

**DEPARTMENT OF DEFENSE  
SMALL BUSINESS INNOVATION RESEARCH (SBIR) PROGRAM  
SBIR 24.2 Program Broad Agency Announcement (BAA)**

**April 17, 2024:** DoD BAA issued for pre-release

**May 15, 2024:** DoD begins accepting proposals

**June 12, 2024:** Deadline for receipt of proposals no later than **12:00 p.m. ET**

Participating DoD Components:

- Department of Navy (Navy)
- Department of Air Force (Air Force)
- Defense Health Agency (DHA)
- Defense Logistics Agency (DLA)
- Defense Threat Reduction Agency (DTRA)
- Missile Defense Agency (MDA)
- Office of the Secretary of Defense – National Geospatial-Intelligence Agency (OSD – NGA)

**IMPORTANT**

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. **Proposals that do not include the fully completed and signed Attachment 2 of this BAA (labeled Version 2) in Volume 5 of the proposal submission will be deemed noncompliant and will not receive an evaluation.** All small business concern/proposal identifying information and a response to every question on the form **MUST** be provided.

**This BAA also incorporates FAR 52.204-29 and FAR 52.204-30, Federal Acquisition Supply Chain Security Act (FASCSA) Orders. Small business concerns are highly encouraged to review the full text of these clauses and required representations found in section 8.2 of this BAA.**

**Deadline for Receipt:** Complete proposals must be certified and submitted in the Defense SBIR/STTR Innovation Portal (DSIP) no later than **12:00 PM ET on June 12, 2024**. Proposals submitted after 12:00 p.m. ET will not be evaluated. The final proposal submission includes successful completion of all firm level forms, all required volumes, and electronic corporate official certification. Please plan to submit proposals as early as possible to avoid unexpected delays due to high volume of traffic during the final hours before the BAA close. DoD is not responsible for missed proposal submission due to system latency.

**Classified proposals will not be accepted under the DoD SBIR Program.**

This BAA and DSIP 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. Proposers are required to submit proposals via DSIP; proposals submitted by any other means will be disregarded. Proposers 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 4.16 for more information regarding registration.

**SBIR/STTR Updates and Notices:** To be notified of SBIR/STTR opportunities and to receive email updates on the DoD SBIR and STTR Programs, you are invited to subscribe to our Listserv by visiting <https://www.dodsbirsttr.mil/submissions/login> and clicking “DSIP Listserv” located under Quick Links.

**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.dodsbirsttr.mil/submissions/learning-support/>. Email DSIP Support at [DoDSBIRSupport@reisystems.com](mailto: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 4.15 for further information on where to direct questions regarding instructions and topics in this BAA.**

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## 1.0 INTRODUCTION

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. Consistent with the SBA SBIR/STTR Policy Directive, the Department of Defense (DoD) is soliciting proposals as a Broad Agency Announcement (BAA). The DoD SBIR/STTR Programs follow the policies and practices of the most current SBA SBIR/STTR Policy Directive. 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](#).

Navy, Air Force, DHA, DLA, DTRA, MDA and OSD-NGA, hereafter referred to as DoD Components, invite proposing small business concerns to submit proposals under this BAA for the Small Business Innovation Research (SBIR) 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.

**This BAA is for Phase I proposals only unless a topic is accepting Direct to Phase II proposals.** A separate BAA will not be issued requesting Phase II proposals, and unsolicited proposals will not be accepted. All proposing small business concerns that receive a Phase I award originating from this BAA will be eligible to participate in Phase II competitions and potential Phase III awards. 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. If a proposing small business concern submits their Phase II proposal prior to the dates provided by the individual Components, it may be rejected without evaluation.

DoD is not obligated to make any awards under Phase I, Phase II, or Phase III, and all awards are subject to a risk-based due diligence security review and the availability of funds. DoD is not responsible for any monies expended by the proposing small business concern before the issuance of any award. Proposals must conform to the terms of this announcement.

## 2.0 PROGRAM DESCRIPTION

### 2.1 Objectives

The objectives of the DoD SBIR 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 DoD, in coordination with the SBA, 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>.

The DoD SBIR/STTR Programs follow the policies and practices of the SBA [SBIR/STTR Policy](#)

[Directive](#). The Policy Directive was revised effective May 3, 2023, to incorporate requirements of the SBIR and STTR Extension Act of 2022. 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”.

Small business concerns must submit Attachment 2 “Disclosures of Foreign Affiliations or Relationships to Foreign Countries (Version 2)” of this BAA in Volume 5 of the proposal submission. Previous versions of Attachment 2 or versions created by other Federal agencies will not be accepted. All small business concern identifying information requested in Attachment 2 must be provided and all questions must be answered. Attachment 2 must also be signed, certifying information provided is accurate and complete. The Government may require the proposing small business concerns to provide additional information to assist the Government in evaluating the small business concerns’ disclosures in Attachment 2.

Small business concerns who: 1) fail to submit Attachment 2 in Volume 5 of the proposal submission; 2) do not use Attachment 2, version 2, as provided in this BAA; 3) do not provide their complete identifying information or do not completely answer all questions in Attachment 2; 4) fail to provide the Government additional information regarding Attachment 2 when requested; or, 5) fail to sign Attachment 2, **will be deemed noncompliant and will not receive an evaluation of their proposal.**

In accordance with Section 4 of the SBIR and STTR Extension Act of 2022, the DoD 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 following: cybersecurity practices; patent analysis; employee analysis and foreign ownership 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](https://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”
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

Although each DoD Component develops SBIR and STTR topics that are mission-oriented to their programs, 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 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/OUSDRE\\_SBIR\\_STTR\\_CRITICAL\\_TECH\\_AREAS.PDF](https://media.defense.gov/2023/Mar/21/2003183351/-1/-1/1/OUSDRE_SBIR_STTR_CRITICAL_TECH_AREAS.PDF).

### 2.4 Three Phase Program

The SBIR 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 SBIR Program. Phase I awards are made in accordance with current SBA Policy Directive guidelines. 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 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 results of their Phase I effort and/or the scientific merit, technical merit, and commercialization potential of the Phase II proposal.

Phase II awards are made in accordance with the current SBA Policy Directive guidelines. 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 small business concern is required to obtain funding from either the private sector, a non-SBIR 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. SBIR Phase III refers to work that derives from, extends, or completes an effort made under prior SBIR funding agreements, but is funded by sources other than the SBIR Program. Phase III work is typically oriented towards commercialization of SBIR research or technology.

## **2.5 Program on Innovation Open Topics**

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

- (A) increase the transition of commercial technology to the DoD;
- (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 DoD needs.

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 SBIR/STTR Policy Directive, the Federal Acquisition Regulation (FAR) and other cited regulations apply for the purposes of this BAA:

### **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**

Research and development conducted jointly by a small business concern and a research institution. For purposes of the STTR Program, 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. For purposes of the SBIR Program, this refers to work conducted by a research institution as a subcontractor to the small business concern. At least two-thirds of the research and/or analytical work in Phase I must be conducted by the proposing small business concern.

## **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.pmdotc.state.gov/ddtc\\_public](https://www.pmdotc.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.

## **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 (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 SBIR 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 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 SBIR 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 firm 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 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.

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 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. 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 proposing 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.

## **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 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](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](http://www.sba.gov/size).)

### **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.

Please note, **this BAA is for Phase I proposals only** unless the Component is participating in the **Direct to Phase II Program**.

### **a. Direct to Phase II**

15 U.S.C. §638 (cc), as amended by NDAA FY2012, Sec. 5106, and further amended by NDAA FY2019, Sec. 854, PILOT TO ALLOW PHASE FLEXIBILITY, allows DoD to make a SBIR Phase II award to a small business concern with respect to a project, without regard to whether the small business concern was provided an award under Phase I of the SBIR program with respect to such project. DoD does not guarantee Direct to Phase II opportunities will be offered in future BAAs.

Each eligible topic requires proposing small business concerns provide documentation to demonstrate feasibility described in the Phase I section of the topic has been met. **Feasibility documentation cannot be based upon or logically extend from any prior or ongoing federally funded SBIR or STTR work.** Work submitted within the feasibility documentation must have been substantially performed by the proposing small business concern and/or the principal investigator. If technology in the feasibility documentation is subject to Intellectual Property (IP), the proposing small business concern must either own the IP or must have obtained license rights to such technology prior to proposal submission, to enable it and its subcontractors to legally carry out the proposed work.

If the proposing small business concern fails to demonstrate technical merit and feasibility equivalent to the Phase I level as described in the associated topic, the related Phase II proposal will not be accepted or evaluated, in accordance with the Component-specific Direct to Phase II instructions.

**Please refer to the Component-specific Direct to Phase II instructions for full details regarding Component Direct to Phase II processes and proposal preparation requirements.**

#### **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 C.F.R §§ 701-705 at time of award and certify to this in the Cover Sheet section 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 concern must meet eligibility requirements for Small Business Ownership and Control (see 13 CFR § 121.702).
- b. A minimum of two-thirds of the research and/or analytical work in Phase I must be conducted by the proposing small business concern. For Phase II, a minimum of one-half (50%) of the research and/or analytical work must be performed by the proposing small business concern. The percentage of work is measured by both direct and indirect costs. Occasionally, deviations from these SBIR requirements may occur, and must be approved in writing by the Funding Agreement officer after consultation with the agency SBIR/STTR program manager/coordinator. For more information on the percentage of work calculation during proposal submission, refer to section 5.3.
- c. For both Phase I and II, the primary employment of the principal investigator must be with the proposing small business concern at the time of the award and during the conduct of the proposed effort. 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 concern with prior SBIR/STTR awards must meet two performance benchmark requirements as determined by the 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 10 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 SBIR 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

#### **4.3 Disclosures Regarding Ties to People’s Republic of China and Other Foreign Countries**

Each proposing small business concern is required to submit Attachment 2 “Disclosures of Foreign Affiliations or Relationships to Foreign Countries (Version 2)” of this BAA in Volume 5 of the proposal submission. Previous versions of Attachment 2 or versions created by other Federal agencies will not be accepted. All small business concern identifying information requested in Attachment 2 must be provided and all questions must be answered. Attachment 2 must also be signed, certifying that information provided is accurate and complete. The Government may require the proposing small business concerns to provide additional information to assist the Government in evaluating the small business concerns’ disclosures in Attachment 2.

Small business concerns who: 1) fail to submit Attachment 2 in Volume 5 of the proposal submission; 2) do not use Attachment 2, version 2, as provided in this BAA; 3) do not provide their complete identifying information or do not completely answer all questions in Attachment 2; 4) fail to provide the Government additional information regarding Attachment 2 when requested; or, 5) fail to sign Attachment 2, **will be deemed noncompliant and will not receive an evaluation of their proposal.**

The disclosure requires the following information:

- (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 concern 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.

#### **4.5 Export-Controlled Topic Requirements**

For proposals submitted under export-controlled topics, either International Traffic in Arms or Export Administration Regulations (ITAR/EAR), a copy of the certified DD Form 2345, Militarily Critical Technical Data Agreement, or evidence of application submission must be included. The form, instructions, and FAQs may be found at the United States/Canada Joint Certification Program website, <https://www.dla.mil/Logistics-Operations/Services/JCP/DD23%2045Instructions/>.

DD Form 2345 approval will be required if a proposal submitted in response to a topic marked as ITAR/EAR is selected for award.

#### **4.6 Majority Ownership in Part by Multiple Venture Capital, Hedge Fund, and Private Equity Firms**

Unless otherwise noted in the participating Component instructions, proposing small business concerns 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.

## 4.7 Conflicts of Interest

Contract awards to proposing small business concern 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.

## 4.8 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 (sub-awardee, 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 prohibiting 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. 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; 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 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 a proposer 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 proposer's OCI mitigation plan, the Government may reject the proposal and withdraw it from consideration for award.

#### **4.9 Classified Proposals**

Classified proposals will not be accepted under the DoD SBIR Program. If topics will require classified work during Phase II, the proposing small business concern must have a facility clearance 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/>.

#### **4.10 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 Federal-wide 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.

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 to avoid potential delay of contract award.**

#### **4.11 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 to avoid potential delay of contract award.**

#### **4.12 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.

#### **4.13 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.

#### **4.14 Pre-Award and Post Award BAA Protests**

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

Protests exclusively related to the terms of this BAA must be served to:  
[osd.ncr.ousd-r-e.mbx.SBIR-STTR-Protest@mail.mil](mailto:osd.ncr.ousd-r-e.mbx.SBIR-STTR-Protest@mail.mil)

For the purposes of a protest related to a particular topic selection, non-selection or award decision, protests should be served to the point-of-contact (POC) listed in the instructions of the DoD Component that authored the topic.

For protests filed with the Government Accountability Office (GAO), a copy of the protest shall be submitted to the email address listed above (pre-award ONLY) or DoD Component POC (selection/award decision ONLY) within one day of filing with the GAO. Protests of small business status of a selected proposing small business concern may also be made to the SBA.

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

#### 4.15 Award Information

All 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, scientists or subject matter experts 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 each topic. It also may elect to fund several or none of the proposed approaches to the same topic.

- a. **Number of Awards.** The number of awards will be consistent with the Component's RDT&E budget. No contracts will be awarded until evaluation of all qualified proposals for a specific topic is completed.
- b. **Type of Funding Agreement.** Each proposal selected for negotiation and possible 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 proposing small business concerns 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.** Contract value varies among the DoD Components; it is 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 an award by the DoD Component that originated the topic no later than 90 days of the closing date for this BAA. Please refer to the Component-specific instructions for details.

The SBA SBIR/STTR Policy Directive, Section 7(c)(1)(ii), states agencies should issue the award no more than 180 days after the closing date of the BAA.

#### 4.16 Questions about this BAA and BAA Topics

##### a. General SBIR Questions/Information.

###### (1) DSIP Support:

Email DSIP Support at [DoDSBIRSupport@reisystems.com](mailto: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 originated the topic in accordance with the Component-specific instructions given at the beginning of that Component's topics.

###### (2) Websites:

DSIP (<https://www.dodsbirsttr.mil/submissions/login>) 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.  
Proposing 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 (<https://www.defensesbirsttr.mil/>) 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 email updates on the DoD SBIR and STTR Programs, subscribe to the Listserv by selecting “DSIP Listserv” under Quick Links on the DSIP login page.

- General Questions about a DoD Component.** Questions pertaining to a particular DoD Component or the Component-specific BAA instructions should be submitted in accordance with the instructions given at the beginning of that Component's topics.
- Direct Contact with Topic Authors.** From **April 17, 2024 – May 15, 2024**, this BAA is issued for pre-release with the names of the topic authors and their phone numbers and email addresses. During the pre-release period, proposing small business concerns have an opportunity to contact topic authors by telephone or email 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.
- Topic Q&A.** Once DoD begins accepting proposals on **May 15, 2024**, 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. 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 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).

The Topic Q&A for this BAA opens on **April 17, 2024**, and closes to new questions on **June 5, 2024, at 12:00 PM ET**. Once the BAA closes to proposal submission, no communication of any kind with the topic author or through Topic Q&A regarding your submitted proposal is allowed.

**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.**

#### **4.17 Registrations and Certifications**

Individuals from proposing small business concerns must be registered in the DSIP 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 the sharing of accounts and passwords is a violation of the Terms of Use for Login.gov and DoD policy.**

Please note 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 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](http://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.

The Federal Government will use the Unique Entity ID (SAM) to identify organizations doing business with the Government. The DUNS number will no longer be a valid identifier. If the proposing 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 proposing small business concerns with established Defense SBIR/STTR Innovation Portal (DSIP) accounts, update the small business concern profile with the UEI (SAM) as soon as possible.**

For new proposing 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 proposing small business concern's profile on the DSIP at <https://www.dodsbirsttr.mil/submissions/>.

In addition to the standard federal and DoD procurement certifications, the SBA SBIR Policy Directive requires the collection of certain information from proposing small business concerns at time of award and during the award life cycle. Each proposing 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.

#### **4.18 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.

#### **4.19 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 negotiation for contracts 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 5.3.c(11).

#### **4.20 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 DoD, Office of Inspector General Hotline ("Defense Hotline") is an important avenue for reporting fraud, waste, abuse, and mismanagement within the DoD. 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 <https://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 email addressed to [hotline@dodig.mil](mailto:hotline@dodig.mil).

#### 4.21 State and Other Assistance Available

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

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

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

#### 4.22 Discretionary Technical and Business Assistance (TAB A)

DoD has not 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. The 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 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 proposing small business concerns register as soon as possible upon identification of a proposal opportunity to avoid delays in the proposal submission process.

**This information in this section is applicable to Phase I proposals only.** If the Component is participating in the **Direct to Phase II Program**, refer to the Component-specific Direct to Phase II instructions for more information on proposal preparation.

**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
- 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
- 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. Other supporting documentation (Refer to Component-specific instructions for additional Volume 5 requirements)

**A completed proposal submission in DSIP does NOT indicate the mandatory supporting documents have been uploaded. It is the responsibility of the proposing small business concern to ensure 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 6: Fraud, Waste and Abuse training

**DO NOT lock, password protect, or encrypt any files uploaded to DSIP.**

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 data in their proposals 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 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 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 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, a letter of explanation or approval by the Funding Agreement officer must be uploaded to the certification question to complete the submission. Some DoD Components will not accept any deviations from the POW minimum requirements. Please refer to the Component instructions regarding acceptance of deviations to the POW requirements.

#### 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 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 proposing small business concern name, topic number, and proposal number assigned by 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. If 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 the proper approvals have been obtained (see Sections 4.9 - 4.11). **Small Business Concerns proposing research involving human and/or animal use are encouraged to separate these tasks in the technical proposal and cost proposal 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:

- 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 proposing small business concern'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 SBIR project your proposing small business concern 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. The proposal may be deemed nonresponsive if the requested information is not provided. The proposing small business concerns should report all individuals expected to be involved on this project considered a foreign national as defined in Section 3 of the BAA. You may be asked to provide additional information during negotiations to verify the foreign citizen's eligibility to participate on a SBIR 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 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.

- (10) **Subcontractors/Consultants.** Involvement of a university or other subcontractors or consultants in the project may be appropriate. If such involvement is intended, it should be identified and described to the same level of detail as the prime contractor costs. A minimum of two-thirds 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. SBIR 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 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 DSIP. Some items in the cost breakdown may not apply to the proposed project. There is no need to provide information on each individual 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.
- (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; 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.

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 proposing small business concern 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.

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 proposing 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)**

Volume 5 is provided for proposing small business concerns to submit additional documentation to support the Coversheet (Volume 1), 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)

**A completed proposal submission in DSIP does NOT indicate 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.**

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. DD Form 2345, if applicable (see section 4.5)
9. 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 proposing small business concern representative. The DFARS provisions and clause may be found in BAA Attachment 1. **These certifications must be signed by the authorized proposing small business concern 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. The 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 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 DoD will review all proposals submitted in response to this BAA to assess security risks presented by small business concerns seeking a Federally funded

award.

Small business concerns must submit Attachment 2 “Disclosures of Foreign Affiliations or Relationships to Foreign Countries (Version 2)” of this BAA in Volume 5 of the proposal submission. Previous versions of Attachment 2 or versions created by other Federal agencies will not be accepted. All small business concern identifying information requested in Attachment 2 must be provided and all questions must be answered. Attachment 2 must also be signed, certifying that information provided is accurate and complete. The Government may require the proposing small business concerns to provide additional information to assist the Government in evaluating the small business concerns’ disclosures in Attachment 2.

Small business concerns who: 1) fail to submit Attachment 2 in Volume 5 of the proposal submission; 2) do not use Attachment 2, version 2, as provided in this BAA; 3) do not provide their complete identifying information or do not completely answer all questions in Attachment 2; 4) fail to provide the Government additional information regarding Attachment 2 when requested; or, 5) fail to sign Attachment 2, **will be deemed noncompliant and will not receive an evaluation of their proposal.** DO NOT lock, password protect or encrypt the form when uploading to Volume 5 in DSIP.

For additional details, please refer to Section 2.2 and 4.3.

i. **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 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 proposing 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 given the contract type to be awarded, 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 proposals will be considered during evaluation.

Technical reviewers will base their conclusions only on information contained in the proposal. It cannot be assumed reviewers are acquainted with the proposing 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**

Unless the Component is participating in Direct to Phase II, 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, will be rejected without evaluation. Phase II proposal preparation and submission instructions will be provided by the DoD Components to Phase I awardees.

### **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 numerous federal program BAAs and solicitations, it is unlawful to enter negotiation for 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 proposing 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 solicitation for SBIR may transition in Phase II to STTR and vice versa. A proposing 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 proposing small business concern contain marketing expertise and, if not, how will that expertise be brought into the small business concern?
- (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 proposing small business concern 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.

### **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**

To reduce risk to the small business and avoid potential contracting delays, companies interested in pursuing Phase II SBIR contracts and other contracts of similar size with the 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 SBIR 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 SBIR funding if the proposing small business concern can match the additional SBIR funds with non-SBIR 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 established 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 has 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](mailto: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 examples below are 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 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 (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, regardless of medium (e.g., film, tape, document), pertaining to any part of this contract or any program related to this contract except within and between the Contractor and any subcontractors, of unclassified and non-fundamental information 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 22.2803.
- 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. 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](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 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 Federal Acquisition Supply Chain Security Act (FASCSA) Orders

FAR 52.204-29 Federal Acquisition Supply Chain Security Act Orders—Representation and Disclosures and FAR 52.204-30 Federal Acquisition Supply Chain Security Act Orders—Prohibition are included in this solicitation. In accordance with FAR 52.204-29 and FAR 52.204-30, proposers must review FASCSA orders at <https://sam.gov/content/supplychainorders> for covered articles, or any products or services produced or provided by a source, that are prohibited by an applicable FASCSA order.



During contract performance, the Contractor shall review SAM.gov at least once every three months, or as advised by the Contracting Officer, to check for covered articles or for products or services produced by a source subject as part of any new FASCSCA order(s) that could impact their supply chain, and report to the Contracting Officer if any covered article or product or service produced or provided by a source was provided to the Government or used during contract performance.

**By submission of a proposal in response to this BAA, the proposing small business concern represents that it has conducted a reasonable inquiry, and that the small business concern does not propose to provide or use in response to this BAA any covered article, or any products or services produced or provided by a source, if the covered article or the source is prohibited by an applicable FASCSCA order in effect on the date the BAA was issued.**

FULL TEXT:

**FAR 52.204-29 Federal Acquisition Supply Chain Security Act Orders—Representation and Disclosures (Dec 2023)**

(a) *Definitions.* As used in this provision, *Covered article*, *FASCSCA order*, *Intelligence community*, *National security system*, *Reasonable inquiry*, *Sensitive compartmented information*, *Sensitive compartmented information system*, and *Source* have the meaning provided in the clause [52.204-30](#), Federal Acquisition Supply Chain Security Act Orders—Prohibition.

(b) *Prohibition.* Contractors are prohibited from providing or using as part of the performance of the contract any covered article, or any products or services produced or provided by a source, if the prohibition is set out in an applicable Federal Acquisition Supply Chain Security Act (FASCSCA) order, as described in paragraph (b)(1) of FAR [52.204-30](#), Federal Acquisition Supply Chain Security Act Orders—Prohibition.

(c) *Procedures.*

(1) The Offeror shall search for the phrase “FASCSCA order” in the System for Award Management (SAM)( <https://www.sam.gov>) for any covered article, or any products or services produced or provided by a source, if there is an applicable FASCSCA order described in paragraph (b)(1) of FAR [52.204-30](#), Federal Acquisition Supply Chain Security Act Orders—Prohibition.

(2) The Offeror shall review the solicitation for any FASCSCA orders that are not in SAM, but are effective and do apply to the solicitation and resultant contract (see FAR [4.2303](#)(c)(2)).

(3) FASCSCA orders issued after the date of solicitation do not apply unless added by an amendment to the solicitation.

(d) *Representation.* By submission of this offer, the offeror represents that it has conducted a reasonable inquiry, and that the offeror does not propose to provide or use in response to this solicitation any covered article, or any products or services produced or provided by a source, if the covered article or the source is prohibited by an applicable FASCSCA order in effect on the date the solicitation was issued, except as waived by the solicitation, or as disclosed in paragraph (e).

(e) *Disclosures.* The purpose for this disclosure is so the Government may decide whether to issue a waiver. For any covered article, or any products or services produced or provided by a source, if the covered article or the source is subject to an applicable FASCSCA order, and the Offeror is unable to represent compliance, then the Offeror shall provide the following information as part of the offer:

(1) Name of the product or service provided to the Government;

(2) Name of the covered article or source subject to a FASCSA order;

(3) If applicable, name of the vendor, including the Commercial and Government Entity code and unique entity identifier (if known), that supplied the covered article or the product or service to the Offeror;

(4) Brand;

(5) Model number (original equipment manufacturer number, manufacturer part number, or wholesaler number);

(6) Item description;

(7) Reason why the applicable covered article or the product or service is being provided or used;

(f) *Executive agency review of disclosures.* The contracting officer will review disclosures provided in paragraph (e) to determine if any waiver may be sought. A contracting officer may choose not to pursue a waiver for covered articles or sources otherwise subject to a FASCSA order and may instead make an award to an offeror that does not require a waiver

(End of clause)

#### **FAR 52.204-30 Federal Acquisition Supply Chain Security Act Orders—Prohibition**

**(a) Definitions. As used in this clause—** <https://www.acquisition.gov/far/52.204-30>.

**(b) Prohibition.**

(1) Unless an applicable waiver has been issued by the issuing official, Contractors shall not provide or use as part of the performance of the contract any covered article, or any products or services produced or provided by a source, if the covered article or the source is prohibited by an applicable FASCSA orders as follows:

(i) For solicitations and contracts awarded by a Department of Defense contracting office, DoD FASCSA orders apply.

(ii) For all other solicitations and contracts DHS FASCSA orders apply.

(2) The Contractor shall search for the phrase “FASCSA order” in the System for Award Management (SAM) at <https://www.sam.gov> to locate applicable FASCSA orders identified in paragraph (b)(1).

(3) The Government may identify in the solicitation additional FASCSA orders that are not in SAM, which are effective and apply to the solicitation and resultant contract.

(4) A FASCSA order issued after the date of solicitation applies to this contract only if added by an amendment to the solicitation or modification to the contract (see FAR [4.2304\(c\)](#)). However, see paragraph (c) of this clause.

(5)

(i) If the contractor wishes to ask for a waiver of the requirements of a new FASCSA order being applied through modification, then the Contractor shall disclose the following:

(A) Name of the product or service provided to the Government;

(B) Name of the covered article or source subject to a FASCSA order;

(C) If applicable, name of the vendor, including the Commercial and Government Entity code and unique entity identifier (if known), that supplied or supplies the covered article or the product or service to the Offeror;

(D) Brand;

(E) Model number (original equipment manufacturer number, manufacturer part number, or wholesaler number);

(F) Item description;

(G) Reason why the applicable covered article or the product or service is being provided or used;

(ii) *Executive agency review of disclosures.* The contracting officer will review disclosures provided in paragraph (b)(5)(i) to determine if any waiver is warranted. A contracting officer may choose not to pursue a waiver for covered articles or sources otherwise covered by a FASCSA order and to instead pursue other appropriate action.

(c) *Notice and reporting requirement.*

(1) During contract performance, the Contractor shall review *SAM.gov* at least once every three months, or as advised by the Contracting Officer, to check for covered articles subject to FASCSA order(s), or for products or services produced by a source subject to FASCSA order(s) not currently identified under paragraph (b) of this clause.

(2) If the Contractor identifies a new FASCSA order(s) that could impact their supply chain, then the Contractor shall conduct a reasonable inquiry to identify whether a covered article or product or service produced or provided by a source subject to the FASCSA order(s) was provided to the Government or used during contract performance.

(3)

(i) The Contractor shall submit a report to the contracting office as identified in paragraph (c)(3)(ii) of this clause, if the Contractor identifies, including through any notification by a subcontractor at any tier, that a covered article or product or service produced or provided by a source was provided to

the Government or used during contract performance and is subject to a FASCSCA order(s) identified in paragraph (b) of this clause, or a new FASCSCA order identified in paragraph (c)(2) of this clause. For indefinite delivery contracts, the Contractor shall report to both the contracting office for the indefinite delivery contract and the contracting office for any affected order.

(ii) If a report is required to be submitted to a contracting office under (c)(3)(i) of this clause, the Contractor shall submit the report as follows:

(A) If a Department of Defense contracting office, the Contractor shall report to the website at <https://dibnet.dod.mil>.

(B) For all other contracting offices, the Contractor shall report to the Contracting Officer.

(4) The Contractor shall report the following information for each covered article or each product or service produced or provided by a source, where the covered article or source is subject to a FASCSCA order, pursuant to paragraph (c)(3)(i) of this clause:

(i) Within 3 business days from the date of such identification or notification:

(A) Contract number;

(B) Order number(s), if applicable;

(C) Name of the product or service provided to the Government or used during performance of the contract;

(D) Name of the covered article or source subject to a FASCSCA order;

(E) If applicable, name of the vendor, including the Commercial and Government Entity code and unique entity identifier (if known), that supplied the covered article or the product or service to the Contractor;

(F) Brand;

(G) Model number (original equipment manufacturer number, manufacturer part number, or wholesaler number);

(H) Item description; and

(I) Any readily available information about mitigation actions undertaken or recommended.

(ii) Within 10 business days of submitting the information in paragraph (c)(4)(i) of this clause:

(A) Any further available information about mitigation actions undertaken or recommended.

(B) In addition, the Contractor shall describe the efforts it undertook to prevent submission or use of the covered article or the product or service produced or provided by a source subject to an applicable FASCSA order, and any additional efforts that will be incorporated to prevent future submission or use of the covered article or the product or service produced or provided by a source that is subject to an applicable FASCSA order.

(d) *Removal.* For Federal Supply Schedules, Governmentwide acquisition contracts, multi-agency contracts or any other procurement instrument intended for use by multiple agencies, upon notification from the Contracting Officer, during the performance of the contract, the Contractor shall promptly make any necessary changes or modifications to remove any product or service produced or provided by a source that is subject to an applicable FASCSA order.

(e) *Subcontracts.*

(1) The Contractor shall insert the substance of this clause, including this paragraph (e) and excluding paragraph (c)(1) of this clause, in all subcontracts and other contractual instruments, including subcontracts for the acquisition of commercial products and commercial services.

(2) The Government may identify in the solicitation additional FASCSA orders that are not in SAM, which are effective and apply to the contract and any subcontracts and other contractual instruments under the contract. The Contractor or higher-tier subcontractor shall notify their subcontractors, and suppliers under other contractual instruments, that the FASCSA orders in the solicitation that are not in SAM apply to the contract and all subcontracts.

(End of clause)

### **8.3 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.

### **8.4 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.

## **8.5 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.

## **8.6 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.

## **8.7 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 U.S.C. § 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 Section 8.7, Invention Reporting.

## **8.8 Invention Reporting**

SBIR 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](http://www.iedison.gov) for those agencies participating in iEdison.

## **8.9 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 SBIR data. During the license period, the Government may not release or disclose SBIR 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 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."

If a proposing small business concern plans to submit assertions in accordance with DFARS 252.227-7017 Class Deviation 2020-O0007, 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.

### 8.10 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 are available 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 proposing small business concern in its Phase II proposal to report Phase I progress may also be used in the final report.

- (2) For each unclassified report, the proposing small business concern 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 Program Office."

*Note: Data developed under a SBIR contract is subject to SBIR Data Rights which allow for protection under DFARS 252.227-7018 Class Deviation 2020-O0007 (see Section 8.5, Technical Data Rights). The sponsoring DoD activity, after reviewing the proposing small business concern'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](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 SBIR contract for topic [insert BAA topic number. [Follow with the topic title, if possible.]]" The abstract must identify the purpose of the 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 "SBIR 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)  
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 SBIR Data Rights protected under DFARS 252.227-7018 Class Deviation 2020-O0007.



**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	
Small Business Concern 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”.

(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:

(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.

“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 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)

**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  
(Version 2)**

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. Small business concerns who: 1) fail to submit this form in Volume 5 of the Defense SBIR/STTR Innovation Portal (DSIP) proposal submission; 2) do not use this form, version 2, as provided herein; 3) do not provide their complete identifying information in the table below or do not completely answer all questions in this form; 4) fail to provide the Government additional information regarding this form when requested; or, 5) fail to sign this form, **will be deemed noncompliant and will not receive an evaluation of their proposal.** DO NOT lock, password protect or encrypt this form when uploading to Volume 5 in DSIP.

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	

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.

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

Name of person authorized to sign: \_\_\_\_\_

Signature of person authorized: \_\_\_\_\_

Date: \_\_\_\_\_

**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

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.

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## 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



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-

(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 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).

**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

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-

(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: \_\_.*]

(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.

(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)