

## **DOD SBIR/STTR Programs Funding Agreement Certification**

Small businesses that are selected for award must complete this certificate at the time of award. All questions must be answered and an authorized officer of the company must sign and date this certificate.

Please read the certification statements carefully. The information included in this document, in combination with the DoD SBIR/STTR Phase I or II Proposal Cover Sheet, will be used to determine a firm's eligibility for award under the DoD SBIR/STTR Programs. Definitions for terms used in this document are set forth in the Small Business Act (13 CFR Part 121), the Small Business Administration (SBA) SBIR and STTR Policy Directives, and statutory/regulatory provisions referenced within those authorities. Please note that similar documents will be utilized to ensure continued compliance at other times during contract performance.

If the Government Contracting Officer (CO) believes a business does not meet the size eligibility requirements at the time of award, the CO must file a size protest with the SBA. The SBA will then accomplish a size status determination with regard to eligibility. SBA may request supporting documentation and further clarifying information in the conduct of this determination. If, after award, the CO believes the firm no longer meets eligibility requirements, the CO may request supporting documentation and clarifying information to assist in verification of contractor information already received.

No information already provided to the Federal Government affects its right to pursue criminal, civil, or administrative remedies for incorrect or incomplete information provided in this document or on the Proposal Cover Sheet. Signatory authorities for this document may be prosecuted if false information is provided.

The undersigned has reviewed, verified, and certifies:

1) The business concern meets the ownership and control requirements set forth in 13 CFR 121.702.

Yes  No

2) If a corporation, all corporate documents (articles of incorporation and any amendments, articles of conversion, by-laws and amendments, shareholder meeting minutes showing director OR officer elections, organizational meeting minutes, all issued stock certificates, stock ledger, buy-sell agreements, stock transfer agreements, voting agreements, and documents related to stock options, including the right to convert to non-voting stock or debentures into voting stock) evidences meeting the ownership and control requirements set forth in 13 CFR 121.702.

Yes  No  N/A - Explain: \_\_\_\_\_

3) If a partnership, the partnership agreement sufficiently documents meeting the ownership and control requirements set forth in 13 CFR 121.702.

Yes  No  N/A - Explain: \_\_\_\_\_

4) If a limited liability company, the articles of organization and any amendments, and operating agreement and amendments, evidences meeting the ownership and control requirements set forth in 13 CFR 121.702.

Yes  No  N/A - Explain: \_\_\_\_\_

5) The birth certificate, naturalization papers, or passports demonstrate any individual relied upon to meet eligibility requirements are U.S. citizens or permanent resident aliens of the United States.

Yes  No  N/A - Explain: \_\_\_\_\_

6) The firm has no more than 500 employees, including the employees of its affiliates.

Yes  No  N/A - Explain: \_\_\_\_\_

7) There is no SBA size status determination currently in effect finding the firm exceeds the 500 employee size standard.

Yes  No  N/A - Explain: \_\_\_\_\_

8) The principal investigator (PI) will meet the primary employment requirements as follows during performance of the award; or a deviation has been requested and approved in writing by the Government Contracting Officer.

SBIR: More than one-half of the PI's time as an employee of the prime contractor.

STTR: More than one-half of the PI's time as an employee of the prime contractor or research institution subcontractor.

Deviation - Explain: \_\_\_\_\_

9) The required percentage of work as follows will be performed during performance of the award; or a deviation has been requested and approved in writing by the Government Contracting Officer.

SBIR Phase I: At least two-thirds (66 2/3%) of the research by the prime contractor.

SBIR Phase II: At least one-half (50%) of the research by the prime contractor.

STTR Phase I and II: At least 40% of the research by the prime contractor and at least 30% of the research by a single research institution subcontractor.

Deviation - Explain: \_\_\_\_\_

10) The awarded research/research and development (R/R&D) will be performed in the United States; or a deviation has been requested and approved in writing by the Government Contracting Officer.

Yes  No

Deviation - Explain: \_\_\_\_\_

11) Performance will take place in the firm's facilities with the firm's employees, except as otherwise identified in the proposal, agreed to during contract negotiations, and approved through bi-lateral signature of the resulting contract.

Yes  No  N/A - Explain: \_\_\_\_\_

12) If applicable, the firm has registered in the SBA database as being majority-owned by a venture capital operating company (VCOC), hedge fund, or private equity firms. (**NOTE:** In accordance with the DoD SBIR and STTR Solicitation, firms owned by multiple VCOCs, hedge fund, or private equity firms are INELIGIBLE to submit proposals or receive awards.)

Yes  No  N/A - Explain: \_\_\_\_\_

13) The firm  is  is not a covered small business concern (a small business concern that: (a) was not majority-owned by multiple venture capital operating companies (VCOCs), hedge funds, or private equity firms on the date on which it submitted a proposal in response to a DoD SBIR/STTR Solicitation; and (b) is majority-owned by multiple VCOCs, hedge funds, or private equity firms on the date of award and the award is more than 9 months after the period for proposal submission ended.

14) A proposal for all or a portion of essentially equivalent work:

- Has not been submitted by the firm to another Federal agency or DoD Component for funding.
- Has been submitted by the firm to another Federal agency or DoD Component but has not been funded and is not in process of being funded.
- Has been funded by another Federal agency or DoD Component.

15) The firm will notify the Department of Defense immediately if all or a portion of the proposed work is funded by another Federal agency.  Yes

16) The firm understands that information submitted may be provided to Federal, State, and/or local agencies to be used for determining violations of law and other purposes.  Yes

17) If the firm is teamed with a Federally Funded Research and Development Center (FFRDC), Federal Laboratory, or other Federal facility, the firm acknowledges (1) they were not required to enter into an agreement with the Federal partner as a condition for the SBIR/STTR award; (2) that the agreement between the firm and the Federal partner does not violate any SBIR/STTR requirement set forth in statute or the Policy Directive, including SBIR Data Rights protections; and (3) the Federal partner will not require the firm to provide advanced payment in an amount greater than the amount necessary to pay for 30 days of facilities usage/services.

Yes  No  N/A (not teamed with a Federal organization)

The undersigned is an officer of the business concern and authorized to represent and sign this certification on its behalf. By signing this certification, the undersigned certifies the information provided in this document and the proposal coversheet, as well as all information within the proposal, is true and correct as of the date of award.

Yes

The undersigned understands that any intentional or negligent misrepresentation of the information contained in this document, the proposal coversheet, or any other part of the proposal may result in criminal, civil, or administrative sanctions, including but not limited to: (1) fines, restitution, and/or imprisonment under 18 USC 1001; (2) treble damages and civil penalties under the False Claims Act, 31 USC 3729 et seq.; (3) double damages and civil penalties under the Program Fraud Civil Remedies Act, 31 USC 3801 et seq.; (4) civil recovery of award funds; (5) suspension and/or debarment from all Federal procurement and non-procurement transactions, FAR Part 9.4 or 2 CFR Part 180; and (6) other administrative penalties including termination of active SBIR/STTR awards.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_

Position Title \_\_\_\_\_

Company Name \_\_\_\_\_