**Department of the Navy SBIR/STTR Programs**

**Instructions and Template**

**Volume 5: Supporting Documents**

These instructions and template apply to all Department of the Navy (DON) Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) topics and provide the information required to complete the Supporting Documents (Volume 5). DON participation in the program is through the DoD SBIR/STTR Broad Agency Announcement (BAA).

DoD has implemented a Supporting Documents (Volume 5). Volume 5 is for the submission of administrative material that DON may or will require to process a proposal, if selected, for contract award. Volume 5 is available for use when submitting Phase I and Phase II proposals. DON will not be using any of the information in Volume 5 during the evaluation. Volume 5 must only be used for the documents identified in the following template. Do not include documents or information to substantiate the Technical Proposal (Volume 2) (e.g., resumes, test data, technical reports, or publications). Such documents or information will not be considered.

The template (beginning in the next section titled Volume 5: Supporting Documents) is the format model that may be used to prepare the Supporting Documents Volume. **Do not include these instruction pages or any bracketed [ ] guidance in the template.**  Only complete items that apply, delete all others.

The template for Volume 5: Supporting Documents begins on the following page. Delete this instruction page and begin Supporting Documents with the following page.

**[Template]**

**Volume 5: Supporting Documents**

**1. Telecommunications Equipment Certification.**

[Required for all proposers. The DoD must comply with Section 889(a)(1)(B) of the FY2019 National Defense Authorization Act (NDAA) and is working to reduce or eliminate contracts, or extending or renewing a contract with an entity that uses any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As such, all proposers must include as a part of their submission a written certification in response to the clauses (DFAR clauses 252.204-7016, 252.204-7018, and subpart 204.21). The written certification can be found in Attachment 1 of the DoD SBIR/STTR Program BAA and on the Navy SBIR/STTR Links & Forms page under Supporting Documents (Volume 5) at <https://navysbir.com/links_forms.htm>. This certification must be signed by the authorized company representative and is to be uploaded as a separate PDF file in Volume 5. Failure to submit the required certification as a part of the proposal submission process will be cause for rejection of the proposal submission without evaluation. Please refer to the instructions provided in the DoD SBIR/STTR Program BAA.]

**2. Disclosure of Offeror’s Ownership or Control by a Foreign Government.**

[All proposers must review to determine applicability. In accordance with DFARS provision 252.209-7002, a proposer is required to disclose any interest a foreign government has in the proposer when that interest constitutes control by foreign government. All proposers must review the Foreign Ownership or Control Disclosure information to determine applicability. If applicable, an authorized firm representative must complete the Disclosure of Offeror’s Ownership or Control by a Foreign Government (found in Attachment 2 of the DoD SBIR/STTR Program BAA and on the Navy SBIR/STTR Links & Forms page under Supporting Documents (Volume 5) at <https://navysbir.com/links_forms.htm>) and upload as a separate PDF file in Volume 5. Please refer to instructions provided in the DoD SBIR/STTR Program BAA.]

**3. Majority Ownership in Part.**

[Proposers which are more than 50% owned by multiple venture capital operating companies (VCOC), hedge funds (HF), private equity firms (PEF), or any combination of these as set forth in 13 C.F.R. § 121.702, are eligible to submit proposals in response to DON topics.

For proposers that are a member of this ownership class, the following must be satisfied for proposals to be accepted and evaluated:

* + 1. Prior to submitting a proposal concerns must register with the SBA Company Registry Database.
		2. The proposer within its submission must submit the Majority-Owned VCOC, HF, and PEF Certification. A copy of the SBIR VC Certification can be found on the Navy SBIR/STTR Links & Forms page under Supporting Documents (Volume 5) at <https://navysbir.com/links_forms.htm>. **Include the SBIR VC Certification here, in Volume 5**.
		3. Should a proposer become a member of this ownership class after submitting its application and prior to any receipt of a funding agreement, the proposer must immediately notify the Contracting Officer, register in the appropriate SBA database, and submit the required certification which can be found on <https://navysbir.com/links_forms.htm>.]

**4. 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, the proposer must reveal this on the Volume 1 Proposal Cover Sheet and provide the following information:

* 1. Name and address of the Federal Agency(ies) or DoD Component to which a proposal was submitted, will be submitted, or from which an award is expected or has been received.
	2. Date of proposal submission or date of award.
	3. Title of proposal.
	4. Name and title of principal investigator for each proposal submitted or award received.
	5. 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.
	6. If award was received, provide contract number.
	7. Specify the applicable topics for each proposal submitted or award received.

*Note: If this does not apply, state “No prior, current, or pending support for proposed work."* ]

**5. Data Rights (**DFARS 252.227-7018 (DEVIATION 2020-O0007))**.**

Rights in data of a scientific or technical nature, including software, generated 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 data within the Government during the period commencing with contract award and ending twenty years after award of the contract under which the data were generated. The rights of the Government to distribute the data within the Government vary depending upon whether the data is computer software or technical data. During the license period, the Government may not release or disclose SBIR/STTR data to any person other than its support services contractors except: (1) For evaluation purposes; (2) As expressly permitted by the contractor; or (3) For use, release, or disclosure that is necessary for emergency repair or overhaul of items operated by the Government. See DFARS clause 252.227-7018 (DEVIATION 2020-O0007), "Rights in Noncommercial Technical Data and Computer Software – Small Business Innovation Research (SBIR) Program." This data should be marked with the restrictive legend specified in DFARS 252.227-7018 (DEVIATION 2020-O0007). Upon expiration of the twenty-year restrictive license, the Government has government purpose rights in the SBIR/STTR data.

If a proposer plans to submit assertions in accordance with DFARS 252.227-7017, those assertions must be identified and assertion of use, release, or disclosure restriction MUST be included with the proposal submission. A proposer does not, however, need to submit assertions for data that will be generated under the proposed contract and delivered with SBIR data rights.

**The contract cannot be awarded until assertions have been approved.**

The following instructions apply to the fields in the table below (Identification and Assertion of Restrictions on the Government's Use, Release, or Disclosure of Technical Data or Computer Software).

1) For technical data (other than computer software documentation) pertaining to items, components, or processes developed at private expense, identify both the deliverable technical data and each such item, component, or process. For computer software or computer software documentation identify the software or documentation.

2) Generally, development at private expense, either exclusively or partially, is the only basis for asserting restrictions. For technical data, other than computer software documentation, development refers to development of the item, component, or process to which the data pertain. The Government's rights in computer software documentation generally may not be restricted. For computer software, development refers to the software. Indicate whether development was accomplished exclusively or partially at private expense. If development was not accomplished at private expense, or for computer software documentation, enter the specific basis for asserting restrictions.

3) Enter asserted rights category (e.g., Government purpose license rights from a prior contract, rights in SBIR data generated under another contract, limited, restricted, or Government purpose rights under this or a prior contract, or specially negotiated licenses).

4) Corporation, individual, or other person, as appropriate.

5) Enter “none” when all data or software will be submitted without restrictions.]

**Identification and Assertion of Restrictions on the Government's Use, Release, or Disclosure of Technical Data or Computer Software.**

*The proposer asserts for itself, or the persons identified below, that the Government's rights to use, release, or disclose the following technical data or computer software should be restricted:*

|  |  |  |  |
| --- | --- | --- | --- |
| Technical Data or Computer Software to be Furnished with Restrictions1 | Basis for Assertion2 | Asserted Rights Category3 | Name of Person Asserting Restrictions4 |
| [(LIST)]5 | [(LIST)] | [(LIST)] | [(LIST)] |

[Completion of this table and submission of the proposal constitutes signature for the information listed in the table above.]

**6. Foreign Citizens.**

[Identify any foreign nationals or individuals holding dual citizenship expected to be involved on this project as a direct employee, subcontractor, or consultant. For these individuals, please specify, in the table below, their countries of origin, type of visa or work permit under which they are performing, and an explanation of their anticipated level of involvement on this project. Note: Proposers often incorrectly assume that all individuals with dual citizenship or a work permit will be permitted to work on SBIR/STTR projects and fail to identify them. As a reminder, applicants must report any and all individuals who are considered foreign nationals (including dual citizens) as defined in the DoD SBIR/STTR BAAs and are expected to be involved in the project. Additional information may be requested during negotiations in order to verify the foreign national’s eligibility to participate on the 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)). *Note: If no foreign nationals will be involved in proposed work, the word “None” can be substituted for the table*.]

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name[include direct employees, subcontractors, and consultants] | Foreign National (Yes/No) | Country of Origin | Type of Visa or Work Permit | Level of Involvement (Role) |
|  |  |  |  |  |
|  |  |  |  |  |

[\*RESTRICTION ON PERFORMANCE BY FOREIGN NATIONALS (i.e., those holding non-U.S. Passports): If the topic for the Phase I work is “ITAR Restricted”, the information and materials provided pursuant to or resulting from this topic are restricted under the International Traffic in Arms Regulations (ITAR), 22 CFR Parts 120 - 130, which controls the export of defense-related material and services, including the export of sensitive technical data. Foreign Nationals may perform work under an award resulting from this topic only if they hold a “Permanent Resident Card”, or are designated as “Protected Individuals” as defined by 8 U.S.C. 1324b(a)(3). If a proposal for an ITAR restricted topic contains participation by a Foreign National who is not in one of the above two categories, the proposal may be rejected.]

**7. Additional Cost Information.**

[Additional cost details as needed to provide sufficient detail for subcontractor, material, travel costs, and Discretionary Technical and Business Assistance (TABA), if proposed. Insert additional cost information here or provide them as separate files.]

**8. SBIR/STTR Funding Agreement Certification.**

[Insert file(s) here or provide them as separate files.]

**9. Allocation of Rights Between Prime and Subcontractor.**

[Insert file(s) here or provide them as separate files.]

**10. Disclosure of Information (DFARS 252.204-7000).**

[Fundamental research included in the technical proposal, that the proposer is requesting be eliminated from the requirements for prior approval of public disclosure of information, must be identified and justified in a Fundamental Research Disclosure located at <https://navysbir.com/links_forms.htm> under Proposal Submission Templates, Supporting Documents (Vol 5). Upload completed Disclosure as a separate document (under “Other”) in Supporting Documents (Volume 5) in DSIP.]