

U.S. DOT SBIR Program: Phase II and Phase IIB Proposal Checklist and Instruction Guide

Only those small business concerns (SBCs) that have been awarded a U.S. Department of Transportation (U.S. DOT) Phase I SBIR contract will be considered for a SBIR Phase II or Phase IIB contract.

Phase II proposals: Phase I awardees will have 60 days to submit a Phase II proposal once they receive this Phase II/Phase IIB Instruction Guide from the Program Office. If additional time is needed, a written request must be sent to the [SBIR Program Office \(dotsbir@dot.gov\)](mailto:dotsbir@dot.gov). The request should provide valid justification of the need for additional time, beyond the 60 days, and a proposed submission date. All proposals must be submitted using the U.S. DOT's SBIR online submittal page. All applicants are sent a unique link to the proposal system in the email that provides them with proposal submittal instructions. If you cannot locate the link, please call the SBIR program office at 617-494-2051.

Phase IIB proposals: Phase IIB invitations may be initiated prior to the completion of Phase II work (within 60 days of project completion date). Phase IIB invitations will be sent by the Program Office, in coordination with the sponsoring agency. Phase IIB is a one-time invitation that is only extended to small businesses with Phase II contracts that are active, in good standing, and are likely to yield a commercial product or service. Work proposed and conducted under Phase IIB awards shall be derived from and within scope of the technical work performed in Phase II. Proposals should be submitted prior to completion or as close to completion of the Phase II to ensure continuity of the R&D, however, Phase IIB contracts will not be awarded until Phase II is complete. All proposals must be submitted using the U.S. DOT's SBIR online submittal page, when applicable. All applicants are sent directions on how to submit their proposal. If you cannot locate the directions for submitting a proposal, please call the SBIR program office at 617-494-2051.

Proposal Format and Checklist

Submit your Phase II or Phase IIB proposal following the format listed below. Note that proposals should not exceed 50 pages total; the Technical Proposal should not exceed 25 pages. Exceptions to this page limit are discussed throughout these instructions. This list can be used as a checklist when preparing your proposal.

- Cover Sheet (Appendix A)
- Project Summary (Appendix B)
- Technical Proposal
 - A. Identification and Significance of Problem or Opportunity
 - B. Technical Objectives
 - C. Work Plan
 - D. Related Work
 - E. Anticipated Results
 - F. Commercialization Strategy Plan
 - G. Key Personnel
 - H. Facilities and Equipment
 - I. Consultants
 - J. Company Commercialization Report on prior SBIR Awards
 - K. Sustainable Acquisition Requirement
 - L. Human Factors
- Cost and Pricing Proposal (Appendix C; .xls workbook provided)
- Commercialization Strategy Plan Supporting Documentation (Appendix D)
- Cost and Pricing – Deliverable Schedule (Appendix E)
- Human Factor Checklist (Appendix F; if applicable due to proposed Human Subject research)

I. Proposal Layout

You must submit three separate documents (Technical Proposal, Cost Proposal [Appendix C], and Appendices A, B, D, E, and F [if applicable]) to DOT SBIR's automated proposal site. All proposals must follow the guidelines listed below:

1. **Technical Proposal:** The technical proposal must be submitted in PDF format in accordance with the following requirements:
 - a. The Technical Proposal shall not exceed 25 pages; the Prior Phase II Awards and SBA Company Registry Confirmation do not count toward the 25 pages.
 - b. Font size shall be no smaller than 10 point.
 - c. Proposals shall be on standard letter size pages (8.5" by 11").
 - d. All pages should be numbered consecutively.
2. **Cost Proposal (Appendix C):** The Cost Proposal (Appendix C) can be submitted as an Excel document or PDF and must contain the required supporting information described in the table below. It does not count toward the 25-page limit of the technical proposal. There is no limit on the number of pages in the cost proposal.
3. **Other Appendices:** All other Appendices (A, B, D, E, and F [if applicable]) must be saved as one single PDF file. This file does not count towards the 25-page limit of the technical proposal.

II. Submission Requirements for Phase II and Phase IIB Proposals

All Phase II proposals must be submitted using the U.S. DOT's SBIR online submittal page. All applicants are sent a unique link to the proposal system via email approximately 30 days prior to their Phase I period of performance end. The email also includes links to the proposal instructions, the cost proposal template, and cost proposal template instructions, all of which are also found on the U.S. DOT SBIR website. Phase I awardees who cannot locate this email should call the SBIR program office at 617-494-2051.

Phase IIB proposals should use the same proposal instructions and cost proposal template instructions. Phase IIB proposals should be submitted per the directions provided via email from the SBIR Program Office.

Proposals will be distributed to the U.S. DOT engineers or scientists responsible for evaluating the proposal and the SBIR Program Office Team.

III. Required Proposal Sections

Each proposal must include the following sections, organized in the order listed below. All sections should be labeled using the bold headings shown. Instructions for each section are provided below.

Proposal Cover Sheet (Appendix A):

Complete the proposal cover sheet in Appendix A as Pages 1 and 2 of your proposal. All pages should be numbered consecutively beginning with the proposal cover sheet.

Project Summary (Appendix B):

Complete the project summary sheet in Appendix B as page 3 of your proposal. Project summaries of successful proposals may be published by the U.S. Department of Transportation and, therefore, it must not contain classified or proprietary information.

The project summary should include a technical abstract with a brief statement of the problem or opportunity, project objectives, description of the effort, and anticipated results and potential applications of the proposed research. The technical abstract must be limited to 200 words in the space provided on the project summary sheet.

Technical Proposal (Limited to 25 pages)

A. Identification and Significance of the Problem and Opportunity:

Briefly reference the specified technical problem or opportunity addressed in Phase I and its relationship to Phase II. For Phase IIB proposals, a description of the specific objectives of Phase IIB should be provided along with any results from Phase II. Both Phase II and IIB proposals should emphasize potential commercial applications of the R&D. However, commercialization of the proposed research should be the primary focus of a Phase IIB proposal.

B. Technical Objectives:

Briefly enumerate the specific objectives of the Phase II work, including any results from Phase I which clearly relate to the objectives.

Phase IIB proposals should describe objectives of Phase IIB including results from Phase II and how the use of additional funding will be used to accelerate commercialization (including but not limited to further refining target commercial sector end user(s) identified in Phase II, percentage

of the commercial sector captured by the proposed innovation, potential dollars in revenue/sales captured by the commercial sector), product development and manufacturing strategy.

Both Phase II and Phase IIB proposals must provide sufficient information to satisfy the Government that the proposed continuation of work represents a likely solution to the scientific or engineering problem and it is worthy of support.

C. Work Plan

Phase II: The work plan shall be the major portion of the proposal and must clearly show **advancement** in the research appropriate for Phase II. Phase II work plans should provide an explicit, detailed description of the objectives and tasks of the planned effort. The plan shall indicate not only what is planned, but how and where the work will be carried out. Phase II efforts shall attempt to accomplish the technical feasibility demonstrated in Phase I, including the transition of the results to Government or commercial sector.

Phase IIB: Phase IIB work plans should provide detailed description of the objectives and tasks of the planned effort. The Phase IIB work plan shall detail the work which is planned, how and where the work will be carried out and advanced from Phase II completion. Emphasis in Phase IIB should be on accelerating the innovation to commercialization, including further refining the commercial applications identified in Phase II and the commercial sector (end users), establishment of any third party partnership and/or receipt of non-SBIR funding, and developing a product development and manufacturing strategy.

D. Related Work

Describe significant activities directly related to the proposed effort, including any conducted by the proposed principal investigator, the proposing firm, consultants or others. Describe how the work interfaces with the proposed project and discuss any planned coordination with other sources. The proposal should persuade reviewers of the proposer's awareness of state-of-the-art in the specific topic.

If applicable, describe up to four previous efforts not directly related but similar to the proposed effort. Please provide the following:

1. Short description
2. Name of client for which work was performed (including individual to be contacted and phone number).
3. The date of completion.

E. Anticipated Results

State the anticipated results of the Phase II or Phase IIB approach.

F. Commercialization Strategy Plan

All companies submitting Phase II and Phase IIB proposals must include a commercialization strategy plan as part of the proposal submission. This plan should describe how the small business expects to rapidly move the technology to widespread commercial (Government or private sector) use. All Phase IIB proposals must include a description of how the funds will be used to complete the technical development and accelerate commercialization of the innovation. At a minimum, the following points should be addressed in the Commercialization Strategy Plan:

1. Describe the product(s) developed and how it addresses the Government's requirements and/or problem statement contained within the topic description from the Phase I solicitation.
2. Describe the product(s) and/or technology developed and how it is expected to (for Phase II), or will (for Phase IIB) apply to the intended commercial sector. Include a listing of end users, percentage of market share and estimated revenue in sales.
3. What are the capital funding requirements to bring the product(s) to the commercial sector? List the financial commitments of third parties. Provide narrative stating how you intend to raise the difference between committed investment and capital necessary. Consider the effort needed if you intend to raise it yourself, or license the innovation to a third party.
4. Describe how you intend to (Phase II)/will (Phase IIB) develop a product development plan. Does your company possess in-house expertise? Is your company working with or planning to work with a third party?
5. Provide a commercial sector analysis. Who are your competitors? What is the cost/benefit over currently available technologies? What are the advantages (e.g., quality, cost savings, etc.) of the product incorporating your technology?
6. Describe the degree of interest made by third parties, other Federal agencies, state and local governments, as well as private enterprise, in acquiring the product(s) that will be developed under this contract.

A proposal's commercial potential can be evidenced by:

- The existence of second phase funding commitments from private sector or non-SBIR funding sources, particularly matching commitments.
- The existence of third party Phase III funding commitments for the subject or related research.
- The presence of other indicators of commercial potential of the idea (letters of support from end user's and/or strategic partners, product development and/or manufacturing plans).
- For Phase IIB, matching funds are highly encouraged but not required.

The plan is limited to 4 pages. Supporting documentation does not count toward the 4 page limitation or the 25-page limit but does count toward the overall 50-page limit. Items supporting commercialization should be attached as **Appendix D** and include, but are not limited to:

- letters of interest and/or support;
- Memorandum of Understanding (MOU) from third parties and third party investment; and
- in-kind support.

G. Key Personnel

Identify key personnel who will be involved in the Phase II or Phase IIB effort, including education and experience. A resume of the Principal Investigator (PI), including a list of publications, if any, must be included. Resumes do not count toward the 25-page limit but do count toward the overall 50-page limit.

H. Facilities and Equipment

Describe available equipment and physical facilities needed to conduct the Phase II or Phase IIB effort. Items of equipment to be purchased, as detailed in the cost proposal, must be justified under this section. Also, clearly state whether or not the facilities where the proposed work will be performed meets environmental laws and regulations of federal, state and local Governments for, but not limited to, the following groupings: airborne emissions, waterborne effluents, external radiation levels, outdoor noise, solid and bulk waste disposal practices, and handling and storage of toxic and hazardous materials.

I. Consultants and/or Subcontractors

Participation of a University, commercial firm, specialist, etc. in the planning and/or research stages of the project may be appropriate. If such involvement is intended, it should be described in detail and also included in the cost proposal.

J. Company Commercialization Report on Prior SBIR awards

Each small business submitting a Phase II or Phase IIB proposal is required to provide information relating to the firm's record of commercializing its prior SBIR projects. Information should include, but is not limited to: commercialization successes (in Government and/or private sector), any mitigating factors that could account for low commercialization, recent changes in the firm's organization or personnel designed to increase the firm's commercialization success. A proposal's commercial potential can be evidenced by: The small business' record of commercializing other SBIR and/or other research, and the number of patents and/or licenses resulting from the small business' participation in the SBIR program.

This information should be no more than 3 pages.

K. Sustainable Acquisition Requirement

Consistent with FAR Part 23, each SBC is expected to include the following provision in their Phase II or IIB technical proposal, which will constitute the Statement of Work (SOW) under any contract award. Inclusion of this general requirement does not relieve the SBC from including in its technical proposal explicit sustainability requirements applicable to the required services being offered. (For more information see the [BioPreferred website](https://www.biopreferred.gov/BioPreferred/faces/pages/AboutBioPreferred.xhtml) at <https://www.biopreferred.gov/BioPreferred/faces/pages/AboutBioPreferred.xhtml>)

“Sustainable Acquisition Requirement: To the maximum extent possible and consistent with the Federal Acquisition Regulations Part 23, the Government requires during the performance of the work under this Statement of Work (SOW) the Contractor to provide or use products that are: energy efficient (ENERGY STAR® or Federal Energy Management Program (FEMA)-designated); water-efficient; biobased; environmentally preferable (e.g., EPEAT-registered, or non-toxic or less toxic alternatives); made with recovered materials; or non-ozone depleting that minimize or eliminate, when feasible, the use, release, or emission of high global warming potential hydrofluorocarbons, such as by using reclaimed instead of virgin hydrofluorocarbons. Unless otherwise identified in this SOW, each recovered materials or biobased product provided and delivered must meet, but may exceed, the minimum recovered materials or biobased content of an EPA- or USDA-designated product. The sustainable acquisition requirements specified herein apply only to products that are required to be: (1) delivered to the Government during contract performance; (2) acquired by the contractor for use in performing services (including construction) at a Federally-controlled facility; (3) furnished by the contractor for use by the Government; or (4) specified in the design of a building or work, or incorporated during its construction, renovation, or maintenance.”

L. Human Factors (Appendix F)

Research that involves human subjects may be subject to additional regulations found in 49 C.F.R. Part 11 (Part 11) as well as other applicable federal and state laws and regulations. Research will be considered to involve human subjects under Part 11 if the research obtains (1) data through intervention or interaction with an individual(s), and/or (2) identifiable private information. Unless exempt under 49 C.F.R. §11.101(b) or §11.101(i), human subject research must adhere to the regulations of Part 11, which includes review and approval of the research by a federally approved Institutional Review Board (IRB). To receive funding, a proposal that involves research on human subjects must sufficiently show that the human subject research (1) is exempt from Part 11 or (2) will comply with Part 11 requirements.

Vendors may work with an established federally approved IRB or may create a new IRB. It can be a lengthy process to obtain federal approval of a new IRB. Any vendor considering obtaining approval for a new IRB should review 49 C.F.R. §11.103-11.108.

The amount of time required for the IRB to review and approve human subject research will vary depending on such things as the IRB's procedures, the complexity of the research, the level of risk to study participants and the responsiveness of the Investigator. The average IRB approval process can last between one and three months. Once the IRB has approved the research, DOT will review the IRB determination to ensure that the research will be conducted in compliance with DOT regulations. Ample time should be allotted to complete both the IRB and DOT approval processes. No funding may be used for research involving human subjects until all applicable Part 11 requirements are met.

Appendix F is provided as a reference for offerors to ensure they are providing the necessary Human Factors information in their proposal. Appendix F is for reference and should not be submitted with your proposal.

Cost and Pricing Proposal (Not included in 50 page limit)

Cost and Pricing Proposal (Appendix C)

A Phase II or Phase IIB Cost and Pricing Proposal must be submitted in detail using the template provided in Appendix C (Cost & Pricing Proposal). Information contained in this appendix will assist the Government in determining the contract type. Separate Instructions on how to complete Appendix C can be found on the U.S. DOT SBIR website and are emailed to Phase I awardees along with the Appendix C Instructions. If you have any questions regarding the Appendix C spreadsheet please email the U.S. DOT SBIR Program Office at DOTSBIR@dot.gov.

If the information submitted in Appendix C is not accurate, contains calculation errors or does not contain sufficient cost and pricing supporting data or supporting documentation to conduct a cost/price analysis, both the evaluation of the proposal and award of the contract will be subject to delays.

Proposed cost and pricing shall be valid for a period of six (6) months from the submission date of the proposal. **Phase II proposals should be submitted within the funding ceilings described in the Phase II Instruction email.**

Unallowable costs: Some commercialization activities are unallowable expenses. See [FAR Subpart 31.2—Contracts with Commercial Organizations](#) for guidance http://acquisition.gov/far/current/html/Subpart%2031_2.html. Questions regarding unallowable costs shall be submitted to the Phase I Contracting Officer in writing either to [Tammy Taylor \(Tammy.Taylor@DOT.gov\)](mailto:Tammy.Taylor@DOT.gov) or [Darren Shaffer \(Darren.Shaffer@DOT.gov\)](mailto:Darren.Shaffer@DOT.gov).

Cost and Pricing Deliverable(s) Schedule (Appendix E)

Tasks listed in Appendix E should align with the tasks identified in the technical proposal (Work Plan). The total cost of all tasks should equal the Total Proposed Amount in Appendix E.

IV. Contract Requirements

Each proposal must include the following sections, organized in the order listed below. All sections should be labeled using the bold headings shown. Instructions for each section are provided below.

1. **Phase II awards:** Contracts can be funded up to \$1,000,000. Funding estimates are determined by the U.S. DOT Operating Administration sponsoring the research. **Please refer to the email received with submittal instructions for the Phase II funding level and project duration.** Phase II funding estimates were provided in each topic description of the Phase I solicitation, however funding limits are subject to change and the email contains the final limit. The maximum period of performance for a Phase II contract is two years unless otherwise noted in the email. Phase II awards may be fixed price and/or cost reimbursement type contracts. The Contracting Officer will consider whether a Firm-Fixed-Price, Level-of-Effort (FFPLOE), Cost-Plus-Fixed-Fee (CPFF), or other contract type is appropriate for each Phase II award. Phase II awardees **MUST** have a Government approved acceptable accounting system in place to receive a cost type contract.
2. **Phase IIB awards:** The SBIR Program Policy Directive permits agencies to issue one additional, sequential Phase II award to continue the work of an initial Phase II award. If invited by the Government to submit a Phase IIB proposal, please refer to the email received with proposal submittal instructions for the Phase IIB funding level and project duration. A small business may receive no more than two SBIR Phase II awards for the same R&D project, and the awards must be made sequentially. A Phase IIB is a Phase II type award. The Contracting Officer will consider whether a FFPLOE, CPFF, or other contract type is appropriate for each Phase IIB award. Phase IIB awardees **must** have a Government approved acceptable accounting system in place to receive a cost type contract.

V. Modifications or Withdrawal of Proposals

Late modifications of any otherwise scientifically successful proposal, which make its terms more favorable to the Government, may be considered and accepted.

Proposals may be withdrawn by an SBC by giving the Government a written notice at any time prior to a contract award. This written notice **MUST** be submitted to both the [U.S. DOT](#)

[SBIR Team \(DOTSBIR@dot.gov\)](mailto:DOTSBIR@dot.gov) and the Government Contracting Officer for the Phase I award.

VI. Similar Proposals or Awards

While it is permissible, with proper notification, to submit identical proposals or proposals containing a significant amount of essentially equivalent work for consideration under numerous Federal program solicitations, it is unlawful to enter into contracts or grants requiring essentially equivalent efforts. If there is any question concerning this, it must be disclosed to the soliciting agency or agencies before award.

If a Phase II or Phase IIB proposal is substantially the same as one already submitted, has been previously funded, or is either funded by, pending with, or about to be submitted to another Federal Agency, the proposal **MUST** so indicate on the cover sheet and provide the following information:

- a. The name and address of the agency(s) to which a proposal(s) was submitted, or will be submitted, or from which an award is expected or has been received.
- b. Date of proposal submission or the date of award.
- c. Title of proposal.
- d. Name and title of principal investigator for each proposal submitted or award received.
- e. Title, number and date of solicitation(s) under which the proposal was submitted or will be submitted or under which an award is expected or has been received.
- f. If an award was received, state the contract number.
- g. Specify the applicable topics for each pending SBIR proposal submitted or award received.

VII. Eligibility, Limitations and Definitions

Each proposer must qualify as an SBC for research or research and development (R&D) purposes as defined in the U.S. DOT SBIR Solicitation and certify to this on the cover sheet of the Phase II/IIB proposal. Additionally, for a Phase II or Phase IIB award a minimum of one-half (50%) of the research and/or analytical effort must be performed by the SBC proposing firm. Effort is measured by the total labor cost. Total labor cost is the sum of direct and applicable indirect, i.e., fringe, labor overhead, costs. The primary employment of the Principal Investigator must be with the small business firm at the time of the award and during the conduct of the proposed effort. Primary employment means that more than one-half of the Principal Investigator's time is spent with the SBC. Primary employment with an SBC precludes full-time employment at another organization.

All research or R&D work must be performed by the SBC in the United States. However, based on a rare and unique circumstance, agencies may approve a particular portion of the

R/R&D work to be performed or obtained in a country outside of the United States; for example, if a supply or material or other item or project requirement, is not available in the United States. The Contracting Officer must approve each such specific condition in writing.

Joint ventures and limited partnerships are permitted, provided that the entity created qualifies as a small business in accordance with the Small Business Act, 15 USC 631, and the definition included in the U.S. DOT SBIR Solicitation.

VIII. Method of Selection and Evaluation Criteria

The Phase II and Phase IIB proposals will be reviewed for overall merit based upon the weighted criteria identified below.

1. Phase II Evaluation Criteria - For Phase II proposals each evaluation category is described below and the weight of that criteria is indicated next to the title.
 - a. **Scientific/Technical Merit and Feasibility** = 40% Weighting. Proposals shall be evaluated on the relevance of the proposed effort in response to the specific DOT topical interest area and the overall technical feasibility of the proposed technology/capability.
 - b. **Effectiveness of the Proposed Work Plan** = 20% Weighting. The proposed work plan shall be evaluated for its comprehensiveness, effective use of resources, and schedule to meet stated objectives.
 - c. **Experience, Qualifications, and Facilities** = 15% Weighting. Qualifications of proposed Principal Investigator(s) (PI) and other staff, including any subcontractors, shall be evaluated for consistency with the research effort. Instrumentation and/or proposed facilities shall be evaluated for adequacy to conduct research as proposed.
 - d. **Commercial Potential and Feasibility** = 25% Weighting. Proposals shall be evaluated for the commercial potential and feasibility of the proposed solution and associated products/services.
2. Phase IIB Evaluation Criteria - For Phase IIB proposals each evaluation category is described below and the weight of that criteria is indicated next to the title.
 - a. **Scientific/Technical Merit and Feasibility** = 25% Weighting. Proposals shall be evaluated on the relevance of the proposed effort in response to the specific DOT topical interest area and the overall technical feasibility of the proposed technology/capability.
 - b. **Effectiveness of the Proposed Work Plan** = 20% Weighting. The proposed work plan shall be evaluated for its comprehensiveness, effective use of resources, and schedule to meet stated objectives.

- c. **Experience, Qualifications, and Facilities** = 15% Weighting. Qualifications of proposed Principal Investigator(s) (PI) and other staff, including any subcontractors, shall be evaluated for consistency with the research effort. Instrumentation and/or proposed facilities shall be evaluated for adequacy to conduct research as proposed.
- d. **Commercial Potential and Feasibility** = 40% Weighting. Proposals shall be evaluated for the commercial potential and feasibility of the proposed solution and associated products/services.

Final decisions for selection of Phase II and IIB awards shall be made by the U.S. DOT based upon the scientific and technical evaluations, and the availability of funding.

Proposed costs will be examined to ensure that the Government is receiving a fair and reasonable price. Technical evaluators shall base their conclusions only on information contained in the proposal.

IX. Contractual Reporting Requirements

Reports: During performance of both Phase II and Phase IIB contracts the following reports may be required. Details regarding the submittal frequency and recipients will be provided in the awarded contract.

1. Monthly Progress Reports
2. Monthly Cost Reports
3. Commercialization Reports
4. Final Project Summary Report
5. Summary of Results

X. Payment Schedule

A payment schedule will be negotiated that best fits the proposal and contract type. Typically, payments on a cost reimbursement contract are made upon the submission of proper vouchers not more often than every two weeks. Vouchers must be supported by proper documentation, i.e., travel receipts, paid material bills, subcontract invoices, to support the cost reimbursement request. For fixed price type contracts, the payment schedule may be negotiated on a deliverable item basis or direct productive person hour amount.

XI. Data Rights

Rights in Data Developed under SBIR Contracts: Rights in technical data, including software developed under any contract resulting from the Phase I solicitation, shall remain with the SBC Contractor except that the Government shall have the limited right to use such

data for Government purposes. The Government shall not release such data outside the Government without permission of the SBC Contractor for a period of four years from completion of the project from which the data was generated. However, effective at the conclusion of the four-year period, the Government shall retain a royalty free license for Federal Government use of any technical data delivered under an SBIR contract whether patented or not.

Copyrights: With prior written permission of the Contracting Officer, the SBC Contractor normally may copyright and publish (consistent with appropriate national security considerations, if any) material developed with the U.S. DOT support. The U.S. DOT receives a royalty free license for the Federal Government and requires that each publication contain an appropriate acknowledgement and disclaimer statement.

Data produced during the period of performance of an SBIR contract is subject to Federal Acquisition Regulation Clause #52.227-20 Rights in Data—SBIR Program (May 2014).

XII. Patents and Invention Reporting

Patents/Invention Reporting: Small business firms normally may retain the principal worldwide patent rights to any invention developed with Government support. The Government receives a royalty free license for Federal Government use, reserves the right to require the patent holder to license others in certain circumstances, and requires that anyone exclusively licensed to sell the invention in the United States must normally manufacture it domestically. To the extent authorized by 35 U.S.C. 205, the Government will not make public any information disclosing a Government-supported invention for a two-year period to allow the Contractor a reasonable time to pursue a patent.

Invention Reporting Process: Awardees shall report SBIR inventions to the U.S. DOT through the [iEdison Invention Reporting System](http://www.iedison.gov), <http://www.iedison.gov>. Use of the iEdison System satisfies all invention reporting requirements mandated by any award.

XIII. Marking of Proprietary Information

Proprietary Information: Information contained in proposals shall remain the property of the offeror. The Government may, however, retain copies of all proposals. Public release of information in any proposal submitted will be subject to existing statutory and regulatory requirements.

If proprietary information is provided by an offeror in a proposal which constitutes a trade secret, proprietary commercial or financial information, confidential personal information or information effecting national security, it will be treated in confidence, to the extent permitted by law, provided this information is clearly marked by the offeror with the terms

"confidential proprietary information" and provided the following legend appears on the title page of the proposal:

"For any purpose other than to evaluate the proposal, this proprietary information shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed in whole or in part, provided that if a contract is awarded to this offeror as a result of or in connection with the submission of this information, the Government shall have the right to duplicate, use, or disclose the information to the extent provided in the contract. This restriction does not limit the Government's right to use information contained in the document if obtained from another source without restriction. The information subject to this restriction is contained in page(s) **[INSERT PAGE NUMBER]** of this proposal."

Any other legend may be unacceptable to the Government and may constitute grounds for return of the proposal without further consideration and without assuming any liability for inadvertent disclosure. The Government will limit dissemination of such information to official channels.⁸⁵