



U.S. DEPARTMENT OF ENERGY

FINANCIAL ASSISTANCE FUNDING OPPORTUNITY ANNOUNCEMENT

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

FY 2013 Phase I Release 2

Funding Opportunity Number: DE-FOA-0000801

Announcement Type: CFDA Number: 81.049

ISSUE DATE: November 26, 2012

LETTER OF INTENT DUE DATE: December 17, 2012, 5:00 PM EST

PRE-APPLICATION DUE DATE: Not Required

APPLICATION DUE DATE: February 5, 2013, 11:59 PM EST

Proprietary Notice Update: The procedure for identifying Proprietary Data contained in your application has changed. Please follow the instructions provided in PART IV, C. and PART VIII, D. of this announcement regarding the marking of the data considered proprietary.

Applicants are required to use the compatible version of Adobe Reader software to complete a [Grants.gov](http://www.grants.gov) Adobe application package. To ensure you have the [Grants.gov](http://www.grants.gov) compatible version of Adobe Reader, visit the download software page at http://www.grants.gov/help/download_software.jsp

REGISTRATIONS

A. REQUIRED REGISTRATIONS

There are several one-time actions you must complete in order to submit an application in response to this Announcement (e.g., obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number, register with the System for Award Management (SAM), and register with Grants.gov). Those applicants not registered with SAM and/or Grants.gov must understand that it may take up to 44 days to complete these requirements. It is suggested that you begin the registration process well before 44 days.

Applicants must obtain a DUNS number at <http://fedgov.dnb.com/webform>.

Applicants must register with the System for Award Management (SAM) at <http://www.sam.gov/>. If you had an active registration in the Central Contractor Registry (CCR), you should have an active registration in SAM. More information about SAM registration for applicants is found at: https://www.sam.gov/sam/transcript/Quick_Guide_for_Grants_Registrations_v1.7.pdf.

Applicants must register with Grants.gov. There are 3 steps to this process.

1. The Authorized Organizational Representative (AOR) must register at: <https://apply07.grants.gov/apply/OrcRegister>
2. An email is sent to the E-Business (E-Biz) POC listed in SAM. The E-Biz POC must approve the AOR registration using their MPIN from their SAM registration.
3. AOR verifies that registration was completed at: http://grants.gov/applicants/applicant_profile.jsp.

More information about the above steps is provided at: http://www.grants.gov/applicants/organization_registration.jsp.

Recipients must register with the Federal Funding Accountability and Transparency Act Subaward Reporting System at <https://www.fsrc.gov>. This registration must be completed before an award may be made: you are advised to register while preparing your application.

B. DOE OFFICE OF SCIENCE PORTFOLIO ANALYSIS AND MANAGEMENT SYSTEM (PAMS)

All Grants.gov submissions to the DOE Office of Science (SC) are automatically entered into the DOE SC Portfolio Analysis and Management System (PAMS) and will then be assigned to a program manager. At the time of program manager assignment, the three people listed on the SF-424 R&R cover page will receive an email with the subject line, "Receipt of Proposal 00002xxxxx by the DOE Office of Science." These three people are the Principal Investigator (Block 14), Authorized Representative (Block 19), and Point of Contact (Block 5). In PAMS notation, applications are known as proposals, the Principal Investigator is known as the PI, the Authorized Representative is known as the Sponsored Research Officer/Business Officer/Administrative Officer (SRO/BO/AO), and the Point of Contact is known as the POC.

Once the email is sent, the PI, SRO/AO/BO, and POC will each be able to view the submitted proposal in PAMS. Viewing the proposal is an optional courtesy provided by SC to the submitting institution.

Following are two sets of instructions for viewing the submitted proposal, one for individuals who already have PAMS accounts and one for those who do not.

If you already have a PAMS account, follow these instructions:

1. Log in to PAMS at <https://pamspublic.science.energy.gov/>.
2. Click the "Proposals" tab and select "Access Previously Submitted Grants.gov Proposal."
3. Enter the following information:
 - Proposal ID: Enter the ten-digit *PAMS proposal ID*, including the leading zeros (e.g., 00002xxxxx). (Do NOT use the Grants.gov proposal number here. Use the PAMS number that was sent to you in the email with the subject line beginning, "Receipt of Proposal ...")
 - Email (as entered in Grants.gov proposal): Enter your email address as it appears on the SF424 R&R Cover Page.
 - Choose Role: Select the radio button in front of the role that applies to you. If your name appears in block 19 of the SF424 R&R cover page as the authorizing representative, select "SRO/BO/AO (Sponsored Research Officer/Business Officer/Administrative Officer)." If your name appears in block 14 of the SF424 R&R cover page as the PI, select "Principal Investigator (PI)." If your name appears in block 5 of the SF424 R&R as the point of contact, select "Other (POC)."
4. Select "Save and Continue." You will be taken to your "My Proposals" page. The Grants.gov proposal will now appear in your list of proposals. Click "Actions/Views" and then select, from the dropdown, "Proposal" to see the proposal. Note that the steps above will work only for proposals submitted to the DOE Office of Science since May 2012.

If you do not already have a PAMS account, follow these instructions:

1. On the website <https://pamspublic.science.energy.gov/>, click "Create New PAMS Account."
2. Click, "No, I have never had an account" and then click, "Create an Account."
3. Enter the required information. You will be asked to enter your name, create a user name and password, select a security question, and enter your email address. Click, "Save and Continue."
4. Enter your phone number and mailing address. Click, "Create Account."

5. You will be presented with a Notice to Users, a Privacy Notice, and the Rules of Behavior. If you agree to comply with the Rules of Behavior, click "Accept."*
6. You will be taken to the Register to Institution page. Select "Option 1: My institution has submitted a proposal in Grants.gov. I am here to register as an SRO, PI, or POC (Sponsored Research Officer, Principal Investigator, or Point of Contact)."
7. Enter the following information:
 - Proposal ID: Enter the ten-digit *PAMS proposal ID*, including the leading zeros (e.g., 00002xxxxx). (Do NOT use the Grants.gov proposal number here. Use the PAMS number that was sent to you in the email with the subject line beginning, "Receipt of Proposal ...")
 - Email (as entered in Grants.gov proposal): Enter your email address as it appears on the SF424 R&R Cover Page.
 - Choose Role: Select the radio button in front of the role that applies to you. If your name appears in block 19 of the SF424 R&R cover page as the authorizing representative, select "SRO/BO/AO (Sponsored Research Officer/Business Officer/Administrative Officer)." If your name appears in block 14 of the SF424 R&R cover page as the PI, select "Principal Investigator (PI)." If your name appears in block 5 of the SF424 R&R as the point of contact, select "Other (POC)."
8. Select "Save and Continue." You will be taken to your "My Proposals" page. The Grants.gov proposal will now appear in your list of proposals. Click "Actions/Views" and then select, from the dropdown, "Proposal" to see the proposal.
 - Note: If you were listed as the PI on a prior submission but you have not previously created an account, you may already be listed in PAMS. If this is the case, you will be taken to the PAMS home page after agreeing to the Rules of Behavior. If that happens, follow the instructions listed above under "If you already have a PAMS account..." to access your Grants.gov proposal.

If you need help with PAMS, contact the PAMS Help Desk at 855-818-1846 (toll-free), 301-903-9610, or sc.pams-helpdesk@science.doe.gov. The PAMS Help Desk hours of operation are 9 AM to 5:30 PM Eastern Time, Monday through Friday. The PAMS help desk is closed on Federal holidays and weekends.

C. QUESTIONS

Questions relating to the registration process, system requirements, or how an application form works must be directed to Grants.gov at 1-800-518-4726 or support@grants.gov.

D. APPLICATION PREPARATION AND SUBMISSION

Applicants must download the application package, application forms and instructions, from Grants.gov at <http://www.grants.gov/>
(Additional instructions are provided in Section IV A of this FOA.)

E. WHERE TO SUBMIT

Applications must be submitted through Grants.gov 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 SAM registration annually. If you have any questions about your registration, you should contact the Grants.gov Helpdesk at 1-800-518-4726 to verify that you are still registered in Grants.gov.

IMPORTANT NOTICE TO POTENTIAL APPLICANTS: When you have completed the process, you should call the Grants.gov Helpdesk at 1-800-518-4726 to verify that you have completed the final step (i.e., Grants.gov registration).

All applications should be in a single PDF file.

F. WHERE TO FIND THE TOPICS

To download the FY 2013 Phase I Release 2 Topics in a searchable PDF file, please visit the U. S. Department of Energy (DOE) SBIR/STTR web site by clicking on the following link:

<http://www.science.energy.gov/sbir/>

G. QUESTIONS

Questions regarding the content of this Funding Opportunity Announcement (FOA) must be submitted to the Agency Contact listed in Part VII, B. Questions regarding DOE SBIR/STTR Topics may be submitted to the DOE contact listed with each subtopic in the Topics document associated with this FOA.

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PART I – FUNDING OPPORTUNITY DESCRIPTION

This Funding Opportunity Announcement (FOA) describes two distinct funding opportunities for the U. S. Department of Energy (DOE) Small Business Innovation Research (SBIR) and the Small Business Technology Transfer (STTR) programs for Fiscal Year (FY) 2013 – Phase I.

A. PHASE I

Phase I grants resulting from this competition will be made during FY 2013 to small businesses with maximum award sizes of \$150,000, \$225,000, or \$450,000 depending on the topic. Please refer to the topic descriptions under this FOA to determine the maximum award size for each topic. The period of performance will depend on the scope of the effort but will not exceed 9 months.

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 application in support of DOE mission research. 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. 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.

B. FAST-TRACK (COMBINED PHASE I AND PHASE II)

Fast-Track grants are opportunities to expedite the decision and award of SBIR and STTR Phase I and II funding for scientifically meritorious applications that have a high potential for commercialization. Fast-Track incorporates a submission and review process in which both Phase I and Phase II grant applications are combined into one application and submitted and reviewed together. The Project Narrative portion of a Fast-Track application must specify clear, measurable goals and milestones that should be achieved prior to initiating Phase II work. If these milestones are not met in Phase I, authorization to proceed to Phase II may not be provided and the grant will discontinue following Phase I efforts. The work proposed for Fast-Track, assuming that it proceeds, should be suitable in nature for subsequent progress to non-SBIR/STTR funding in Phase III.

For a specific R&D effort, applicants may submit either a Phase I application or a Fast-Track application, but not both. If both Phase I and Fast-Track applications are submitted, the application with the most recent submission date and time to Grants.gov will be evaluated. An individual application may be made only to either the traditional Phase I or to the Fast-Track. A project selected for Fast-Track funding which fails to meet its objectives may not later apply for Phase II funding.

Please Note: Under this FOA, Fast-Track applicants may not apply concurrently to the Phase I funding opportunity.

Fast-Track grant awards resulting from this competition will be made during FY 2013 to small businesses with maximum award sizes of \$1,150,000, \$1,725,000, or \$3,450,000 depending on the topic. Please refer to the topic descriptions under the FOA to determine the maximum award size for each topic. The period of performance under Fast-Track will depend on the scope of the effort, but will not exceed 33 months.

Grant opportunities are announced pursuant to the Small Business Innovation Development Act of 1982 (Public Law 97-219), the Small Business Research and Development Act of 1992 (Public Law 102-564), and the SBIR/STTR Reauthorization Act of 2011 (Public Law 112-81). 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](#).”

C. SBIR/STTR PROGRAM OBJECTIVES

The objectives of the SBIR/STTR 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.

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. For Phase I applicants, more details will be provided in the Phase II FOA. For Fast-Track applicants, please refer to the [Part IV, Fast-Track Applicant – Content and Format](#).

Under Phase III, it is intended that non-SBIR/STTR 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/STTR 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.

The receipt of earlier Phase funding does not represent any commitment or obligation to fund a later Phase, unless an application was made to and submitted under the Fast-Track procedure and was deemed appropriate by the DOE to continue.

D. TECHNOLOGY TRANSFER OPPORTUNITY

A Technology Transfer Opportunity (TTO) is an opportunity for small businesses, in the course of an SBIR/STTR award, to leverage technology that has been developed at a DOE National Laboratory. The TTO will be described in a particular subtopic and additional information may be obtained by using the link in the subtopic to the DOE National Laboratory that has developed the technology. Typically the technology was developed with DOE funding of either basic or applied research at a DOE National Laboratory and is available for transfer to the private sector. The level of technology maturity will vary and applicants are encouraged to investigate what work has been done prior to submitting an application.

Those selected for award under a TTO subtopic, will be assigned rights by the DOE National Laboratory owning the technology, to perform research and development of the technology during their Phase I or Phase II grants. Please note that these are NOT commercial rights which allow you to license, manufacture, or sell, but only rights to perform research and development.

In addition, the DOE National Laboratory will provide the awardee, at the start of its Phase I grant, with a no-cost, six month option to license the technology. It will be the responsibility of the small business to demonstrate adequate progress towards commercialization and to negotiate an extension to the option or convert the option to a license. A copy of the option agreement template will be available at the National Lab website which owns the TTO.

PART II – AWARD INFORMATION

A. TYPE OF AWARD INSTRUMENT

DOE anticipates awarding grants under this FOA.

B. ESTIMATED FUNDING

Approximately \$34 Million is expected to be available for new awards under this FOA. Funding for all awards and future budget periods are contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority.

C. MAXIMUM AND MINIMUM AWARD SIZE

Phase I Ceiling (i.e., the maximum amount for an individual award made under this FOA): \$150,000, \$225,000, or \$450,000 for SBIR and STTR grants depending on Topic. Please refer to the specific Topic for maximum funding limits.

Fast-Track Ceiling (i.e., the maximum amount for an individual award made under this FOA): \$1,150,000, \$1,725,000, or \$3,450,000 for SBIR and STTR grants depending on Topic. Please refer to the specific Topic for maximum funding limits.

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 162 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 or Fast-Track.

E. ANTICIPATED AWARD SIZE

The average Phase I award size for the SBIR and STTR programs in Fiscal Year 2012 was \$147,434.

The DOE SBIR and STTR Fast-Track applications are new for FY 2013; they did not exist in FY 2012.

F. PERIOD OF PERFORMANCE

Phase I: DOE anticipates making awards that will run for up to 9 months with a project period begin date in June 2013.

Fast-Track: DOE anticipates making awards that will run for up to 33 months with a project begin date in June 2013.

G. TYPE OF APPLICATION

DOE will accept new Phase I and Fast-Track 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 and STTR 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/STTR 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.

Small business concerns that are majority-owned by venture capital operating companies, hedge funds, or private equity firms are not eligible for funding under this FOA.

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. If an application is submitted to both programs but fails to meet the

eligibility requirement for both programs, it will only be considered for the one program it does meet the eligibility requirements.

B. PARTICIPATION BY FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER CONTRACTORS

Federally Funded Research and Development Center (FFRDC) contractors are not eligible for an award under this FOA, but they may be proposed as a team member subject to the following guidelines:

Authorization for non-DOE/NNSA FFRDCs

The Federal agency sponsoring the FFRDC contractor must authorize in writing the use of the FFRDC contractor on the proposed project and this authorization must be submitted with the application. The use of a FFRDC contractor must be consistent with the contractor's authority under its award and must not place the FFRDC contractor in direct competition with the private sector.

Authorization for DOE/NNSA FFRDCs

The cognizant DOE contracting officer must authorize in writing the use of a DOE/NNSA FFRDC contractor on the proposed project and this authorization should be submitted with the application, if available. The following wording is acceptable for this authorization.

"Authorization is granted for the Laboratory to participate in the proposed project. The work proposed for the laboratory is consistent with or complimentary to the missions of the laboratory, will not adversely impact execution of the DOE/NNSA assigned programs at the laboratory, and will not place the laboratory in direct competition with the domestic private sector."

Failure to obtain such approval in a timely manner may delay the project if a grant is awarded.

Responsibility

The applicant, if successful, will be the responsible authority regarding the settlement and satisfaction of all contractual and administrative issues, including but not limited to, disputes and claims arising out of any agreement between the applicant and the FFRDC contractor.

C. COST SHARING

Cost sharing under this FOA is not required. However, any commercial contribution will be considered as part of the evaluation.

Other Eligibility Requirements

For both Phase I and Fast-Track, 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 received a "green card" are considered permanent residents.

None of the employees or owners of the applicant Small Business may be paid as 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. An applicant may be required to submit proof that its personnel may legally perform work on this project before a new, continuation, or transition award is made.

D. SUBMITTING LETTERS OF INTENT (LOI)

An LOI is required and must be submitted by Monday, December 17, 2012, 5:00 PM EST. Only those applicants that submit a LOI by the due date are eligible to submit a full application under this FOA.

Applicant small businesses are limited to submitting a total of 10 different LOI under this FOA and each LOI must be uniquely responsive to the topic and subtopic to which it is submitted. If more than 10 LOI's are received under this FOA, only the last 10 LOI's received will be accepted. Please refer to PART IV, B. for LOI content guidance.

E. RESTRICTIONS ON SUBMITTING APPLICATIONS

1. CHOICE OF TOPIC AND SUBTOPIC

Each grant application must be submitted to only one topic, including a Technology Transfer Opportunity topic, if applicable, 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. Each grant application must fall within the description of the subtopic, and also satisfy any conditions contained in the introductory section of that topic. Applications that do not directly address the subtopic statement will not be peer reviewed. The language in both the topic introductions and the subtopics should be taken literally.

2. RESPONSIVENESS

Phase I grant applications will be judged on a competitive basis against other applicants within the same technical program area in several stages. Those passing the initial administrative screening will be evaluated for responsiveness by DOE technical program experts to ensure that they (1) meet stated Funding Opportunity Announcement requirements, (2) identify a 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 DOE-funded 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 screening will be declined without further review.

3. SUBMITTING TO BOTH SBIR AND STTR PROGRAMS

Grant applications that include at least 30% of cooperative research collaboration with a single Research Institution may be considered for funding in both SBIR and STTR programs. Applicants may indicate their interest in being considered for both SBIR and STTR programs by selecting the appropriate box under “Program Type” on the “SBIR/STTR Information” form.

4. SUBMITTING TO BOTH THE PHASE I AND FAST-TRACK PROGRAM

If two applications (Phase I or Fast-Track) proposing substantively the same work are submitted to different topics or subtopics, the application with the most recent submission date and time to Grants.gov will be evaluated

5. 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.

6. 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.

F. RESTRICTIONS ON THE LEVEL OF SMALL BUSINESS PARTICIPATION – PHASE I

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.

1. SBIR RESTRICTIONS ON LEVEL OF SMALL BUSINESS PARTICIPATION

To be awarded an SBIR Phase I 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).

2. STTR RESTRICTIONS ON LEVEL OF SMALL BUSINESS PARTICIPATION

To be awarded an STTR Phase I 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.)

G. RESTRICTIONS ON THE LEVEL OF SMALL BUSINESS PARTICIPATION – FAST-TRACK

1. SBIR RESTRICTIONS ON LEVEL OF SMALL BUSINESS PARTICIPATION

Under Fast-Track, to be awarded an SBIR Phase I 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. During the Phase II portion of the Fast-Track, at least 50 percent of the research or analytical effort must be performed by the small business. Accordingly, at least 50 percent of the total funding requested on the budget form, excluding any purchased or leased equipment, materials, and supplies (whether purchased by the applicant or a subcontractor), must be allocated to the small business.

2. STTR RESTRICTIONS ON LEVEL OF SMALL BUSINESS PARTICIPATION

STTR awards will be made to small businesses for cooperative R&D to be conducted jointly with a research institution. At least 40 percent of the work must be performed by the small business, and at least 30 percent of the work must be performed by a single research institution. The research institution must be the same as that used in the Phase I research, except under very unusual circumstances, for which an explanation must be submitted to the DOE and an approval, if made, will be conveyed in writing by the DOE. Accordingly, at least 40 percent of the total funding requested on the budget form, excluding any purchased or leased equipment, materials, and supplies (whether purchased by the applicant, the research institution, or a subcontractor), must be allocated to the small business, and at least 30 percent must be allocated to a single research institution.

A [Level-of-Effort worksheet](#) is provided to assist in calculating the analytical effort for the project.

H. GENERAL REQUIREMENTS AND RESTRICTIONS ON THE 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.

A Phase I 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. The SF 424 (R&R) Project Narrative 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 demonstrate that this requirement is fully met. In order to ensure appropriate technical guidance for the project, only one PI will be accepted per project. Processing of applications that include co-PIs may be delayed while the error is corrected by the applicant. Before a grant is awarded, the applicant will be required to sign a statement certifying adherence to these requirements.

Before a grant is awarded, the applicant 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 received a "green card" are considered permanent residents. Non-U.S. citizens may be asked to provide proof of their eligibility to work before an award is made.

In addition, the Fast-Track PI must devote a minimum of 520 hours to the Phase II portion of the project or at least 5 hours per week if the Phase II portion of the project is less than 24 months in duration. If the Phase II portion project is less than 24 months in duration, applicants must state in the budget justification the duration of the project in weeks, in order to make clear that this requirement is fully met. If the application is selected for funding, the PI will be required to sign a statement certifying adherence to all PI requirements.

1. ADDITIONAL PI RESTRICTIONS WHEN SUBMITTING TO SBIR PROGRAM ONLY

To be awarded a Phase I 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.

2. ADDITIONAL PI RESTRICTIONS WHEN SUBMITTING TO STTR PROGRAM ONLY

To be awarded a Phase I 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.

3. 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.

I. GUIDANCE FOR SUBMITTING TO BOTH SBIR AND STTR PROGRAMS:

Grant applications that include a at least 30% 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 SBIR and STTR programs, prepare the grant application to meet the requirements of the SBIR program and the requirement that the research institution perform at least 30% of the work. Applicants should indicate their interest in being considered for both programs by clicking the appropriate box on the SBIR/STTR Information Form.

J. 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.

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 or regarding assignments from a DOE National Laboratory for a Technology Transfer Opportunity.

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 (LOI)

An LOI is required and must be submitted by Monday, December 17, 2012, 5:00 PM EST. Only those applicants that submit a Letter of Intent by the due date are eligible to submit a full application under this FOA.

The LOI must be submitted electronically through the DOE Office of Science Portfolio Analysis and Management System (PAMS) website <https://pamspublic.science.energy.gov/>. It is important that the LOI be in a single PDF file. The Business Official and/or Principal Investigator must register for an account in PAMS before it will be possible to submit a letter of intent and are encouraged to establish the PAMS accounts as soon as possible to avoid submission delays. To register, click "Create New PAMS Account" on the website <https://pamspublic.science.energy.gov/> and follow the instructions for creating an account. You will be prompted to create a username and password and to enter your contact information. Registering to PAMS is a two-step process; once you create an individual account, you must associate yourself with ("register to") your institution. Follow the onscreen instructions to do this.

To access PAMS, you may use Internet Explorer, Firefox, Google Chrome, or Safari browsers.

To submit the LOI, log in to PAMS. Select "View Funding Opportunity Announcements" and find the current announcement in the list. Click on "Actions/Views" for this announcement, select "Submit Letter of Intent" from the dropdown, and follow the instructions from there. Note that you must select one and only one Principal Investigator (PI) per LOI; click on "Select PI" on the far right side of the screen and then select the appropriate PI from the list of all registered users from your institution returned by PAMS. If the PI for whom you are submitting does not appear on the list then he or she is not yet registered in PAMS. For your convenience, you may have PAMS send an email invitation to the PI to register in PAMS. To do so, choose "Invite PI" at the top left of the "Select PI" screen. You can enter an optional personal message to the PI in the "Comments" box that PAMS presents, and it will be included in the email sent by PAMS to the PI. Enter your project title and the topic and subtopic. The project title should be descriptive of the proposed research and not include phrases such as

“Phase I,” “Fast-Track,” “Letter of Intent,” or the topic and subtopic. The information you enter here will be used to assign your LOI to the appropriate topic and subtopic. (Note: The full application you submit must have the same title, topic, and subtopic as your LOI.)

To upload the LOI as an attachment into PAMS, select “Attach File” at the far right side of the screen. Search for your file and then select “Attach” to upload the file. You may enter an optional description of the file you are attaching. Using the dropdown at the bottom of the screen, save the LOI and then submit it to DOE. Upon submission, the PI will receive an email from the PAMS system acknowledging receipt of the LOI.

Please provide the following information in the LOI attachment:

- Business Official name and contact information (telephone number and email address)
- Name(s) of any proposed subcontractor(s) or consultant(s), if any
- Designate whether you are submitting a Phase I or Fast-Track application. Your designation must be the same for your LOI and your full application. You cannot designate your LOI as Phase I and subsequently designate your full application as Fast-Track.
- Technical abstract that sufficiently describes your technology and application. The abstract should not exceed 500 words and two pages and it must provide sufficient technical depth to allow DOE to assign technical reviewers for your application. Please note that your abstract should not contain any proprietary information.

For help with PAMS, please contact the Office of Science PAMS Support Center. The PAMS Support Center can be reached Monday-Friday 7:00 AM-6:00 PM Eastern Time. Telephone: (301) 903-5313, Email: scsc@science.doe.gov. All submission and inquiries about this FOA must reference this Funding Opportunity Announcement (FOA) number on the front cover of this FOA.

LOIs 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. The DOE will not provide a letter of encouragement in response to your LOI. Feedback will only be provided to those applicants where the proposed R&D described in the LOI *appears to be nonresponsive* to the selected topic and subtopic.

Please visit the DOE SBIR/STTR Programs web site under “[Application Resources](#)” for a LOI template.

2. PRE-APPLICATION

Pre-Applications are not required.

C. CONTENT AND FORMAT OF FORMAL APPLICATION

Full applications must be submitted using the forms provided by Grants.gov by February 5, 2012, 11:59 PM EST. For detailed application, forms, and other applicant information, please see the ["Instructions for Completing a DOE SBIR/STTR Phase I Grant Application"](http://science.energy.gov/sbir/funding-opportunities/application-resources/) 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 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.

The table below lists the required forms and the attachments associated with each form. Some of the information must be directly entered onto the forms and other information must be attached to the forms as directed. Please read carefully.

Please note: Grant applications lacking the following required documentation, 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/>.

Summary of Required Forms and Files
Your Application must include the following documents:

<u>Name of Document</u>	<u>Format</u>	<u>Attach to</u>
Application for Federal Assistance, SF-424	PDF	N/A
SF-LLL, Disclosure of Lobbying Activities, if applicable	PDF	Field 18
Research and Related: Budget	PDF	N/A
Additional Senior Key Persons, if applicable	PDF	Field A. 9.
Additional Equipment, if applicable	PDF	Field C. 11.
Budget Justification	PDF	Field K.
Research and Related: Senior/Key Person Profile	PDF	N/A
Biographical Sketch for each person	PDF	Appropriate Block
Current & Pending Support for each person, if applicable	PDF	Appropriate Block
Research and Related: Other Project Information	PDF	N/A
Project Summary/Abstract	PDF	Field 7
Project Narrative	PDF	Field 8
Bibliography and References Cited, if applicable	PDF	Field 9
Facilities and Other Resources, if applicable	PDF	Field 10
Equipment, if applicable	PDF	Field 11
Other--Level of Effort Worksheet	PDF	Field 12
Other--Letter of Commitment for consultant or Subaward, if applicable	PDF	Field 12

Other—Phase I Commercialization Plan (For Phase I only, not required for Fast-Track Applicants)	PDF	Field 12
Research and Related: Subaward Budget, if applicable	PDF	N/A
Budget Justification for each Subaward	PDF	Appropriate Block
Project/Performance Site Location(s)	PDF	N/A
SBIR/STTR Information	PDF	N/A
Phase II Commercialization Plan (for Fast-Track applications)	PDF	Field 7
Commercialization History, if applicable,	PDF	Field 8

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

By submitting an application in response to this FOA the Applicant certifies that:

Lobbying Restrictions

By accepting funds under this award, you agree that none of the funds obligated on the award shall be expended, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913. This restriction is in addition to those prescribed elsewhere in statute and regulation.

Corporate Felony Conviction and Federal Tax Liability Representations (March 2012)

In submitting an application in response to this FOA the Applicant represents that:

- (1) It is not a corporation that has been convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal law within the preceding 24 months;
- (2) No officer or agent of the corporation have been convicted of a felony criminal violation for an offense arising out of actions for or on behalf of the corporation under Federal law in the past 24 months; and
- (3) It is not a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

For purposes of these representations the following definitions apply:

A Corporation includes any entity that has filed articles of incorporation in any of the 50 states, the District of Columbia, or the various territories of the United States [but not foreign corporations]. It includes both for-profit and non-profit organizations.

Applicant Lighting Efficiency Certification (April 2012)

If the Applicant's financial assistance application is chosen for award and the award is in excess of \$1,000,000, the applicant will, by the end of the fiscal year, upgrade the efficiency of their facilities

by replacing any lighting that does not meet or exceed the energy efficiency standard for incandescent light bulbs set forth in Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295).

The applicant further certifies its compliance with the following public policy requirements:

- Animal Welfare as required by the Animal Welfare Act of 7 USC 2131 et seq.
- The Buy American Act of 1933 codified at 41 USC 10 et seq.
- Civil Rights Protections including but not limited to the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, all of which are regulated by 10 CFR 1040
- Debarment and Suspension, as regulated at 10 CFR 606
- The Drug-Free Workplace Act of 1988 (41 USC 701) as regulated by 10 CFR 607
- The Federal Funding Accountability and Transparency Act (Public Law 109-282) as regulated by 2 CFR 170
- The Fly America Act, codified at 49 USC 40118, which generally requires that travel supported by Federal funds be conducted on US-flag carriers
- Health and Safety Regulations including but not limited to
- OSHA's guidance at 29 CFR 1910
- NRC safety regulations at 10 CFR 20
- Human Research Subjects Protection
- Lobbying Prohibitions of 31 USC 1352 and regulated by 10 CFR 601
- Metric System use as encouraged by EO 12770 of July 25, 1991
- The National Environmental Policy Act of 1969
- Non-delinquency on Federal Debt as required by the Federal Debt Collection Procedures Act of 1990, codified at 28 USC 3201
- Seat Belt Use, as required by EO 13043 of April 16, 1997
- Text Messaging While Driving, as required by EO 13513 of October 1, 2009
- Trafficking in Persons, as required by the Trafficking Victims Protection Act of 2000 (codified at 22 USC 7104) and regulated by 2 CFR 175.

3. PHASE I ONLY (NON-FAST-TRACK APPLICANTS)

a) 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 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.)

b) 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](http://science.energy.gov/sbir/funding-opportunities/application-resources/) can be found on the DOE SBIR/STTR Programs Office web site at <http://science.energy.gov/sbir/funding-opportunities/application-resources/>.

- c) R&R SUBAWARD BUDGET ATTACHMENT(S) FORM: (Field 12 on the form) [if applicable, Budgets for Subawardees (including research institutions)]

You must provide a separate, cumulative SF424 (R&R) budget and budget justification for each Fast-Track subawardee that is expected to perform work estimated to be more than \$100,000 or 50 percent of the total effort (whichever is less). A budget and budget support for all other proposed subcontracts are required and may be submitted in an alternative format.

Note: After the Subawardee has e-mailed its completed budget back to you, attach it to one of the blocks provided on the form. Use up to 10 letters of the subawardee's name (plus .xfd) as the file name (e.g., ucla.xfd or energyres.xfd). Additional budget information for any subawardee will likely be required if selected for award.

- d) Project Summary/Abstract

The Project Summary/Abstract is treated as publicly available information and must not contain any proprietary information.

- e) Project Narrative

The project described in the Project Narrative must be the same as that described in the Letter of Intent. Applications that do not meet this criterion may be declined without review. The Project Narrative describing your technology must not exceed 15 pages, 7,500 words of text. Please note that the word limit applies to the text in the body of the Project Narrative and does not include words in tables and graphs. Also, sections such as the budget, budget justification, key personnel, commercialization plans should not be included in the Project Narrative but attached in the appropriate fields for those forms.

The Project Narrative format should follow the outline below:

- Cover page. Include the topic and subtopic on page 1 of your Project Narrative.
- Proprietary Data Legend

- Identification and Significance of the Problem or Opportunity, and Technical Approach
- Anticipated Public Benefits
- Technical Objectives.
- Phase I Work Plan
- Performance Schedule
- Related Research or R&D
- Principal Investigator and other Key Personnel
- Facilities/Equipment
- Consultants and Subcontractors (including Research Institutions for STTR)

f) 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.

To protect such data, your proposal must be marked in the following manner utilizing the 3 step process outlined below:

- (1) The Cover Page of your proposal must contain the notice below (please cut and paste):

“Pages [] 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.”

- (2) To further protect such data, each page containing trade secrets or commercial or financial information that is privileged or confidential must be specifically identified and marked with the following (please cut and paste):

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

- (3) 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.

(4)

g) Letter of Commitment – Consultants and Subcontractors

If your application includes consultants or subcontractors, then a Letter of Commitment is required for each. The Letter of Commitment from a consultant must include the number of hours and the hourly rate for the consultant.

h) 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:

- (1) 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.”

- (2) Intellectual Property (IP): Describe the status of patents, trade secrets, and other steps you plan to take to protect your IP for commercialization.
- (3) 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, Applicants are encouraged to review the example of a Phase I Commercialization Plan on the DOE SBIR/STTR website, under "[Application Resources](http://science.energy.gov/sbir/funding-opportunities/application-resources/)" on the DOE SBIR/STTR website at <http://science.energy.gov/sbir/funding-opportunities/application-resources/>.

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.

i) 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 too as another attachment in Field 12 of the Research & Related Other Project Information Form.

j) Commercialization Assistance (Section F, Field 8 [Optional])

In accordance with the SBIR/STTR Reauthorization Act of 2011, the DOE is able to fund discretionary commercialization assistance to all DOE SBIR and STTR Phase I awardees. Award recipients have two options for receiving commercialization assistance: (1) utilize services provided by a DOE vendor or (2) identify their own commercialization assistance provider.

If you wish to receive commercialization assistance from the DOE vendor (Dawnbreaker), you do not need to include this in your budget. If you are awarded a Phase I grant, you will receive notification from DOE and follow-up contact from Dawnbreaker, the DOE commercialization vendor, on what services are available to you and how to obtain these services at no cost to your small business.

If you wish to utilize your own commercialization assistance provider, you are required to include this as a subcontract or consultant in your budget and to provide a detailed budget justification. You may include up to \$5,000 for assistance. Please note that this commercialization assistance does not count toward the maximum award size listed in Part II. C. For example, seeking commercialization assistance from your provider could result in an increase of \$5,000 over the maximum award limit. That is, for a topic with a maximum award limit of \$150,000, the actual award may increase to \$155,000. Reimbursement is limited to services received that comply with 15 U.S.C. § 638(q). In the event some or the entire amount listed is not expended on a commercialization assistance services as proposed, the remaining funds cannot be budgeted to other project costs. Re-budgeting of these funds is not allowable.

4. FAST-TRACK APPLICANT – CONTENT AND FORMAT (COMBINED PHASE I AND PHASE II APPLICATION)

a) Application for Federal Assistance, SF-424 (R&R)

Complete this form first to populate data in other forms. Include the Topic and Subtopic with the project title in field 11. Each grant application must be submitted

to a DOE SBIR/STTR 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.

Complete all the required fields in accordance with the pop-up instructions on the form. Please ensure that the Project Title in field 11 of the SF-424 is identical to the title listed on your Project Narrative cover page. The list of certifications and assurances referenced in Field 17 can be found on the [DOE Financial Assistance Forms and Information For Applicants and Recipients](http://energy.gov/management/office-management/operational-management/financial-assistance/financial-assistance-forms) web page at <http://energy.gov/management/office-management/operational-management/financial-assistance/financial-assistance-forms>, under Certifications and Assurances.

b) RESEARCH AND RELATED Other Project Information:

Complete questions 1 through 6 and attach files. If the answer to question 3 is “Yes”, you must identify proprietary information with a legend on the first page of your Project Narrative and on each page that contains proprietary information in accordance with instructions provided in Part VIII, Sections D, and F. Failure to comply may result in DOE's inability to treat such information as proprietary and may delay the award process.

For fields 7 through 12, the files that are attached must comply with the following instructions:

c) Fast-Track Project Summary/Abstract: (Field 7 on the Form)

The Project Summary/Abstract must contain a summary of the proposed activity suitable for dissemination to the public. This document must not include any proprietary or sensitive business information as the Department may make it available to the public. The Project Summary/Abstract must not exceed 1 page. Save this information in a file named “Summary.pdf,” and click on “Add Attachment” to attach.

The purpose of the Fast-Track Project Summary/Abstract is to communicate the overall sense of the combined Phase I and Phase II project, not every step of the work plan or every accomplishment. Statements of future applications or benefits belong in the section on Commercial Applications and Other Benefits. Do not use acronyms, abbreviations, first-person references, or any proper names (including the name of the small business, any subcontractors or institutions, or any trade or product name).

The Project Summary/Abstract must include:

- Company name
- Project Title

- Principal Investigator
- Topic number/Subtopic letter, e.g. 12b
- Statement of the problem or situation that is being addressed throughout Phase I and Phase II portions of your Fast-Track proposal. Describe the problem or situation being addressed – be sure that the Department of Energy interest in the problem is clear, but not in such a way that implies that any service or products are being provided for the direct benefit of DOE rather than for the advancement of a public purpose. (Typically one to three sentences).
- General statement of how this problem is being addressed. This is the overall objective of the combined Phase I and Phase II projects. How is this problem being addressed? What is the overall project approach? (Ideally, two to four sentences).
- What is to be done in Phase I and Phase II? (Typically three to four sentences).
- Commercial Applications and Other Benefits (limited to the space provided). Summarize the future applications or public benefits if the project is carried over into Phase III and beyond. Do not repeat information already provided above.
- Key Words - Provide listing of key words that describe this effort.
- Summary for Members of Congress: (layman's terms, two sentences Maximum 50 words). The DOE notifies members of Congress of awards in their districts. Therefore, please provide, in clear and concise layman's terms, a very brief summary of the project, suitable for a possible press release from a Congressional office. One suggested format is to state the problem being addressed, so that the research need is clear, and in the second sentence, state what is being done to address that problem.

d) Fast-Track Project Narrative: (Field 8 on the form)

The Project Narrative is considered the main portion of the Fast-Track grant application and must specify clear, measurable goals and milestones that should be achieved in Phase I prior to initiating Phase II work. If these Phase I milestones are not met, authorization to proceed to Phase II may not be provided and the grant will be discontinued following Phase I efforts. The work proposed for Fast-Track, assuming that it proceeds, should be suitable in nature for subsequent progress to non-SBIR/STTR funding in Phase III.

Fast-track grant applications must propose research and development required to meet the DOE objectives stated in the technical topic of the funding opportunity announcement and provide sufficient information to convince DOE and members of the research community who review the grant application that it is worthy of support under the stated evaluation criteria in Part V.

For Fast-Track there is a 25 page, 12,500 words of text limitation on the Project Narrative. Please note that the word limit applies to the text in the body of the

Fast-Track Project Narrative and does not include words in tables and graphs. Also, sections such as the budget, budget justification, key personnel, and commercialization plan should not be included in the Project Narrative but attached in the appropriate fields for those forms.

The application should be written succinctly using the outline below. To attach a Project Narrative, click "Add Attachment."

Using the outline below, the Project Narrative must include ALL of the following:

- (1) Cover page – Provide company-specific and project information including company name and address, principal investigator, project title, topic number, subtopic letter, and grant award number.
- (2) Proprietary Application Information – Trade Secrets, Commercial, or Financial Information
- (3) Proprietary Data Legend – If applicable, see Part VIII, Section D. 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.

To protect such data, your proposal must be marked in the following manner utilizing the 3 step process outlined below:

- 1) The Cover Page of your proposal must contain the notice below (please cut and paste):

"Pages [] 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."

- 2) To further protect such data, each page containing trade secrets or commercial or financial information that is privileged or confidential must be specifically identified and marked with the following (please cut and paste):

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

- 3) 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.

Please ensure this information is consistent with question number three (3) of the Research and Related form.

(4) Fast-Track Project

(a) Technical Objectives

State the specific technical objectives for the Phase I and Phase II research and development.

(b) Work Plan

This section should be a substantial part of the technical application. Provide an explicit, detailed description of the Phase I and Phase II research approach and work to be performed. Indicate what will be done in each Phase, by whom (small business, subcontractors, or consultants) where it will be done, and how the work will be carried out.

Link the Work Plan to the Technical Objectives of the proposed project. Discuss methods planned to achieve each objective or task explicitly and in detail. Be sure to address how the research or research and development effort could lead to a product, process, or service in Phase III. Show how the management direction and control of the project will be assured. Regardless of the proportion of the work or funding of each of the performers under the grant, the small business is to be the primary grantee with overall responsibility for its performance.

(c) Performance Schedule

Please note that the Performance Schedule should cover three distinct budget periods – Phase I (typically 9 months) and Phase II (Year 1 and Year 2; up to 12 months each). The Phase I budget period may be less than, but no longer than 9 months. Due to the nature of the Fast-Track program, the DOE will not grant any no-cost extensions of work during the Phase I budget

period. Funding for the 2nd and 3rd budget periods of Phase II will be contingent on the demonstration of adequate progress as described in the required continuation reports submitted following the Phase I and Phase II, Year 1 budget periods, evaluation of DOE programmatic priorities, and the availability of funds. Please state in this section if the project will be completed in less than 33 months. Briefly describe the important milestones to be achieved in each budget period and the estimated amount of time for completing each task described in the Work Plan.

(d) Facilities/Equipment

Describe available equipment and physical facilities necessary to carry out the Fast-Track effort. Equipment is defined as an article of tangible, nonexpendable, personal property, including exempt property, charged directly to the award, having a useful life of more than one year and an acquisition cost of \$5,000 per unit or more. Items of equipment to be leased or purchased must be described and justified in this section. Title to equipment purchased under this award lies with the government. It may be transferred to the grantee where such transfer would be more cost effective than recovery of the property by the government. Awardees wishing to obtain title should contact their Contract Specialist prior to project completion for the procedure to follow to make such a request. If the equipment, instrumentation, and facilities are not the property of the applicant and are not to be purchased or leased, the source must be identified and their availability and expected costs specifically confirmed in this section. A principal of the organization that owns or operates the facilities/equipment must provide written verification regarding the availability and cost of facilities/equipment and any associated technician cost. Small businesses may get credit for obtaining this equipment as an in-kind Phase II commercial contribution.

(e) American-Made

To the extent possible in keeping with the overall purposes of the program, only American-made equipment and products should be purchased with the funds provided by the financial assistance under the Fast-Track awards.

(f) Consultants and Subcontractors (including Research Institutions for STTR)

(g) Research Institution (RI)

If the grant application contains formal collaboration with an RI (required for STTR, optional for SBIR), (1) identify the name and address of the institution, the name, phone number, and email address of the certifying official from the RI, and the total dollar amount of the subcontract; (2) describe in detail the work to be done by this RI in the Work Plan section; and (3) provide a detailed cost estimate including costs for labor, equipment, and materials, if any, as well as a specific statement certifying that they have agreed to serve in the manner and to the extent described in the Work Plan section of the grant application” from RIs.

The RI will be considered a subcontractor to the small business applicant. The RI must provide a Letter of Commitment on official letterhead from an authorized representative of the RI which commits the institution to participate in the project as described in the grant application. The letter should be attached as an “Other Attachment” in field 12, on the Research & Related Other Project Information form. If selected for award, participation of the RI will be verified by the DOE Contracting Office.

(h) Other Consultants and Subcontractors

Involvement of consultants or subcontractors in the project is permitted provided the work is performed in the United States. If consultants and/or subcontractors are to be used, this section of the application must identify them by name, identify whether the party is being proposed as a consultant versus as a subcontractor, and should provide Letters of Commitment from an authorized representative of the consultants and/or subcontractors. The Letters of Commitment must provide a detailed cost estimate, including costs for labor, equipment, and materials, if any, for the consultant or subcontractor, as well as a specific statement certifying that the consultant(s) or subcontractor(s) have agreed to serve in the manner and to the extent described in the Work Plan section of the grant application. Each letter must be on official letterhead with an authorizing representative's contact information provided and submitted as an “Other Attachment” to the application. If selected for award, the DOE Contracting Officer will verify the participation of any subcontractor(s) and/or consultant(s) and will require budget and budget explanations for subcontractors and verification of the rates for consultants.

Note: 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. Small business personnel cannot be reimbursed with DOE funding as a consultant or employee of a subcontractor under the project. 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 SBIR/STTR award is made.

(i) Phase II Funding Commitment (Commercial Contribution)
[OPTIONAL]

While not a requirement to obtain Phase II funding, applicants are strongly encouraged to submit Fast-Track commitments from the private sector or from non-SBIR/STTR funding sources, which will be considered as part of the evaluation criterion on "Impact." Add as an attachment in field 12, "Other Attachments," on this form.

(j) Phase III Follow-On Funding Commitment [OPTIONAL]

Applicants are encouraged to submit a Phase III follow-on funding commitment which will be considered as part of the evaluation criterion on Impact. The commitment must be signed by a person with the authority to make it, indicate when the funds will be made available, and contain specific technical objectives which, if achieved in Phase II, will make the commitment exercisable by the applicant. If the commitment is firm regardless of technical objectives achieved, it should state so. The commitment may include: (1) third party financing; (2) self-financing (in which case the proposing small business must demonstrate the ability to provide the Phase III funding); (3) state or local government financing; or (4) federal funding. In-kind contributions are allowed; however, the applicant or donor must estimate the dollar value of any in-kind contributions. The Phase III funding cannot be contingent on obtaining a patent because of the length of time this process requires. The Phase III commitment must be submitted with the Phase II grant application as a separate attachment. Add as an attachment in field 12, "Other Attachments," on this form. You should also reference it in the technical proposal in the "Work Plan" section.

(5) Bibliography & References Cited (Field 9 on the form) [DO NOT USE THIS FIELD, READ BELOW]

Include this information, if any, in the Project Narrative. Do not attach a file in this field.

- (6) Facilities & Other Resources (Field 10 on the form) [DO NOT USE THIS FIELD, READ BELOW]

Include this information, if any, in the Project Narrative. Do not attach a file in this field.

- (7) Equipment (Field 11 on the form) [DO NOT USE THIS FIELD, READ BELOW]

Include this information, if any, in the Project Narrative. Do not attach a file in this field.

- (8) Other Attachments (Field 12 on the form)

Note: Field 12 will hold more than one attachment. If you need to elaborate on your responses to questions 1 – 6 on the “Other Project Information” form, provide the information in a single file named “projinfo.pdf.” Click on “Add Attachments” in Field 12 to attach file.

Also, attach the following files in Field 12:

Signed Letter of Fast-Track Funding Commitment, if applicable

Phase III Follow-On Funding Commitment, if applicable

Signed Letter of Commitment from Research Institution (for STTR applications). Letter must include name and address of institution, dollar amount of subcontract, and Certifying Official's name, phone number and email address.

Letters of Commitment from consultants, subcontractors or other third parties.

- Level-of-Effort Worksheet (discussed in Part III)
- Maybe found on the DOE SBIR/STTR Programs web site at <http://www.science.energy.gov/sbir/funding-opportunities/application-resources/>.

- e) RESEARCH AND RELATED Senior/Key Person: [MANDATORY]

Complete this form before the Budget form to populate data on the Budget form. Principal Investigator and other Key Personnel - The Principal Investigator (PI) is the key individual designated by the applicant to direct the project. Only one PI is acceptable per project. The PI does not need to be a U.S. citizen; however, all

work must be performed in the United States. See “Restrictions on the Principal Investigator” in Part III E, Other Eligibility Requirements.

Beginning with the PI, provide a profile for each senior/key person proposed. Each senior/key person must be aware that he/she is included in the grant application and must agree to perform the work if awarded. A senior/key person is any individual who contributes in a substantive, measurable way to the scientific/technical development or execution of the project, whether or not a salary is proposed for this individual. Subawardees and consultants must be included if they meet this definition. For each senior/key person provide:

(1) Biographical Sketch

Complete a biographical sketch for each senior/key person and attach to the “Attach Biographical Sketch” field in each profile. The biographical information for each person must not exceed 2 pages when printed on 8.5” by 11” paper with 1 inch margins (top, bottom, left, and right) with font not smaller than 11 point and must include:

(a) Education and Training

Undergraduate, graduate and postdoctoral training, provide institution, major/area, degree and year.

(b) Research and Professional Experience

Beginning with the current position, in chronological order, please list any professional/academic positions with a brief description.

(c) Publications

Provide a list of up to 10 publications most closely related to the proposed project. For each publication, identify the names of all authors (in the same sequence in which they appear in the publication), the article title, book or journal title, volume number, page numbers, year of publication, and website address if available electronically.

(d) Patents, copyrights, and software systems developed may be provided in addition to or substituted for publications.

(e) Synergistic Activities

List no more than five (5) professional and scholarly activities related to the effort proposed.

(2) Current and Pending Support

Provide a list of all current and pending support (both Federal and non-Federal) for the Project Director/Principal Investigator (PD/PI) and senior/key persons, including subawardees, for ongoing projects and pending applications. For each organization providing support, show the total award amount for the entire award period (including indirect costs) and the number of person-months per year to be devoted to the project by the senior/key person. Concurrent submission of an application to other organizations for simultaneous consideration will not prejudice its review. Save the information in a separate file and attach to the "Attach Current and Pending Support" field in each profile.

f) RESEARCH AND RELATED BUDGET: [MANDATORY]

You must provide a separate budget for each period of support requested and a cumulative budget for the total project. In accordance with the SBIR/STTR Topic funding allowance, applicants may request funding of up to combined maximum award amounts for Phase I and Phase II for up to 33 months. The first budget period should cover a period of 9 months. Funding for the 2nd budget period (Year 1 of Phase II) and the 3rd budget period (Year 2 of Phase II) will be contingent on the demonstration of adequate progress as described in your project milestones, evaluation of DOE programmatic priorities, submission of the SBIR Funding Agreement Certification – Life Cycle or STTR Funding Agreement Certification – Life Cycle, and funding for all awards and future budget periods are contingent upon the availability of funds appropriated by Congress for the purpose of this program and the availability of future-year budget authority. The amount budgeted for the 1st budget period cannot exceed the Phase I maximum award amount for the topic, and the amount budgeted for the combined 2nd and 3rd budget periods cannot exceed the Phase II maximum award amounts. (These amounts do not include the amounts included for commercialization assistance if you choose to use your own vendor.)

Complete the Research and Related Budget form in accordance with the instructions on the form and the following instructions. You must complete a separate budget for each year of support requested. The form will generate a cumulative budget for the total project period. You must complete all the mandatory information on the form before the NEXT PERIOD button is activated. You may request funds under any of the categories listed as long as the item and amount are necessary to perform the proposed work, meet all the criteria for allowability under the applicable Federal cost principles, and are not prohibited by the funding restrictions in this FOA (See PART IV, G). Note, however, that foreign travel and participant/trainee costs are typically considered unallowable costs unless approved by the DOE Contracting Officer.

(1) Commercialization Assistance (Section F, Field 8 [Optional])

In accordance with the U. S. Small Business Administration Policy Directive, the DOE is able to fund discretionary commercialization assistance to all DOE SBIR and STTR Phase II awardees. Award recipients have two options for receiving commercialization assistance: (a) utilize services provided by a DOE vendor or (b) identify their own commercialization assistance provider.

If you wish to receive commercialization assistance from the DOE vendor, you do not need to include this in your budget. If you are awarded a Fast-Track grant, you will receive notification from DOE on what services are available and how to obtain these services at no cost to your small business.

If you wish to utilize your own commercialization assistance provider, you are required to include this as a subcontract or consultant in your budget and to provide a detailed budget justification. You may include up to \$5,000 each year (cumulative three year cost not to exceed \$15,000). Please note that the commercialization assistance does not count toward the maximum award size listed in Part II. C.; e.g., seeking commercialization assistance from your provider could result in a maximum award in the amount of \$1,240,000. Reimbursement is limited to services received that comply with 15 U.S.C. § 638(q). In the event some or the entire amount listed is not expended on commercialization assistance services, the remaining funds cannot be budgeted to other project costs. Re-budgeting of these funds is not allowable.

g) Budget Justification (Field K on the form): [MANDATORY]

Provide supporting information for all proposed costs, including hours and rates for all personnel. Attach a single budget justification file for the entire project period in Field K. The file automatically carries over to each budget year. Provide any other information you wish to submit to justify your budget request. If your organization has an Indirect Cost Rate Agreement (ICRA) in effect with your cognizant Federal agency (Defense Contract Audit Agency (DCAA), National Institute of Health (NIH), etc.) supporting the indirect rate(s) proposed and is dated 2011 to the present, then please provide this information with your application submission. Please note, that if you are selected for an award, additional budget explanation will most likely be required.

Note: All proposed purchase of equipment will be carefully reviewed relative to need and appropriateness for the research or R&D proposed. Although there is no absolute cap on indirect costs, grant applications will be evaluated for overall economy and value to DOE.

Travel funds must be justified and related to the needs of the project. Travel expenses for technical conferences are not permitted unless the purpose of attending the conference directly relates to the project (e.g., to present results of the project). Foreign travel is not normally an appropriate expense. Funds to cover travel expenses outside of the United States are considered an unallowable direct cost unless written approval has been obtained from the DOE Contracting Officer.

With justification, Phase II grant funds may be used to pay up to \$10,000 in patent filing fees and related filing expenses for the first U.S. patent for subject inventions developed under the Phase I or Phase II projects. In the event some or the entire amount listed is not expended on a patent filing, the remaining funds may be budgeted to other allowable project costs.

Tuition expenses are allowable only if requested from a subcontractor that is a university as long as the amount requested for tuition is reasonable and comparable to what a student would be paid for performing research during the grant performance period.

Any commercial and/or in-kind contribution to the project should be reflected in the project narrative and not included on the budget pages.

Round all funds to the nearest dollar.

Complete [Level-of-Effort worksheet](http://science.energy.gov/sbir/funding-opportunities/application-resources/) located at:
<http://science.energy.gov/sbir/funding-opportunities/application-resources/>.
(Attach in Field 12 – Research & Related Other Project Information)

- h) R&R SUBAWARD BUDGET ATTACHMENT(S) FORM: (Field 12 on the form) [if applicable, Budgets for Subawardees (including research institutions)]

You must provide a separate, cumulative SF424 (R&R) budget and budget justification for each Fast-Track subawardee that is expected to perform work estimated to be more than \$100,000 or 50 percent of the total effort (whichever is less). A budget and budget support for all other proposed subcontracts are required and may be submitted in an alternative format.

Note: After the Subawardee has e-mailed its completed budget back to you, attach it to one of the blocks provided on the form. Use up to 10 letters of the subawardee's name (plus .xfd) as the file name (e.g., ucla.xfd or energyres.xfd). Additional budget information for any subawardee will likely be required if selected for award.

- i) SBIR/STTR INFORMATION FORM [MANDATORY]

Complete all the required forms in accordance with the pop-up instructions on the form.

For Question 7, the attachment should be in accordance with the following instructions:

Your Commercial Plan cannot exceed 15 pages, excluding Letters of Support. A succinct commercialization plan must be included in the Phase II portion of your Fast-Track grant application. This information will be evaluated and considered part of the score for the “Impact” criteria discussed in Part V. The DOE recognizes that each innovation requires a varied strategy to generate returns on invested capital and that no two businesses are exactly alike. Therefore, DOE supports a broad array of commercialization strategies. Each strategy requires varied emphasis on the parts of the plan depending on your innovation and the market landscape. For instance, the strategy and mechanisms for leveraging and protecting intellectual property (IP) vary according to industry and innovation.

The Commercialization Plan is your roadmap for the future and should convey how you plan to generate profits from your innovation. It should represent a compelling vision that describes a unique business opportunity that could be addressed with continued support from Phase II funding. The depth and quality of the analysis within your Commercialization Plan is a critical element of the DOE SBIR/STTR application review.

Please Note: All assumptions and estimates provided should be clearly stated as such and evidence of validation should be provided in a footnote. Where you provide numerical data (e.g. market size, price, etc.) or data about customer needs, market forces, barriers to entry and the like, you should indicate the source of the data using footnotes. Market research reports, articles by experts in trade publications or professional journals, interviews, focus groups, surveys, are among commonly used sources of data.

The following four sections must be addressed in your Commercialization Plan:

- (1) Market Opportunity
 - (a) Describe succinctly what product or service you are planning to deliver based on your innovation.
 - Identify your target customer providing generally known examples.
 - Describe the critical needs that your product or service will fulfill for your customer [i.e. these can be current or emerging].
 - How does the target customer(s) currently meet the need that you are addressing and what do they pay to meet the need?

- What is your customer willing to pay for your product or service? How have you validated this assumption?
- What features of your product or service will allow you to provide a compelling value proposition? How have you validated the significance of these features? State the value proposition for your product or service.

(b) Address Market Opportunity.

- What is the current size of the broad market you plan to enter? How large is your “niche” market opportunity, in terms of either numbers of customers or revenues? (If you use number of customers, estimate revenues based on the anticipated selling price of your product or service.)
- Is the target market domestic, international, or both?
- What are the growth trends for the market and the key market drivers that will affect whether customers will buy your product or service?
- What barriers to entry exist in this market which will inhibit sales of your product or service?

(c) Describe the channels you would employ to reach the targeted customer.

(d) What business model will you adopt to generate revenue from your innovation?

- Will you make and sell? License? Form a strategic alliance with a company already in the industry? Use a different model?
- Explain why this model makes sense for the market opportunity described.

(e) If there are potential societal, educational, or scientific benefits beyond commercial considerations that will generate goodwill for your company or the product or service, they should be included here and explained in sufficient detail to convey the significance of the effort.

(2) Company/Team

(a) Provide a short description of the origins of the company.

(b) What type of corporate structure is in place?

(c) What is the current capitalization and is it sufficient for implementing your Commercialization Plan?

- (d) What is the revenue history for the past three years? What is your anticipated revenue history through Phase II? Provide a table with percentages or sums of operating capital or revenue: product sales, consulting/services, license revenues, research and development grants/contracts, and others.
- (e) What is the current employee count?
- (f) Give a brief description of the experience and credentials of the personnel responsible for taking the innovation to market and clarify how the background and experience of the team enhance the credibility of the Commercialization Plan.
- (g) What specific experience does the team lack and how will this be addressed during the Phase II effort and beyond? From what additional resources do you have commitments to address these limitations e.g., Board of Directors, technical advisors, or retained legal counsel? Please provide details on names, affiliations, and expertise of these resources.

(3) Competition/Intellectual Property

- (a) Describe currently existing products or services that are found in the patent literature (and if relevant, copyright and trademark literature) or that is emerging from research or R&D which may be substitutes for your product or service.
 - How does your product or service match up to these substitutes in terms of the needs customers are seeking to meet?
 - Who is developing, making, and selling those products or services and what do you anticipate the competitive landscape to look like when you get to market?
- (b) Describe intellectual property (IP) rights you have secured for your technology to date and if any procedures are underway to expand or enhance the protection provided by those rights. Please describe your actions to protect these rights.
- (c) Describe which IP is closest and which is most threatening to your “freedom to operate” and how you are different enough to be able to secure your freedom to operate.
- (d) What other IP will you need to secure rights to make, use, or sell in order to address the market opportunity described above?

(4) Finance and Revenue Model

- (a) Describe an appropriate staged finance plan given the market opportunity. Outline the level of funding required for each stage along the path to commercialization.
- What are your costs to complete research and development, product, and production development/design/engineering, and to produce the product or service?
 - What are the costs required to implement your commercialization strategy?
 - How will you access the appropriate funds?
- (b) Provide a table with anticipated costs identifying the anticipated source of each detailing revenues or other operating capital you can devote to these. If there is a shortfall, explain how you will raise or access the appropriate funds. If no additional cash is needed explain why you are confident that is the case.
- (c) Provide specific contacts, leads, previous relationships, and agreements already in place. Are any other commitments in place which will affect your ability to raise Phase III follow-on funding?
- (d) Provide an estimate of the DOE return on investment or net present value for this project. This estimate should incorporate the profit before taxes (positive cash flow) for the first 10 years of commercialization and treat the DOE SBIR or STTR funding as an investment (negative cash flow). Describe the revenue streams (licensing, product sales or other) associated with your Commercialization Plan. When do you anticipate “first revenues” from each stream? When do you expect to reach “break even”?
- (e) Provide annual pro formas for the next five years (two years of the Fast-Track Phase II effort +3 years’ post Phase II). Income Statements are required. Cash Flow and Balance Sheets may be included if they are considered critical for your strategy. If not included, Cash Flow and Balance Sheets should be available upon request from DOE.

Please Note: You must indicate the assumptions and estimates being made in this part of your application and clearly state the source of the data you have used to validate these assumptions or as a basis for making assumptions or estimates. You must also indicate the source for any numerical or other hard data provided, such as market size, price, market drivers, and barriers to entry. Evaluate the competitive advantages of this technology vs. alternate technologies that can meet similar market needs.

j) **SF-LLL DISCLOSURE OF LOBBYING ACTIVITIES**

If applicable, complete SF- LLL. Applicability: If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the grant/cooperative agreement, you must complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying."

D. SUBMISSIONS FROM SUCCESSFUL PHASE I 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 a Phase I or Fast-Track 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.

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

5. LETTER OF INTENT

A Letter of Intent is required as noted in Part IV, Section B, must be submitted by Monday, December 17, 2012, 5:00 PM EST. Only those applicants that submit a Letter of Intent by the due date are eligible to submit a full application under this FOA. Please refer to Part IV, Section B of this FOA for more guidance.

6. PRE-APPLICATION

A Pre-Application is not required.

7. FORMAL APPLICATIONS

Applications must be received by February 5, 2013, 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 EST deadline. Please be aware that applications received after the February 5, 2013, 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.

8. LATE SUBMISSIONS

Circumstances outside of an applicant's control may exist that prevent timely submission of applications. An example of such a circumstance could include unexpected downtime of submission systems (grants.gov). In these circumstances, the applicant must contact the Agency Contact listed in PART VII Section B. of this Funding Opportunity Announcement within 24 hours of the submission deadline to discuss the option of a late submission.

There are many circumstances, however, that are not acceptable justifications for late submissions. Examples of unacceptable applicant justifications are provided below.

- Failed to begin submission process early enough. Starting the process prior to the deadline and running out of time is not an acceptable justification for a late submission.
- Failed to understand the submission process. This is outlined in the Funding Opportunity Announcement in PART IV Section C. for applications.
- Failed to understand the date and time for submission. These are stated on the cover page of the Funding Opportunity Announcement.
- Personnel who typically handle submissions at your small business were unavailable (e.g. illness, departure, or unavailability, etc.)
- Failed to satisfy prerequisites for application submission (e.g. acquire DUNS number, update SAM number).

DOE notes that not all requests for late submission will be accepted.

F. INTERGOVERNMENTAL REVIEW

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

G. FUNDING RESTRICTIONS

Grants may include a profit or fee for the small business. Fees are subject to negotiation and rarely exceed 7%.

9. 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](#).

10. 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](#)
- [Simple Indirect Rate Model in Excel format](#)

11. 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 INFORMATION

Application Receipt Notices

After an application is submitted, the Authorized Organization Representative (AOR) will receive a series of four emails. It is extremely important that the AOR watch for and save each of the emails. It may take up to two (2) business days from application submission to receipt of email Number 2. The titles of the four E-mails are:

Number 1 - Grants.gov Submission Receipt Number

Number 2 - Grants.gov Submission Validation Receipt for Application Number

Number 3 - Grants.gov Grantor Agency Retrieval Receipt for Application Number

Number 4 - Grants.gov Agency Tracking Number Assignment for Application Number

Questions regarding the content of the 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 all responses. More information is available at https://www.fedconnect.net/FedConnect/PublicPages/FedConnect_Ready_Set_Go.pdf. DOE will try to respond to a question within 3 business days, unless a similar question and answer have already been posted on the website.

Modifications: Notices of any modifications to this FOA will be posted on Grants.gov and the FedConnect portal. You can receive an email when a modification or an FOA 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 FOAs. More information is available at <http://www.fedconnect.net>.

All applications should be in a single PDF file.

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 Formal Application](#).

Phase I grant applications will be judged on a competitive basis against other applicants within the same technical program area in several stages. Those passing the initial administrative screening will be evaluated for responsiveness by DOE technical program experts to ensure that they (1) meet stated Funding Opportunity Announcement requirements, (2) identify a 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 DOE-funded 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 screening will be declined without further review.

2. MERIT REVIEW

a) Phase I – Merit Review Criteria

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 equal consideration given to each of the following criteria:

- (1) 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.
- (2) 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.

- (3) Impact as evidenced by (a) the significance of the technical and/or economic benefits of the proposed work, if successful, (b) the likelihood that the proposed work could lead to a marketable product or process, and (c) 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) Fast-Track – Review Criteria

- (1) Initial Administrative Review Criteria

The SBIR/STTR office will perform an initial review to ensure that the applications meet minimal requirements and include all required forms and documentation as sought in the Funding Opportunity Announcement.

- (2) Merit Review Criteria

Fast-Track grant applications will be evaluated for technical merit using the following criteria:

- (a) Strength of the scientific/technical approach as evidenced by: (1) the strength and innovativeness of the overall idea and approach for the combined Phase I/Phase II project, (2) the significance of the scientific or technical challenge, and (3) the thoroughness of the presentation.
- (b) Ability to carry out the project in a cost effective manner as evidenced by: (1) the qualifications of the Principal Investigator, other key staff, consultants and subcontractors, if any, and the level of adequacy of equipment and facilities; (2) the soundness and level of adequacy of the work plan to meet the problem or opportunity; and (3) the degree to which the DOE investment in the project would be justified by the level of proposed research effort.
- (c) 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. Phase II applications will be evaluated for commercial potential using the Commercialization Plan data (see Part IV., C. 6. for details): (1) Market Opportunity, (2) Company/Team (3), Competition/Intellectual Property, and (4) Finance and Revenue Model. Each section should be developed

with careful analysis of your company's position within the industry and the market opportunity that is enabled by the proposed innovation. Applications that receive poor commercialization potential reviews will not be eligible for funding. The key points required for each section are further described below in Part V, Section B. "Review and Selection Process."

(3) Other Selection Factors

The Selection Official may consider program balance of funds distribution and needs of the technical programs.

B. REVIEW AND SELECTION PROCESS

Phase I and Fast-Track grant applications will be subject to a detailed technical evaluation by experts, both inside and outside the Government. The DOE will not fund any grant application for which there are weaknesses identified with respect to any of the three evaluation criteria, as determined by the review process. In addition, because the DOE supports only high quality research and development, grant applications will be considered candidates for funding only if they receive the highest rating with respect to at least two of the three criteria.

Each technical program area participating in the SBIR/STTR programs is provided a predetermined target number of applications that they may select for funding. The grant applications that are considered candidates for funding are ranked in order of the highest quality and strongest program relevance based on the results of the evaluation. The Selection Official may also consider program balance and needs of the technical programs.

Discussions and Award

The Government 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 Government 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 OF SELECTION AND AWARD DATES

The DOE anticipates making award decisions by late April 2013.

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.

Notice of Selection

The SBIR/STTR Program will notify all applicants that request funding of the outcomes via email.

An Assistance Agreement issued by the contracting officer is the authorizing award document. The initial funding Assistance Agreement normally includes, either as an attachment or by reference: 1. Special Terms and Conditions; 2. General Terms and Conditions for DOE SBIR and STTR grants; 3. Application as approved by DOE/NNSA; 4. National Policy Assurances to be incorporated as award terms; 5. Budget Summary; 6. Federal Assistance Reporting Checklist and Instructions, which identifies the reporting requirements; and 7. DOE assistance regulations at 10 CFR Part 600.

B. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

1. ADMINISTRATIVE REQUIREMENTS

The administrative requirements for DOE grants are contained in 10 CFR 600 (See: www.ecfr.gov).

2. DUNS AND SAM (FORMERLY CCR) REQUIREMENTS

Additional administrative requirements for DOE grants are contained in 2 CFR, Part 25 (See: <http://ecfr.gpoaccess.gov>). Prime awardees must keep their data current. Subawardees at all tiers must obtain DUNS numbers and provide the DUNS to the prime awardee before the sub-award can be issued.

3. SUBAWARD AND EXECUTIVE REPORTING

Additional administrative requirements necessary for DOE grants to comply with the Federal Funding and Transparency Act of 2006 (FFATA) are contained in 2 CFR, Part 170. (See: <http://ecfr.gpoaccess.gov>). Prime awardees must register with the new FSRS database 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.

4. TERMS AND CONDITIONS AND NATIONAL POLICY REQUIREMENTS

If a grant is awarded, the recipient must comply with the terms and conditions in the formal award document provided by the contracting officer at the time of award. The National Policy Assurances to be incorporated as award terms are located at the following web address <http://energy.gov/management/downloads/national-policy-assurances-be-incorporated-award-terms>.

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

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](https://www.fedconnect.net/FedConnect/PublicPages/FedConnect%20Ready%20Set%20Go.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

C. DEPARTMENT OF ENERGY, OFFICE OF INSPECTOR GENERAL HOTLINE:

The Office of Inspector General (OIG) maintains a Hotline to facilitate the reporting of allegations of fraud, waste, abuse, or mismanagement in DOE programs or operations. If you wish to report such allegations, you may call, send a letter, or email the OIG Hotline ighotline@hq.doe.gov. Allegations may be reported by DOE employees, DOE contractors, or the general public. OIG contact information is available at <http://energy.gov/ig/services>.

PART VIII – OTHER INFORMATION

A. MODIFICATIONS

Notices of any modifications to this FOA will be posted on Grants.gov and the [FedConnect](http://FedConnect.net) portal. You can receive an email when a modification or an announcement message is posted by registering with [FedConnect](http://FedConnect.net) 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 <http://www.fedconnect.net>.

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, your proposal must be marked in the following manner utilizing the 3 step process outlined below:

- (1) The Cover Page of your proposal must contain the notice below (please cut and paste):

“Pages [] 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.”

- (2) To further protect such data, each page containing trade secrets or commercial or financial information that is privileged or confidential must be specifically identified and marked with the following (please cut and paste):

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

- (3) 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.

Please ensure this information is consistent with question number three (3) of the Research and Related form.

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 www.science.doe.gov/sbir/Solicitations/FY%202002/model.htm, 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

- a) Proprietary Information – Information contained in unsuccessful grant applications will remain the property of the applicant. The government will retain for three (3) years one electronic 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 in 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.

- b) 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.

- c) 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 recipient for a

period of not less than 4 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 4-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.

- d) 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.
- e) 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.
- f) Distribution of Intellectual Property and Commercialization Rights Between the Small Business and Subcontractor – When using subcontractors, including research institutions, the small business is responsible for providing that its subcontractors retain all rights provided for the small business. DOE intends for large business subcontractors to retain title to inventions pursuant to a pending Class Patent Waiver.

G. NOTICE OF RIGHT TO REQUEST PATENT WAIVER

Not applicable.

H. NOTICE REGARDING ELIGIBLE/INELIGIBLE ACTIVITIES

Eligible activities under this program 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

Under Regulation 10 CFR 600.316, a for-profit recipient that expends \$500,000 or more in a year (including any pre-award costs) under DOE Federal awards must have an audit made for that year by an independent auditor (regardless of when the expenditures are presented to DOE for reimbursement). In determining whether the \$500,000 threshold is met, recipients should assess the amount of DOE funds expended under the award and shall not include any cost-sharing amounts. The audit generally should be made a part of the regularly scheduled, annual audit of the recipient's financial statements. This Audit Program and all compliance supplements (Parts II and III of this guidance) do not apply to financial statement audits. Audits of financial statements are allowable as indirect costs if the recipient normally has financial statement audits. However, DOE is not requiring an audit of financial statements solely to address Regulation 10 CFR 600.316, nor are financial statement audits allowable as direct costs to satisfy the requirements of Regulation 10 CFR 600.316. The "For Profit" Audit Guidance can be found at <http://energy.gov/management/downloads/profit-audit-guidance>.

APPENDICES/REFERENCE MATERIAL

A. DEFINITIONS

1. 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.

2. CONSULTANT

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

3. 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.

4. 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) A qualified census tract (as defined in section 42 (d)(5)(c)(i)(I) of the Internal Revenue Code of 1986; or
- b) 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
- c) Lands within the boundaries of federally recognized Indian reservations.
- d) Owned and controlled by one or more U.S. Citizens.
- e) 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>.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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).

11. 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.

12. 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

1. 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.

2. 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.federallabs.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.

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.