SBIR/STTR PHASE III CONTRACTING - WHAT YOU NEED TO KNOW

DoD Small Business Training Week

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Discussion Items

- What is SBIR/STTR and why is it important to SBPs?
- Program Specific and Governing Statutes, Policies, and Regulations
- What is a Phase III?
- SBIR/STTR Unique Contracting Processes (2)
- How can I Find/Validate SBIR Phase III Technologies
- Where can I go for Information and help?
- Questions

What is SBIR/STTR and why is it important to SBPs?

- Largest source of R&D funding automatically set-aside for small businesses in Federal government

- Resulted in >$500M in non-SBIR/STTR federal funding obligated in FY16

- Opportunities exist to increase awards and better account for existing awards

- SBPs, Contracting Officers and PMs need to better utilize the flexibilities of Phase III

- SBPs can be critical source of information, training and advice to host Commands

Program Specific and Governing Statutes, Policies, and Regulations

In order of application:

- SBIR/STTR Statute: 15 U.S.C. §638

- Implementing Policy: Small Business Administration SBIR/STTR Policy Directive (PD)

- "Supplementing" Regulations (i.e. when not covered by or conflicting with PD) – FAR, DFARS, NMCARS

- DoD Implementing Policy: DoDINST 5000.02

- Navy Implementing Policy: SECNAVINST 4380.7B

What is a Phase III?

- 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 may be for products (including test and evaluation), production, services, R/R&D, or any combination thereof. *SBIR PD 4.(c)*

- Phase III contracts may be awarded as the result of competition (e.g. BAA or RFP) or on a non-competitive basis to a Prime contractor or to a subcontractor at any tier under a government contract and <u>shall</u> <u>be</u> afforded Phase III status and SBIR data rights.

SBIR/STTR Unique Contracting Processes

Pursuant to SBIR PD 4. (c) the following apply to all Phase III awards:

- The competition for SBIR Phase I and Phase II awards satisfies any competition requirement. Justification and Approval pursuant to FAR 6.302-5, using NMCARS template found in Annex 13.

- There is no limit on the number, duration, type, or dollar value of Phase III awards made to a business concern.

- The small business size limits for Phase I and Phase II awards do not apply to Phase III awards.

- A Federal agency may enter into a Phase III SBIR agreement at any time with a Phase I or II awardee.

SBIR/STTR Unique Contracting Processes

- There is no limit on the time that may elapse between a Phase I or Phase II award and a Phase III award, or between a Phase III award and any subsequent Phase III award.

- To the greatest extent practicable, agencies or their Government-owned, contractor-operated facilities, Federally-funded research and development centers, or Government prime contractors that pursue R/R&D or production developed under the SBIR Program, shall issue Phase III awards relating to technology, including sole source awards, to the SBIR awardee that developed the technology. Agencies shall document how they provided this preference to the SBIR awardee that developed the technology. [See *SBIR PD 4. (c)(8)* for reporting requirements]

How can I Find/Validate SBIR Phase III Technologies

- Website: **https://www.navysbirsearch.com/** includes links to award information, project synopsis, period of performance, firm information and points of contact for firm and Government.

This tool will allow you to search on all Navy SBIR/STTR awards by:

  - ➢ Firm Name, ZIP Code
  - ➢ Topic Number
  - ➢ Phase I or II Contract Number
  - ➢ Technology, keyword, project title
  - ➢ Firm DUNS

- Find technologies for market research, competition, and verify that requirements to award Phase III to original SBIR/STTR firm is being made to the greatest extent possible in accordance with the 15 USC 638 and the SBIR PD.

Where can I go for Information and help?

❖ DON Phase III Guidebook available for download at:
http://www.navysbir.com/docs/DON-SBIR_STTR_Guidebook_V1_2-Apr-16.pdf

❖ DON SBIR/STTR Website: http://www.navysbir.com

• DoD's SBIR website: http://www.acq.osd.mil/osbp/sbir/

• SBA's SBIR website: https://www.sbir.gov/

❖ SBIR Policy Directive: https://www.sbir.gov/about/about-sbir#sbir-policy-directive

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