



U.S. DEPARTMENT OF **ENERGY**

FINANCIAL ASSISTANCE FUNDING OPPORTUNITY ANNOUNCEMENT

Small Business Innovation Research (SBIR)
Small Business Technology Transfer (STTR)

FY 2012 Phase I (Release 2)

Funding Opportunity Number: DE-FOA-0000628
Announcement Type: Initial

CFDA Number: 81.049

ISSUE DATE:	November 28, 2011
LETTER OF INTENT DUE DATE:	December 20, 2011, 11:59 PM EST
PREAPPLICATION DUE DATE:	Not Required
APPLICATION DUE DATE:	January 31, 2012, 11:59 PM EST

[Return to Top of FOA](#)

To download the FY 2012 Phase I (Release 2) Topics in a searchable PDF file, please visit the DOE SBIR/STTR web site at <http://science.energy.gov/~media/sbir/pdf/docs/FY12-Phase-I-Rel-2-Topics-V4.pdf>.

Where to Submit: All Phase I applications must be submitted through [Grants.gov](#) web portal to be considered for award. You cannot submit an application through [Grants.gov](#) unless you are registered. Please read the registration requirements carefully and start the process immediately. Remember you have to update your [Central Contractor Registration \(CCR\)](#) number each year (see Registration Requirements below). If you have any questions about your [CCR](#), please contact the [Grants.gov](#) Helpdesk at 1-800-518-4726.

Registration Requirements: There are several one-time actions you must complete in order to submit an application through [Grants.gov](#) (e.g., obtain a Dun and Bradstreet Data Universal Numbering System ([DUNS](#)) number, register with the [CCR](#) via the credential provider, and register with [Grants.gov](#)). See [Grants.gov "Get Registered"](#) and use the [Grants.gov Organization Registration Checklist](#) to guide you through the process. Designating an E-Business Point of Contact (EBiz POC) and obtaining a special password called an MPIN are important steps in the [CCR](#) registration process. Applicants, who are not registered with [CCR](#) and [Grants.gov](#), should allow at least 21 days to complete these processes. It is suggested that you begin the registration process for each of these requirements as soon as possible.

IMPORTANT NOTICE TO APPLICANTS: When you have completed the registration requirements process, please call the [Grants.gov](#) Helpdesk at 1-800-518-4726 to verify that you have been registered.

Questions relating to the registration process, system requirements, how an application form works, or the submittal process must be directed to [Grants.gov](#) at 1-800-518-4726 or via email to support@grants.gov. DOE SBIR/STTR staff cannot answer these questions.

Questions regarding the content of this Funding Opportunity Announcement (FOA), including the Phase I DOE SBIR/STTR Topics must be submitted through the [FedConnect](#) portal. [Part VII](#) of this FOA explains how to submit these types of questions to the DOE via [FedConnect](#). You must register with [FedConnect](#) to respond as an interested party to submit questions, and to view responses to questions. It is recommended that you register as soon after release of the FOA as possible to have the benefit of all responses. More information is available at

<https://www.fedconnect.net/FedConnect/PublicUserRegistration.aspx> and https://www.fedconnect.net/FedConnect/PublicPages/FedConnect_Ready_Set_Go.pdf.

DOE will respond to a question posed via the [FedConnect](#) website within three (3) business days, unless a similar question and answer has already been posted on the [FedConnect](#) website.

TABLE OF CONTENTS

PART I – FUNDING OPPORTUNITY DESCRIPTION	5
PART II – AWARD INFORMATION	7
A. TYPE OF AWARD INSTRUMENT	7
B. ESTIMATED FUNDING.....	7
C. MAXIMUM AND MINIMUM AWARD SIZE	7
D. EXPECTED NUMBER OF AWARDS	7
E. ANTICIPATED AWARD SIZE	7
F. PERIOD OF PERFORMANCE.....	7
G. TYPE OF APPLICATION.....	7
PART III - ELIGIBILITY INFORMATION.....	8
A. ELIGIBLE SBIR AND STTR APPLICANTS	8
B. COST SHARING	9
C. OTHER ELIGIBILITY REQUIREMENTS	9
PART IV – APPLICATION AND SUBMISSION INFORMATION	13
A. ADDRESS TO REQUEST APPLICATION PACKAGE	13
B. LETTER OF INTENT AND PRE-APPLICATION	13
C. CONTENT AND FORMAT OF APPLICATION	13
D. SUBMISSIONS FROM SUCCESSFUL APPLICANTS.....	17
E. SUBMISSION DATES AND TIMES	17
F. INTERGOVERNMENTAL REVIEW	18
G. FUNDING RESTRICTIONS.....	18
H. OTHER SUBMISSION AND REGISTRATION REQUIREMENTS	19
PART V - APPLICATION REVIEW INFORMATION.....	21
A. CRITERIA	21
B. REVIEW AND SELECTION PROCESS	22
C. ANTICIPATED NOTICE AND SELECTION AND AWARD DATES	22
PART VI - AWARD ADMINISTRATION INFORMATION	23
A. AWARD NOTICES	23
B. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS	23
C. REPORTING	25
PART VII - QUESTIONS/AGENCY CONTACTS.....	26
A. QUESTIONS.....	26

B. AGENCY CONTACT	26
PART VIII - OTHER INFORMATION.....	27
A. MODIFICATIONS	27
B. GOVERNMENT RIGHT TO REJECT OR NEGOTIATE	27
C. COMMITMENT OF PUBLIC FUNDS.....	27
D. PROPRIETARY APPLICATION INFORMATION – TRADE SECRETS, COMMERCIAL, OR FINANCIAL INFORMATION.....	27
E. EVALUATION AND ADMINISTRATION BY NON-FEDERAL PERSONNEL.....	28
F. INTELLECTUAL PROPERTY DEVELOPED UNDER THIS PROGRAM	28
G. NOTICE OF RIGHT TO REQUEST PATENT WAIVER.....	29
H. NOTICE REGARDING ELIGIBLE/INELIGIBLE ACTIVITIES.....	30
I. AVAILABILITY OF FUNDS.....	30
J. AUDIT REQUIREMENTS	30
APPENDICES/REFERENCE MATERIAL.....	31
A. DEFINITIONS	31
B. WORKING WITH NATIONAL LABS, UNIVERSITIES, RESEARCH INSTITUTIONS, AND OTHER SUBCONTRACTORS.....	33
C. SCIENTIFIC AND TECHNICAL INFORMATION RESOURCES.....	34
D. OTHER RESOURCES	35

PART I – FUNDING OPPORTUNITY DESCRIPTION

This Funding Opportunity Announcement (FOA) describes Phase I funding opportunities for the Small Business Innovation Research (SBIR) and the Small Business Technology Transfer (STTR) programs for Fiscal Year (FY) 2012 Phase I (Release 2).

DOE Phase I opportunities are announced pursuant to the Small Business Innovation Development Act of 1982 (Public Law 97-219), SBIR Program Reauthorization Act of 2000 (Public Law 106-554), the Small Business Research and Development Act of 1992 (Public Law 102-564), and the STTR Program Reauthorization Act of 2001 (Public Law 107-50). SBIR or STTR grants may not be awarded until the Programs are extended or renewed by Public Law. Small businesses (see definition in [Part III – Eligibility Information](#)) with strong research capabilities in science or engineering are encouraged to apply. Some topics may seek manufacturing-related innovations in accordance with Executive Order 13329, [“Encouraging Innovation in Manufacturing.”](#)

The objectives of these programs include increasing private sector commercialization of technology developed through DOE-supported research and development (R&D), stimulating technological innovation in the private sector, and improving the return on investment from Federally-funded research for economic and social benefits to the nation. DOE will support high-quality research or R&D on advanced concepts concerning important mission-related scientific or engineering problems and opportunities that are likely to lead to significant public benefit from promising research.

Other than different eligibility requirements (see [Part III Eligibility Information](#)), the major difference between the SBIR and STTR programs is that STTR grants must involve substantial cooperative research collaboration between the small business and a single Research Institution (see definitions in [Appendices/Reference Material](#) at the end of this FOA). However, it should be noted that the SBIR program also permits substantial collaboration between the small business and other organizations, including Research Institutions. The difference is that in SBIR, the collaboration is optional, while in STTR, the collaboration is required and must be cooperative in nature.

SBIR/STTR Program Phases:

Phase I – Phase I grants resulting from this competition will be made during Fiscal Year 2012 to small businesses, in amounts up to \$150,000. Phase I is to evaluate, insofar as possible, the scientific or technical merit and feasibility of ideas that appear to have commercial potential and/or substantial applications in support of DOE mission research facilities. The grant application should concentrate on research that will contribute to proving scientific or technical feasibility of the approach or concept. Success in a DOE Phase I is a prerequisite to further DOE support in Phase II.

An important goal of these programs is the commercialization of DOE-supported research or R&D. Following the start of Phase I, DOE encourages its awardees to begin thinking about and seeking commitments from private sector or Federal non-SBIR/STTR funding sources in anticipation of Phases II and III. The commitments should be obtained prior to the Phase II grant application submission. The

commitment for Phase III may be made contingent on the DOE-supported research or R&D meeting some specific technical objectives in Phase II, which, if met, would justify funding to pursue further development for commercial purposes in Phase III. Full details will be provided in the Phase II FOA.

Phase II – Phase II is the principal R&D effort, and only previous DOE Phase I grantees will be eligible to compete for subsequent Phase II continuation of their Phase I projects. Phase II awards are expected to be made during fiscal year 2013 to small businesses with approaches that appear sufficiently promising as a result of the Phase I effort. Phase II grant awards are expected to be in amounts up to \$1,000,000. The period of performance under Phase II will depend on the scope of the effort, but normally will not exceed 24 months. Approximately fifty percent of Phase I awardees submitting a Phase II application will successfully receive a Phase II award. Instructions and eligibility requirements for submitting Phase II grant applications will be posted at a later date on the internet at www.grants.gov. The work proposed for Phase I and Phase II, assuming that it proceeds, should be suitable in nature for subsequent progress to non-SBIR/STTR funding in Phase III (see Phase III below for more details).

Phase III – Under Phase III, it is intended that non-SBIR funds be used by the small business to pursue commercial applications of the R&D. That is, the non-SBIR/STTR federal funding pays for research or R&D meeting DOE mission-related objectives identified by the DOE Phases I and II; non-SBIR capital provides follow-on developmental funding to meet commercial objectives or Phase III. Additionally, under Phase III, federal agencies may award non-SBIR/STTR funded follow-on grants or contracts to Phase I and Phase II awarded projects for (1) products or processes that meet the mission needs of those agencies, or (2) further research or R&D. The competition for SBIR/STTR Phase I and Phase II awards satisfies any competition requirement of the Federal Property and Administrative Services Act, and the Competition in Contracting Act. Therefore, an agency that funds an SBIR/STTR Phase III project is not required to conduct another competition in order to satisfy those statutory provisions.

PART II – AWARD INFORMATION

A. TYPE OF AWARD INSTRUMENT

DOE anticipates awarding grants under this FOA.

B. ESTIMATED FUNDING

Approximately \$13 Million is expected to be available for new Phase I awards under this FOA contingent on the availability of appropriated funds.

C. MAXIMUM AND MINIMUM AWARD SIZE

Ceiling (i.e., the maximum amount for an individual award made under this FOA): \$150,000 for SBIR and STTR grants.

Floor (i.e., the minimum amount for an individual award made under this FOA): N/A

D. EXPECTED NUMBER OF AWARDS

DOE anticipates making approximately 80 awards under this FOA. SBIR and STTR awards are subject to the availability of appropriated funds and this FOA does not obligate DOE to make any awards under Phase I.

E. ANTICIPATED AWARD SIZE

The average award size for these programs in Fiscal Year 2011 was \$142,496. DOE expects the average award size to increase slightly for the STTR program since the STTR funding ceiling has been increased to \$150,000.

F. PERIOD OF PERFORMANCE

DOE anticipates making awards that will run for up to 9 months with a project period begin date in June 2012.

G. TYPE OF APPLICATION

DOE will accept new Phase I applications under this FOA.

PART III - ELIGIBILITY INFORMATION

A. ELIGIBLE SBIR AND STTR APPLICANTS

Only U.S. small business concerns (SBCs) are eligible to submit SBIR applications. Joint ventures, as defined in "Appendices/Reference Material," may apply, provided the entity created also qualifies as a small business at the time of the award. An SBC is one that, at the time of award for both Phase I and Phase II SBIR awards, meets all of the following criteria:

- Organized for profit, with a place of business located in the United States (U.S.), which operates primarily within the U.S. or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor;
- In the legal form of an individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative, except that where the form is a joint venture, there can be no more than 49% participation by foreign business entities in the joint venture;
- At least 51% owned and controlled by one or more individuals who are citizens of, or permanent resident aliens in, the U.S., or it must be a for-profit business concern that is at least 51% owned and controlled by another for-profit business concern that is at least 51% owned and controlled by one or more individuals who are citizens of, or permanent resident aliens in, the U.S. (except in the case of a joint venture, where each entity to the venture must be 51 % owned and controlled by one or more individuals who are citizens of, or permanent resident aliens in, the U.S.); and
- Has, including its affiliates, not more than 500 employees and meets the other regulatory requirements found in 13 CFR Part 121. Business concerns, other than investment companies licensed, or state development companies qualifying under the Small Business Investment Act of 1958, 15 U.S.C. 661, et seq., are affiliates of one another when either directly or indirectly, (a) one concern controls or has the power to control the other; or (b) a third-party/parties controls or has the power to control both.

Control can be exercised through common ownership, common management, and contractual relationships. The term "affiliates" is defined in greater detail in 13 CFR 121. The term "number of employees" is defined in 13 CFR 121.

Further information may be obtained by contacting the Small Business Administration Size District Office at <http://www.sba.gov/size/>.

SBC's submitting to both the SBIR and STTR programs must meet eligibility requirements of both SBIR and STTR applicants.

B. COST SHARING

Cost sharing under this FOA is not required and will not be an evaluation factor in consideration of your Phase I application.

C. OTHER ELIGIBILITY REQUIREMENTS

The research or R&D must be performed in the U.S. for both Phases I and II. "U.S." means the 50 states, the territories and possessions of the U.S., 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. Non-U.S. citizens are eligible to perform work on SBIR/STTR projects provided they are legally empowered to work in the U.S. at the time that an award is made and throughout the duration of the project. That is, a foreign national working on an SBIR/STTR project must NOT be an illegal alien and must be an immigrant alien or a foreign national visiting the U.S. on an approved VISA. Foreign nationals who have applied for and received a "green card" are considered permanent residents.

None of the employees or owners of the applicant Small Business may be Consultants. None of the employees or owners of the Applicant Small Business may be employees of a Subcontractor, except when the Subcontractor is a Research Institution. Consultants must not be employees of any proposed Subcontractor. Please note, an employee of a small business is required to either (a) be paid using a W-2 form or (b) possess an Internal Revenue Service determination that the person is an employee using Form SS-8. Persons paid by a 1099 (and not possessing an employee determination using Form SS-8) are to be treated as independent contractors.

Restrictions on Submitting Applications

- Choice of Topic and Subtopic – Each grant application must be submitted to only one topic and, within the topic, to only one subtopic. DOE will not assign a topic and/or subtopic to grant applications; this must be done by the applicant. When a grant application has relevance to more than one subtopic within a topic, the applicant must decide which subtopic is the most relevant and submit the grant application under that subtopic only.
- Responsiveness – To be considered responsive, a grant application must fall within the description of the subtopic, and also satisfy any conditions contained in the introductory section of that topic. The language in both the topic introductions and the subtopics should be taken literally. Applications that do not directly address the subtopic statement will be declined for non-responsiveness, and will not be peer reviewed.
- Submitting to both SBIR/STTR Programs – Grant applications that include a substantial amount of cooperative research collaboration (at least 30%) with a single Research Institution may be considered for funding in both programs. Applicants may indicate their interest in being considered for both programs by selecting the appropriate box under "Program Type" on the "SBIR/STTR Information" form.
- Duplicate Applications – Duplicate grant applications, even if submitted to different topics and/or subtopics, will be rejected without review. That is, the application with the latest Grants.gov submission date and time will be the only version accepted for evaluation.

- Multiple Applications – Applicant small businesses are limited to submitting a total of 10 different grant applications under this FOA and each application must be uniquely responsive to the topic and subtopic to which it is submitted. If more than 10 applications are received under this FOA, only the last 10 applications received will be accepted for evaluation.

General Requirements and Restrictions on the Principal Investigator (PI)

- The PI is the key individual designated by the applicant to direct the project. Only one PI is acceptable per project. Co-PIs are not allowed and should not be proposed. The PI must be knowledgeable in all technical aspects of the grant application and be capable of leading the research effort. DOE's evaluation of the grant application is critically dependent on the qualifications of the PI. Any changes in the PI that are made after award selection are strongly discouraged and must be pre-approved by DOE. Requests for PI changes will be closely scrutinized and may cause delays in grant execution.

In addition, the PI is required to devote to the project a considerable part of his or her time.

"Considerable" means a minimum average of three (3) hours per week for the duration of the project for both SBIR and STTR Phase I projects. For example a nine (9) month project, lasting 39 weeks, would require a commitment of 117 hours. Applicants must state the duration of the project in weeks, if the project is to be completed in less than nine (9) months, in order to make it clear that this requirement is fully met. In order to ensure appropriate technical guidance for the project, only one PI will be accepted per project.

Before a grant is awarded, the PI will be required to sign a statement certifying adherence to these requirements. Non-U.S. citizens are eligible to perform work on SBIR/STTR projects provided they are legally empowered to work in the U.S. and perform the project work in the U.S. at the time that an award is made and throughout its duration. That is, a foreign national working on an SBIR/STTR project must NOT be an illegal alien and must be an immigrant alien or a foreign national visiting the U.S. on an approved VISA. Foreign nationals who have applied for and received a "green card" are considered permanent residents.

- Additional PI Restrictions when submitting to SBIR Program Only – To be awarded an SBIR grant, the applicant must meet the general requirements and the PI's primary employment must be with the small business applicant at the time of award and during the conduct of the proposed research. Primary employment means that no less than 20 hours per week is spent in the employment of the small business during the conduct of the project and no more than 19 hours per week spent in the employment of another organization.
- Additional PI Restrictions when submitting to STTR Program Only – To be awarded an STTR grant, the applicant must meet the general requirements and the PI's primary employment may be with the small business applicant or the Research Institution. However, the small business must still provide technical control and oversight of the project. If the PI is employed by the Research Institution, his or her primary employment (at least 20 hours per week) must be with the Research Institution in order to qualify under STTR and the Research Institution must provide at least 30% of the research effort.
- PI Restrictions when submitting to both SBIR and STTR Programs – Applicants submitting to both programs must adhere to the PI restrictions set forth. Therefore, if the PI is employed by the small

business, the applicant is eligible to submit to both programs. However, in cases where the PI is employed by the Research Institution, the application will only be considered under the STTR Program.

Restrictions on the Level of Small Business Participation

- For both SBIR and STTR Programs, there are requirements on the amount of the research or analytical effort that must be performed by the small business in order to be selected for and to receive a grant. The research or analytical effort is defined as the total requested funding minus the cost of any purchased or leased equipment, materials, and supplies (whether purchased by the applicant, a Research Institution, or by any other subcontractor). Please refer to the [Level of Effort Worksheet](#) on the DOE SBIR/STTR Programs home page, under Application Resources to assist you in assuring the application is in compliance. Work performed by a consultant, a DOE national laboratory, or any other subcontractor, will be considered as external to the applicant organization when complying with these requirements.
- SBIR Restrictions – To be awarded an SBIR grant, a minimum of two-thirds or 67% of the research or analytical effort must be carried out by the small business applicant during Phase I; correspondingly, a maximum of one-third or 33% of the effort may be performed by an outside party such as consultants or subcontractors. (In Phase II, a minimum of 50% of the research or analytical effort must be carried out by the small business applicant).
- STTR Restrictions – To be awarded an STTR grant, at least 40% of the research or analytical effort must be allocated to the small business applicant, and at least 30% of the effort must be allocated to a single Research Institution. (The same requirement is applicable for both STTR Phase I and Phase II.)

Guidance for Submitting to both SBIR and STTR Programs:

Grant applications that include a substantial amount of cooperative research collaboration with a single Research Institution may be considered for funding in both programs, ONLY if the PI is employed by the small business applicant.

If you choose to be considered in both programs, prepare the grant application to meet the requirements of the SBIR program. It is unlikely that STTR requirements can be satisfied unless the subaward for the single Research Institution is at least one-third of the research effort; this figure does not include costs for purchased/leased equipment or materials/supplies. Applicants should indicate their interest in being considered for both programs by clicking the appropriate box on the SBIR/STTR Information Form (see [Part IV, Section C](#))."

Restrictions on the Management of SBIR/STTR Projects

All SBIR and STTR funding agreements are made with the small business applicant regardless of the proportion of the work or funding of each of the performers (small business, Research Institution, subcontractor, etc.) under the grant. As the primary grantee, the small business applicant has the overall responsibility of the project, including financial management and the direction and control of the performance. For STTR projects, where the PI is employed by the Research Institution, the small business applicant will maintain the overall supervision of the project, while the PI will manage the research portion of the project.

[Return to Top of FOA](#)

It is recommended that all agreements between the small business applicant and any subcontractor (including the Research Institution collaborating in an STTR project) reflect the controlling management position of the small business applicant during the performance of the Phase I and/or Phase II project. This includes, but is not limited to, any business plan concerning agreements and responsibilities between the parties or for the commercialization of the resulting technology.

PART IV – APPLICATION AND SUBMISSION INFORMATION

A. ADDRESS TO REQUEST APPLICATION PACKAGE

Application forms and instructions are available at Grants.gov. To access these materials, go to <http://www.grants.gov>, select "Apply for Grants", and then select "Download a Grant Application Package." Enter the CFDA and/or the funding opportunity number located on the cover of this FOA and then follow the prompts to download the application package.

B. LETTER OF INTENT AND PRE-APPLICATION

1. Letter of Intent

A Letter of Intent is required and must be submitted to DOE by December 20, 2011, 11:59 EST. Please provide the following in the Letter of Intent:

- Small business name and address
- The DOE technical topic and subtopic to which you intend to submit an application, e.g., 11b
- Project Title
- Principal Investigator name
- Business Official name and contact information (telephone number and email address)
- Name(s) of any proposed subcontractor(s) or consultant(s), if any
- Technical abstract that sufficiently describes your technology and application. The abstract should not exceed 500 words and provide sufficient technical depth to allow DOE to assign technical reviewers for your application.

Letters of Intent will be used by DOE Program Managers to determine the number of independent scientific and engineering experts that may be required to conduct the application review process identified in Part V – Application Review Information. In addition, feedback will only be provided to applicants if the proposed R&D described in a Letter of Intent appears to be nonresponsive to the selected topic and subtopic.

Please email your Letter of Intent to DOE SBIR/STTR Programs Office at sbir-sttr@science.doe.gov no later than December 20, 2011, 11:59 EST.

2. Pre-Application

Pre-Applications are not required.

C. CONTENT AND FORMAT OF APPLICATION

Applications must be submitted using the forms provided by Grants.gov by January 31, 2012, 11:59 EST. Some of the information must be directly entered onto the forms and other information must be attached to

the forms as directed. The table below lists the required forms and the attachments associated with each form.

Please note: Grant applications lacking the following required documentation, only as it applies to each respective research project, will be Administratively Declined without technical review. To assist you in submitting the necessary forms with your application, please refer to the DOE Phase I Application Checklist, located on the DOE SBIR/STTR Programs Office web site under "Application Resources" at <http://science.energy.gov/sbir/funding-opportunities/application-resources/>.

SBIR Phase I Application

Forms	Attachments (letters and numbers indicate sections of the form where attachments are added)
	Application for Federal Assistance, SF-424
	18. SFLLL, Disclosure of Lobbying Activities, if applicable
	Research and Related: Budget
	A. 9. Additional Senior Key Persons, if applicable
	C. 11. Additional Equipment, if applicable
	K. Budget Justification
	Research and Related: Senior/Key Person Profile
	Biographical Sketch for each person
	Current & Pending Support for each person, if applicable
	Research and Related: Other Project Information
	7. Project Summary/Abstract
	8. Project Narrative
	9. Bibliography and References Cited, if applicable
	10. Facilities and Other Resources, if applicable
	11. Equipment, if applicable
	12. Other--Level of Effort Worksheet
	12. Other--Letter of Commitment for consultant or Subaward, if applicable
	12. Other-- Certification for Using a National Laboratory as a Subcontractor
	12. Other--Phase I Commercialization Plan
	Research and Related: Subaward Budget, if applicable
	Budget Justification for each Subaward
	Project/Performance Site Location(s)
	SBIR/STTR Information
	8. Commercialization History, if applicable,

Please be aware of the following specific requirements when preparing the forms and attachments:

- Application for Federal Assistance, SF-424 (R&R)
 - Include the topic and subtopic with the project title in field 11. Each grant application must be submitted to a DOE SBIR/STTR technical topic and, within the topic, to only one subtopic. DOE will not assign a topic and/or subtopic to grant applications; this must be done by the applicant. (The topic and subtopic are also required on page 1 of the project narrative.)
- Budget Justification
 - The budget justification must include the number of hours and the hourly rate for all employees associated with this project.
 - To assist applicants with providing the required information to justify their budget, a [Budget Justification Worksheet](#) can be found on the DOE SBIR/STTR Programs Office web site at <http://science.energy.gov/sbir/funding-opportunities/application-resources/>.
- Project Summary/Abstract
 - The project summary/abstract is treated as publicly available information and must not contain any proprietary information.
- Project Narrative
 - The Project Narrative describing your technology must not exceed 14,500 words of text.
 - The Project Narrative format should follow the outline below:
 - a. Cover page
 - b. Proprietary Data Legend
 - c. Identification and Significance of the Problem or Opportunity, and Technical Approach
 - d. Anticipated Public Benefits
 - e. Technical Objectives
 - f. Phase I Work Plan
 - g. Phase I Performance Schedule
 - h. Related Research or R&D
 - i. Principal Investigator and other Key Personnel
 - j. Facilities/Equipment
 - k. Consultants and Subcontractors (including Research Institutions for STTR)
 - Proprietary Technical Information: If your application contains trade secrets or commercial or financial information, you must include the Notice of Restriction on Disclosure and Use of Data on the first page of your Project Narrative in accordance with guidance under [Part VIII, D. Proprietary Information - Trade Secrets, Commercial or Financial Information](#) of this FOA. Please ensure this information is consistent with question number three (3) of the Research and Related: Other Project Information.
 - Include the topic and subtopic on page 1 of your Project Narrative.
- Letter of Commitment – Consultants
 - The Letter of Commitment from a consultant must include the number of hours and the hourly rate for the consultant.
- Certification (Waiver) for Using a National Laboratory as a Subcontractor

- All SBIR applications that include a subcontract to a Federally-owned, contractor-operated National Laboratory are required to include a completed [Certification for Using a National Laboratory as a Subcontractor form](#) attached to Field 12 of the Grants.gov Research & Related Other Project Information form. Reference to the attached certification should be included in Section K (Consultants and Subcontractors) of the project narrative. If the application is selected for funding, the DOE will submit the Certification to the Small Business Administration (SBA) for a waiver. The small business has to demonstrate to the SBA that it has examined the private sector for the availability of such facilities, services, and/or expertise necessary for the successful completion of its SBIR Program grant and has found them unavailable; and it has independently located and arranged for these necessary services with the identified National Laboratory.

- Commercialization Plan
 - A brief commercialization plan must be included in a Phase I grant application. The Commercialization Plan will be evaluated under the “Impact” criterion and should address the following elements:
 - Market Opportunity: Describe the market opportunity being addressed.
 - You MUST include the following statement at the beginning of your Commercialization Plan:
“(COMPANY NAME HERE) estimates sales revenues of \$_____ and licensing revenues of \$_____ during the first 10 years of commercialization.”
 - Intellectual Property (IP): Describe the status of patents, trade secrets, and other steps you plan to take to protect your IP for commercialization.
 - Company/Team: Describe the capability of your present personnel and/or planned additions to your staff that will enable you to successfully commercialize your innovation.
 - Although Phase I applications must only address the elements listed above, Phase I Applicants are encouraged to examine the more detailed commercialization plan requirements for Phase II applications in our [FY11 Phase II Funding Opportunity Announcement](#) (page 25).
 - At this time, Question 7 of the SBIR/STTR Information Form will not accept an attachment for a Phase I grant application submission. To address this form issue, please create a document entitled, “Commercialization Plan” and attach this file in Field 12 of the **Research & Related Other Project Information Form**.

- Commercialization History
 - If you have received SBIR/STTR Phase II awards from any Federal agency, then you must provide your company Commercialization History. To assist applicants in providing a Commercialization History, an MS Excel template can be found on the DOE SBIR/STTR Programs Office web site at <http://science.energy.gov/sbir/funding-opportunities/application-resources/>. Please create a document entitled, “Commercialization History” and attach this file in Field 12 of the **Research & Related Other Project Information Form**.

For detailed application, forms, and other applicant information, please see the [“Instructions for Completing a DOE SBIR/STTR Phase I Grant Application”](#) located on the DOE SBIR/STTR Programs Office web site at <http://science.energy.gov/sbir/funding-opportunities/application-resources/>. If there are any inconsistencies

between the information provided in the FOA and the Instructions for Completing a DOE SBIR/STTR Phase I Grant Application, the information contained in the FOA prevails. For questions regarding the preparation of a Phase I grant application, you may call the DOE SBIR/STTR Operations Support Staff at (301) 903-5707 or via email at sbir-sttr@science.doe.gov.

D. SUBMISSIONS FROM SUCCESSFUL APPLICANTS

If selected for award, DOE reserves the right to request additional or clarifying information for any reason deemed necessary, including, but not limited to:

- Indirect Cost Information
- Other Budget Information
- Name and phone number of the Designated Responsible Employee for complying with national policies prohibiting discrimination (See [10 CFR 1040.5](#))
- Representation of Limited Rights Data and Restricted Software, if applicable
- Representation Concerning Financial Management System
- Consultant documentation/verification of rates

SBIR/STTR Certifications

If selected for an award, applicants will be required to sign and submit one or more certification forms. These forms will be provided by the DOE Contract Specialist during award negotiation. For more information, please refer to [Section 5.1](#) Small Business Concern SBIR Verification Statement in the *["Instructions for Completing a DOE SBIR/STTR Phase I Grant Application."](#)*

The following hyperlinked documents are provided for information purposes only and are subject to changes and updates prior to award negotiation:

- [Principal Investigator Certification](#)
- [Property and Commercialization Rights Agreement Certification](#)
- [DOE STTR Model Agreement for Property and Commercialization Rights](#)

E. SUBMISSION DATES AND TIMES

1. Letter of Intent

A Letter of Intent is required and must be submitted to DOE by December 20, 2011, 11:59 EST. For details, please refer to [Part IV, Section B](#) of this FOA. Please email your Letter of Intent to DOE SBIR/STTR Programs Office at sbir-sttr@science.doe.gov.

2. Pre-Application

Pre-Applications are not required.

3. Formal Applications

Applications must be received by January 31, 2012, 11:59 PM EST. Please note, due to the Grants.gov system limitation of accepting applications in bulk on or near the deadline, you are highly encouraged to transmit your application well before the 11:59 PM Eastern Time deadline. Please be aware that applications received after the January 31, 2012, 11:59 PM EST deadline will not be reviewed or considered for award.

Unsolicited grant applications will not be accepted. Any submission incorporating data affecting the national security will not be accepted for evaluation.

F. INTERGOVERNMENTAL REVIEW

This program is not subject to [Executive Order 12372](#) – Intergovernmental Review of Federal Programs.

G. FUNDING RESTRICTIONS

Cost Principles – Costs must be allowable in accordance with the applicable Federal cost principles referenced in [10 CFR Part 600](#). The cost principles for commercial organizations are found in Federal Acquisition Regulation ([FAR Part 31](#)).

Indirect Costs – Indirect costs are normally a component of a project budget and derive from an applicant's Indirect Rate(s), established in accordance with its financial management system. Experience has shown that creating and supporting these rates can be one of the most problematic elements of a budget, and the subsequent negotiation of costs for the project. Applicants are encouraged to be proactive in ensuring that all proposed rates are established in a timely manner and in accordance with applicable cost principles. If you are selected for award, establishing the acceptability of your proposed indirect costs, if any, is essential to the review of your budget and may take various forms, including: 1) An Indirect Cost Rate Agreement (ICRA) in effect with your cognizant Federal agency which covers the period of performance of this award and supports the indirect rate(s) proposed; 2) If no ICRA exists, an Indirect Cost Rate Proposal may be submitted to DOE for evaluation; or 3) indirect rates which have been accepted for estimating purposes by DOE or another Federal agency for the period of performance of this award.

If you are proposing indirect costs and do not already have an Indirect Cost Rate Agreement with your cognizant Federal agency or documentation of rates accepted for estimating purposes by DOE or another Federal agency, it is recommended that you begin preparing an Indirect Cost Rate Proposal to be submitted, upon request, to the DOE Contracting Specialist who will evaluate your proposal if you are selected for award.

For your convenience in preparing an Indirect Cost Rate proposal, links are provided below to the document titled "*Guidance for Indirect Rate Submission*" and to the "*Simple Indirect Rate Model*" in MS Excel format.

- [Guidance for Indirect Rate Submission](#)

[Return to Top of FOA](#)

- [Simple Indirect Rate Model in Excel format](#)

Pre-Award Costs – Recipients may charge to an award resulting from this FOA, pre-award costs that were incurred within the ninety (90) calendar-day period immediately preceding the effective date of the award, if the costs are allowable in accordance with the applicable Federal cost principles referenced in [10 CFR Part 600](#). Recipients must obtain the prior approval of the DOE Contracting Officer for any pre-award costs that exceed this 90 calendar day period. Phase I recipients are not required to seek prior approval.

Pre-award costs are incurred at the applicant's risk. DOE is under no obligation to reimburse such costs if for any reason the applicant does not receive an award or if the award is made for a lesser amount than the applicant expected, or if the costs are found to be unallowable, unreasonable, or not allocable to the project.

H. OTHER SUBMISSION AND REGISTRATION REQUIREMENTS

APPLICATIONS MUST BE SUBMITTED THROUGH GRANTS.GOV TO BE CONSIDERED FOR AWARD

All Phase I applications must be submitted through [Grants.gov](#) web portal to be considered for award. You cannot submit an application through [Grants.gov](#) unless you are registered. Please read the registration requirements carefully and start the process immediately. Remember you have to update your [Central Contractor Registration \(CCR\)](#) number each year (see Registration Requirements below). If you have any questions about your [CCR](#), please contact the [Grants.gov](#) Helpdesk at 1-800-518-4726.

Registration Requirements – There are several one-time actions you must complete in order to submit an application through [Grants.gov](#) (e.g., obtain a Dun and Bradstreet Data Universal Numbering System ([DUNS](#)) number, register with the [CCR](#) via the credential provider, and register with [Grants.gov](#)). See [Grants.gov "Get Registered"](#) and use the [Grants.gov Organization Registration Checklist](#) to guide you through the process. Designating an E-Business Point of Contact (EBiz POC) and obtaining a special password called an MPIN are important steps in the [CCR](#) registration process. Applicants, who are not registered with [CCR](#) and [Grants.gov](#), should allow at least 21 days to complete these processes. It is suggested that you begin the registration process for each of these requirements as soon as possible.

IMPORTANT NOTICE TO POTENTIAL APPLICANTS – When you have completed the process, please call the [Grants.gov](#) Helpdesk at 1-800-518-4726 to verify that you have been appropriately registered.

Questions relating to the registration process, system requirements, how an application form works, or the submittal process must be directed to [Grants.gov](#) at 1-800-518-4726 or support@grants.gov. DOE cannot answer these questions.

Questions regarding the content of this Funding Opportunity Announcement (FOA), including the Phase I DOE SBIR/STTR Technical Topics must be submitted through the [FedConnect](#) portal. [Part VII](#) of this FOA explains how to submit these types of questions to the DOE via [FedConnect](#). You must register with [FedConnect](#) to respond as an interested party to submit questions, and to view responses to questions. It is recommended that you register as soon after release of the FOA as possible to have the benefit of all responses. More information is available at <https://www.fedconnect.net/FedConnect/PublicUserRegistration.aspx> and https://www.fedconnect.net/FedConnect/PublicPages/FedConnect_Ready_Set_Go.pdf.

[Return to Top of FOA](#)

DOE will respond to a question within three (3) business days, unless a similar question and answer has already been posted on the [FedConnect](#) website.

PART V - APPLICATION REVIEW INFORMATION

A. CRITERIA

1. Initial Review

The DOE SBIR/STTR Office will perform an Initial Administrative Screening to ensure that the application meets the requirements described in [Part III, Eligibility Information](#), and [Part IV C, Content and Format of Application](#).

Those passing the Initial Administrative Screening will be technically reviewed by DOE experts within the DOE program area to ensure that they (1) meet stated FOA requirements, (2) are responsive to the topic and subtopic, (3) contain sufficient information for a meaningful technical review, (4) are for research or for research and development, (5) do not duplicate other previous or current work, and (6) are consistent with program area mission, policies, and other strategic and budget priorities. Grant applications which fail to pass this initial technical review will be declined without further review.

2. Merit Review

DOE plans to make selections for Phase I awards from those grant applications judged to have the highest overall merit within their technical program area, with approximately equal consideration given to each of the following criteria:

- Strength of the Scientific/Technical Approach as evidenced by (1) the innovativeness of the idea and the approach, (2) the significance of the scientific or technical challenge, and (3) the thoroughness of the presentation.
- Ability to Carry out the Project in a Cost Effective Manner as evidenced by (1) the qualifications of the PI, other key staff, subcontractors and consultants, if any, and the level of adequacy of equipment and facilities; (2) the soundness and level of adequacy of the work plan to show progress toward proving the feasibility of the concept; and (3) the degree to which the DOE investment in the project would be justified by the level of proposed research effort.
- Impact as evidenced by (1) the significance of the technical and/or economic benefits of the proposed work, if successful, (2) the likelihood that the proposed work could lead to a marketable product or process, and (3) the likelihood that the project could attract further development funding after the SBIR or STTR project ends. Please refer to [Part IV, C.](#) of this FOA for guidance on what to include in your Commercialization Plan and Commercialization History.

B. REVIEW AND SELECTION PROCESS

Grant applications that pass the Initial Review criteria as stated above will be further evaluated by independent scientific and engineering experts to determine the most promising technical and scientific approaches. Each grant application will be judged competitively against the Phase I evaluation criteria on its own merit. Final award decisions will be based on the evaluation criteria and consideration of other factors, such as budget and program balance, program policy factors, and the amount of appropriated funds available. The DOE will not fund any grant application for which there is a reservation with respect to any of the three evaluation criteria stated above, as determined by the review process.

The DOE may enter into discussions with a selected applicant for any reason deemed necessary, including, but not limited to: (1) the budget is not appropriate or reasonable for the requirement; (2) only a portion of the application is selected for award; (3) the DOE needs additional information to determine that the recipient is capable of complying with the requirements in [10 CFR Part 600](#); and/or (4) special terms and conditions are required. Failure to resolve satisfactorily the issues identified by the Government will preclude award to the applicant.

C. ANTICIPATED NOTICE AND SELECTION AND AWARD DATES

It is anticipated that selections for award will be completed by mid-to-late May 2012.

PART VI - AWARD ADMINISTRATION INFORMATION

A. AWARD NOTICES

This FOA is intended for informational purposes and reflects current planning. If there is any inconsistency between the information contained herein and the terms of any resulting SBIR or STTR award, the terms of the award shall control.

1. Notice of Selection

DOE will notify applicants selected for award. This notice of selection is not an authorization to begin performance ([See Part IV, G](#)) with respect to the allowability of pre-award costs. Small business organizations whose applications have not been selected will be advised as promptly as possible.

Written comments from the technical evaluators are automatically provided to all awardees (SBC Business Official) with the award notification via email. For those applicants not selected for award, you may request written comments from DOE within 30 calendar days of the official notification. DOE will respond to all email requests for comments within 30 business days. Please send all requests for reviewer comments via email to sbir-sttr@science.doe.gov.

2. Notice of Award

An Assistance Agreement issued by the DOE Contracting Officer is the authorizing award document. It normally includes, either as an attachment or by reference: (1) General Terms and Conditions for DOE SBIR and STTR Phase I and Phase II Grants; (2) Special Terms and Conditions for Use in SBIR/STTR Awards; (3) Applicable program regulations, if any; (4) Application as approved by DOE; (5) DOE assistance regulations such as [10 CFR Part 600](#); (6) "National Policy Assurances To Be Incorporated As Award Terms"; and (7) "Federal Assistance Reporting Checklist and Instructions for RD&D Projects", which identifies the reporting requirements.

The small business applicant must be registered with FedConnect at the time of award.

B. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

1. Administrative Requirements

DUNS and CCR Requirements

Additional administrative requirements for DOE grants and cooperative agreements are contained in 2 CFR, Part 25 (See: <http://ecfr.gpoaccess.gov>). Prime awardees must keep their

data at CCR current. Subawardees at all tiers must obtain DUNS numbers and provide the DUNS to the prime awardee before the subaward can be issued.

Subaward and Executive Reporting

Additional administrative requirements necessary for DOE grants and cooperative agreements to comply with the Federal Funding and Transparency Act (FFTA) of 2006 are contained in 2 CFR, Part 170. (See: <http://ecfr.gpoaccess.gov>). Prime awardees must register with the FFATA Federal Subaward Reporting System (FSRS) database on the FSRS web site at <https://www.fsrs.gov/> and report the required data on their first-tier subawardees. Prime awardees must report the executive compensation for their own executives as part of their registration profile in the CCR.

2. Terms and Conditions and National Policy Requirements

Successful applicants must comply with the terms and conditions in the award document. The “General Terms and Conditions for DOE SBIR and STTR Phase I and Phase II Grants”, the “Special Terms and Conditions for Use in SBIR/STTR Awards”, and the “National Policy Assurances To Be Incorporated As Award Terms” can also be found at http://management.energy.gov/business_doe/business_forms.htm.

3. Cooperative Research and Development Agreements (CRADA)

SBIR/STTR grant recipients who have chosen a DOE laboratory as a subcontractor may be required to implement a CRADA. CRADAs are collaborative research agreements between DOE laboratories and their partners (SBC in this case), and are approved by a DOE Contracting Officer with the cognizant national laboratory. In many cases, the CRADA could be used as a vehicle for the [Property and Commercialization Rights Agreement](#) required by the STTR program.

Immediately after the small business applicant is notified that it has been chosen for an SBIR/STTR grant, the company should contact the appropriate laboratory business official to confirm award status and to determine if a CRADA will be required. If the DOE laboratory requires a CRADA, no work may be initiated by the laboratory under the grant until the CRADA has been approved.

4. Work-For-Others Agreements

Work-for-Others (WFO) agreements are used by DOE national laboratories when performing tasks that are less cooperative in nature than tasks that require a CRADA (i.e., the work is directed by the primary contractor rather than being fully collaborative). Nonetheless, it is recommended, even when operating under a WFO agreement, that the small business

negotiate a written agreement for the disposition of intellectual property that laboratory employees may develop during the course of their work for the grantee.

It is recommended that SBIR/STTR small business applicants begin to negotiate CRADA or WFO agreements before submitting the grant application. It is during this period that the small business will have maximum leverage in conducting negotiations. That is, if satisfactory terms cannot be agreed upon at this time, the small business still would have the option of finding an alternative Research Institution or subcontractor. Once the grant application has been submitted to the DOE, and subsequently reviewed and selected for award, the small business may be locked-in to the subcontractor identified in the grant application. Also, after selection for award, there is only a short time available for conducting these negotiations before a grant begins.

C. REPORTING

Reporting requirements are identified on the Federal Assistance Reporting Checklist and Instructions for RD&D Projects, DOE F 4600.2, attached to the award agreement.

PART VII - QUESTIONS/AGENCY CONTACTS

A. QUESTIONS

As discussed on Page 2 of this FOA, questions regarding the content of this FOA must be submitted through the FedConnect portal. You must register with [FedConnect](#) to respond as an interested party to submit questions, and to view responses to questions. It is recommended that you register as soon after release of the FOA as possible to have the benefit of viewing all responses.

Applications submitted through FedConnect will not be accepted.

More information is available at <https://www.fedconnect.net/FedConnect/PublicUserRegistration.aspx> and https://www.fedconnect.net/FedConnect/PublicPages/FedConnect_Ready_Set_Go.pdf.

DOE will respond to a question within three (3) business days, unless a similar question and answer has already been posted on the [FedConnect](#) website.

Questions relating to the registration process, system requirements, how an application form works, or the submittal process must be directed to [Grants.gov](#) at 1-800-518-4726 or support@grants.gov. DOE cannot answer these questions.

B. AGENCY CONTACT

All other questions regarding the DOE SBIR/STTR processing of applications may be directed to:

Name: Carl Hebron
E-mail: sbir-sttr@science.doe.gov
Telephone: 301-903-5707

PART VIII - OTHER INFORMATION

A. MODIFICATIONS

Notices of any modifications to this FOA will be posted on the FedConnect portal. You can receive an email when a modification or an announcement message is posted by registering with FedConnect as an interested party for this FOA. It is recommended that you register as soon after release of the FOA as possible to ensure you receive timely notice of any modifications or other announcements.

More information is available at <https://www.fedconnect.net/FedConnect/PublicUserRegistration.aspx> and https://www.fedconnect.net/FedConnect/PublicPages/FedConnect_Ready_Set_Go.pdf.

B. GOVERNMENT RIGHT TO REJECT OR NEGOTIATE

DOE reserves the right, without qualification, to reject any or all applications received in response to this announcement and to select any application, in whole or in part, as a basis for negotiation and/or award.

C. COMMITMENT OF PUBLIC FUNDS

The Contracting Officer is the only individual who can make awards or commit the Government to the expenditure of public funds. A commitment by other than the Contracting Officer, either explicit or implied, is invalid.

D. PROPRIETARY APPLICATION INFORMATION – TRADE SECRETS, COMMERCIAL, OR FINANCIAL INFORMATION

An application may include technical data and other data, including trade secrets and commercial or financial information that are privileged or confidential, which the applicant does not want disclosed to the public or used by the Government for any purpose other than application evaluation. To protect such data, the submitter must include the following Notice on the first page of the Project Narrative:

“Page(s) [] of this document may contain trade secrets or commercial or financial information that is privileged or confidential and is exempt from public disclosure. Such information shall be used or disclosed only for evaluation purposes or in accordance with a financial assistance or loan agreement between the submitter and the Government. The Government may use or disclose any information that is not appropriately marked or otherwise restricted, regardless of source.”

To further protect such data, each page containing trade secrets or commercial or financial information that is privileged or confidential must be specially identified and marked with the following:

“May contain trade secrets or commercial or financial information that is privileged or confidential and exempt from public disclosure.”

In addition, each line or paragraph containing trade secrets or commercial or financial information that is privileged must be marked with brackets or other clear identification, such as highlighting.

E. EVALUATION AND ADMINISTRATION BY NON-FEDERAL PERSONNEL

In conducting the merit review evaluation, the Government may seek the advice of qualified non-Federal personnel as reviewers. The Government may also use non-Federal personnel to conduct routine, nondiscretionary administrative activities. The applicant, by submitting its application, consents to the use of non-Federal reviewers/administrators. Non-Federal reviewers must sign conflict of interest and non-disclosure agreements prior to reviewing an application. Non-Federal personnel conducting administrative activities must sign a non-disclosure agreement.

F. INTELLECTUAL PROPERTY DEVELOPED UNDER THIS PROGRAM

Property and Commercialization Rights Agreements

When using subcontractors, including Research Institutions, the small business is responsible for protecting its own interests with regard to the retention of intellectual property and commercialization rights.

It is in the best interest of the small business, when collaborating with a Research Institution or other subcontractors, to negotiate a written agreement for allocating, between the parties, intellectual property rights, and rights to carry out any follow-on research, development, or commercialization. For STTR awards only, the small business and the Research Institution must certify that this agreement has been completed. This certification will be requested by the Contract Specialist after award selection, but before the grant is signed.

A model agreement, found at <http://www.science.energy.gov/sbir/funding-opportunities/application-resources/>, may be used or revised through negotiation between the small business and the Research Institution. The completed agreement should not be submitted with the grant application, but retained by the parties to the agreement. The Federal government will not be a party to any agreement between the small business and any subcontractor, including the STTR Research Institution. However, applicants are reminded that nothing in such agreements should conflict with any provisions setting forth the respective rights of the U.S. and the small business with respect to both intellectual property rights and any rights to carry out follow-on research.

Intellectual Property Including Innovations, Inventions, and Patents

- Proprietary Information – Information contained in unsuccessful grant applications will remain the property of the applicant. The government will retain for three years one file copy of each unsuccessful grant application. Public release of information in any grant application submitted will be subject to existing statutory and regulatory requirements, such as the Freedom of Information and Privacy Acts.

If proprietary information is provided in a grant application that constitutes proprietary technical data, confidential personnel information, or proprietary commercial or financial information, it will be treated in confidence, to the extent permitted by law, provided this information is clearly marked by the applicant in accordance with paragraph D. above, and provided appropriate page numbers are inserted

into the Proprietary Notice legend printed on the first page of the project narrative. Applications will not automatically be withheld in their entirety unless justified by the applicant. The government will limit dissemination of such information to official channels to the extent permitted by law. Any other legend may be unacceptable to the government and may constitute grounds for removing the grant application from further consideration and without assuming any liability for inadvertent disclosure.

- Protection of Grant Application Information – DOE's policy is to use data included in grant applications for evaluation purposes only and to protect, to the extent allowed by law, such information from unauthorized use or disclosure. In addition to government personnel, scientists and engineers from outside the government may be used in the grant application evaluation process. The decision to obtain outside evaluation will take into consideration requirements for the avoidance of organizational conflicts of interest and the competitive relationship, if any, between the applicant and the prospective outside evaluator. The evaluation will be performed under an agreement with the evaluator that the information contained in the grant application will be used only for evaluation purposes and will not be further disclosed.
- Rights in Data Developed Under SBIR/STTR Funding Agreements – Rights in technical data, including software developed under the terms of any funding agreement resulting from grant applications submitted in response to this FOA, shall remain with the grantee, except that the government shall have the limited right to use such data for government purposes and shall not release such proprietary data outside the government without permission of the grantee 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). 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. However, effective at the conclusion of the four-year period, the government shall retain a royalty-free license for government use of any technical data delivered under an SBIR/STTR award whether patented or not.
- Copyrights – With prior written permission of the cognizant DOE Contracting Officer, the awardee may copyright and publish (consistent with appropriate national security considerations, if any) material developed with DOE support. DOE receives a royalty-free license for the Federal government and requires that each publication contain an appropriate acknowledgment and disclaimer statement.
- Patents – Small businesses may retain the principal worldwide patent rights to any invention developed with Federal support. The government receives a royalty-free license for Federal use, reserves the right to require the patent holder to license others in certain circumstances, and requires that anyone exclusively licensed to sell must normally manufacture it domestically. Information regarding patent rights in inventions supported by Federal funding can be found in the Code of Federal Regulations, 37 CFR Part 401.

G. NOTICE OF RIGHT TO REQUEST PATENT WAIVER

Not applicable.

H. NOTICE REGARDING ELIGIBLE/INELIGIBLE ACTIVITIES

Eligible activities under these programs include those which describe and promote the understanding of scientific and technical aspects of specific energy technologies, but not those which encourage or support political activities such as the collection and dissemination of information related to potential, planned or pending legislation.

I. AVAILABILITY OF FUNDS

Funds are not presently available for this award. The Government's obligation under this award is contingent upon the availability of appropriated funds from which payment for award purposes can be made. No legal liability on the part of the Government for any payment may arise until funds are made available to the Contracting Officer for this award and until the awardee receives notice of such availability, to be confirmed in writing by the Contracting Officer.

J. AUDIT REQUIREMENTS

In addition to the A-133 single audit requirements for non-profits, etc, potential applicants should be aware that for-profit organizations now have a DOE specific requirement that they have an annual compliance audit performed. For further details, see 10 CFR 600.316 and the For-Profit audit guidance documents posted under the 'Coverage of Independent Audits' heading at:

<http://energy.gov/management/downloads/draft-profit-audit-guidance-fy-2011>.

APPENDICES/REFERENCE MATERIAL

A. DEFINITIONS

Commercialization – This concerns the process of developing markets and producing and delivering products for sale (whether by the originating party or by others). As used here, commercialization includes both government and private sector markets.

Consultant – A consultant is an individual who provides professional advice or services for a fee.

Employee – A person listed on the budget form (Section A—Key/Senior Person or Section B—Other Personnel) as an employee of the small business concern is required to either (a) be paid using a W-2 form or (b) possess an Internal Revenue Service determination that the person is an employee using Form SS-8. Persons paid by a 1099 (and not possessing an employee determination using Form SS-8) are to be treated as independent contractors and should be listed on the budget form in Section F—Other Direct Costs.

Historically Underutilized Business Zone (HUBZone) – A small business concern meeting the following criteria:

- Located in a “historically underutilized business zone” or HUBZone area located in one or more of the following:
 - A qualified census tract (as defined in section 42 (d)(5)(c)(i)(I) of the Internal Revenue Code of 1986; or
 - A qualified “non-metropolitan county” (as defined in section 143(k)(2)(B) of the International Revenue Code of 1986) with a median household income of less than 80% of the state median household income or with an unemployment rate of not less than 140% of the statewide average, based on U.S. Department of Labor recent data; or
 - Lands within the boundaries of federally recognized Indian reservations.
- Owned and controlled by one or more U.S. Citizens.
- At least 35% of its employees must reside in a HUBZone.

To find out if your business is in a HUBZone, use the mapping utility provided by the U. S. SBA at its HUBZone Contracting Website at <https://eweb1.sba.gov/hubzone/internet/general/findout.cfm>.

Innovation – Something new or improved that has marketable potential, including (1) development of new technologies, (2) refinement of existing technologies, or (3) new applications for existing technologies.

Intellectual Property – The separate and distinct types of intangible property that are referred to collectively as “intellectual property,” including but not limited to: patents, trademarks, copyrights, trade secrets, SBIR/STTR technical data, ideas, designs, know-how, business, technical and research methods,

and other types of intangible business assets, and including all types of intangible assets either proposed or generated by a small business as a result of its participation in the SBIR or STTR program.

Joint Venture – A joint venture is an association between two or more firms to participate jointly in a single business enterprise. There must be a community of interests, a sharing of profits and losses, and, for the purposes of this FOA, the new entity must qualify as a small business. If a joint venture is selected for award, a DOE Contract Specialist will request a signed agreement from the parties involved. The agreement must state which company will negotiate the grant and serve as the main point of contact.

Research or Research and Development (R&D) - Research or R&D is any scientific or engineering activity which is (1) a systematic, intensive study directed toward greater knowledge or understanding of the subject; (2) a systematic study directed specifically toward applying new knowledge to meet a recognized need; and/or (3) 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 Institution – A Research Institution is a U.S. research organization that is:

- A non-profit Research Institution as defined in Section 4. Definitions, (5) of the Stevenson-Wydler Technology Innovation Act of 1980 (i.e., an organization owned and operated exclusively for scientific or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholders or individual), or
- A non-profit college or university, or
- A non-profit medical or surgical hospital, or
- A contractor-operated Federally-funded research and development center (FFRDC), 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 (or any successor legislation thereto). DOE FFRDCs include Ames Laboratory, Argonne National Laboratory, Brookhaven National Laboratory, Fermi National Accelerator Laboratory, Idaho National Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge Institute for Science and Education, Oak Ridge National Laboratory, Pacific Northwest National Laboratory, Princeton Plasma Physics Laboratory, Sandia National Laboratories, Savannah River Technology Center, Stanford Linear Accelerator Center, and the Thomas Jefferson National Accelerator Facility.
- A government-owned, government-operated facility, such as the National Energy Technology Laboratory (NETL), is not eligible to act as either a partner or subcontractor in DOE SBIR/STTR projects.

Socially and Economically Disadvantaged Small Business - A socially and economically disadvantaged small business is one:

- That is at least 51% owned by (i) an Indian tribe or a native Hawaiian organization, or (ii) one or more socially and economically disadvantaged individuals; and,

- Whose management and daily business operations are controlled by one or more socially and economically disadvantaged individuals. A socially and economically disadvantaged individual is defined as a member of any of the following groups: African Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, other groups designated from time to time by the Small Business Administration (SBA) to be socially disadvantaged, or any other individual found to be socially and economically disadvantaged by SBA pursuant to section 8(a) of the Small Business Act, 15 U.S.C. 637(a).

Subcontract – A subcontract is any agreement, other than one involving an employer-employee relationship, entered into by the primary recipient of a Federal Government grant, calling for supplies or services required solely for the performance of the original grant award.

Woman-Owned Small Business – A woman-owned small business is a small business that is at least 51% owned by a woman or women who also control and operate it. "Control" in this context means exercising the power to make policy decisions. "Operate" in this context means being actively involved in the day-to-day management.

B. WORKING WITH NATIONAL LABS, UNIVERSITIES, RESEARCH INSTITUTIONS, AND OTHER SUBCONTRACTORS

DOE User Facilities

The DOE operates a number of major scientific user facilities to serve researchers from universities, national laboratories, and industry. These facilities enable the acquisition of new knowledge that often cannot be obtained by any other means. Thousands of researchers collaborate with these facilities and analyze their respective data from the experiments to publish new scientific findings in peer-reviewed journals. These facilities may be found at the following web addresses:

<http://science.energy.gov/bes/suf/user-facilities/> and <http://science.energy.gov/ber/facilities/>.

Potential applicants to the SBIR or STTR programs should consider whether the use of any of these facilities would contribute to the scientific efforts proposed in either Phase I or II. For approved experiments (access to these facilities is through a peer-reviewed system), operating time is available without charge to those scientists whose intent is to publish their results in the open literature. If the investigator wishes to perform proprietary research, the user must pay the full-cost recovery rate for facility usage (in which case, the cost could be charged to the SBIR/STTR project); in return, the facility will treat all technical data generated as proprietary, and the user may take title to any inventions resulting from the research. Information on other laboratory facilities which may be available on a case-by-case basis may be obtained through the Federal Laboratory Consortium Locator or directly from the DOE laboratory involved.

Identifying Institutions

Experts at institutions such as DOE contractor-operated national laboratories, universities, colleges, or other Research Institutions, may be consulted during the preparation of the grant application. Any of these institutions may also serve as a subcontractor to SBIR/STTR Phase I or Phase II projects, providing technical expertise, facilities, or equipment. In such cases, the small business must have the necessary expertise to direct the project.

For STTR, the small business must conduct cooperative R&D with a Research Institution (see definition list). An alliance between the small business and a Research Institution must be formed before submitting the grant application. Grants will be awarded to the small business, which will receive all funding for the project and disperse the appropriate funds to the Research Institution.

A list of DOE National Laboratories is available at <http://science.energy.gov/laboratories/>. Also, inquiries may be made at a local library to locate supporting expertise or facilities from an appropriate university or other Research Institution to assist with the proposed project. For help in contacting personnel at DOE and other Federal agency laboratories, go to www.federalallabs.org, or contact the FLC Management Support Office by, Phone: (856) 667-7727 or E-mail: flcmso@utrs.com.

C. SCIENTIFIC AND TECHNICAL INFORMATION RESOURCES

Applicants may want to obtain scientific and technical information related to their proposed effort as background or for other purposes. Sources of this information are listed in the references for each technical topic and below.

National Technical Information Service – Reports resulting from Federal research and those received from exchange agreements with foreign countries and international agencies are available to the public in both paper copy and microfiche through the National Technical Information Service (NTIS). They may be ordered electronically from <http://www.ntis.gov> or by phone at 1-800-553-6847.

DOE Office of Scientific and Technical Information (OSTI) – OSTI is responsible for fulfilling the requirements of the Energy Policy Act of 2005 to maintain "... publicly available collections of scientific and technical information resulting from research, development, demonstration, and commercial application activities supported by the Department." OSTI collects, preserves, and disseminates research results via Web-based information systems developed on behalf of DOE.

SBIR and STTR applicants may obtain information from the following OSTI sources, available via the web at www.osti.gov or at the specific web addresses below.

- Information Bridge (www.osti.gov/bridge), over 125,000 searchable full-text documents reporting results of DOE-funded research.
- Energy Citations Database (www.osti.gov/energycitations), over 2 million searchable citations covering disciplines of interest to DOE from 1948 to the present, with links to full-text when available.
- DOE R&D Project Summaries (<http://www.osti.gov/rdprojects/AdvancedSearchScreen.jsp>), a searchable database of descriptions of approximately 22,000 ongoing or recently completed DOE research projects.
- E-print Network (www.osti.gov/eprints), which offers single-query access to a network of scientific and technical information and communication, searching more than 900,000 manuscripts, scholarly papers, and other scientific documents residing on approximately 35,300 websites and databases worldwide, containing over 5.5 million e-prints in basic and applied sciences.
- EnergyFiles (www.osti.gov/energyfiles), a virtual library utilizing subject pathways for searching more than 500 science and technology databases and Web sites covering disciplines of interest to DOE.

- Science Conferences (www.osti.gov/scienceconferences), a portal providing a unified search of 26 Web sites for science and technology conference proceedings and conference papers of interest to DOE.
- DOE R&D Accomplishments (www.osti.gov/accomplishments), a central forum for information about the outcomes of past DOE R&D.
- Federal R&D Project Summaries (www.osti.gov/fedrnd), a searchable portal to 750,000 Federal research project summaries at DOE and five other leading science agencies.

D. OTHER RESOURCES

Literature and database searches for abstracts, publications, patents, lists of Federal research in progress, and names of potential consultants in the specific research area can be obtained at good technical libraries (especially those of universities), and from some state organizations.

Science.gov (www.science.gov), a Web portal providing single-query search of more than 50 million pages of science information and research results from DOE and 11 other Federal science agencies.

Technical Assistance for Proposal Preparation and Project Conduct – SBCs may wish to contact their local National Institute of Standards and Technology (NIST) Hollings Manufacturing Extension Partnership (MEP) for manufacturing and other business-related support services. The MEP works with small and mid-sized companies to help them create and retain jobs, increase profits, and save time and money. The nationwide network provides a variety of services, from business development assistance to innovation strategies to process improvements and the identification of commercialization opportunities. MEP is a nationwide network of locally managed extension centers with over 1,400 technical experts – located in every state. To contact an MEP center, call 1-800-MEP-4-MFG (1-800-637-4634) or visit MEP's website at www.mep.nist.gov.