see www.sba.gov/size.)

AMENDMENT 2

Subcontract

A subcontract is any agreement, other than one involving an employer-employee relationship, entered into by an awardee of a funding agreement calling for supplies or services for the performance of the original funding agreement. This includes consultants.

Subcontractor

Subcontractor means any supplier, distributor, vendor, firm, academic institution, research center, or other person or entity that furnishes supplies or services pursuant to a subcontract, at any tier.

United States

"United States" means the fifty states, the territories and possessions of the Federal Government, the Commonwealth of Puerto Rico, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and the District of Columbia.

Women-Owned Small Business Concern

An SBC that is at least 51% owned by one or more women, or in the case of any publicly owned business, at least 51% of the stock is owned by women, and women control the management and daily business operations.

4.0 PROPOSAL FUNDAMENTALS

4.1 Introduction

The proposal must provide sufficient information to demonstrate to the evaluator(s) that the proposed work represents an innovative approach to the investigation of an important scientific or engineering problem and is worthy of support under the stated criteria. The proposed research or research and development must be responsive to the chosen topic, although it need not use the exact approach specified in the topic. Anyone contemplating a proposal for work on any specific topic should determine:

- a. The technical approach has a reasonable chance of meeting the topic objective,
- b. This approach is innovative, not routine, with potential for commercialization and
- c. The proposing small business concern has the capability to implement the technical approach, i.e., has or can obtain people and equipment suitable to the task.

4.2 Proposing Small Business Concern Eligibility and Performance Requirements

- a. Each proposing small business concern must qualify as a small business concern as defined by 13 CFR §701-705 at time of award and certify to this on the Cover Sheet of the proposal. The eligibility requirements for the SBIR/STTR programs are unique and do not correspond to those of other small business programs (see Section 3 of this BAA). Proposing small business concerns must meet eligibility requirements for Small Business Ownership and Control (see 13 CFR § 121.702 and Section 4.4 of this BAA).
- b. A minimum of 40% of each STTR project must be conducted by the small business concern and a minimum of 30% of the effort performed by the single research institution, as defined in Section 3. The percentage of work is usually measured by both direct and indirect costs.
- c. For both Phase I and II, the primary employment of the principal investigator must be with the small business concern or the research institution at the time of award and during the conduct of the proposed effort. At the time of award of a Phase I or Phase II contract, the small business

AMENDMENT 2

concern must have at least one employee in a management position whose primary employment is with the small business and who is not also employed by the research institution. Primary employment means that more than one half of the principal investigator's time is spent with the small business. Primary employment with a small business concern precludes full-time employment at another organization.

- d. For both Phase I and Phase II, all research or research and development work must be performed by the small business concern and its subcontractors in the United States.
- e. **Benchmarks.** Proposing small business concerns with prior SBIR/STTR awards must meet two benchmark requirements as determined by the Small Business Administration (SBA) on June 1 each year.
 - (1) Phase I to Phase II Transition Rate: For all proposing small business concerns with greater than 20 Phase I awards over the past five fiscal years excluding the most recent year, the ratio of Phase II awards to Phase I awards must be at least 0.25.
 - (2) Commercialization Benchmark: For all proposing small business concerns with greater than 15 Phase II awards over the last ten fiscal years excluding the last two years, the proposing small business concern must have received, to date, an average of at least \$100,000 of sales and/or investments per Phase II award received or have received a number of patents resulting from the STTR work equal to or greater than 15% of the number of Phase II awards received during the period.

The SBIR and STTR Extension Act of 2022 (Pub. L. 117-183) amended the application of these benchmarks for more experienced firms. Detailed information on benchmark calculations, increased performance standards for more experienced firms and consequence of failure to meet benchmarks can be found at <https://www.sbir.gov/performance-benchmarks>.

As defined by the SBIR/STTR Policy Directive, Department of the Army, Department of the Navy, and Department of the Air Force each constitute its own Federal agency, and the remaining DoD Components fall under the executive agency of the Department of Defense. Companies that fail to meet either of the benchmarks under the Increased Performance Standards for more Experienced Firms may not receive more than an overall total of 80 awards from DoD, as detailed in the breakdown below:

Army – 20 total Phase I and Direct to Phase II awards

Navy – 20 total Phase I and Direct to Phase II awards

Air Force – 20 total Phase I and Direct to Phase II awards

All other DoD Components - 20 Phase I and Direct to Phase II awards, combined

- f. A small business concern must negotiate a written agreement between the small business and the research institution allocating intellectual property rights and rights to carry out follow-on research, development, or commercialization (see [Model Agreement for the Allocation of Rights](#)).

4.3 Disclosures Regarding Ties to People's Republic of China and Other Foreign Countries

Each proposing small business concern is required to complete Attachment 2 of this BAA, "Disclosures of Foreign Affiliations or Relationships to Foreign Countries" and upload the form to Volume 5, Supporting Documents. **Proposals that do not include Attachment 2 in Volume 5 will be deemed noncompliant and will not receive an evaluation.** The disclosure requires for following information:

AMENDMENT 2

- (A) the identity of all owners and covered individuals of the small business concern who are a party to any foreign talent recruitment program of any foreign country of concern, including the People's Republic of China;
- (B) the existence of any joint venture or subsidiary of the small business concern that is based in, funded by, or has a foreign affiliation with any foreign country of concern, including the People's Republic of China;
- (C) any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an enterprise owned by a foreign state or any foreign entity;
- (D) whether the small business concern is wholly owned in the People's Republic of China or another foreign country of concern;
- (E) the percentage, if any, of venture capital or institutional investment by an entity that has a general partner or individual holding a leadership role in such entity who has a foreign affiliation with any foreign country of concern, including the People's Republic of China;
- (F) any technology licensing or intellectual property sales to a foreign country of concern, including the People's Republic of China, during the five-year period preceding submission of the proposal; and
- (G) any foreign entity, offshore entity, or entity outside the United States related to the small business concern.

After reviewing the above listed disclosures of the proposing small business concern, and if determined appropriate by the DoD, the Department may ask the small business concern may to provide true copies of any contractual or financial obligation or other agreement specific to a business arrangement or joint-venture like arrangement with an enterprise owned by a foreign state or any foreign entity in effect during the five-year period preceding submission of the proposal with respect to which the small business concern made the disclosures.

4.4 Joint Ventures

Joint ventures and limited partnerships are permitted, provided that the entity created qualifies as a small business in accordance with the Small Business Act, 13 U.S.C. § 121.701. Proposing small business concerns must disclose joint ventures with existing (or planned) relationships/partnerships with any foreign entity or any foreign government-controlled companies.

A small business joint venture entity must submit, with its proposal, the representation required in paragraph (c) of FAR solicitation provision 52.212-3, Offeror Representations and Certifications-Commercial Products and Commercial Services, and paragraph (c) of FAR solicitation provision 52.219-1, Small Business Program Representations, in accordance with 52.204-8(d) and 52.212-3(b) for the following categories:

- (A) Small business;
- (B) Service-disabled veteran-owned small business;
- (C) Women-owned small business (WOSB) under the WOSB Program;
- (D) Economically disadvantaged women-owned small business under the WOSB Program; or
- (E) Historically underutilized business zone small business.

These representations can be found as Attachment 3 to this BAA and must be uploaded to Volume 5, Supporting Documents of the proposal submission in DSIP, if applicable.

AMENDMENT 2

4.5 Majority Ownership in Part by Multiple Venture Capital, Hedge Fund, and Private Equity Firms

Unless otherwise noted in the participating Component instructions, small businesses that are owned in majority part by multiple venture capital operating companies (VCOCs), hedge funds, or private equity funds are ineligible to submit applications or receive awards for opportunities in this BAA. Component instructions will specify if participation by a small business majority owned in part by VCOCs, hedge funds, or private equity funds is allowable **for a specific topic in the BAA**. If a Component authorizes such participation, any proposing small business concern that is owned, in whole in or in part, by any VCOC, hedge fund, and/or private equity fund must identify each foreign national, foreign entity, or foreign government holding or controlling greater than a 5% equity stake in the proposing small business concern, whether such equity stake is directly or indirectly held. The proposing small business concern must also identify any and all of its ultimate parent owner(s) and any other entities and/or individuals owning more than a 5% equity stake in its chain of ownership.

4.6 Conflicts of Interest

Contract awards to small business concerns owned by or employing current or previous Federal Government employees could create conflicts of interest for those employees which may be a violation of federal law.

4.7 Organizational Conflicts of Interest (OCI)

FAR 9.5 Requirements

In accordance with FAR 9.5, proposing small business concerns are required to identify and disclose all facts relevant to potential OCIs involving the proposing small business concern's organization and any proposed team member (subawardee, consultant). Under this Section, the proposing small business concern is responsible for providing this disclosure with each proposal submitted to the BAA. The disclosure must include the proposing small business concern's, and as applicable, proposed team member's OCI mitigation plan. The OCI mitigation plan must include a description of the actions the proposing small business concern has taken, or intends to take, to prevent the existence of conflicting roles that might bias the proposing small business concern's judgment and to prevent the proposing small business concern from having unfair competitive advantage. The OCI mitigation plan will specifically discuss the disclosed OCI in the context of each of the OCI limitations outlined in FAR 9.505-1 through FAR 9.505-4.

Agency Supplemental OCI Policy

In addition, DoD Components may have a supplemental OCI policy that prohibits contractors/performers from concurrently providing Scientific Engineering Technical Assistance (SETA), Advisory and Assistance Services (A&AS) or similar support services and being a technical performer. Therefore, as part of the FAR 9.5 disclosure requirement above, a proposing small business concern must affirm whether the proposing small business concern or any proposed team member (sub-awardee, consultant) is providing SETA, A&AS, or similar support to any DoD Component office(s) under: (a) a current award or sub-award; or (b) a past award or sub-award that ended within one calendar year prior to the proposal's submission date.

If SETA, A&AS, or similar support is being or was provided to any DoD Component office(s), the proposal must include:

- The name of the DoD Component office receiving the support;
- The prime contract number;
- Identification of proposed team member (sub-awardee, consultant) providing the support;

AMENDMENT 2

- and
- An OCI mitigation plan in accordance with FAR 9.5.

Government Procedures

In accordance with FAR 9.503, 9.504 and 9.506, the Government will evaluate OCI mitigation plans to avoid, neutralize or mitigate potential OCI issues before award and to determine whether it is in the Government's interest to grant a waiver. The Government will only evaluate OCI mitigation plans for proposals that are determined selectable under the BAA evaluation criteria and funding availability.

The Government may require proposing small business concerns to provide additional information to assist the Government in evaluating the proposing small business concern's OCI mitigation plan.

If the Government determines that a proposing small business concern failed to fully disclose an OCI; or failed to provide the affirmation of Government support as described above; or failed to reasonably provide additional information requested by the Government to assist in evaluating the proposing small business concern's OCI mitigation plan, the Government may reject the proposal and withdraw it from consideration for award.

4.8 Classified Proposals

Classified proposals will not be accepted under the DoD STTR Program. If topics will require classified work during Phase II, the proposing small business concern must have a facility clearance in order to perform the Phase II work. For more information on facility and personnel clearance procedures and requirements, please visit the Defense Counterintelligence and Security Agency (DCSA) website at: <https://www.dcsa.mil/mc/ctp/fc/>.

4.9 Research Involving Human Subjects

All research involving human subjects, to include use of human biological specimens and human data, shall comply with the applicable federal and state laws and agency policy/guidelines for human subject protection (see Section 3).

Institutions to be awarded funding for research involving human subjects must provide documentation of a current Federal Assurance of Compliance with Federal regulations for human subject protection, for example a Department of Health and Human Services, Office for Human Research Protections Federalwide Assurance (<http://www.hhs.gov/ohrp>). Additional Federal Assurance documentation may also be requested by the awarding DoD Component. All institutions engaged in human subject research, to include subcontractors, must also have a valid Assurance. In addition, personnel involved in human subjects research must provide documentation of completing appropriate training for the protection of human subjects. Institutions proposing to conduct human subject research that meets one of the exemption criteria in 32 CFR 219.101 are not required to have a Federal Assurance of Compliance. Proposing small business concerns should clearly segregate research activities involving human subjects from other research and development activities in their proposal.

If selected, institutions must also provide documentation of Institutional Review Board (IRB) approval or a determination from an appropriate official in the institution that the work meets one of the exemption criteria with 32 CFR 219. As part of the IRB review process, evidence of appropriate training for all investigators should accompany the protocol. The protocol, separate from the proposal, must include a detailed description of the research plan, study population, risks and benefits of study participation, recruitment and consent process, data collection and data analysis.

AMENDMENT 2

The amount of time required for the IRB to review and approve the protocol will vary depending on such things as the IRB's procedures, the complexity of the research, the level of risk to study participants and the responsiveness of the Investigator. The average IRB approval process can last between one and three months. Once the IRB has approved the research, the awarding DoD Component will review the protocol and the IRB's determination to ensure that the research will be conducted in compliance with DoD and DoD Component policies. The DoD review process can last between three to six months. Ample time should be allotted to complete both the IRB and DoD approval processes prior to recruiting subjects. **No funding can be used towards human subject research until ALL approvals are granted. Submitters proposing research involving human and/or animal use are encouraged to separate these tasks in the technical proposal and cost proposal in order to avoid potential delay of contract award.**

4.10 Research Involving Animal Subjects

All research, development, testing, experimentation, education or training involving the use of animals shall comply with the applicable federal and agency rules on animal acquisition, transport, care, handling, and use (see Section 3).

For submissions containing animal use, proposals should briefly describe plans for their Institutional Animal Care and Use Committee (IACUC) review and approval.

All Recipients must receive their IACUC's approval as well as secondary or headquarters-level approval by a DoD veterinarian who is trained or experienced in laboratory animal medicine and science. **No animal research may be conducted using DoD funding until all the appropriate DoD office(s) grant approval. Submitters proposing research involving human and/or animal use are encouraged to separate these tasks in the technical proposal and cost proposal in order to avoid potential delay of contract award.**

4.11 Research Involving Recombinant DNA Molecules

All research involving recombinant DNA molecules shall comply with the applicable federal and state law, regulation and any additional agency guidance. Research shall be approved by an Institutional Biosafety Committee.

4.12 Debriefing/Technical Evaluation Narrative

After final award decisions have been announced, the technical evaluations of the submitter's proposal may be provided to the submitter. Please refer to the Component-specific instructions of your topics of interest for Component debriefing processes.

4.13 Pre-Award and Post Award BAA Protests

Interested parties have the right to protest in accordance with the procedures in FAR Subpart 33.1.

Pre-award agency protests related to the terms of this BAA must be served to: osd.ncr.ousd-r-e.mbx.SBIR-STTR-Protest@mail.mil.

Post award agency protests related to a selection or award decision must be served to the point-of-contact (POC) listed in the instructions of the DoD Component that authored the topic.

Protests filed with the Government Accountability Office (GAO) shall be in accordance with FAR § 33.104, a copy of the protest shall be submitted to the email address above (pre-award ONLY) or DoD Component POC (selection/award decision ONLY) within one day of filing with the GAO.

AMENDMENT 2

Size protests regarding the small business status of a selected proposing small business concern may be made to the Small Business Administration in accordance with the procedures in FAR § 19.302.

4.14 Award Information

All Phase I proposals will be evaluated and judged on a competitive basis in terms of technical capability and technical value. Proposals will be initially screened to determine responsiveness to the topic objective. Proposals passing this initial screening will be technically evaluated by engineers or scientists to determine the most promising technical and scientific approaches. As a common statement of work does not exist, each proposal will be assessed on the merit of the approach in achieving the technical objectives established in the topic. DoD is under no obligation to fund any proposal or any specific number of proposals in a given topic. It also may elect to fund several or none of the proposed approaches to the same topic.

- a. **Number of Phase I Awards.** The number of Phase I awards will be consistent with the Component's RDT&E budget. No Phase I contracts will be awarded until evaluation of all qualified proposals for a specific topic is completed.
- b. **Type of Funding Agreement.** Each Phase I proposal selected for award will be funded under negotiated contracts or purchase orders and will include a reasonable fee or profit consistent with normal profit margins provided to profit-making firms for R/R&D work. Firm Fixed Price, Firm-Fixed-Price Level of Effort, Labor Hour, Time & Material, or Cost-Plus-Fixed-Fee type contracts can be negotiated and are at the discretion of the Component Contracting Officer.
- c. **Dollar Value.** The Phase I contract value varies among the DoD Components; it is therefore important for proposing small business concerns to review Component-specific instructions regarding award size.
- d. **Timing.** Proposing small business concerns will be notified of selection or non-selection status for award by the DoD Component that originated the topic within 90 days of the closing date for the topic. Please refer to the Component-specific instructions for details.

The SBA SBIR/STTR Policy Directive, Section 7(c)(1)(ii), states that agencies should issue the Phase I award no more than 180 days after the closing date of the topic. However, across DoD, the median time between the date that the STTR BAA closes and the award of a Phase I contract is approximately four months.

4.15 Questions about this BAA and BAA Topics

a. General SBIR/STTR Questions/Information.

(1) DSIP Support:

Email DSIP Support at DoDSBIRSupport@reisystems.com only for assistance with using the DSIP application. Questions regarding DSIP can be emailed to DSIP Support and will be addressed in the order received, during normal operating hours (Monday through Friday, 9:00 a.m. to 5:00 p.m. ET). Please include information on your small business concern, a proposal number (if applicable), and screenshots of any pertinent errors or issues encountered.

DSIP Support cannot provide updates to proposal status after submission, such as proposal selection/non-selection status or contract award status. Contact the DoD Component that

AMENDMENT 2

originated the topic in accordance with the Component-specific instructions given at the beginning of that Component's topics.

(2) **Websites:**

The Defense SBIR/STTR Innovation Portal (DSIP) at <https://www.dodsbirsttr.mil/submissions/login>, which provides the following resources:

- SBIR and STTR Program Opportunities
- Topics Search Engine
- Topic Q&A
- All Electronic Proposal Submission for Phase I and Phase II Proposals. Small business concerns submitting through this site for the first time will be asked to register on <https://www.dodsbirsttr.mil/submissions>.

DoD SBIR/STTR website at <https://www.defensesbirsttr.mil/>, which provides the following resources:

- [Customer Support Information](#)
- SBIR and STTR Program Opportunities
- Dates for Current and Upcoming Opportunities
- Past SBIR and STTR Program Opportunities

(3) **SBIR/STTR Updates and Notices:**

To be notified of SBIR/STTR opportunities and to receive e-mail updates on the DoD SBIR and STTR Programs, subscribe to the Listserv by selecting “DSIP Listserv” under Quick Links on the DSIP login page.

- b. **General Questions about a DoD Component.** General questions pertaining to a particular DoD Component and the Component-specific BAA instructions should be submitted in accordance with the instructions given at the beginning of the Component-specific instructions with each topic release.
- c. **Direct Contact with Topic Authors.** During the pre-release period, proposing small business concerns have an opportunity to contact topic authors by telephone or e-mail to ask technical questions about specific BAA topics. Questions should be limited to specific information related to improving the understanding of a particular topic’s requirements. Proposing small business concerns may not ask for advice or guidance on solution approach and you may not submit additional material to the topic author. If information provided during an exchange with the topic author is deemed necessary for proposal preparation, that information will be made available to all parties through Topic Q&A. After this period questions must be asked through Topic Q&A as described below.
- d. **Topic Q&A.** Once DoD a topic enters the open period and DoD begins accepting proposals, no further direct contact between proposing small business concerns and topic authors is allowed, unless the Topic Author is responding to a question submitted during the pre-release period. However, proposing small business concerns may submit written questions through Topic Q&A at <https://www.dodsbirsttr.mil/submissions/login>. In Topic Q&A, all questions and answers are posted electronically for general viewing. Identifying information for the questioner and respondent is not posted.

Questions submitted through the Topic Q&A are limited to technical information related to improving the understanding of a topic’s requirements. Any other questions, such as those asking for advice or guidance on solution approach, or administrative questions, such as SBIR or STTR program eligibility, technical proposal/cost proposal structure and page count, budget and duration limitations, or proposal

AMENDMENT 2

due date WILL NOT receive a response. Refer to the Component-specific instructions given at the beginning of that Component's topics for help with an administrative question.

Proposing small business concerns may use the Topic Search feature on DSIP to locate a topic of interest. Then, using the form at the bottom of the topic description, enter and submit the question. Answers are generally posted within seven (7) business days of question submission (answers will also be e-mailed directly to the inquirer).

Proposing small business concerns are advised to monitor Topic Q&A during the BAA period for questions and answers. Proposing small business concerns should also frequently monitor DSIP for updates and amendments to the topics.

4.16 Registrations and Certifications

Individuals from proposing small business concerns must be registered in the Defense SBIR/STTR Innovation Portal (DSIP) in order to prepare and submit proposals. **The DSIP application is only accessible from within the United States, which is defined as the fifty states, the territories and possessions of the Federal Government, the Commonwealth of Puerto Rico, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and the District of Columbia.** All users are required to have an individual user account to access DSIP. As DSIP user accounts are authenticated by Login.gov, all users, who do not already have a Login.gov account, will be required to create one. If you already have a Login.gov account, you can link your existing Login.gov account with your DSIP account. Job Aids and Help Videos to walk you through the process are in the Learning & Support section of DSIP, can be accessed here:

<https://www.dodsbirsttr.mil/submissions/learning-support/training-materials>.

Be advised that the sharing of accounts and passwords is a violation of the Terms of Use for Login.gov and DoD policy.

Please note that the email address you use for Login.gov should match the email address associated with your existing DSIP account. If you do not recall the email address associated with your DSIP account, or if you already have an existing Login.gov account using a different email address, you will need your Firm's UEI or DUNS number and your Firm PIN in order to link your Login.gov account with your DSIP account. If the email address associated with your existing DSIP account has been used for multiple DSIP accounts within your Firm, you will also need your Firm's UEI or DUNS number and your Firm PIN in order to link your Login.gov account with your DSIP account. The Firm PIN can be obtained from your Firm Admin. You can view the Firm Admin's contact information by entering your Firm's UEI or DUNS number when prompted. If you are the Firm Admin, please ensure that you contact all DSIP users in your Firm and provide them with the Firm PIN.

Users should complete their account registrations as soon as possible to avoid any delays in proposal submissions.

The System for Award Management (SAM) allows proposing small business concerns interested in conducting business with the Federal Government to provide basic information on business structure and capabilities as well as financial and payment information. Proposing small business concerns must be registered in SAM. To register, visit www.sam.gov. A proposing small business concern that is already registered in SAM should login to SAM and ensure its registration is active and its representations and certifications are up-to-date to avoid delay in award.

AMENDMENT 2

On April 4, 2022, the DUNS Number was replaced by the Unique Entity ID (SAM). The Federal Government will use the UEI (SAM) to identify organizations doing business with the Government. The DUNS number will no longer be a valid identifier. If the small business concern has an entity registration in SAM.gov (even if the registration has expired), a UEI (SAM) has already been assigned. This can be found by signing into SAM.gov and selecting the Entity Management widget in the Workspace or by signing in and searching entity information. **For small business concerns with established Defense SBIR/STTR Innovation Portal (DSIP) accounts, update the firm profile with the UEI (SAM) as soon as possible.**

For new small business concern registrations, follow instructions during SAM registration on how to obtain a Commercial and Government Entry (CAGE) code and be assigned the UEI (SAM). Once a CAGE code and UEI (SAM) are obtained, update the firm's profile on the DSIP at <https://www.dodsbirsttr.mil/submissions/>.

In addition to the standard federal and DoD procurement certifications, the SBA STTR Policy Directive requires the collection of certain information from small business concerns at time of award and during the award life cycle. Each small business concern must provide this additional information at the time of the Phase I and Phase II award, prior to final payment on the Phase I award, prior to receiving 50% of the total award amount for a Phase II award, and prior to final payment on the Phase II award.

4.17 Promotional Materials

Promotional and non-project related discussion is discouraged, and additional information provided via Universal Resource Locator (URL) links or on computer disks, CDs, DVDs, video tapes or any other medium will not be accepted or considered in the proposal evaluation.

4.18 Prior, Current, or Pending Support of Similar Proposals or Awards

IMPORTANT -- While it is permissible, with proposal notification, to submit identical proposals or proposals containing a significant amount of essentially equivalent work (see Section 3) for consideration under numerous federal program BAAs or solicitations, it is unlawful to enter into contracts or grants requiring essentially equivalent effort. If there is any question concerning prior, current, or pending support of similar proposals or awards, it must be disclosed to the soliciting agency or agencies as early as possible. See Section 5.4.c(11).

4.19 Fraud and Fraud Reporting

Knowingly and willfully making any false, fictitious, or fraudulent statements or representations may be a felony under the Federal Criminal False Statement Act (18 U.S.C. Sec 1001), punishable by a fine of up to \$10,000, up to five years in prison, or both.

The Department of Defense, Office of Inspector General Hotline ("Defense Hotline") is an important avenue for reporting fraud, waste, abuse, and mismanagement within the Department of Defense. The Office of Inspector General operates this hotline to receive and investigate complaints or information from contractor employees, DoD civilians, military service members and public citizens. Individuals who wish to report fraud, waste or abuse may contact the Defense Hotline at (800) 424-9098 between 8:00 a.m. and 5:00 p.m. Eastern Time or visit <http://www.dodig.mil/Components/Administrative-Investigations/DoD-Hotline/Hotline-Complaint/> to submit a complaint. Mailed correspondence should be addressed to the Defense Hotline, The Pentagon, Washington, DC 20301-1900, or e-mail addressed to hotline@dodig.mil.

AMENDMENT 2

4.20 State and Other Assistance Available

Many states have established programs to provide services to those small business concerns and individuals wishing to participate in the Federal STTR Program. These services vary from state to state, but may include:

- Information and technical assistance;
- Matching funds to STTR recipients;
- Assistance in obtaining Phase III funding.

Contact your State SBIR/STTR Support office at https://www.sbir.gov/state_services?state=105813# for further information. Small Businesses may seek general administrative guidance from small and disadvantaged business utilization specialists located in various Defense Contract Management activities throughout the continental United States.

4.21 Discretionary Technical and Business Assistance (TAB A)

DoD has mandated the use of TAB A pending further SBA guidance and establishment of a limit on the amount of technical and business assistance services that may be received or purchased by a small business concern that has received multiple Phase II SBIR or STTR awards for a fiscal year. However, proposing small business concerns should carefully review individual component instructions to determine if TAB A is being offered and follow specific proposal requirements for requesting TAB A funding.

5.0 PHASE I PROPOSAL

5.1 Introduction

This BAA and the Defense SBIR/STTR Innovation Portal (DSIP) sites are designed to reduce the time and cost required to prepare a formal proposal. DSIP is the official portal for DoD SBIR/STTR proposal submission. Proposing small business concerns are required to submit proposals via DSIP; proposals submitted by any other means will be disregarded. Proposing small business concerns submitting through this site for the first time will be asked to register. It is recommended that small business concerns register as soon as possible upon identification of a proposal opportunity to avoid delays in the proposal submission process.

Guidance on allowable proposal content may vary by Component. A completed proposal submission in DSIP does NOT indicate that each proposal volume has been completed in accordance with the Component-specific instructions. Accordingly, it is the proposing small business concern's responsibility to consult the Component-specific instructions for detailed guidance, including required proposal documentation and structure, cost and duration limitations, budget structure, TAB A allowance and proposal page limits.

DSIP provides a structure for providing the following proposal volumes:

Volume 1: Proposal Cover Sheet

Volume 2: Technical Volume

Volume 3: Cost Volume

Volume 4: Company Commercialization Report (upload of CCR from SBIR.gov to DSIP is required for proposing small business concerns with prior Federal SBIR or STTR awards)

Volume 5: Supporting Documents

- a. Contractor Certification Regarding Provision of Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (Attachment 1) MANDATORY

AMENDMENT 2

- b. Disclosures of Foreign Affiliations or Relationships to Foreign Countries (Attachment 2) MANDATORY
- c. Verification of Eligibility of Small Business Joint Ventures (Attachment 3), if applicable
- d. Disclosure of Funding Sources (Attachment 4) MANDATORY
- e. Other supporting documentation (Refer to Component-specific instructions for additional Volume 5 requirements)

A completed proposal submission in DSIP does NOT indicate that the mandatory supporting documents have been uploaded. It is the responsibility of the proposing small business concern to ensure that the mandatory documents listed above have been uploaded and included with the proposal submission.

Volume 6: Fraud, Waste and Abuse Training

All proposing small business concerns must complete the following:

- Volume 4: Company Commercialization Report (upload of CCR from SBIR.gov to DSIP is required for proposing small business concerns with prior Federal SBIR or STTR awards)
- Volume 5(a): Contractor Certification Regarding Provision of Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (Attachment 1)
- Volume 5(b): Disclosures of Foreign Affiliations or Relationships to Foreign Countries (Attachment 2)
- Volume 5(c): Disclosure of Funding Sources (Attachment 4)
- Volume 6: Fraud, Waste and Abuse training.

Refer to Section 5.3 below for full details on these proposal requirements.

A Phase I Proposal Template is available to provide helpful guidelines for completing each section of your Phase I technical proposal. This can be found at <https://www.dodsbirsttr.mil/submissions/learning-support/firm-templates>.

Detailed guidance on registering in DSIP and using DSIP to submit a proposal can be found at <https://www.dodsbirsttr.mil/submissions/learning-support/training-materials>. If the proposal status is “In Progress” or “Ready to Certify” it will NOT be considered submitted, even if all volumes are added prior to the BAA close date. The proposing small business concern may modify all proposal volumes prior to the BAA close date.

Although signatures are not required on the electronic forms at the time of submission the proposal must be certified electronically by the corporate official for it to be considered submitted. If the proposal is selected for negotiation and possible award, the DoD Component program will contact the proposing small business concern for signatures prior to award.

5.2 Marking Proprietary Proposal Information

Proposing small business concerns that include in their proposals data that they do not want disclosed to the public for any purpose, or used by the Government except for evaluation purposes, shall:

- (1) Mark the first page of each Volume of the proposal submission with the following legend:

"This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed-in whole or in part-for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this proposing small business concern as a result of – or in connection with – the submission of this data, the Government shall have the right to duplicate, use, or

AMENDMENT 2

disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in pages [insert numbers or other identification of sheets]"; and

(2) Mark each sheet of data it wishes to restrict with the following legend:

"Use or disclosure of data contained on this page is subject to the restriction on the first page of this volume."

The DoD assumes no liability for disclosure or use of unmarked data and may use or disclose such data for any purpose.

Restrictive notices notwithstanding, proposals and final reports submitted through the Defense SBIR/STTR Innovation Portal (DSIP) may be handled, for administrative purposes only, by support contractors. All support contractors are bound by appropriate non-disclosure agreements.

5.3 Phase I Proposal Instructions

a. Proposal Cover Sheet (Volume 1)

On the Defense SBIR/STTR Innovation Portal (DSIP) at <https://www.dodsbirsttr.mil/submissions/>, prepare the Proposal Cover Sheet.

The Cover Sheet must include a brief technical abstract that describes the proposed R&D project and a discussion of anticipated benefits and potential commercial applications. Each section should be no more than 200 words. **Do not include proprietary or classified information in the Proposal Cover Sheet.** If your proposal is selected for negotiation and possible award, the technical abstract and discussion of anticipated benefits may be publicly released on the Internet. Once the Cover Sheet is saved, the system will assign a proposal number. You may modify the cover sheet as often as necessary until the BAA closes.

Effective January 2023, the amounts listed in the Percentage of Work (POW) certification question on the Proposal Cover Sheet are derived from information entered by the proposing small business concern in the Cost Volume (Volume 3). Details on the calculation can be viewed in DSIP during proposal submission.

If the POW calculations fall below eligibility requirements, the small business concern will not be able to proceed with proposal submission. Deviations from the POW minimum requirements for STTR proposals are not allowed.

b. Format of Technical Volume (Volume 2)

(1) **Type of file:** The Technical Volume must be a single Portable Document Format (PDF) file, including graphics. Perform a virus check before uploading the Technical Volume file. If a virus is detected, it may cause rejection of the proposal. **Do not lock or encrypt the uploaded file. Do not include or embed active graphics such as videos, moving pictures, or other similar media in the document.**

(2) **Length:** It is the proposing small business concern's responsibility to verify that the Technical Volume does not exceed the page limit after upload to DSIP. Please refer to

AMENDMENT 2

Component-specific instructions for how a technical volume is handled if the stated page count is exceeded. Some Components will reject the entire technical proposal if the proposal exceeds the stated page count.

- (3) **Layout:** Number all pages of your proposal consecutively. Those who wish to respond must submit a direct, concise, and informative research or research and development proposal (no type smaller than 10-point on standard 8-1/2" x 11" paper with one-inch margins). The header on each page of the Technical Volume should contain your company name, topic number, and proposal number assigned by the Defense SBIR/STTR Innovation Portal (DSIP) when the Cover Sheet was created. The header may be included in the one-inch margin.

c. Content of the Technical Volume (Volume 2)

The Technical Volume should cover the following items in the order given below:

- (1) **Identification and Significance of the Problem or Opportunity.** Define the specific technical problem or opportunity addressed and its importance.
- (2) **Phase I Technical Objectives.** Enumerate the specific objectives of the Phase I work, including the questions the research and development effort will try to answer to determine the feasibility of the proposed approach.
- (3) **Phase I Statement of Work (including Subcontractors' Efforts)**
 - a. Provide an explicit, detailed description of the Phase I approach. If a Phase I option is required or allowed by the Component, describe appropriate research activities which would commence at the end of Phase I base period should the Component elect to exercise the option. The Statement of Work should indicate what tasks are planned, how and where the work will be conducted, a schedule of major events, and the final product(s) to be delivered. The Phase I effort should attempt to determine the technical feasibility of the proposed concept. The methods planned to achieve each objective or task should be discussed explicitly and in detail. This section should be a substantial portion of the Technical Volume section.
 - b. This BAA may contain topics that have been identified by the Program Manager as research or activities involving Human/Animal Subjects and/or Recombinant DNA. In the event that Phase I performance includes performance of these kinds of research or activities, please identify the applicable protocols and how those protocols will be followed during Phase I. Please note that funds cannot be released or used on any portion of the project involving human/animal subjects or recombinant DNA research or activities until all of the proper approvals have been obtained (see Sections 4.7 - 4.9). **Submitters proposing research involving human and/or animal use are encouraged to separate these tasks in the technical proposal and cost proposal in order to avoid potential delay of contract award.**
- (4) **Related Work.** Describe significant activities directly related to the proposed effort, including any conducted by the principal investigator, the proposing small business concern, consultants, or others. Describe how these activities interface with the proposed project and discuss any planned coordination with outside sources. The technical volume must persuade reviewers of the proposing small business concern's awareness of the state-of-the-art in the specific topic. Describe previous work not directly related to the proposed effort but similar. Provide the following:

AMENDMENT 2

- a. Short description,
 - b. Client for which work was performed (including individual to be contacted and phone number), and
 - c. Date of completion.
- (5) **Relationship with Future Research or Research and Development**
- a. State the anticipated results of the proposed approach if the project is successful.
 - b. Discuss the significance of the Phase I effort in providing a foundation for Phase II research or research and development effort.
 - c. Identify the applicable clearances, certifications and approvals required to conduct Phase II testing and outline the plan for ensuring timely completion of said authorizations in support of Phase II research or research and development effort.
- (6) **Commercialization Strategy.** Describe in approximately one page your company's strategy for commercializing this technology in DoD, other Federal Agencies, and/or private sector markets. Provide specific information on the market need the technology will address and the size of the market. Also include a schedule showing the quantitative commercialization results from this STTR project that your company expects to achieve.
- (7) **Key Personnel.** Identify key personnel who will be involved in the Phase I effort including information on directly related education and experience. A concise technical resume of the principal investigator, including a list of relevant publications (if any), must be included (Please do not include Privacy Act Information). All resumes will count toward the page limitations for Volume 2.
- (8) **Foreign Citizens.** Identify any foreign citizens or individuals holding dual citizenship expected to be involved on this project as a direct employee, subcontractor, or consultant. For these individuals, please specify their country of origin, the type of visa or work permit under which they are performing and an explanation of their anticipated level of involvement on this project. Proposing small business concerns frequently assume that individuals with dual citizenship or a work permit will be permitted to work on an STTR project and do not report them. This is not necessarily the case and a proposal may be deemed nonresponsive if the requested information is not provided. Therefore, small business concerns should report any and all individuals expected to be involved on this project that are considered a foreign national as defined in Section 3 of the BAA. You may be asked to provide additional information during negotiations in order to verify the foreign citizen's eligibility to participate on a STTR contract. Supplemental information provided in response to this paragraph will be protected in accordance with the Privacy Act (5 U.S.C. 552a), if applicable, and the Freedom of Information Act (5 U.S.C. 552(b)(6)).
- (9) **Facilities/Equipment.** Describe available instrumentation and physical facilities necessary to carry out the Phase I effort. Justify equipment purchases in this section and include detailed pricing information in the Cost Volume. State whether or not the facilities where the proposed work will be performed meet environmental laws and regulations of federal, state (name), and local Governments for, but not limited to, the following groupings: airborne emissions, waterborne effluents, external radiation levels, outdoor noise, solid and bulk waste disposal practices, and handling and storage of toxic and hazardous materials.

AMENDMENT 2

- (10) **Subcontractors/Consultants.** Involvement of a research institution in the project is required and the institution should be identified and described to the same level of detail as the prime contractor costs. A minimum of 40% of the research and/or analytical work in Phase I, as measured by direct and indirect costs, must be conducted by the proposing small business concern, unless otherwise approved in writing by the Contracting Officer. STTR efforts may include subcontracts with Federal Laboratories and Federally Funded Research and Development Centers (FFRDCs). A waiver is no longer required for the use of federal laboratories and FFRDCs; however, proposing small business concerns must certify their use of such facilities on the Cover Sheet of the proposal.
- (11) **Prior, Current, or Pending Support of Similar Proposals or Awards.** If a proposal submitted in response to this BAA is substantially the same as another proposal that was funded, is now being funded, or is pending with another Federal Agency, or another or the same DoD Component, you must reveal this on the Proposal Cover Sheet and provide the following information:
- a. Name and address of the Federal Agency(s) or DoD Component to which a proposal was submitted, will be submitted, or from which an award is expected or has been received.
 - b. Date of proposal submission or date of award.
 - c. Title of proposal.
 - d. Name and title of principal investigator for each proposal submitted or award received.
 - e. Title, number, and date of BAA(s) or solicitation(s) under which the proposal was submitted, will be submitted, or under which award is expected or has been received.
 - f. If award was received, state contract number.
 - g. Specify the applicable topics for each SBIR/STTR proposal submitted or award received.

Note: If this does not apply, state in the proposal "No prior, current, or pending support for proposed work."

d. Content of the Cost Volume (Volume 3)

Complete the Cost Volume by using the on-line cost volume form on the Defense SBIR/STTR Innovation Portal (DSIP). Some items in the Cost Breakdown Guidance may not apply to the proposed project. If that is the case, there is no need to provide information on each and every item. What matters is that enough information be provided to allow us to understand how you plan to use the requested funds if a contract is awarded.

- (1) List all key personnel by name as well as by number of hours dedicated to the project as direct labor.
- (2) While special tooling and test equipment and material cost may be included under Phases I, the inclusion of equipment and material will be carefully reviewed relative to need and appropriateness for the work proposed. The purchase of special tooling and test equipment must, in the opinion of the Component Contracting Officer, be advantageous to the Government and should be related directly to the specific topic. These may include such items as innovative instrumentation or automatic test equipment. Title to property furnished by the Government or acquired with Government funds will be vested with the DoD Component, unless it is determined that transfer of title to the contractor would be more cost effective than recovery of the equipment by the DoD Component.

AMENDMENT 2

- (3) Cost for travel funds must be justified and related to the needs of the project.
- (4) Cost sharing is permitted for proposals under this BAA; however, cost sharing is not required nor will it be an evaluation factor in the consideration of a Phase I proposal.
- (5) A Phase I Option (if applicable) should be fully costed separately from the Phase I (base) approach.
- (6) All subcontractor costs and consultant costs, such as labor, travel, equipment, materials, must be detailed at the same level as prime contractor costs. Provide detailed substantiation of subcontractor costs in your cost proposal. Volume 5, Supporting Documents, may be used if additional space is needed.

When a proposal is selected for negotiation and possible award, you must be prepared to submit further documentation to the Component Contracting Officer to substantiate costs (e.g., an explanation of cost estimates for equipment, materials, and consultants or subcontractors). For more information about cost proposals and accounting standards, see <https://www.dcaa.mil/Guidance/Audit-Process-Overview/>.

e. **Company Commercialization Report (Volume 4)**

The Company Commercialization Report (CCR) allows companies to report funding outcomes resulting from prior SBIR and STTR awards. SBIR and STTR awardees are required by SBA to update and maintain their organization's CCR on SBIR.gov. Commercialization information is required upon completion of the last deliverable under the funding agreement. Thereafter, SBIR and STTR awardees are requested to voluntarily update the information in the database annually for a minimum period of 5 years.

If the proposing small business concern has prior DoD and/or non-DoD Phase I and/or Phase II SBIR/STTR awards, regardless of whether the project has any commercialization to date, a PDF of the CCR must be downloaded from SBIR.gov and uploaded to the Firm Forms section of DSIP by the Firm Admin. Firm Forms are completed by the DSIP Firm Admin and are applied across all proposals the firm submits. The DSIP CCR requirement is fulfilled by completing the following:

1. Log into the firm account at <https://www.sbir.gov/>.
2. Navigate to My Dashboard > My Documents to view or print the information currently contained in the Company Registry Commercialization Report.
3. Create or update the commercialization record, from the company dashboard, by scrolling to the "My Commercialization" section, and clicking the create/update Commercialization tab under "Current Report Version". Please refer to the "Instructions" and "Guide" documents contained in this section of the Dashboard for more detail on completing and updating the CCR. **Ensure the report is certified and submitted.**
4. Click the "Company Commercialization Report" PDF under the My Documents section of the dashboard to download a PDF of the CCR.
5. Upload the PDF of the CCR (downloaded from SBIR.gov in previous step) to the Company Commercialization Report in the Firm Forms section of DSIP. This upload action must be completed by the Firm Admin.

AMENDMENT 2

This version of the CCR, uploaded to DSIP from SBIR.gov, is inserted into all proposal submissions as Volume 4.

During proposal submission, the proposing small business concern will be prompted with the question: “Do you have a new or revised Company Commercialization Report to upload?”. There are three possible courses of action:

- a. If the proposing small business concern has prior DoD and/or non-DoD Phase I and/or Phase II SBIR/STTR awards, and **DOES have a new or revised CCR from SBIR.gov to upload to DSIP**, select YES.
 - If the user is the Firm Admin, they can upload the PDF of the CCR from SBIR.gov directly on this page. It will also be updated in the Firm Forms and be associated with all new or in-progress proposals submitted by the small business concern. If the user is not the Firm Admin, they will receive a message that they do not have access and must contact the Firm Admin to complete this action.
 - **WARNING:** Uploading a new CCR under the Firm Forms section of DSIP or clicking “Save” or “Submit” in Volume 4 of one proposal submission is considered a change for ALL proposals under any open BAAs or CSOs. If a proposing small business concern has previously certified and submitted any Phase I or Direct to Phase II proposals under *any* BAA or CSO *that is still open*, those proposals will be automatically reopened. Proposing small business concerns will have to recertify and resubmit such proposals. If a proposing small business concern does not recertify or resubmit such proposals, they will not be considered fully submitted and will not be evaluated.
- b. If the proposing small business concern has prior DoD and/or non-DoD Phase I and/or Phase II SBIR/STTR awards, and **DOES NOT have a new or revised CCR from SBIR.gov to upload to DSIP**, select NO.
 - If a prior CCR was uploaded to the Firm Forms, the proposing small business concern will see a file dialog box at the bottom of the page and can view the previously uploaded CCR. This read-only access allows the proposing small business concern to confirm that the CCR has been uploaded by the Firm Admin.
 - If no file dialog box is present at the bottom of the page that is an indication that **there is no previously uploaded CCR in the DSIP Firm Forms**. To fulfill the DSIP CCR requirement the Firm Admin must follow steps 1-5 listed above to download a PDF of the CCR from SBIR.gov and upload it to the DSIP Firm Forms to be included with all proposal submissions.
- c. If the proposing small business concern has **NO** prior DoD and/or non-DoD Phase I and/or Phase II SBIR/STTR awards, the upload of the CCR from SBIR.gov is not required and small business concern will select NO. The CCR section of the proposal will be marked complete.

While all proposing small business concerns with prior DoD and/or non-DoD Phase I and/or Phase II SBIR/STTR awards must report funding outcomes resulting from these awards through the CCR from SBIR.gov and upload a copy of this report to their Firm Forms in DSIP, **please refer to the Component-specific instructions for details on how this information will be considered during proposal evaluations.**

- f. **Supporting Documents (Volume 5)**

AMENDMENT 2

Volume 5 is provided for proposing small business concerns to submit additional documentation to support the Technical Volume (Volume 2), and the Cost Volume (Volume 3).

All proposing small business concerns are REQUIRED to submit the following documents to Volume 5:

1. Contractor Certification Regarding Provision of Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (Attachment 1)
2. Disclosures of Foreign Affiliations or Relationships to Foreign Countries (Attachment 2)
3. Disclosure of Funding Sources (Attachment 4)

A completed proposal submission in DSIP does NOT indicate that the mandatory supporting documents have been uploaded. It is the responsibility of the proposing small business concern to ensure that the mandatory documents listed above have been uploaded and included with the proposal submission.

Any of the following documents may be included in Volume 5 if applicable to the proposal. Refer to Component-specific instructions for additional Volume 5 requirements.

1. Letters of Support
2. Additional Cost Information
3. Funding Agreement Certification
4. Technical Data Rights (Assertions)
5. Lifecycle Certification
6. Allocation of Rights
7. Verification of Eligibility of Small Business Joint Ventures (Attachment 3)
8. Other

g. Contractor Certification Regarding Provision of Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment

The DoD must comply with Section 889(a)(1)(B) of the National Defense Authorization Act (NDAA) for Fiscal Year 2019, and is working to reduce or eliminate contracts with entities that use any equipment, system, or service that uses covered telecommunications equipment or services (as defined in BAA Attachment 1) as a substantial or essential component of any system, or as critical technology as part of any system.

All proposals must include certifications in Defense Federal Acquisition Regulation Supplement (DFARS) provisions 252.204-7016, 252.204-7017, and clause 252.204-7018, executed by the proposing small business concern's authorized company representative. These DFARS provisions and clauses may be found in BAA Attachment 1. **These certifications must be signed by the authorized company representative and uploaded as a separate PDF file in the supporting documents sections of Volume 5 for all proposal submissions.**

The effort to complete the required certification clauses includes the proposing small business concern and any contractors that may be proposed as a part of the submission including research partners and suppliers. Therefore, proposing small business concerns are strongly encouraged to review the requirements of these certifications early in the proposal development process. Failure to submit or complete the required certifications as a part of the

AMENDMENT 2

proposal submission process may be cause for rejection of the proposal submission without evaluation.

h. Disclosures of Foreign Affiliations or Relationships to Foreign Countries

In accordance with Section 4 of the SBIR and STTR Extension Act of 2022 and the SBA SBIR/STTR Policy Directive, the Department of Defense will review all proposals submitted in response to this BAA to assess security risks presented by small business concerns seeking a Federally funded award. **Proposing small business concerns must complete Attachment 2: Disclosures of Foreign Affiliations or Relationships to Foreign Countries and upload to Volume 5. Proposals that do not include Attachment 2 in Volume 5 will be deemed noncompliant and will not receive an evaluation.** For additional details, please refer to Section 2.2 and 4.3.

i. Certification Regarding Disclosure of Funding Sources

The proposing small business concern must comply with Section 223(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, which requires that covered individuals:

- (A) disclose the amount, type, and source of all current and pending research support received by, or expected to be received by, the individual as of the time of the disclosure;
- (B) certify that the disclosure is current, accurate, and complete; and
- (C) agree to update such disclosure at the request of the agency prior to the award of support and at any subsequent time the agency determines appropriate during the term of the award

Small business concerns must also certify that each covered individual who is employed by the small business and listed on the proposal has been made aware of the requirements listed above. **The disclosure and certification must be made by completing Attachment 4 of this BAA and uploading to Volume 5, Supporting Documents of the proposal submission in DSIP, utilizing the “Other” category for document type.**

j. Fraud, Waste and Abuse Training (Volume 6)

The Fraud, Waste and Abuse (FWA) training is **required** for Phase I and Direct to Phase II proposals. FWA training provides information on what represents FWA in the SBIR/STTR program, the most common mistakes that lead to FWA, as well as the penalties and ways to prevent FWA in your small business concern. This training material can be found in the Volume 6 section of the proposal submission module in DSIP and must be thoroughly reviewed once per year. Plan ahead and leave ample time to complete this training based on the proposal submission deadline. FWA training must be completed by one DSIP firm user with read/write access (Proposal Owner, Corporate Official or Firm Admin) on behalf of the small business concern.

6.0 PHASE I EVALUATION CRITERIA

Proposals will be evaluated based on the criteria outlined below, unless otherwise specified in the Component-specific instructions. Selections will be based on a determination of the overall technical value of each proposal and an evaluation of the cost volume, with the appropriate method of analysis

AMENDMENT 2

given the contract type to be awarded, in order for selection of the proposal(s) most advantageous to the Government, considering the following factors which are listed in descending order of importance:

- a. The soundness, technical merit, and innovation of the proposed approach and its incremental progress toward topic or subtopic solution.
- b. The qualifications of the proposed principal/key investigators, supporting staff, and consultants. Qualifications include not only the ability to perform the research and development but also the ability to commercialize the results.
- c. The potential for commercial (Government or private sector) application and the benefits expected to accrue from this commercialization.

Cost or budget data submitted with the proposal will be considered during evaluation.

Technical reviewers will base their conclusions only on information contained in the proposal. It cannot be assumed that reviewers are acquainted with the small business concern or key individuals or any referenced experiments. Relevant supporting data such as journal articles, literature, including Government publications, etc., should be included based on requirements provided in Component-specific instructions.

Denial of Awards

The DoD will not make an award under the SBIR program if it determines that—

- (A) the small business concern submitting the proposal —
 - (i) has an owner or covered individual that is party to a malign foreign talent recruitment program;
 - (ii) has a business entity, parent company, or subsidiary located in the People's Republic of China or another foreign country of concern; or
 - (iii) has an owner or covered individual that has a foreign affiliation with a foreign entity located in the People's Republic of China or another foreign country of concern; and
- (B) the relationships and commitments described in clauses (i) through (iii) of subparagraph (A)—
 - (i) interfere with the capacity for activities supported by the DoD to be carried out;
 - (ii) create duplication with activities supported by the DoD;
 - (iii) present concerns about conflicts of interest;
 - (iv) were not appropriately disclosed to the DoD;
 - (v) violate Federal law or terms and conditions of contracts or other agreements awarded by the DoD; or
 - (vi) pose a risk to national security.

7.0 PHASE II PROPOSAL INFORMATION

7.1 Introduction

Phase II proposals may only be submitted by Phase I awardees. Submission of Phase II proposals are not permitted at this time and, if submitted, may be rejected without evaluation. Phase II proposal preparation and submission instructions will be provided by the DoD Components to Phase I awardees. See Component-specific instructions for more information on Direct to Phase II Program preparation and submission instructions.

7.2 Proposal Provisions

IMPORTANT -- While it is permissible, with proposal notification, to submit identical proposals or proposals containing a significant amount of essentially equivalent work for consideration under

AMENDMENT 2

numerous federal program BAAs and solicitations, it is unlawful to enter into contracts or grants requiring essentially equivalent effort. If there is any question concerning this, it must be disclosed to the soliciting agency or agencies as early as possible. If a proposal submitted for a Phase II effort is substantially the same as another proposal that was funded, is now being funded, or is pending with another Federal Agency, or another or the same DoD Component, you must reveal this on the Cover Sheet and provide the information required in Section 5.4.c(11).

Due to specific limitations on the amount of funding and number of awards that may be awarded to a particular small business concern per topic using SBIR/STTR program funds, Head of Agency Determinations are now required before a different agency may make an award using another agency's topic. This limitation does not apply to Phase III funding. Please contact your original sponsoring agency before submitting a Phase II proposal to an agency other than the one who sponsored the original topic.

Section 4(b)(1)(i) of the SBIR/STTR Policy Directive provides that, at the agency's discretion, projects awarded a Phase I under a BAA or solicitation for SBIR may transition in Phase II to STTR and vice versa. A small business concern wishing to transfer from one program to another must contact their designated technical monitor to discuss the reasons for the request and the agency's ability to support the request. The transition may be proposed prior to award or during the performance of the Phase II effort. Agency disapproval of a request to change programs shall not be grounds for granting relief from any contractual performance requirement. All approved transitions between programs must be noted in the Phase II award or award modification signed by the contracting officer that indicates the removal or addition of the research institution and the revised percentage of work requirements.

7.3 Commercialization Strategy

At a minimum, your commercialization strategy must address the following five questions:

- (1) What is the first product that this technology will go into?
- (2) Who will be the customers, and what is the estimated market size?
- (3) How much money will be needed to bring the technology to market, and how will that money be raised?
- (4) Does the company contain marketing expertise and, if not, how will that expertise be brought into the company?
- (5) Who are the proposing small business concern's competitors, and what is the price and/or quality advantage over those competitors?

The commercialization strategy must also include a schedule showing the anticipated quantitative commercialization results from the Phase II project at one year after the start of Phase II, at the completion of Phase II, and after the completion of Phase II (i.e., amount of additional investment, sales revenue, etc.). After Phase II award, the company is required to report actual sales and investment data in its SBA Company Commercialization Report via "My Dashboard" on SBIR.gov at least annually. For information on formatting, page count and other details, please refer to the Component-specific instructions.

7.4 Phase II Evaluation Criteria

Phase II proposals will be evaluated based on the criteria outlined above in section 6.0, unless otherwise specified in the Component-specific instructions.

AMENDMENT 2

7.5 Phase II Award Information

DoD Components will notify Phase I awardees of the Phase II proposal submission requirements. Submission of Phase II proposals will be in accordance with instructions provided by individual Components. The details on the due date, content, and submission requirements of the Phase II proposal will be provided by the awarding DoD Component either in the Phase I award or by subsequent notification.

7.6 Adequate Accounting System

In order to reduce risk to the small business and avoid potential contracting delays, it is suggested that companies interested in pursuing Phase II SBIR/STTR contracts and other contracts of similar size with the Department of Defense (DoD), have an adequate accounting system per General Accepted Accounting Principles (GAAP), Generally Accepted Government Auditing Standards (GAGAS), Federal Acquisition Regulation (FAR) and Cost Accounting Standards (CAS) in place. The accounting system will be audited by the Defense Contract Audit Agency (DCAA). DCAA's requirements and standards are available on their Website at: <https://www.dcaa.mil/Guidance/Audit-Process-Overview/> and <https://www.dcaa.mil/Checklists-Tools/Pre-award-Accounting-System-Adequacy-Checklist/>.

7.7 Phase II Enhancement Policy

To further encourage the transition of STTR research into DoD acquisition programs as well as the private sector, certain DoD Components have developed their own Phase II Enhancement policy. Under this policy, the Component will provide a Phase II awardee with additional Phase II STTR funding if the company can match the additional STTR funds with non-STTR funds from DoD acquisition programs or the private sector.

See component instructions for more details on Phase II Enhancement opportunities.

7.8 Commercialization Readiness Program (CRP)

The SBIR/STTR Reauthorization Act of 2011 establishes the Commercialization Pilot Program (CPP) as a long-term program titled the Commercialization Readiness Program (CRP).

Each Military Department (Army, Navy, and Air Force) has established a Commercialization Readiness Program. Please check the Component instructions for further information.

The DoD SBIR/STTR Program Office established the OSD Transitions SBIR Technology (OTST) Pilot Program. The OTST pilot program is an interim technology maturity phase (Phase II), inserted into the SBIR development.

For more information contact osd.ncr.ousd-r-e.mbx.sbir-sttr-tech-transition@mail.mil.

8.0 CONTRACTUAL REQUIREMENTS

8.1 Additional Contract Requirements

Upon award of a contract, the contractor will be required to make certain legal commitments through acceptance of Government contract clauses in the Phase I contract. The outline that follows is illustrative of the types of provisions required by the Federal Acquisition Regulation that will be included in the Phase I contract. This is not a complete list of provisions to be included in Phase I contracts, nor does it

AMENDMENT 2

contain specific wording of these clauses. Copies of complete general provisions will be made available prior to award.

Examples of general provisions:

- a. **Standards of Work.** Work performed under the contract must conform to high professional standards.
- b. **Inspection.** Work performed under the contract is subject to Government inspection and evaluation at all reasonable times.
- c. **Examination of Records.** The Comptroller General (or a fully authorized representative) shall have the right to examine any directly pertinent records of the contractor involving transactions related to this contract.
- d. **Default.** The Government may terminate the contract if the contractor fails to perform the work contracted.
- e. **Termination for Convenience.** The contract may be terminated at any time by the Government if it deems termination to be in its best interest, in which case the contractor will be compensated for work performed and for reasonable termination costs.
- f. **Disputes.** Any dispute concerning the contract which cannot be resolved by agreement shall be decided by the contracting officer with right of appeal.
- g. **Contract Work Hours.** The contractor may not require an employee to work more than eight hours a day or forty hours a week unless the employee is compensated accordingly (that is, receives overtime pay).
- h. **Equal Opportunity.** The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.
- i. **Affirmative Action for Veterans.** The contractor will not discriminate against any employee or applicant for employment because he or she is a disabled veteran.
- j. **Affirmative Action for Handicapped.** The contractor will not discriminate against any employee or applicant for employment because he or she is physically or mentally handicapped.
- k. **Officials Not to Benefit.** No member of or delegate to Congress shall benefit from the contract.
- l. **Covenant Against Contingent Fees.** No person or agency has been employed to solicit or secure the contract upon an understanding for compensation except bona fide employees or commercial agencies maintained by the contractor for the purpose of securing business.
- m. **Gratuities.** The contract may be terminated by the Government if any gratuities have been offered to any representative of the Government to secure the contract.
- n. **Patent Infringement.** The contractor shall report each notice or claim of patent infringement based on the performance of the contract.
- o. **Military Security Requirements.** The contractor shall safeguard any classified information associated with the contracted work in accordance with applicable regulations.
- p. **American Made Equipment and Products.** When purchasing equipment or a product under the SBIR funding agreement, purchase only American-made items whenever possible.

Applicable Federal Acquisition Regulation (FAR) and/or Defense Federal Acquisition Regulation Supplement (DFARS) Clauses:

- q. **Unique Identification (UID).** If your proposal identifies hardware that will be delivered to the government be aware of the possible requirement for unique item identification in accordance with DFARS 252.211-7003.
- r. **Disclosure of Information.** In accordance with FAR 252.204-7000, Government review and approval will be required prior to any dissemination or publication, except within and between the Contractor and any subcontractors, of classified and non-fundamental information

AMENDMENT 2

- developed under this contract or contained in the reports to be furnished pursuant to this contract.
- s. **Animal Welfare.** Contracts involving research, development, test, evaluation, or training on vertebrate animals will incorporate DFARS clause 252.235-7002.
 - t. **Protection of Human Subjects.** Effective 29 July 2009, contracts that include or may include research involving human subjects in accordance with 32 CFR Part 219, DoD Directive 3216.02 and 10 U.S.C. 980, including research that meets exemption criteria under 32 CFR 219.101(b), will incorporate DFARS clause 252.235-7004.
 - u. **E-Verify.** Contracts exceeding the simplified acquisition threshold may include the FAR clause 52.222-54 “Employment Eligibility Verification” unless exempted by the conditions listed at FAR 22.1803.
 - v. **ITAR.** In accordance with DFARS 225.7901-4, Export Control Contract Clauses, the clause found at DFARS 252.225-7048, Export-Controlled Items (June 2013), must be included in all BAAs/solicitations and contracts. Therefore, all awards resulting from this BAA will include DFARS 252.225-7048. Full text of the clause may be found at <https://www.govinfo.gov/content/pkg/CFR-2013-title48-vol3/pdf/CFR-2013-title48-vol3-sec252-225-7048.pdf>.
 - w. **Cybersecurity.** Any small business concern receiving an SBIR/STTR award is required to provide adequate cybersecurity on all covered contractor information systems. Specific security requirements and cyber incident reporting requirements are listed in DFARS 252.204.7012. To learn about cybersecurity resources for your SBIR/STTR contract visit the Blue Cyber webpage: <https://www.safcn.af.mil/CISO/Small-Business-Cybersecurity-Information/>.
 - x. **Safeguarding Covered Defense Information Controls.** As prescribed in DFARS 252.204-7008, for covered contractor information systems that are not part of an information technology service or system operated on behalf of the Government, the SBC represents that it will implement the security requirements specified by National Institute of Standards and Technology (NIST) Special Publication (SP) 800-171, “Protecting Controlled Unclassified Information in Nonfederal Information Systems and Organizations”.
 - y. **Limitations on the Use or Disclosure of Third- Party Contractor Reported Cyber Incident Information.** As required in DFARS 252.204-7009, the Contractor must agree that certain conditions apply to any information it receives or creates in the performance of a resulting contract that is information obtained from a third-party's reporting of a cyber incident pursuant to DFARS clause 252.204-7012, Safeguarding Covered Defense Information and Cyber Incident Reporting (or derived from such information obtained under that clause).
 - z. **Notice of NIST SP 800-171 DoD Assessment Requirements.** As prescribed by DFARS 252.204-7019, in order to be considered for award, the SBC is required to implement NIST SP 800-171. The SBC shall have a current assessment (see 252.204-7020) for each covered contractor information system that is relevant to the offer, contract, task order, or delivery order. The Basic, Medium, and High NIST SP 800-171 DoD Assessments are described in the NIST SP 800-171 DoD Assessment Methodology located at https://www.acq.osd.mil/dpap/pdi/cyber/strategically_assessing_contractor_implementation_of_NIST_SP_800-171.html. In accordance with DFARS 252.204-7020, the SBC shall provide access to its facilities, systems, and personnel necessary for the Government to conduct a Medium or High NIST SP 800-171 DoD Assessment, as described in NIST SP 800-171 DoD Assessment Methodology, linked above. Notification of specific requirements for NIST SP 800-171 DoD assessments and assessment level will be provided as part of the component instructions, topic, or award.
 - aa. **Contractor Certification Regarding Provision of Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.** In accordance with DFARS Subpart 204.21, DFARS provisions 252.204-7016, 252.204-7017, and clause 252.204-7018 are incorporated into this solicitation. This subpart implements section 1656 of the

AMENDMENT 2

National Defense Authorization Act for Fiscal Year 2018 (Pub. L. 115-91) and section 889(a)(1)(A) of the National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232). Full text of the provisions and clause and required offeror representations can be found in Attachment 1 of this BAA.

8.2 Agency Recovery Authority and Ongoing Reporting

In accordance with Section 5 of the SBIR and STTR Extension Act of 2022, the DoD will –

- 1) require a small business concern receiving an award under its SBIR program to repay all amounts received from the Federal agency under the award if—
 - (A) the small business concern makes a material misstatement that the Federal agency determines poses a risk to national security; or
 - (B) there is a change in ownership, change to entity structure, or other substantial change in circumstances of the small business concern that the Federal agency determines poses a risk to national security; and
- 2) require a small business concern receiving an award under its SBIR program to regularly report to the Federal agency and the Administration throughout the duration of the award on—
 - (A) any change to a disclosure required under subparagraphs (A) through (G) of section 4.3 above;
 - (B) any material misstatement made under section 8.2 paragraph (A) above; and
 - (C) any change described in section 8.2 paragraph (B) above.

8.3 Basic Safeguarding of Covered Contractor Information Systems

FAR 52.204-21, Basic Safeguarding of Covered Contractor Information Systems, is incorporated into this solicitation. In accordance with FAR 52.204-21, the contractor shall apply basic safeguarding requirements and procedures when the contractor or a subcontractor at any tier may have Federal contract information residing in or transiting through its information system.

FAR 52.204-21 Basic Safeguarding of Covered Contractor Information Systems (NOV 2021)

(a) **Definitions.** As used in this clause -

- (1) *Covered contractor information system* means an information system that is owned or operated by a contractor that processes, stores, or transmits Federal contract information.
- (2) *Federal contract information* means information, not intended for public release, that is provided by or generated for the Government under a contract to develop or deliver a product or service to the Government, but not including information provided by the Government to the public (such as on public websites) or simple transactional information, such as necessary to process payments.
- (3) *Information* means any communication or representation of knowledge such as facts, data, or opinions, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual (Committee on National Security Systems Instruction (CNSSI) 4009).
- (4) *Information system* means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information (44 U.S.C. 3502).
- (5) *Safeguarding* means measures or controls that are prescribed to protect information

AMENDMENT 2

systems.

(b) Safeguarding requirements and procedures.

(1) The Contractor shall apply the following basic safeguarding requirements and procedures to protect covered contractor information systems. Requirements and procedures for basic safeguarding of covered contractor information systems shall include, at a minimum, the following security controls:

- (i) Limit information system access to authorized users, processes acting on behalf of authorized users, or devices (including other information systems).
- (ii) Limit information system access to the types of transactions and functions that authorized users are permitted to execute.
- (iii) Verify and control/limit connections to and use of external information systems.
- (iv) Control information posted or processed on publicly accessible information systems.
- (v) Identify information system users, processes acting on behalf of users, or devices.
- (vi) Authenticate (or verify) the identities of those users, processes, or devices, as a prerequisite to allowing access to organizational information systems.
- (vii) Sanitize or destroy information system media containing Federal Contract Information before disposal or release for reuse.
- (viii) Limit physical access to organizational information systems, equipment, and the respective operating environments to authorized individuals.
- (ix) Escort visitors and monitor visitor activity; maintain audit logs of physical access; and control and manage physical access devices.
- (x) Monitor, control, and protect organizational communications (i.e., information transmitted or received by organizational information systems) at the external boundaries and key internal boundaries of the information systems.
- (xi) Implement subnetworks for publicly accessible system components that are physically or logically separated from internal networks.
- (xii) Identify, report, and correct information and information system flaws in a timely manner.
- (xiii) Provide protection from malicious code at appropriate locations within organizational information systems.
- (xiv) Update malicious code protection mechanisms when new releases are available.
- (xv) Perform periodic scans of the information system and real-time scans of files from external sources as files are downloaded, opened, or executed.

AMENDMENT 2

(2) Other requirements. This clause does not relieve the Contractor of any other specific safeguarding requirements specified by Federal agencies and departments relating to covered contractor information systems generally or other Federal safeguarding requirements for controlled unclassified information (CUI) as established by Executive Order 13556.

(c) Subcontracts. The Contractor shall include the substance of this clause, including this paragraph (c), in subcontracts under this contract (including subcontracts for the acquisition of commercial products or commercial services, other than commercially available off-the-shelf items), in which the subcontractor may have Federal contract information residing in or transiting through its information system.

(End of clause)

8.4 Prohibition on Contracting with Persons that have Business Operations with the Maduro Regime

DFARS 252.225-7055, Representation Regarding Business Operations with the Maduro Regime, is incorporated into this solicitation. In accordance with section 890 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116-92), DoD is prohibited from entering into a contract for the procurement of products or services with any person that has business operations with an authority of the government of Venezuela that is not recognized as the legitimate government of Venezuela by the United States Government, unless the person has a valid license to operate in Venezuela issued by the Office of Foreign Assets Control of the Department of the Treasury.

8.5 Copyrights

With prior written permission of the Contracting Officer, the awardee may copyright (consistent with appropriate national security considerations, if any) material developed with DoD support. DoD receives a royalty-free license for the Federal Government and requires that each publication contain an appropriate acknowledgment and disclaimer statement.

8.6 Patents

Small business concerns normally may retain the principal worldwide patent rights to any invention developed with Government support. The Government receives a royalty-free license for its use, reserves the right to require the patent holder to license others in certain limited circumstances, and requires that anyone exclusively licensed to sell the invention in the United States must normally manufacture it domestically. To the extent authorized by 35 USC 205, the Government will not make public any information disclosing a Government-supported invention for a period of five years to allow the awardee to pursue a patent. See also Invention Reporting in Section 8.6.

8.7 Technical Data Rights

Rights in technical data, including software, developed under the terms of any contract resulting from proposals submitted in response to this BAA generally remain with the contractor, except that the Government obtains a royalty-free license to use such technical data only for Government purposes during the period commencing with contract award and ending twenty years after completion of the project under which the data were generated. This data should be marked with the restrictive legend specified in DFARS 252.227-7018 Class Deviation 2020-O0007. Upon expiration of the twenty-year restrictive license, the Government has Government Purpose Rights in the STTR data. During the license period, the Government may not release or disclose STTR data to any person other than its support services contractors except: (1) For evaluation purposes; (2) As expressly permitted by the contractor; or (3) A use, release, or disclosure

AMENDMENT 2

that is necessary for emergency repair or overhaul of items operated by the Government. See DFARS clause 252.227-7018 Class Deviation 2020-O0007 "Rights in Noncommercial Technical Data and Computer Software – Small Business Innovation Research (SBIR) Program." NOTE: Although Class Deviation 2020-O0007 only specifies applicability to SBIR, as required in the Small Business Act [15 USC 638 (p)(2)(B)(v)] and further prescribed by the SBA SBIR/STTR Policy Directive [section 8(b)(2)], this language also applies to STTR.

If a proposing small business concern plans to submit assertions in accordance with DFARS 252.227-7017, those assertions must be identified, and assertion of use, release, or disclosure restriction **MUST** be included with your proposal submission, at the end of the technical volume. The contract cannot be awarded until assertions have been approved.

8.8 Invention Reporting

STTR awardees must report inventions to the component within two months of the inventor's report to the awardee. The reporting of inventions may be accomplished by submitting paper documentation, including fax, or through the Edison Invention Reporting System at www.iedison.gov for those agencies participating in iEdison.

8.9 Final Technical Reports - Phase I through Phase III

- a. **Content:** A final report is required for each project phase. The reports must contain in detail the project objectives, work performed, results obtained, and estimates of technical feasibility. A completed SF 298, "Report Documentation Page," will be used as the first page of the report. submission resources at <https://discover.dtic.mil/submit-documents/>. In addition, monthly status and progress reports may be required by the DoD Component.
- b. **SF 298 Form "Report Documentation Page" Preparation:**
 - (1) If desirable, language used by the company in its Phase II proposal to report Phase I progress may also be used in the final report.
 - (2) For each unclassified report, the company submitting the report should fill in Block 12 (Distribution/Availability Statement) of the SF 298, "Report Documentation Page," with the following statement: "Distribution authorized to U.S. Government only; Proprietary Information, (Date of Determination). Other requests for this document shall be referred to the Component SBIR/STTR Program Office."

Note: Data developed under an STTR contract is subject to STTR Data Rights which allow for protection under DFARS 252.227-7018 (see Section 8.5, Technical Data Rights). The sponsoring DoD activity, after reviewing the company's entry in Block 12, has final responsibility for assigning a distribution statement.

For additional information on distribution statements see the following Defense Technical Information Center (DTIC) Web site: https://discover.dtic.mil/wp-content/uploads/2018/09/distribution_statements_and_reasonsSept2018.pdf

- (3) Block 14 (Abstract) of the SF 298, "Report Documentation Page" must include as the first sentence, "Report developed under STTR contract for topic [insert BAA topic number. [Follow with the topic title, if possible.]" The abstract must identify the purpose of the

AMENDMENT 2

work and briefly describe the work conducted, the findings or results and the potential applications of the effort. **Since the abstract will be published by the DoD, it must not contain any proprietary or classified data and type "UU" in Block 17.**

(4) Block 15 (Subject Terms) of the SF 298 must include the term "STTR Report".

- c. **Submission:** In accordance with DoD Directive 3200.12 and DFARS clause 252.235-7011, a copy of the final report shall be submitted (electronically or on disc) to:

Defense Technical Information Center
ATTN: DTIC-OA (SBIR/STTR)
8725 John J Kingman Road, Suite 0944
Ft. Belvoir, VA 22060-6218

Delivery will normally be within 30 days after completion of the Phase I technical effort.

Other requirements regarding submission of reports and/or other deliverables will be defined in the Contract Data Requirements List (CDRL) of each contract.

Special instructions for the submission of CLASSIFIED reports will be defined in the delivery schedule of the contract. DO NOT E-MAIL Classified or controlled unclassified reports, or reports containing STTR Data Rights protected under DFARS 252.227-7018.

AMENDMENT 2

APPENDIX A

**DoD SBIR 23.D Annual BAA
Topic Release Index**

Active topic releases and associated Component-specific instructions can be viewed at:

<https://www.defensesbirsttr.mil/SBIR-STTR/Opportunities/>.

Component Release Number	Topic Number	Topic Title	Release Dates
<u>DARPA R1</u>	HR0011ST2023D-01	High Efficiency X-ray (HEX) Production	Pre-release: March 14, 2023 Open: March 29, 2023 Close: May 2, 2023, 12:00 pm ET

Archived Topic Releases			
Component Release Number	Topic Number	Topic Title	Release Dates

AMENDMENT 2

ATTACHMENT 1

**Department of Defense (DoD)
Small Business Innovation Research (SBIR) Program
Small Business Technology Transfer (STTR) Program**

**CONTRACTOR CERTIFICATION REGARDING
PROVISION OF PROHIBITION ON CONTRACTING FOR CERTAIN
TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR
EQUIPMENT (DFARS SUBPART 204.21)**

Contractor's Name	
Company Name	
Office Tel #	
Mobile #	
Email	

Name of person authorized to sign: _____

Signature of person authorized: _____

Date: _____

The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

DFARS PROVISIONS INCORPORATED IN FULL TEXT:

252.204-7016 Covered Defense Telecommunications Equipment or Services—Representation

**COVERED DEFENSE TELECOMMUNICATIONS EQUIPMENT OR SERVICES—
REPRESENTATION (DEC 2019)**

(a) *Definitions.* As used in this provision, “covered defense telecommunications equipment or services” has the meaning provided in the clause [252.204-7018](#), Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services.

(b) *Procedures.* The Offeror shall review the list of excluded parties in the System for Award Management (SAM) (<https://www.sam.gov/>) for entities excluded from receiving federal awards for “covered defense telecommunications equipment or services”.

AMENDMENT 2

(c) *Representation.* The Offeror represents that it does, does not provide covered defense telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument.

252.204-7017 Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services—Representation

PROHIBITION ON THE ACQUISITION OF COVERED DEFENSE TELECOMMUNICATIONS EQUIPMENT OR SERVICES—REPRESENTATION (MAY 2021)

The Offeror is not required to complete the representation in this provision if the Offeror has represented in the provision at 252.204-7016, Covered Defense Telecommunications Equipment or Services—Representation, that it “does not provide covered defense telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument.”

(a) *Definitions.* “Covered defense telecommunications equipment or services,” “covered mission,” “critical technology,” and “substantial or essential component,” as used in this provision, have the meanings given in the [252.204-7018](#) clause, Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services, of this solicitation.

(b) *Prohibition.* Section 1656 of the National Defense Authorization Act for Fiscal Year 2018 (Pub. L. 115-91) prohibits agencies from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service to carry out covered missions that uses covered defense telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

(c) *Procedures.* The Offeror shall review the list of excluded parties in the System for Award Management (SAM) at <https://www.sam.gov> for entities that are excluded when providing any equipment, system, or service to carry out covered missions that uses covered defense telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, unless a waiver is granted.

Representation. If in its annual representations and certifications in SAM the Offeror has represented in paragraph (c) of the provision at [252.204-7016](#), Covered Defense Telecommunications Equipment or Services—Representation, that it “does” provide covered defense telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument, then the Offeror shall complete the following additional representation:

The Offeror represents that it will will not provide covered defense telecommunications equipment or services as a part of its offered products or services to DoD in the performance of any award resulting from this solicitation.

(e) *Disclosures.* If the Offeror has represented in paragraph (d) of this provision that it “will provide covered defense telecommunications equipment or services,” the Offeror shall provide the following information as part of the offer:

AMENDMENT 2

(1) A description of all covered defense telecommunications equipment and services offered (include brand or manufacturer; product, such as model number, original equipment manufacturer (OEM) number, manufacturer part number, or wholesaler number; and item description, as applicable).

(2) An explanation of the proposed use of covered defense telecommunications equipment and services and any factors relevant to determining if such use would be permissible under the prohibition referenced in paragraph (b) of this provision.

(3) For services, the entity providing the covered defense telecommunications services (include entity name, unique entity identifier, and Commercial and Government Entity (CAGE) code, if known).

(4) For equipment, the entity that produced or provided the covered defense telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the OEM or a distributor, if known).

(End of provision)

252.204-7018 Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services

PROHIBITION ON THE ACQUISITION OF COVERED DEFENSE TELECOMMUNICATIONS EQUIPMENT OR SERVICES (JAN 2021)

Definitions. As used in this clause—

“Covered defense telecommunications equipment or services” means—

(1) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, or any subsidiary or affiliate of such entities;

(2) Telecommunications services provided by such entities or using such equipment; or

(3) Telecommunications equipment or services produced or provided by an entity that the Secretary of Defense reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

“Covered foreign country” means—

(1) The People’s Republic of China; or

(2) The Russian Federation.

“Covered missions” means—

(1) The nuclear deterrence mission of DoD, including with respect to nuclear command, control, and communications, integrated tactical warning and attack assessment, and continuity of Government; or

(2) The homeland defense mission of DoD, including with respect to ballistic missile defense.

AMENDMENT 2

“Critical technology” means—

(1) Defense articles or defense services included on the United States Munitions List set forth in the International Traffic in Arms Regulations under subchapter M of chapter I of title 22, Code of Federal Regulations;

(2) Items included on the Commerce Control List set forth in Supplement No. 1 to part 774 of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations, and controlled—

(i) Pursuant to multilateral regimes, including for reasons relating to national security, chemical and biological weapons proliferation, nuclear nonproliferation, or missile technology; or

(ii) For reasons relating to regional stability or surreptitious listening;

(3) Specially designed and prepared nuclear equipment, parts and components, materials, software, and technology covered by part 810 of title 10, Code of Federal Regulations (relating to assistance to foreign atomic energy activities);

(4) Nuclear facilities, equipment, and material covered by part 110 of title 10, Code of Federal Regulations (relating to export and import of nuclear equipment and material);

(5) Select agents and toxins covered by part 331 of title 7, Code of Federal Regulations, part 121 of title 9 of such Code, or part 73 of title 42 of such Code; or

(6) Emerging and foundational technologies controlled pursuant to section 1758 of the Export Control Reform Act of 2018 (50 U.S.C. 4817).

“Substantial or essential component” means any component necessary for the proper function or performance of a piece of equipment, system, or service.

(b) *Prohibition.* In accordance with section 1656 of the National Defense Authorization Act for Fiscal Year 2018 (Pub. L. 115-91), the contractor shall not provide to the Government any equipment, system, or service to carry out covered missions that uses covered defense telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, unless the covered defense telecommunication equipment or services are covered by a waiver described in Defense Federal Acquisition Regulation Supplement [204.2104](#).

(c) *Procedures.* The Contractor shall review the list of excluded parties in the System for Award Management (SAM) at <https://www.sam.gov> for entities that are excluded when providing any equipment, system, or service, to carry out covered missions, that uses covered defense telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, unless a waiver is granted.

(d) *Reporting.*

(1) In the event the Contractor identifies covered defense telecommunications equipment or services used as a substantial or essential component of any system, or as critical technology as part of

AMENDMENT 2

any system, during contract performance, the Contractor shall report at <https://dibnet.dod.mil> the information in paragraph (d)(2) of this clause.

(2) The Contractor shall report the following information pursuant to paragraph (d)(1) of this clause:

(i) Within 3 business days from the date of such identification or notification: the contract number; the order number(s), if applicable; supplier name; brand; model number (original equipment manufacturer number, manufacturer part number, or wholesaler number); item description; and any readily available information about mitigation actions undertaken or recommended.

(ii) Within 30 business days of submitting the information in paragraph (d)(2)(i) of this clause: any further available information about mitigation actions undertaken or recommended. In addition, the Contractor shall describe the efforts it undertook to prevent use or submission of a covered defense telecommunications equipment or services, and any additional efforts that will be incorporated to prevent future use or submission of covered telecommunications equipment or services.

(e) *Subcontracts*. The Contractor shall insert the substance of this clause, including this paragraph (e), in all subcontracts and other contractual instruments, including subcontracts for the acquisition of commercial items.

(End of clause)

AMENDMENT 2

ATTACHMENT 2

**Department of Defense (DoD)
Small Business Innovation Research (SBIR) Program
Small Business Technology Transfer (STTR) Program**

**DISCLOSURES OF FOREIGN AFFILIATIONS OR
RELATIONSHIPS TO FOREIGN COUNTRIES**

In accordance with the SBIR and STTR Extension Act of 2022 (Pub. L. 117-183) and the Small Business Administration (SBA) SBIR/STTR Policy Directive, small business concerns are required to disclose the information requested below about the small business’s investment and foreign ties.

Responses to disclosure questions may contain trade secrets or commercial or financial information that is privileged or confidential and is exempt from public disclosure. Such information shall be used or disclosed only for evaluation purposes or in accordance with an award between the submitter and the Government.

Relevant definitions can be found at the end of this document. An up-to-date list of countries determined to be countries of concern by the Secretary of State will be maintained and accessible on SBIR.gov.

Small Business Concern (SBC)	
SBC Unique Entity ID (UEI)	
Proposal # (assigned by DSIP when proposal is created)	
SBC Point of Contact (POC) Name	
SBC POC Phone #	
SBC POC Email	

The information provided in response to the Disclosure Questions listed below is certified to be accurate and complete.

Name of person authorized to sign: _____

Signature of person authorized: _____

Date: _____

AMENDMENT 2

Disclosure Questions

1. Is any owner or covered individual of the applicant or awardee party to any malign foreign talent recruitment program?

- Yes No

If yes, disclose the first and last name of each owner or covered individual, identify their role (i.e., owner or covered individual), and the malign foreign talent recruitment program.

2. Is there a parent company, joint venture, or subsidiary, of the applicant or awardee that is based in or receives funding from, any foreign country of concern?

- Yes No

If yes, disclose the name, full address, applicant or awardee relationships (i.e., parent company, joint venture, or subsidiary) of each entity based in, or funded by, any foreign country of concern.

3. Does the applicant or awardee have any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an enterprise owned by a foreign state or any foreign entity?

- Yes No

If yes, disclose the name of each enterprise or foreign entity, type of obligation, agreement, or arrangement (*i.e.*, contractual, financial, or other), description of obligation, agreement, or arrangement, and the foreign state(s) and/or the country of the foreign entity (or entities).

4. Is the applicant or awardee wholly owned in a foreign country?

- Yes No

If yes, disclose the foreign country.

5. Does the applicant or awardee have any venture capital or institutional investment?

- Yes No

If yes, proceed to question 5a. If no, proceed to question 6.

5a. Does the investing entity have a general partner or any other individual holding a leadership role who has a foreign affiliation with any foreign country of concern?

- Yes No Unable to determine

AMENDMENT 2

If yes or unable to determine, disclose the venture capital or institutional investing entity's name, the percentage of ownership obtained by the investing entity, and the type of investment (i.e., equity, debt, or combination of equity and debt).

6. During the previous 5-year period, did the applicant or awardee have any technology licensing or intellectual property sales or transfers, to a foreign country of concern?

Yes No

If yes, disclose the name, address, and country, of the institution or entity that licensed, purchased, or received the technology or intellectual property.

7. Is there any foreign business entity, offshore entity, or entity outside the United States related to the applicant or awardee?

Yes No

If yes, disclose the entity name, relationship type (i.e., foreign business entity, offshore entity, entity outside the United States), description of the relationship to the applicant or awardee, and entity address and country.

8. Does the applicant or awardee have an owner, officer, or covered individual that has a foreign affiliation with a research institution located in a foreign country of concern?

Yes No

If yes, disclose the first and last name of each owner, officer, or covered individual that has a foreign affiliation with a foreign country of concern, identify their role (i.e., owner, officer, or covered individual), and the name of the foreign research institution and the foreign country of concern where it is located.

Relevant Definitions

Covered individual — An individual who contributes in a substantive, meaningful way to the scientific development or execution of a research and development (R&D) project proposed to be carried out with a Federally funded award from DoD. DoD has further designated covered individuals as including all proposed key personnel.

Federally funded award — A Phase I, Phase II (including Direct to Phase II, sequential Phase II/subsequent Phase II and cross-agency Phase II), or Phase III SBIR or STTR award made using a funding agreement.

Foreign affiliation — As defined in 15 U.S.C. § 638(e)(16), foreign affiliation means a funded or unfunded academic, professional, or institutional appointment or position with a foreign government or government-owned entity, whether full-time, part-time, or voluntary (including adjunct, visiting, or

AMENDMENT 2

honorary). This includes appointments or positions deemed adjunct, visiting, or honorary with research institutions located in a foreign country of concern.

Foreign country of concern — As defined in 15 U.S.C. § 638(e)(17), foreign country of concern means the People’s Republic of China, the Democratic People’s Republic of Korea, the Russian Federation, the Islamic Republic of Iran, or any other country determined to be a country of concern by the Secretary of State.

Malign foreign talent recruitment program — As defined in 42 U.S.C § 19237, the term “malign foreign talent recruitment program” means-

- (C) any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to the targeted individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue, in exchange for the individual-
 - (x) engaging in the unauthorized transfer of intellectual property, materials, data products, or other nonpublic information owned by a United States entity or developed with a Federal research and development award to the government of a foreign country or an entity based in, funded by, or affiliated with a foreign country regardless of whether that government or entity provided support for the development of the intellectual property, materials, or data products;
 - (xi) being required to recruit trainees or researchers to enroll in such program, position, or activity;
 - (xii) establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or affiliated with a foreign country if such activities are in violation of the standard terms and conditions of a Federal research and development award;
 - (xiii) being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;
 - (xiv) through funding or effort related to the foreign talent recruitment program, being limited in the capacity to carry out a research and development award or required to engage in work that would result in substantial overlap or duplication with a Federal research and development award;
 - (xv) being required to apply for and successfully receive funding from the sponsoring foreign government's funding agencies with the sponsoring foreign organization as the recipient;
 - (xvi) being required to omit acknowledgment of the recipient institution with which the individual is affiliated, or the Federal research agency sponsoring the research and development award, contrary to the institutional policies or standard terms and conditions of the Federal research and development award;
 - (xvii) being required to not disclose to the Federal research agency or employing institution the participation of such individual in such program, position, or activity; or
 - (xviii) having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the Federal research and development award; and
- (D) a program that is sponsored by-
 - (iv) a foreign country of concern or an entity based in a foreign country of concern, whether or not directly sponsored by the foreign country of concern;
 - (v) an academic institution on the list developed under section 1286(c)(8) of the John S. McCain

AMENDMENT 2

- National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; 1 Public Law 115–232) ; or
- (vi) a foreign talent recruitment program on the list developed under section 1286(c)(9) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; 1 Public Law 115–232).

AMENDMENT 2

ATTACHMENT 3

**Department of Defense (DoD)
Small Business Innovation Research (SBIR) Program
Small Business Technology Transfer (STTR) Program**

Verification of Eligibility of Small Business Joint Ventures

A small business joint venture offeror must submit, with its offer, the representation required in paragraph (c) of FAR solicitation provision 52.212-3, Offeror Representations and Certifications-Commercial Products and Commercial Services, and paragraph (c) of FAR solicitation provision 52.219-1, Small Business Program Representations, in accordance with 52.204-8(d) and 52.212-3(b) for the following categories:

- (A) Small business;
- (B) Service-disabled veteran-owned small business;
- (C) Women-owned small business (WOSB) under the WOSB Program;
- (D) Economically disadvantaged women-owned small business under the WOSB Program; or
- (E) Historically underutilized business zone small business

Contractor's Name	
Small Business Concern Name	
Office Tel #	
Mobile #	
Email	

Name of person authorized to sign: _____

Signature of person authorized: _____

Date: _____

FAR Provision Incorporated in Full Text:

52.219-1 Small Business Program Representations (Oct 2022)

(a) *Definitions.* As used in this provision-

Economically disadvantaged women-owned small business (EDWOSB) concern means a small business concern that is at least 51 percent directly and unconditionally owned by, and the management

AMENDMENT 2

and daily business operations of which are controlled by, one or more women who are citizens of the United States and who are economically disadvantaged in accordance with [13 CFR part 127](#), and the concern is certified by SBA or an approved third-party certifier in accordance with [13 CFR 127.300](#). It automatically qualifies as a women-owned small business concern eligible under the WOSB Program.

Service-disabled veteran-owned small business concern-

(1) Means a small business concern-

(i) Not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

(ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a service-disabled veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

(2) "Service-disabled veteran" means a veteran, as defined in [38 U.S.C.101\(2\)](#), with a disability that is service-connected, as defined in [38 U.S.C.101\(16\)](#).

Small business concern—

(1) Means a concern, including its affiliates, that is independently owned and operated, not dominant in its field of operation, and qualified as a small business under the criteria in [13 CFR part 121](#) and the size standard in paragraph (b) of this provision.

(2) *Affiliates*, as used in this definition, means business concerns, one of whom directly or indirectly controls or has the power to control the others, or a third party or parties control or have the power to control the others. In determining whether affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationships. SBA determines affiliation based on the factors set forth at 13 CFR 121.103.

Small disadvantaged business concern, consistent with 13 CFR 124.1002, means a small business concern under the size standard applicable to the acquisition, that-

(1) Is at least 51 percent unconditionally and directly owned (as defined at 13 CFR 124.105) by-

(i) One or more socially disadvantaged (as defined at 13 CFR 124.103) and economically disadvantaged (as defined at 13 CFR 124.104) individuals who are citizens of the United States, and

(ii) Each individual claiming economic disadvantage has a net worth not exceeding \$750,000 after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2); and

(2) The management and daily business operations of which are controlled (as defined at 13 CFR 124.106) by individuals who meet the criteria in paragraphs (1)(i) and (ii) of this definition.

Veteran-owned small business concern means a small business concern-

AMENDMENT 2

(1) Not less than 51 percent of which is owned by one or more veterans (as defined at [38 U.S.C.101\(2\)](#)) or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

(2) The management and daily business operations of which are controlled by one or more veterans.

Women-owned small business concern means a small business concern-

(1) That is at least 51 percent owned by one or more women; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

(2) Whose management and daily business operations are controlled by one or more women.

Women-owned small business (WOSB) concern eligible under the WOSB Program (in accordance with [13 CFR part 127](#)) means a small business concern that is at least 51 percent directly and unconditionally owned by, and the management and daily business operations of which are controlled by, one or more women who are citizens of the United States, and the concern is certified by SBA or an approved third-party certifier in accordance with [13 CFR 127.300](#).

(b) (1) The North American Industry Classification System (NAICS) code for this acquisition is _____ [*insert NAICS code*].

(2) The small business size standard is _____ [*insert size standard*].

(3) The small business size standard for a concern that submits an offer, other than on a construction or service acquisition, but proposes to furnish an end item that it did not itself manufacture, process, or produce (*i.e.*, nonmanufacturer), is 500 employees if the acquisition—

(i) Is set aside for small business and has a value above the simplified acquisition threshold;

(ii) Uses the HUBZone price evaluation preference regardless of dollar value, unless the offeror waives the price evaluation preference; or

(iii) Is an 8(a), HUBZone, service-disabled veteran-owned, economically disadvantaged women-owned, or women-owned small business set-aside or sole-source award regardless of dollar value.

(c) *Representations.*

(1) The offeror represents as part of its offer that—

(i) it is, is not a small business concern; or

(ii) It is, is not a small business joint venture that complies with the requirements of [13 CFR 121.103\(h\)](#) and [13 CFR 125.8\(a\)](#) and (b). [*The offeror shall enter the name and unique entity identifier of each party to the joint venture: __.*]

AMENDMENT 2

(2) *[Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.]* The offeror represents that it is, is not, a small disadvantaged business concern as defined in 13 CFR 124.1002.

(3) *[Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.]* The offeror represents as part of its offer that it is, is not a women-owned small business concern.

(4) *Women-owned small business (WOSB) joint venture eligible under the WOSB Program.* The offeror represents as part of its offer that it is, is not a joint venture that complies with the requirements of [13 CFR 127.506\(a\)](#) through [\(c\)](#). *[The offeror shall enter the name and unique entity identifier of each party to the joint venture: __.]*

(5) *Economically disadvantaged women-owned small business (EDWOSB) joint venture.* The offeror represents as part of its offer that it is, is not a joint venture that complies with the requirements of 13 CFR 127.506(a) through (c). *[The offeror shall enter the name and unique entity identifier of each party to the joint venture: __.]*

(6) *[Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.]* The offeror represents as part of its offer that it is, is not a veteran-owned small business concern.

(7) *[Complete only if the offeror represented itself as a veteran-owned small business concern in paragraph (c)(6) of this provision.]* The offeror represents as part of its offer that

(i) It is, is not a service-disabled veteran-owned small business concern; or

(ii) It is, is not a service-disabled veteran-owned joint venture that complies with the requirements of [13 CFR 125.18\(b\)\(1\)](#) and [\(2\)](#). *[The offeror shall enter the name and unique entity identifier of each party to the joint venture: __.]* Each service-disabled veteran-owned small business concern participating in the joint venture shall provide representation of its service-disabled veteran-owned small business concern status.

(8) *[Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.]* The offeror represents, as part of its offer, that-

(i) It is, is not a HUBZone small business concern listed, on the date of this representation, as having been certified by SBA as a HUBZone small business concern in the Dynamic Small Business Search and SAM, and will attempt to maintain an employment rate of HUBZone residents of 35 percent of its employees during performance of a HUBZone contract (see [13 CFR 126.200\(e\)\(1\)](#)); and

(ii) It is, is not a HUBZone joint venture that complies with the requirements of [13 CFR 126.616\(a\)](#) through [\(c\)](#). *[The offeror shall enter the name and unique entity identifier of each party to the joint venture: __.]* Each HUBZone small business concern participating in the HUBZone joint venture shall provide representation of its HUBZone status.

AMENDMENT 2

(d) *Notice.* Under [15 U.S.C.645\(d\)](#), any person who misrepresents a firm's status as a business concern that is small, HUBZone small, small disadvantaged, service-disabled veteran-owned small, economically disadvantaged women-owned small, or women-owned small eligible under the WOSB Program in order to obtain a contract to be awarded under the preference programs established pursuant to section 8, 9, 15, 31, and 36 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall-

- (1) Be punished by imposition of fine, imprisonment, or both;
- (2) Be subject to administrative remedies, including suspension and debarment; and
- (3) Be ineligible for participation in programs conducted under the authority of the Act.

(End of provision)

AMENDMENT 2

Attachment 4

**Department of Defense (DoD)
Small Business Innovation Research (SBIR) Program
Small Business Technology Transfer (STTR) Program**

DISCLOSURE OF FUNDING SOURCES

In accordance with Section 223 of the William M. (Mac) Thornberry National Defense Authorization Act (NDAA) for Fiscal Year 2021, DoD shall require, as part of any application for a research and development award—

- (1) that each covered individual listed on the application—
 - (A) disclose the amount, type, and source of all current and pending research support received by, or expected to be received by, the individual as of the time of the disclosure;
 - (B) certify that the disclosure is current, accurate, and complete; and
 - (C) agree to update such disclosure at the request of the agency prior to the award of support and at any subsequent time the agency determines appropriate during the term of the award; and
- (2) that any entity applying for such award certify that each covered individual who is employed by the entity and listed on the application has been made aware of the requirements under paragraph (1).

Full text of Section 223 of the FY21 NDAA, including relevant definitions, can be found on pages 84-86: <https://www.congress.gov/116/plaws/publ283/PLAW-116publ283.pdf>.

Small Business Concern (SBC)	
SBC Unique Entity ID (UEI)	
Proposal # (assigned by DSIP when proposal is created)	
SBC Point of Contact (POC) Name	
SBC POC Phone #	
SBC POC Email	

The SBC has been made aware of the requirements outlined in Section 223(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 and certifies that the disclosures provided below are current, accurate, and complete. The SBC further agrees to update such disclosure at the request of DoD prior to the award of support and at any subsequent time DoD determines appropriate during the term of the award.

Name of person authorized to sign: _____

Signature of person authorized: _____

Date: _____

AMENDMENT 2

Covered individuals have no current or pending research support to disclose in accordance with Section 223 of the FY21 NDAA, as described above.

Disclosures

Covered Individual's Name: Covered Individual's Position: Current and Pending Funding Amount: Current and Pending Funding Type: Current and Pending Funding Source:	
Covered Individual's Name: Covered Individual's Position: Current and Pending Funding Amount: Current and Pending Funding Type: Current and Pending Funding Source:	
Covered Individual's Name: Covered Individual's Position: Current and Pending Funding Amount: Current and Pending Funding Type: Current and Pending Funding Source:	
Covered Individual's Name: Covered Individual's Position: Current and Pending Funding Amount: Current and Pending Funding Type: Current and Pending Funding Source:	
Covered Individual's Name: Covered Individual's Position: Current and Pending Funding Amount: Current and Pending Funding Type: Current and Pending Funding Source:	

AMENDMENT 2

[Additional space as needed]