

DAU SBIR Webcast Q&A - 14 November 2007

Question/Comment	Answer
Could you briefly comment on the new Technical Assistant Advocate program? How will it work?	The Army recently initiated a Technology Assistance Program with advocates in 5 regional areas to help SBIR firms with technical decisions and developing Phase III plans. Advocates will also assist topic authors during topic generation and review.
How do I get a copy of these slides?	These slides are posted on the DAU website - http://view.dau.mil/mp_pbl/dauvideo/Active_Directory-CN_Admin__MP_OU_Service_Accounts_and_Groups_OU_Ft_Belvoir_DC_DAU-ADS_DC_dau_DC_mil/MediaBin/Download/2223/OSD_SBIR_Webcast_Slides_Finalv2.ppt
How can we obtain a listing of SBIR developments over the past year or two?	SBIR Phase I and Phase II awards are posted on the DoD SBIR website at http://www.dodsbir.com/Awards/ .
I work at Naval Sea Systems Command (NAVSEA) and was told that all our Directorates were taxed 3% R&D for FY07 and 4% R&D for FY08. You mentioned 2.5% from R&D funding. What gives?	The statutory assessment applied by participating components to set-aside 2.5% of extramural RDT&E funds must be entirely put on SBIR contracts to small businesses. Some commands/services levy additional assessments to fund administrative and other costs associated with SBIR program execution.
Can you expound on SBIRs and sole-sourcing?	Because of competition in Phase I and Phase II, DoD competition requirements are met for the technology, hence a Contracting Officer can award a Phase III contract that derives from, extends, or concludes the Phase I or Phase II work on a sole source basis with or without a J&A depending on agency requirements.
Could the T&E community use the SBIR program to fund the development of technologies to assist in the T&E process?	The development of technology for the improvement of existing or future capabilities is an appropriate use of the SBIR program. The pursuit of technologies that improve the T&E processes would seem to contribute to this goal, particularly if the improvement had the potential to contribute immediate value to the warfighter. The work sought for funding, however, must have sufficient technical risk and demonstrate commercialization potential. SBIR funds cannot be used for facilitization.
Is it possible to download slides of this presentation with notes?	These slides are posted on the DAU website - http://view.dau.mil/mp_pbl/dauvideo/Active_Directory-CN_Admin__MP_OU_Service_Accounts_and_Groups_OU_Ft_Belvoir_DC_DAU-ADS_DC_dau_DC_mil/MediaBin/Download/2223/OSD_SBIR_Webcast_Slides_Finalv2.ppt
Why are funds set aside for the Army & Navy CPP programs but not for the Air Force?	The Air Force has set aside funds for the CPP program. In FY06, Congress authorized the Secretary of each military department to create and administer a "Commercialization Pilot Program" (CPP) to accelerate the transition of technologies, products and services developed under the Small Business Innovation Research Program to Phase III. The funds provided to administer CPP amounts to not more than 1% of each service's SBIR budget. The Army and Navy have set aside additional portions of their overall SBIR budgets to be deployed in response to CPP, for example, to fund Phase II enhancement or extension. At this point, the Air Force has not chosen to explicitly establish such an SBIR CPP investment pool.

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<p>You just indicated that J&As are not required for Phase III SBIRs. The 24 July 2007 change to the Navy Marine Corps Acquisition Regulation Supplement (NMCARS) requires the preparation and approval of a J&A. Isn't this a conflict in guidance? Additionally, the OSD Desk Reference Book indicates that J&As are not required for Phase IIIs. What is your guidance regarding this matter?</p>	<p>The presentation stated that sole source awards are available following the completion of Phase I/II efforts, thereby avoiding a competitive procurement. The requirement for a Justification and Approval (J&A) is agency dependent. The SBIR Policy Directive does not require a J&A. However, if one is prepared, it is sufficient to state that, pursuant to FAR 6.302-5, the project is a SBIR Phase III award that is derived from, extends, or logically concludes efforts performed under prior SBIR funding agreements and is authorized under 10 U.S.C. 2304(b)(2) or 41 U.S.C. 253(b)(2).</p>
<p>The examples you gave of successful SBIR efforts listed SBIR investments at much higher levels than the maximum investments given for Phase I and Phase II. How do you explain the higher investment levels?</p>	<p>The Phase I and Phase II award guidelines are not ceilings. Agencies may award, or modify, Phase I and Phase II contracts beyond the guidelines. The policy directive simply requires annual reporting of all such occurrences. In some other instances, multiple SBIR Phase I's and Phase II's contributed to full development of the technology. This is an additional dimension of SBIR Program flexibility to develop useful technologies.</p>
<p>Is it appropriate to submit for an SBIR to further develop alternative capability (lighter/stronger) for a capability which has already been subject of a JCTD? Case in point, development of a light weight composite container for use in conjunction with JMIC (which was part of the JMIDS JCTD)?</p>	<p>Yes, SBIR can be used to develop technologies that enhance existing capabilities.</p>
<p>why are limited rights given to offerors? (as opposed to government rights). This would seem to be one of the reasons for the "valley of death." OEMs/ lead integrators are put in a position where they can't see what's "under the hood." , making them less likely to be interested in picking up many of the available technologies.</p>	<p>Limited rights are statutory. They protect the small businesses intellectual property (IP) for a period of five years from the end of the SBIR contract and allow the firm time to develop a commercial market for their innovation.</p>
<p>Where do we find out about technologies that are already being investigated for possible inclusion in our programs?</p>	<p>SBIR Phase I and Phase II awards are accessible on the DoD SBIR website (www.dodsbir.net) via a searchable database.</p>
<p>What is the SBIR FY08 budget?</p>	<p>The FY08 SBIR budget will be 2.5% of extramural RDT&E funds appropriated to participating DoD components. That number will be available when the component budget calculations are completed in December.</p>
<p>Can Minority Serving Institution participate in SBIR programs? MSIs look for R&D dollars too.</p>	<p>No. The SBIR program is open only to for-profit small businesses--defined as companies with 500 or fewer employees, operating in the US and majority owned by individuals who are US citizens or permanent resident aliens. An MSI interested in doing business with the Department could consider participating in the Small Business Technology Transfer (STTR) program, which funds cooperative R&D projects involving a small business and a research institution (University, Federally Funded Research and Development Center, etc.).</p>
<p>Can you get a sole source contract with only having a Phase I award?</p>	<p>Yes, a Phase III contract can be awarded as a result of a Phase I effort.</p>
<p>Who are the regional technology assistance advocates?</p>	<p>A list of the Army's Regional Technology Assistance Advocates can be found at http://www.armysbir.com/sbir/taa_desc.htm</p>

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Do you have or can you recommend a DOD SBIR primer tailored for Small Business owners?	There is an online SBIR tutorial at http://www.dodsbir.com/tutorial/ .
How can a PM mitigate risk of contract protest if you attempt to use a SBIR in conjunction with a major acquisition program not yet awarded? Can a SBIR be awarded to a contractor who is a subcontractor involved in the competition?	All care should be taken to protect future best value to the government during competitive and pre-competitive phases of acquisition programs. Questions with potential source selection sensitivity would best be answered in detail, on a case by case basis by your command legal representative.
Can SBIR efforts be initiated by both Small Business and DoD activities or just DoD activities?	The SBIR program operates across a number of federal departments, including DoD. Currently, the Department generates all SBIR topics to address an identified military need.
If a SBIR project was completed through phase 3 resulting in a commercially available tool would it be possible to continue the effort into another broader tool under the SBIR process?	The development of technology for the improvement of existing or future capabilities is an appropriate use of the SBIR program.
Can you expand on the criteria used to determine which projects are funded.	The criteria for the evaluation of SBIR proposals are laid out in detail in each SBIR solicitation. The evaluation of those criteria is based on a comparative assessment of the proposals against all source selection criteria in the solicitation.
Can you briefly discuss the Intellectual Property protections offered under the SBIR program, and how those IP protections are affected as the effort is transitioned into Programs of Record?	SBIR agencies must protect from disclosure and non-governmental use all SBIR technical data developed from work performed under an SBIR funding agreement for a period of not less than four years from delivery of the last deliverable under that agreement (either Phase I, Phase II, or Federally funded SBIR Phase III) unless the agency obtains permission to disclose such SBIR technical data from the awardee or SBIR applicant. Agencies are released from obligation to protect SBIR data upon expiration of the protection period except that any such data that is also protected and referenced under a subsequent SBIR award must remain protected through the protection period of that subsequent SBIR award. For example, if a Phase III award is issued within or after the Phase II data rights protection period and the Phase III award refers to and protects data developed and protected under the Phase II award, then that data must continue to be protected through the Phase III protection period. Agencies have discretion to adopt a protection period longer than four years. The DoD has adopted five years. The Government retains a royalty-free license for Government use.
My organization requires government purpose rights for its software components. Does the SBIR program's data rights provisions conflict with gpr?	The SBIR program's data rights provisions do not conflict with government purpose rights--rather the SBIR rights are a defined subset of government purpose rights.
As a contractor, we send a small business a letter of support and never hear from them again. What is being done to encourage small businesses to engage with contractors and follow up on this engagement?	The Commercialization Pilot Program established by Congress in the FY06 National Defense Authorization Act has a specific goal of enhancing connectivity among SBIR firms, large defense contractors and Navy R&D and acquisition communities. In pursuit of this goal, the DoD OSBP and some of the individual components have sponsored fora in which small businesses and prime contractors are paired in interactive sessions for the purpose of providing teaming opportunities and transition guidance.
If a small business owner is also a government employee, can they still be considered under the program?	A thorough assessment of this question would require knowledge about the regulations at which the federal employee is employed and the executing SBIR agency. Please pursue this line of inquiry with your agency ethics representative.

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<p>Can you address SBIR Data Rights and their impact on acquisition planning?</p>	<p>Thanks for the question and feedback, Jack. SBIR agencies must protect from disclosure and non-governmental use all SBIR technical data developed from work performed under an SBIR funding agreement for a period of not less than four years from delivery of the last deliverable under that agreement (either Phase I, Phase II, or Federally-funded SBIR Phase III) unless the agency obtains permission to disclose such SBIR technical data from the awardee or SBIR applicant. Agencies are released from obligation to protect SBIR data upon expiration of the protection period except that any such data that is also protected and referenced under a subsequent SBIR award must remain protected through the protection period of that subsequent SBIR award. For example, if a Phase III award is issued within or after the Phase II data rights protection period and the Phase III award refers to and protects data developed and protected under the Phase II award, then that data must continue to be protected through the Phase III protection period. Agencies have discretion to adopt a protection period longer than four years. The DoD has adopted five years. The Government retains a</p>
<p>In the future will it be possible for a particular command to contract directly with a small business for a technology need?</p>	<p>There are currently no restrictions on contracting with small businesses for technology needs, as long as it is in keeping with the solicitation requirements, including ability to perform and competitive considerations.</p>
<p>Given that DoD components have developed infrastructures and processes in response to CPP requirements, in what way have the agencies accommodated flexibility to respond to opportunities outside those resulting from their own "culling" process?</p>	<p>Participation in the CPP program is by invitation only. This is intended to ensure that CPP funds are focused on those technologies representing the most immediate value to the warfighter. It is up to each participating component to develop the capacity to "react" to opportunities, if they want to do so.</p>
<p>On their own, a manufacturer developed a working prototype instrument that we were very interested in. However, the instrument did not transition to commercial production because of difficulties in finding a manufacturer that could produce a chip that is at the heart of the system. (I believe that prototype chips were produced at a government lab.) The OEM has suggested to us that an SBIR would be the way to move forward. Is this a proper application for an SBIR?</p>	<p>The development of technology for the improvement of existing or future capabilities is an appropriate use of the SBIR program. However, note that SBIR is by law a competitive program. It would thus be improper to award an SBIR contract directly to a firm that had not responded to an SBIR topic solicitation and been selected for award.</p>
<p>does the government have royalty free rights for any developments/patents?</p>	<p>The Government retains a royalty-free license for Government use of any technical data delivered under an SBIR award, whether patented or not.</p>
<p>Can an SBIR contractor sell their rights to another company? Wouldn't seem fair if the gov't shares in the rights after 5 years.</p>	<p>SBIR intellectual property rights are retained by the executing company for five years. Those rights are not transferrable but could be subsumed if the company were purchased. Work with your legal counsel on any specific requirements to ensure proper transfer documentation is accomplished.</p>

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is there a notional percentage of sbir projects that transition to gov pors	There is currently no ideal or notional target transition rate for SBIR-funded technologies into programs of record. The transition rate is highly dependent on how much risk a participating component, subcomponent or program office wants to take. Current commercialization data indicates that historically approximately 28% of SBIR projects attract additional funding or generate sales, directly or indirectly, from the Department. A higher percentage generate sales or attract additional funding from all sources.