DEPARTMENT OF DEFENSE
SMALL BUSINESS INNOVATION RESEARCH (SBIR) PROGRAM
SBIR 21.3 Program Broad Agency Announcement (BAA)

August 25, 2021: DoD BAA issued for pre-release
September 21, 2021: DoD begins accepting proposals
October 21, 2021: Deadline for receipt of proposals no later than **12:00 p.m. ET**

Participating DoD Components:

- Department of Army (Army)
- Department of Navy (Navy)
- Chemical and Biological Defense (CBD)
- Defense Health Agency (DHA)
- Defense Logistics Agency (DLA)
- Missile Defense Agency (MDA)
- National Geospatial-Intelligence Agency (NGA)
- Office of the Secretary of Defense – Joint Service Small Arms Program (OSD – JSSAP)
- Strategic Capabilities Office (SCO)
- United States Special Operations Command (USSOCOM)

IMPORTANT

Deadline for Receipt: Complete proposals must be certified and submitted in DSIP no later than **12:00 PM** ET on **October 21, 2021**. 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 in order 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 the Defense SBIR/STTR Innovation Portal (DSIP) sites are designed to reduce the time and cost required to prepare a formal proposal. DSIP is the official portal for DoD SBIR/STTR proposal submission. 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. Firms are required to register for a Login.gov account and link it to their DSIP account. See section 4.14 for more information regarding registration.

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

SBIR/STTR Updates and Notices: To be notified of SBIR/STTR opportunities and to receive e-mail updates on the DoD SBIR and STTR Programs, 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: Visit the Learning & Support section of DSIP at https://www.dodsbirsttr.mil/submissions/learning-support/faqs for DoD SBIR or STTR program-related information. Email the DSIP Help Desk at DoDSBIRSupport@reisystems.com only for assistance with using DSIP. Questions regarding DSIP may be emailed to the DSIP Help Desk 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). See section 4.13 for information on where to direct other BAA and topic-related questions.

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Department of Army (Army Fundamentals)	000
Department of Navy (Navy)	000
Chemical and Biological Defense (CBD)	000
Defense Health Agency (DHA)	000
Defense Logistics Agency (DLA)	000
Missile Defense Agency (MDA)	000
National Geospatial-Intelligence Agency (NGA)	000
Office of the Secretary of Defense – Joint Service Small Arms Program (OSD-JSSAP)	000
Strategic Capabilities Office (SCO)	000
United States Special Operations Command (USSOCOM)	000

1.0 INTRODUCTION

Army (Fundamentals), Navy, CBD, DHA, DLA, NGA, SCO, and USSOCOM, hereafter referred to as DoD Components, invite small business firms to submit proposals under this BAA for the Small Business Innovation Research (SBIR) Program. Firms 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 the Component is participating in the **Direct to Phase II Program**. Missile Defense Agency (MDA), Joint Service Small Arms Program (OSD-JSSAP), SCO, and USSOCOM are offering Direct to Phase II topics for this BAA – see the Component-specific instructions for more information.

A separate BAA will not be issued requesting Phase II proposals, and unsolicited proposals will not be accepted. All firms 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 firm 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 the availability of funds. DoD is not responsible for any monies expended by the proposer before the issuance of any award.

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 Technology and Program Protection to Maintain Technological Advantage

In accordance with DoD Instruction 5000.83, Technology and Program Protection to Maintain Technological Advantage, dated July 20, 2020, and as a means to counter the threat from strategic competitor nations, the DoD will employ risk-based measures to protect systems and technologies from adversarial exploitation and compromise of U.S. military vulnerabilities and weaknesses in: (1) systems, (2) components, (3) software, (4) hardware, and (5) supply chains. Any offeror submitting a proposal under this BAA will be required to disclose via self-report any foreign ownership or control. Offerors shall also require any proposed subcontractors included in their proposal under this BAA to disclose via self-report any foreign ownership or control. Reporting and disclosing such information will enable the DoD to identify national security risks posed by foreign participation, through investment, ownership, or influence, in the defense industrial base. This information will be used by DoD program offices to determine risks posed by SBIR contract awardees and their subcontractors to the DoD and the defense industrial base.

OUSD(R&E) Modernization Priorities

Focus Area	Description
5G	Technologies enabling the 5G spectrum to increase speed over current networks, to be more resilient and less susceptible to attacks, and to improve military communication and situational awareness.
Artificial Intelligence (AI)/ Machine Learning (ML)	Systems that perceive, learn, decide, and act on their own. Machine-learning systems with the ability to explain their rationale, characterize their strengths and weaknesses, and convey understanding of how they will behave in the future.
Autonomy	Technology that can deliver value by mitigating operational challenges such as: rapid decision making; high heterogeneity and/or volume of data; intermittent communications; high complexity of coordinated action; danger to mission; and high persistence and endurance.
Biotechnology	Biotechnology is any technological application that harnesses cellular and biomolecular processes. Most current biotech research focuses on agent detection, vaccines, and treatment. Future advances in biotechnology will improve the protection of both the general public and military personnel from biological agents, among numerous other potential applications.
Cybersecurity	Prevention of damage to, protection of, and restoration of computers, electronic communications systems, electronic communications services, wire communication, and electronic communications, including information contained therein, to ensure its availability, integrity, authentication, confidentiality, and nonrepudiation.
Directed Energy (DE)	Technologies related to production of a beam of concentrated electromagnetic energy, atomic, or subatomic particles.
Hypersonics	Innovative concepts or technologies that enable, or directly support, weapons or aircraft that fly at or near hypersonic speeds and/or innovation that allows for enhancing defensive capability against such systems.
Microelectronics	Critical microcircuits used in covered systems, custom-designed, custom-manufactured, or tailored for specific military application, system, or environment.
Networked Command, Control, and Communications (C3)	Fully networked command control and communications including: command and control (C2) interfaces, architectures, and techniques (e.g., common software interfaces and functional architectures and improved C2 processing/decision making techniques); communications terminals (e.g., software-defined radio (SDRs)/apertures with multiple networks on the same band and multi-functional systems); and apertures and networking technologies (e.g., leveraging/managing a diverse set of links across multiple band and software defined networking/ network slicing).
Nuclear	Technologies supporting the nuclear triad-including nuclear command, control, and communications, and supporting infrastructure. Modernization of the nuclear force includes developing options to counter competitors' coercive strategies, predicated on the threatened use of nuclear or strategic non-nuclear attacks.
Quantum Science	Technologies related to matter and energy on the atomic and subatomic level. Areas of interest: clocks and sensors; networks; computing enabling technologies (e.g., low temperature amplifiers, cryogenics, superconducting circuits, photon detectors); communications (i.e., sending/receiving individual photons); and manufacturing improvements.
Space	Technologies supporting space, or applied to a space environment.
General Warfighting Requirements (GWR)	Warfighting requirements not meeting the descriptions above; may be categorized into Reliance 21 areas of interest.

The DoD SBIR/STTR Programs follow the policies and practices of the Small Business Administration (SBA) SBIR/STTR Policy Directive updated on October 1, 2020. 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 at: https://www.sbir.gov/sites/default/files/SBA_SBIR_STTR_POLICY_DIRECTIVE_OCT_2020_0.pdf.

2.3 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 the SBA Policy Directive guidelines, current version. The period of performance is generally between six to twelve months with twelve months being the maximum period allowable. Proposals should concentrate on research or research and development which will significantly contribute to proving the scientific and technical feasibility, and commercialization potential of the proposed effort, the successful completion of which is a prerequisite for further DoD support in Phase II. Proposers 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 firms on the basis of 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 SBA Policy Directive guidelines, current version. The period of performance is generally 24 months. Phase II is the principal research or research and development effort and is expected to produce a well-defined deliverable prototype. A Phase II contractor may receive up to one additional, sequential Phase II award for continued work on the project.

Under Phase III, the Proposer 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.

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 firm.

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.pmddtc.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.

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 into between any Federal Agency and any small business concern for the performance of experimental, developmental, or research work, including products or services, funded in whole or in part by the Federal Government. Only the contract method 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).

Performance Benchmark Requirements for Phase I

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. Additional information on performance benchmarking for Phase I applicants can be found at https://www.sbir.gov/performance-benchmarks.

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 small business firm 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 small business firm 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 information that you provide which constitutes a trade secret, proprietary commercial or financial information, confidential personal information or data affecting the national security.

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. Proposers 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. 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.)

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 firm 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. Missile Defense Agency (MDA), Joint Service Small Arms Program (OSD-JSSAP), SCO, and USSOCOM are conducting a "Direct to Phase II" implementation of this authority for select topics under this BAA. DoD does not guarantee Direct to Phase II opportunities will be offered in future BAAs.

Each eligible topic requires that proposers 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 proposer and/or the PI. If technology in the feasibility documentation is subject to Intellectual Property (IP), the proposer 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 proposer 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 Proposer Eligibility and Performance Requirements

a. Each proposer 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). Proposers must meet eligibility requirements for Small Business Ownership and Control (see 13 CFR § 121.702 and Section 4.4 of this BAA).

b. A minimum of two-thirds of the research and/or analytical work in Phase I must be conducted by the proposing firm. For Phase II, a minimum of one-half (50%) of the research and/or analytical work must be performed by the proposing firm. The percentage of work is measured by both direct and indirect costs.

c. For both Phase I and II, the primary employment of the principal investigator must be with the small business firm 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**. Proposers with prior SBIR/STTR awards must meet two benchmark requirements for Progress towards Commercialization as determined by the Small Business Administration (SBA) on June 1 each year.

(1) Phase I to Phase II Transition Rate: For all proposers 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 proposers with greater than 15 Phase II awards over the last ten fiscal years excluding the last two years, the proposer 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.

Consequence of failure to meet the benchmarks:

- SBA will identify and notify Agencies on June 1st of each year the list of companies which fail to meet minimum performance requirements. These companies will not be eligible to submit a proposal for a Phase I or Direct to Phase II award for a period of one year from that date.
- Because this requirement only affects a company's eligibility for new Phase I or Direct to Phase II awards, a company that fails to meet minimum performance requirements may continue working on its current ongoing SBIR/STTR awards and may apply for and receive new Phase II and Phase III awards.
- To provide companies with advance warning, SBA notifies companies on April 1st if they are failing the benchmarks. If a company believes that the information used was not complete or accurate, it may provide feedback through the SBA Company Registry at www.sbir.gov.
- In addition, SBA has posted a Guide to SBIR/STTR Program Eligibility to help small businesses understand program eligibility requirements, determine if they will be eligible at the time of award, and accurately complete necessary certifications.
- The benchmark information on the companies will not be available to the public.
- More detail is available at https://www.sbir.gov/performance-benchmarks.

4.3 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. Proposers must disclose joint ventures with existing (or planned) relationships/partnerships with any foreign entity or any foreign government-controlled companies.

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

Unless otherwise noted in the participating Component instructions, small businesses that are owned in majority part by multiple venture capital operating companies (VCOCs), hedge funds, or private equity funds are ineligible to submit applications or receive awards for opportunities in this BAA. Component instructions will specify if participation by a small business majority owned in part by VCOCs, hedge funds, or private equity funds is allowable for a specific topic in the BAA. If a Component authorizes such participation, any proposer 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 proposer, whether such equity stake is directly or indirectly held. The proposer 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.

4.5 Conflicts of Interest

Contract awards to firms 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.

4.6 Organizational Conflicts of Interest

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

Agency Supplemental OCI Policy
In addition, DoD Components may have a supplemental OCI policy that prohibits contractors/performers from concurrently providing Scientific Engineering Technical Assistance (SETA), Advisory and Assistance Services (A&AS) or similar support services and being a technical performer. Therefore, as part of the FAR 9.5 disclosure requirement above, a proposer must affirm whether the proposer 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 that are determined selectable under the BAA evaluation criteria and funding availability.

The Government may require proposers to provide additional information to assist the Government in evaluating the proposer's OCI mitigation plan.

If the Government determines that 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.

4.7 Classified Proposals

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

4.8 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. Proposers 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 in order to avoid potential delay of contract award.**

4.9 Research Involving Animal Subjects

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

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

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

4.10 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.

4.11 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.

4.12 Pre-Award and Post Award BAA Protests

Interested parties have the right to protest as prescribed in FAR 33.106(b) and FAR 52.233-2. For purposes of pre-award protests related to the terms of this BAA, protests should be served to the Contracting Officer (listed below).

Ms. Chrissandra Smith
DoD SBIR/STTR BAA Contracting Officer
E-mail: chrissandra.smith.civ@mail. mil

NOTE: CONTACT FOR PROTESTS ONLY. All other inquiries will not be answered or considered.

Washington Headquarters Services (WHS)
Acquisition Directorate
1155 Defense Pentagon
Washington, DC 20301-1155

For the purposes of a protest related to a 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 Contracting Officer 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 firm may also be made to the Small Business Administration.

4.13 Phase I Award Information

All Phase I proposals will be evaluated and judged on a competitive basis. Proposals will be initially screened to determine responsiveness. Proposals passing this initial screening will be technically evaluated by engineers or scientists to determine the most promising technical and scientific approaches. Each proposal will be judged on its own merit. DoD is under no obligation to fund any proposal or any specific number of proposals in a given topic. It also may elect to fund several or none of the proposed approaches to the same topic.

a. **Number of Phase I Awards**. The number of Phase I awards will be consistent with the Component's RDT&E budget. No Phase I contracts will be awarded until evaluation of all qualified proposals for a specific topic is completed.

b. **Type of Funding Agreement**. Each Phase I proposal selected for award will be funded under negotiated contracts or purchase orders and will include a reasonable fee or profit consistent with normal profit margins provided to profit-making firms for R/R&D work. Firm-Fixed-Price, Firm-Fixed-Price Level of Effort, Labor Hour, Time & Material, or Cost-Plus-Fixed-Fee type contracts can be negotiated and are at the discretion of the Component Contracting Officer.

c. **Dollar Value**. The Phase I contract value varies among the DoD Components; it is therefore important for proposing firms to review Component-specific instructions regarding award size.

d. **Timing**. Proposing firms will be notified of selection or non-selection status for a Phase I award by the DoD Component that originated the topic within 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 that agencies should issue the Phase I award no more than 180 days after the closing date of the BAA. However, across DoD, the median time between the date that the SBIR BAA closes and the award of a Phase I contract is approximately four months.

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 award information.

4.14 Questions about this BAA and BAA Topics

a. **General SBIR Questions/Information**.

(1) **DSIP Help Desk**:
Email the DSIP Help Desk at DoDSBIRSupport@reisystems.com for assistance with using DSIP. Questions regarding DSIP can be emailed to the DSIP Help Desk 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).

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

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

DoD SBIR/STTR website at https://rt.cto.mil/rtl-small-business-resources/sbir-sttr/, which provides the following resources:

- SBIR and STTR Program Opportunities
- Dates for Current and Upcoming Opportunities
- Past SBIR and STTR Program Opportunities

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

b. **General Questions about a DoD Component.** General questions pertaining to a particular DoD Component and the Component-specific BAA instructions should be submitted in accordance with the instructions given at the beginning of that Component's topics, in Section 12.0 of this BAA.

c. **Direct Contact with Topic Authors**. From **August 25, 2021 to September 21, 2021**, this BAA is issued for pre-release with the names of the topic authors and their phone numbers and e-mail addresses. During the pre-release period, proposing firms have an opportunity to contact topic authors by telephone or e-mail to ask technical questions about specific BAA topics. Questions should be limited to specific information related to improving the understanding of a particular topic’s requirements. Proposing firms may not ask for advice or guidance on solution approach and you may not submit additional material to the topic author. If information provided during an exchange with the topic author is deemed necessary for proposal preparation, that information will be made available

to all parties through Topic Q&A. After this period questions must be asked through Topic Q&A as described below.

d. **Topic Q&A.** Once DoD begins accepting proposals on **September 21, 2021**, no further direct contact between proposers and topic authors is allowed unless the Topic Author is responding to a question submitted during the pre-release period. However, proposers 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 firms 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 **August 25, 2021** and closes to new questions on **October 7, 2021 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 firms are advised to monitor Topic Q&A during the BAA period for questions and answers. Proposing firms should also frequently monitor DSIP for updates and amendments to the topics.

4.15 Registrations and Certifications

Proposing firms must be registered in the Defense SBIR/STTR Innovation Portal (DSIP) in order to prepare and submit proposals. All users will be required to register for a login.gov account and link it to their DSIP account. To register in Login.gov, click the Login/Register button in the top right corner on the DSIP Submissions homepage and follow the steps to register. 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, here: https://www.dodsbirsttr.mil/submissions/learning-support/training-materials.

Please note that the email address you use for Login.gov should match the email address associated with your existing DSIP account. If you do not recall the email address associated with your DSIP account, or if you already have an existing Login.gov account using a different email address, you will need your Firm's DUNS number and your Firm PIN in order to link your Login.gov account with your DSIP account. If the email address associated with your existing DSIP account has been used for multiple DSIP accounts within your Firm, you will also need your Firm's 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 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.

It is recommended that you complete your Login.gov setup as soon as possible to avoid any delays in your proposal submissions.

Before the DoD Components can award a contract, proposing firms must be registered in the System for Award Management (SAM). SAM allows firms interested in conducting business with the federal government to provide basic information on business structure and capabilities as well as financial and payment information. To register, visit www.sam.gov. It is in the firm's interest to visit SAM and ensure the firm's registration is active and representations and certifications are up-to-date to avoid delay in award.

SAM.gov merged into the modernized beta.SAM.gov environment on May 24, 2021. Legacy SAM.gov has been decommissioned and the new environment has retired the "beta" and is renamed SAM.gov. The system provides a modern portal for entities to register, update, renew, and check the status of their registration in the rebranded SAM.gov. Core functions of SAM and core data has not changed. Entities with an active registration do not need to take action and the process to register to do business with the government has not changed.

Follow instructions found during SAM registration on how to obtain a Commercial and Government Entry (CAGE) code and Data Universal Numbering System (DUNS) number. Once a CAGE code and DUNS number are obtained, update the firm's profile on the Defense SBIR/STTR Innovation Portal (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 firms at time of award and during the award life cycle. Each firm 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.

4.16 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.

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

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

4.18 Fraud and Fraud Reporting

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

The Department of Defense, Office of Inspector General Hotline ("Defense Hotline") is an important avenue for reporting fraud, waste, abuse, and mismanagement within the Department of Defense. The Office of Inspector General operates this hotline to receive and investigate complaints or information from contractor employees, DoD civilians, military service members and public citizens. Individuals who wish to report fraud, waste or abuse may contact the Defense Hotline at (800) 424-9098 between 8:00 a.m. and 5:00 p.m. Eastern Time or visit 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 e-mail addressed to hotline@dodig.mil.

4.19 State and Other Assistance Available

Many states have established programs to provide services to those small business firms 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# for further information. Small Businesses may seek general administrative guidance from small and disadvantaged business utilization specialists located in various Defense Contract Management activities throughout the continental United States.

4.20 Discretionary Technical and Business Assistance (TABA)

DoD has not mandated the use of TABA pending further SBA guidance and establishment of a limit on the amount of technical and business assistance services that may be received or purchased by a small business concern that has received multiple Phase II SBIR or STTR awards for a fiscal year. However, proposers should carefully review individual component instructions to determine if TABA is being offered and follow specific proposal requirements for requesting TABA funding.

5.0 PHASE I PROPOSAL

5.1 Introduction

This BAA and the Defense SBIR/STTR Innovation Portal (DSIP) sites are designed to reduce the time and cost required to prepare a formal proposal. DSIP is the official portal for DoD SBIR/STTR proposal submission. 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. It is recommended that firms 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. Accordingly, it is the proposing firm's responsibility to consult the Component-specific instructions for detailed guidance, including

required proposal documentation, cost and duration limitations, budget structure, TABA 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)
b. Foreign Ownership or Control Disclosure (Proposers must review Attachment 2: Foreign Ownership or Control Disclosure to determine applicability.)
c. Other supporting documentation (Refer to Component-specific instructions for additional Volume 5 requirements)
Volume 6: Fraud, Waste and Abuse Training

All proposers must complete the following:

- Volume 4: Company Commercialization Report (upload of CCR from SBIR.gov to DSIP is required for proposers 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): Foreign Ownership or Control Disclosure (Proposers must review Attachment 2: Foreign Ownership or Control Disclosure to determine applicability)
- Volume 6: Fraud, Waste and Abuse training.

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

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

Detailed guidance on registering in DSIP and using DSIP to submit a proposal can be found at https://www.dodsbirsttr.mil/submissions/learning-support/training-materials. If the proposal status is "In Progress" or "Ready to Certify" it will NOT be considered submitted, even if all volumes are added prior to the BAA close date. The proposer 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 award, the DoD Component program will contact the proposer for signatures at the time of award.

5.2 Marking Proprietary Proposal Information

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

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

"This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed-in whole or in part-for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this proposer 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 the Defense SBIR/STTR Innovation Portal (DSIP) may be handled, for administrative purposes only, by support contractors. All support contractors are bound by appropriate non-disclosure agreements.

5.3 Phase I Proposal Instructions

a. **Proposal Cover Sheet (Volume 1)**

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

The Cover Sheet must include a brief technical abstract of no more than 200 words that describes the proposed R&D project with a discussion of anticipated benefits and potential commercial applications. **Do not include proprietary or classified information in the Proposal Cover Sheet**. If your proposal is selected for 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.

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 firm'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 company name, topic number, and proposal number assigned by the Defense SBIR/STTR Innovation Portal (DSIP) when the Cover Sheet was created. The header may be included in the one-inch margin.

c. **Content of the Technical Volume (Volume 2)**

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

(1) **Identification and Significance of the Problem or Opportunity.** Define the specific technical problem or opportunity addressed and its importance.

(2) **Phase I Technical Objectives.** Enumerate the specific objectives of the Phase I work, including the questions the research and development effort will try to answer to determine the feasibility of the proposed approach.

(3) **Phase I Statement of Work (including Subcontractors' Efforts)**

a. Provide an explicit, detailed description of the Phase I approach. If a Phase I option is required or allowed by the Component, describe appropriate research activities which would commence at the end of Phase I base period should the Component elect to exercise the option. The Statement of Work should indicate what tasks are planned, how and where the work will be conducted, a schedule of major events, and the final product(s) to be delivered. The Phase I effort should attempt to determine the technical feasibility of the proposed concept. The methods planned to achieve each objective or task should be discussed explicitly and in detail. This section should be a substantial portion of the Technical Volume section.

b. This BAA may contain topics that have been identified by the Program Manager as research or activities involving Human/Animal Subjects and/or Recombinant DNA. In the event that Phase I performance includes performance of these kinds of research or activities, please identify the applicable protocols and how those protocols will be followed during Phase I. Please note that funds cannot be released or used on any portion of the project involving human/animal subjects or recombinant DNA research or activities until all of the proper approvals have been obtained (see Sections 4.7 - 4.9). **Submitters proposing research involving human and/or animal use are encouraged to separate these tasks in the technical proposal and cost proposal in order to avoid potential delay of contract award.**

(4) **Related Work.** Describe significant activities directly related to the proposed effort, including any conducted by the principal investigator, the proposing firm, 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 proposer'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 company's strategy for commercializing this technology in DoD, other Federal Agencies, and/or private sector markets. Provide specific information on the market need the technology will address and the size of the market. Also include a schedule showing the quantitative commercialization results from this SBIR project that your company expects to achieve.

(7) **Key Personnel.** Identify key personnel who will be involved in the Phase I effort including information on directly related education and experience. A concise technical resume of the principal investigator, including a list of relevant publications (if any), must be included (Please do not include Privacy Act Information). All resumes will count toward the page limitations for Volume 2.

(8) **Foreign Citizens.** Identify any foreign citizens or individuals holding dual citizenship expected to be involved on this project as a direct employee, subcontractor, or consultant. For these individuals, please specify their country of origin, the type of visa or work permit under which they are performing and an explanation of their anticipated level of involvement on this project. Proposers frequently assume that individuals with dual citizenship or a work permit will be permitted to work on an SBIR project and do not report them. This is not necessarily the case and a proposal will be rejected if the requested information is not provided. Therefore, firms should report any and all individuals expected to be involved on this project that are considered a foreign national as defined in Section 3 of the BAA. You may be asked to provide additional information during negotiations in order to verify the foreign citizen's eligibility to participate on a 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 or not the facilities where the proposed work will be performed meet environmental laws and regulations of federal, state (name), and local Governments for, but not limited to, the following groupings: airborne emissions, waterborne effluents, external radiation levels, outdoor noise, solid and bulk waste disposal practices, and handling and storage of toxic and hazardous materials.

(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 firm, 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, proposers 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 the Defense SBIR/STTR Innovation Portal (DSIP). Some items in the cost breakdown may not apply to the proposed project. If that is the case, there is no need to provide information on each and every item. What matters is that enough information be provided to allow us to understand how you plan to use the requested funds if a contract is awarded.

(1) List all key personnel by name as well as by number of hours dedicated to the project as direct labor.

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

(3) Cost for travel funds must be justified and related to the needs of the project.

(4) Cost sharing is permitted for proposals under this BAA; however, cost sharing is not required nor will it be an evaluation factor in the consideration of a Phase I proposal.

(5) A Phase I Option (if applicable) should be fully costed separately from the Phase I (base) approach.

(6) All subcontractor costs and consultant costs, such as labor, travel, equipment, materials, must be detailed at the same level as prime contractor costs. Provide detailed substantiation of subcontractor costs in your cost proposal. Volume 5, Supporting Documents, may be used if additional space is needed.

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

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

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

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

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

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

During proposal submission, the proposer 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 firm 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 firm. 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 firm 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 firms will have to recertify and resubmit such proposals. If a proposing firm does not recertify or resubmit such proposals, they will not be considered fully submitted and will not be evaluated.

b. If the proposing firm 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 proposer 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 proposer 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 firm 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 firm will select NO. The CCR section of the proposal will be marked complete.

While all proposing firms 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 proposers to submit additional documentation to support the Coversheet (Volume 1), Technical Volume (Volume 2), and the Cost Volume (Volume 3).

All proposers 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) (REQUIRED)
2. Foreign Ownership or Control Disclosure (BAA Attachment 2) (Proposers must review Attachment 2: Foreign Ownership or Control Disclosure to determine applicability)

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

1. Letters of Support
2. Additional Cost Information
3. Funding Agreement Certification
4. Technical Data Rights (Assertions)
5. Lifecycle Certification
6. Allocation of Rights
7. 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 proposer's authorized company representative. The DFARS provisions and clause may be found in BAA Attachment 1. **These certifications must be signed by the authorized company representative and uploaded as a separate PDF file in the supporting documents sections of Volume 5 for all proposal submissions.**

The effort to complete the required certification clauses includes due diligence on the part of the proposer and for any contractors that may be proposed as a part of the submission including research partners and suppliers. Therefore, proposers 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. **Foreign Ownership or Control Disclosure**

Proposers must review Attachment 2: Foreign Ownership or Control Disclosure to determine applicability. If applicable, an authorized firm representative must complete the Foreign Ownership or Control Disclosure (BAA Attachment 2). The completed and signed disclosure must be uploaded to Volume 5 of the proposal submission.

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 firm. This training material can be found in the Volume 6 section of the proposal submission module in DSIP and must be thoroughly reviewed once per year. Plan ahead and leave ample time to complete this training based on the proposal submission deadline. FWA training must be completed by one DSIP firm user with read/write access (Proposal Owner, Corporate Official or Firm Admin) on behalf of the firm.

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 best value 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 that reviewers are acquainted with the firm 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.

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, may be rejected without evaluation. Phase II proposal preparation and submission instructions will be provided by the DoD Components to Phase I awardees. See Component-specific instructions for more information on Direct to Phase II Program preparation and submission instructions.

7.2 Proposal Provisions

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

Due to specific limitations on the amount of funding and number of awards that may be awarded to a particular firm 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 firm

wishing to transfer from one program to another must contact their designated technical monitor to discuss the reasons for the request and the agency's ability to support the request. The transition may be proposed prior to award or during the performance of the Phase II effort. Agency disapproval of a request to change programs shall not be grounds for granting relief from any contractual performance requirement. All approved transitions between programs must be noted in the Phase II award or award modification signed by the contracting officer that indicates the removal or addition of the research institution and the revised percentage of work requirements.

7.3 Commercialization Strategy

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

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

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

7.4 Phase II Evaluation Criteria

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

7.5 Phase II Award Information

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

7.6 Adequate Accounting System

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

7.7 Phase II Enhancement Policy

To further encourage the transition of 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 company 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 Small Business and Technology Partnerships Office 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@mail.mil.

8.0 CONTRACTUAL REQUIREMENTS

8.1 Additional Contract Requirements

Small Business Concerns (SBCs) are strongly encouraged to engage with their Contracting/Agreements Office to determine what measures can be taken in the event contract performance is affected due to the COVID-19 situation. SBCs are encouraged to monitor the CDC Website, engage with your employees to share information and discuss COVID-19 concerns employees may have. Please identify to your Contracting/Agreements Officer potential impacts to the welfare and safety of your workforce and any contract/OT performance issues. Most importantly, keep in mind that only your Contracting/Agreements Officer can affect changes to your contract/OT.

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

Examples of general provisions:

a. **Standards of Work**. Work performed under the contract must conform to high professional standards.
b. **Inspection**. Work performed under the contract is subject to Government inspection and evaluation at all reasonable times.

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

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

q. **Unique Identification (UID)**. If your proposal identifies hardware that will be delivered to the government, be aware of the possible requirement for unique item identification in accordance with DFARS 252.211-7003.
r. **Disclosure of Information.** In accordance with FAR 252.204-7000, Government review and approval will be required prior to any dissemination or publication, 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 22.1803.

v. **ITAR**. In accordance with DFARS 225.7901-4, Export Control Contract Clauses, the clause found at DFARS 252.225-7048, Export-Controlled Items (June 2013), must be included in all BAAs/solicitations and contracts. Therefore, all awards resulting from this BAA will include DFARS 252.225-7048. Full text of the clause may be found at https://www.govinfo.gov/content/pkg/CFR-2013-title48-vol3/pdf/CFR-2013-title48-vol3-sec252-225-7048.pdf.

w. **Cybersecurity**. Any SBC receiving an SBIR/STTR award is required to provide adequate security on all covered contractor information systems. Specific security requirements and cyber incident reporting requirements are listed in DFARS 252.204.7012. Compliance is mandatory.

x. **Safeguarding Covered Defense Information Controls.** As prescribed in DFARS 252.204-7008, for covered contractor information systems that are not part of an information technology service or system operated on behalf of the Government, the SBC represents that it will implement the security requirements specified by National Institute of Standards and Technology (NIST) Special Publication (SP) 800-171, "Protecting Controlled Unclassified Information in Nonfederal Information Systems and Organizations".

y. **Limitations on the Use or Disclosure of Third- Party Contractor Reported Cyber Incident Information.** As required in DFARS 252.204-7009, the Contractor must agree that certain conditions apply to any information it receives or creates in the performance of a resulting contract that is information obtained from a third-party's reporting of a cyber incident pursuant to DFARS clause 252.204-7012, Safeguarding Covered Defense Information and Cyber Incident Reporting (or derived from such information obtained under that clause).

z. **Notice of NIST SP 800-171 DoD Assessment Requirements.** As prescribed by DFARS 252.204-7019, in order to be considered for award, the SBC is required to implement NIST SP 800-171. The SBC shall have a current assessment (see 252.204-7020) for each covered contractor information system that is relevant to the offer, contract, task order, or delivery order. The Basic, Medium, and High NIST SP 800-171 DoD Assessments are described in the NIST SP 800-171 DoD Assessment Methodology located at https://www.acq.osd.mil/dpap/pdi/cyber/strategically_assessing_contractor_implementation_of_NIST_SP_800-171.html. In accordance with DFARS 252.204-7020, the SBC shall provide access to its facilities, systems, and personnel necessary for the Government to conduct a Medium or High NIST SP 800-171 DoD Assessment, as described in NIST SP 800-171 DoD Assessment Methodology, linked above. Notification of specific requirements for NIST SP 800-171 DoD assessments and assessment level will be provided as part of the component instructions, topic, or award.

aa. **Contractor Certification Regarding Provision of Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.** In accordance with DFARS Subpart 204.21, DFARS provisions 252.204-7016, 252.204-7017, and clause 252.204-7018 are incorporated into this solicitation. This subpart implements section 1656 of the 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.

bb. **Disclosure of Ownership or Control by a Foreign Government**. DFARS 252.209-7002, Disclosure of Ownership or Control by a Foreign Government (JUN 2010), is incorporated into this solicitation. In accordance with DFARS 252.209-7002, any SBC submitting a proposal in response to this solicitation is required to disclose, by completing Attachment 2 to this solicitation, Foreign Ownership or Control Disclosure, any interest a foreign government has in

the SBC when that interest constitutes control by a foreign government, as defined in DFARS provision 252.209-7002. If the SBC is a subsidiary, it is also required to disclose any reportable interest a foreign government has in any entity that owns or controls the subsidiary, including reportable interest concerning the SBC's immediate parent, intermediate parents, and the ultimate parent.

8.2 Basic Safeguarding of Covered Contractor Information Systems

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

FAR 52.204-21 Basic Safeguarding of Covered Contractor Information Systems (JUN 2016)

(a) Definitions. As used in this clause -

Covered contractor information system means an information system that is owned or operated by a contractor that processes, stores, or transmits Federal contract information.

Federal contract information means information, not intended for public release, that is provided by or generated for the Government under a contract to develop or deliver a product or service to the Government, but not including information provided by the Government to the public (such as on public Web sites) or simple transactional information, such as necessary to process payments.

Information means any communication or representation of knowledge such as facts, data, or opinions, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual (Committee on National Security Systems Instruction (CNSSI) 4009).

Information system means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information (44 U.S.C. 3502).

Safeguarding means measures or controls that are prescribed to protect information systems.

(b) Safeguarding requirements and procedures.

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

(i) Limit information system access to authorized users, processes acting on behalf of authorized users, or devices (including other information systems).

(ii) Limit information system access to the types of transactions and functions that authorized users are permitted to execute.

(iii) Verify and control/limit connections to and use of external information systems.

(iv) Control information posted or processed on publicly accessible information systems.

(v) Identify information system users, processes acting on behalf of users, or devices.

(vi) Authenticate (or verify) the identities of those users, processes, or devices, as a prerequisite to allowing access to organizational information systems.

(vii) Sanitize or destroy information system media containing Federal Contract Information before disposal or release for reuse.

(viii) Limit physical access to organizational information systems, equipment, and the respective operating environments to authorized individuals.

(ix) Escort visitors and monitor visitor activity; maintain audit logs of physical access; and control and manage physical access devices.

(x) Monitor, control, and protect organizational communications (i.e., information transmitted or received by organizational information systems) at the external boundaries and key internal boundaries of the information systems.

(xi) Implement subnetworks for publicly accessible system components that are physically or logically separated from internal networks.

(xii) Identify, report, and correct information and information system flaws in a timely manner.

(xiii) Provide protection from malicious code at appropriate locations within organizational information systems.

(xiv) Update malicious code protection mechanisms when new releases are available.

(xv) Perform periodic scans of the information system and real-time scans of files from external sources as files are downloaded, opened, or executed.

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

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

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

Section 890 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 prohibits 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 an exception applies. See provision 252.225-7974 Class Deviation 2020-O0005 “Prohibition on Contracting with Persons that have Business Operations with the Maduro Regime.

8.4 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.

8.5 Patents

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

8.6 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 unlimited 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 proposer 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.

8.7 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 for those agencies participating in iEdison.

8.8 Final Technical Reports - Phase I through Phase III

a. **Content**: A final report is required for each project phase. The reports must contain in detail the project objectives, work performed, results obtained, and estimates of technical feasibility. A completed SF 298, "Report Documentation Page," will be used as the first page of the report. submission resources at https://discover.dtic.mil/submit-documents/. In addition, monthly status and progress reports may be required by the DoD Component.

b. **SF 298 Form "Report Documentation Page" Preparation**:

(1) If desirable, language used by the company in its Phase II proposal to report Phase I progress may also be used in the final report.

(2) For each unclassified report, the company submitting the report should fill in Block 12 (Distribution/Availability Statement) of the SF 298, "Report Documentation Page," with the following statement: "Distribution authorized to U.S. Government only; Proprietary Information, (Date of Determination). Other requests for this document shall be referred to the Component SBIR 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 company's entry in Block 12, has final responsibility for assigning a distribution statement.

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

(3) Block 14 (Abstract) of the SF 298, "Report Documentation Page" must include as the first sentence, "Report developed under 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	
Company Name	
Office Tel #	
Mobile #	
Email	

Name of person authorized to sign: _____

Signature of person authorized: _____

Date: _____

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

DFARS PROVISIONS INCORPORATED IN FULL TEXT:

252.204-7016 Covered Defense Telecommunications Equipment or Services—Representation

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

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

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

(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)

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

DISCLOSURE OF OFFEROR'S OWNERSHIP OR CONTROL BY A FOREIGN GOVERNMENT

In accordance with DFARS provision 252.209-7002, an offeror is required to disclose, by completing this form (and adding additional pages, as necessary), any interest a foreign government has in the offeror when that interest constitutes control by a foreign government, as defined in DFARS provision 252.209-7002. If the offeror is a subsidiary, it is also required to disclose any reportable interest a foreign government has in any entity that owns or controls the subsidiary, including reportable interest concerning the offeror's immediate parent, intermediate parents, and the ultimate parent.

DISCLOSURE		
Offeror's Point of Contact for Questions about Disclosure	Name:	
	Phone Number:	
Offeror	Name:	
	Address:	
Entity Controlled by a Foreign Government	Name:	
	Address:	
Description of Foreign Government's Interest in the Offeror		
Foreign Government's Ownership Percentage in Offeror		
Identification of Foreign Government(s) with Ownership or Control		

DFARS 252.209-7002 Disclosure of Ownership or Control by a Foreign Government (JUN 2010)

(a) Definitions. As used in this provision—

(1) "Effectively owned or controlled" means that a foreign government or any entity controlled by a foreign government has the power, either directly or indirectly, whether exercised or exercisable, to control the election, appointment, or tenure of the Offeror's officers or a majority of the Offeror's board of directors by any means, e.g., ownership, contract, or operation of law (or equivalent power for unincorporated organizations).

(2) "Entity controlled by a foreign government"—

(i) Means—

(A) Any domestic or foreign organization or corporation that is effectively owned or controlled by a foreign government; or

(B) Any individual acting on behalf of a foreign government.

(ii) Does not include an organization or corporation that is owned, but is not controlled, either directly or indirectly, by a foreign government if the ownership of that organization or corporation by that foreign government was effective before October 23, 1992.

(3) "Foreign government" includes the state and the government of any country (other than the United States and its outlying areas) as well as any political subdivision, agency, or instrumentality thereof.

(4) "Proscribed information" means—

(i) Top Secret information;

(ii) Communications security (COMSEC) material, excluding controlled cryptographic items when unkeyed or utilized with unclassified keys;

(iii) Restricted Data as defined in the U.S. Atomic Energy Act of 1954, as amended;

(iv) Special Access Program (SAP) information; or

(v) Sensitive Compartmented Information (SCI).

(b) Prohibition on award. No contract under a national security program may be awarded to an entity controlled by a foreign government if that entity requires access to proscribed information to perform the contract, unless the Secretary of Defense or a designee has waived application of 10 U.S.C. 2536(a).

(c) Disclosure. The Offeror shall disclose any interest a foreign government has in the Offeror when that interest constitutes control by a foreign government as defined in this provision. If the Offeror is a subsidiary, it shall also disclose any reportable interest a foreign government has in any entity that owns or controls the subsidiary, including reportable interest concerning the Offeror's immediate parent, intermediate parents, and the ultimate parent. Use separate paper as needed, and provide the information in the following format:

Offeror's Point of Contact for Questions about Disclosure
(Name and Phone Number with Country Code, City Code and Area Code, as applicable)

Name and Address of Offeror

Name and Address of Entity Controlled by a Foreign Government

Description of Interest, Ownership Percentage, and Identification of Foreign Government

(End of provision)