

**FINANCIAL ASSISTANCE  
FUNDING OPPORTUNITY ANNOUNCEMENT**



**U.S. Department of Energy  
Office of Science**

**Funding Opportunity Notice for FY 2007 SBIR/STTR Phase II  
Grant Applications**

**Funding Opportunity Number: DE-PS02-07ER07-17**

**Announcement Type: Initial**

**CFDA Number: 81.049**

**Issue Date: January 25, 2007**

**Letter of Intent Due Date: Not Applicable**

**Pre-Application Due Date: Not Applicable**

**Application Due Date: April 13, 2007 at 8:00 PM Eastern Time**

## NOTE: REQUIREMENTS FOR GRANTS.GOV

### 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 Central Contract Registry (CCR) 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.

### Registration Requirements

There are several one-time actions you must complete in order to submit an application through Grants.gov (e.g., obtain a Dunn and Bradstreet Data Universal Numbering System (DUNS) number, register with the Central Contract Registry (CCR), register with the credential provider, and register with Grants.gov). See [http://www.grants.gov/applicants/get\\_registered.jsp](http://www.grants.gov/applicants/get_registered.jsp). Use the Grants.gov Organization Registration Checklist at <http://www.grants.gov/assets/OrganizationRegCheck.pdf> to guide you through the process. Designating an E-Business Point of Contact (EBiz POC) and obtaining a special password called an MPIN are important steps in the CCR registration process. Applicants, who are not registered with CCR and Grants.gov, should allow at least 21 days completing these requirements.

**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).

### Questions

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](mailto:support@grants.gov). Part VII of this announcement explains how to submit other questions to the Department of Energy (DOE).

### Application Receipt Notices

After an application is submitted, the Authorized Organization Representative (AOR) will receive a series of five e-mails. 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. You will know that your application has reached DOE when the AOR receives email Number 5. You will need the Submission Receipt Number (email Number 1) to track a submission. The titles of the five 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

Number 5 – DOE e-Center Grant Application Received

The last email will contain instructions for the AOR to register with the DOE e-Center. If the AOR is already registered with the DOE e-Center, the title of the last email changes to:

Number 5 – DOE e-Center Grant Application Received and Matched

This email will contain the direct link to the application in IIPS. The AOR will need to enter their DOE e-Center user id and password to access the application.

**VERY IMPORTANT – Download PureEdge Viewer**

In order to download the application package, you will need to install PureEdge Viewer. This small, free program will allow you to access, complete, and submit applications electronically and securely. For a free version of the software, visit the following web site:

<http://www.grants.gov/DownloadViewer>.

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## **PART I – FUNDING OPPORTUNITY DESCRIPTION**

The Department of Energy (DOE) invites all DOE SBIR/STTR Phase I Awardees from FY 2006 to submit Phase II grant applications. The Department may also reconsider previously submitted, peer-reviewed, high ranking Phase II grant applications from FY 2005. However, this is only at the discretion and request of the DOE Project Officer. Those applicants do not have an opportunity to reapply. If a previously submitted application is selected for funding, the applicant would have an opportunity to determine if they are still interested and able to pursue the Phase II research project.

The purpose of Phase II is to perform the research and development required to meet the DOE objectives stated in the technical topic of the Phase I funding notice. In addition, it is intended that the small business grantee would be in a position to pursue commercial applications of the R&D at the end of Phase II. In many cases, Phase II results in a prototype product or a working process that can be demonstrated to a potential investor or customer (either in the private sector or in the Federal government, including DOE).

This funding notice is supplemental to the FY 2006 SBIR/STTR Phase I Funding Notice (**DE-FG01-05ER05-28**); therefore, general information already provided in the FY 2006 Notice also applies to this Phase II process. If a conflict arises, this Phase II Notice will govern.

## **PART II – AWARD INFORMATION**

### **A. TYPE OF AWARD INSTRUMENT.**

DOE anticipates awarding grants under this program announcement.

### **B. ESTIMATED FUNDING.**

Approximately \$80 Million is expected to be available for awards under this announcement.

### **C. MAXIMUM AND MINIMUM AWARD SIZE.**

Ceiling (i.e., the maximum amount for an individual award made under this announcement): \$750,000 (unless approval is received from the DOE Project Officer to submit a supplemental request of up to \$250K in additional funds. See Part II, Section G.)

Floor (i.e. the minimum amount for an individual award made under this announcement): \$1.00

### **D. EXPECTED NUMBER OF AWARDS.**

**DOE anticipates making approximately 110 awards under this announcement depending on the size of the awards.**

### **E. ANTICIPATED AWARD SIZE.**

The average award size for this program in FY 2006 was \$717,000. DOE expects the average award size to be similar under this announcement.

### **F. PERIOD OF PERFORMANCE.**

DOE anticipates making awards that will run for up to 24 months over two budget periods. The first budget period will cover a period of 12 months with an option for a continuation of up to an additional 12 months, contingent upon satisfactory performance of the first budget period.

### **G. TYPE OF APPLICATION**

DOE is accepting renewal (Phase II) applications under this announcement. Renewal (Phase II) applications are requests for additional funding for a period subsequent to that provided by a current award. Renewal (Phase II) applications compete with all other applications and must be submitted by an established due date/deadline. In preparing a renewal (Phase II) application, applicants should assume that reviewers will not have access to previous applications. The application should be developed as fully as though the applicant were applying for the first time. The application must include all the information required for a new project, plus the project narrative section should discuss the results from prior work. Supplemental applications to request additional funding to the grant awards resulting from this Notice may be submitted if recommended by the designated DOE Project Officer. A separate funding notice will be published during the conduct of the Phase II research period to request supplemental applications.

## **PART III - ELIGIBILITY INFORMATION**

### **A. ELIGIBLE APPLICANTS**

#### Eligibility Requirements

Only United States small business concerns are eligible to submit SBIR and STTR grant applications. The following eligibility requirements must be met at the time of award:

The small business concern:

(1) is organized for profit, with a place of business located in the United States, which operates primarily within the United States or which makes a significant contribution to the United States economy through payment of taxes or use of American products, materials or labor;

(2) is 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 percent participation by foreign business entities in the joint venture;

(3) is at least 51 percent owned and controlled by one or more individuals who are citizens of, or permanent resident aliens in, the United States, except in the case of a joint venture, where each entity to the venture must be 51 percent owned and controlled by one or more individuals who are citizens of, or permanent resident aliens in, the United States; and

(4) 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 121.3-2(a). The term “number of employees” is defined in 13 CFR 121.3-2(t).

Business concerns include, but are not limited to, any individual (sole proprietorship), partnership, corporation, joint venture, association, or cooperative. Further information may be obtained by contacting the Small Business Administration Size District Office at <http://www.sba.gov/size/>.

### **PARTICIPATION BY FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER (FFRDC) CONTRACTORS**

Federally Funded Research and Development Center (FFRDC) contractors are not eligible for an award under this announcement, 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, and in any case, must be submitted prior to any award. 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.

## **B. COST SHARING.**

Cost sharing is not required. However, any commercial contributions will be considered as part of the evaluation. See Part IV, Section C, Phase II Funding Commitment and Phase III Follow-On Funding Commitment and Part V, Section A, Merit Review Criteria number 3.

## **C. OTHER ELIGIBILITY REQUIREMENTS.**

### Restrictions on Submitting Applications

Applications for Phase II funding should be submitted during this current review cycle and must be submitted to the same program (i.e., SBIR or STTR) for which the Phase I award was made.

### Restrictions on the Level of Small Business Participation

**SBIR** - 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.

**STTR** - 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, which must be explained and approved by the DOE Project Officer. 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 research institution.

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

## 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 Application Package.” Enter the CFDA and/or the funding opportunity number located on the cover of this announcement and then follow the prompts to download the application package.  
**NOTE: You will not be able to download the Application Package unless you have installed PureEdge Viewer (See: <http://www.grants.gov/DownloadViewer>).**

### B. LETTER OF INTENT AND PRE-APPLICATION.

#### 1. Letter of Intent.

Letters of Intent are not required.

#### 2. Pre-application.

Pre-applications are not required.

### C. CONTENT AND FORM OF APPLICATION – SF 424 (R&R)

**Part IV, of Section C (this Section) describes ALL of the required and optional information that must be included in the grant application package. All of the following components (numbers 1-7) must be included in the grant application package or at least addressed. All of the information provided in response to numbers 1-7 below will be evaluated using the Review Criteria described in Part V, Application Review Information.**

You must complete the mandatory forms and any applicable optional forms (e.g. SF-LLL-Disclosure of Lobbying Activities) in accordance with the instructions on the forms and the additional instructions below. **Files that are attached to the forms must be in Adobe Portable Document Format (PDF) unless otherwise specified in this announcement.**

1. **SF 424 (R&R). [MANDATORY]** Complete this form first to populate data in other forms. Complete all the required fields in accordance with the pop-up instructions on the form. To activate the instructions, turn on the “Help Mode” (Icon with the pointer and question mark at the top of the form). The list of certifications and assurances referenced in Field 18 can be found on the Applicant and Recipient Page at <http://grants.pr.doe.gov>, under Certifications and Assurances.
2. **RESEARCH AND RELATED Other Project Information. [MANDATORY]**  
Complete questions 1 through 5. If the answer to question 3 is “Yes,” please mark the first page of your project narrative and each individual page that contains proprietary data in accordance with Part VIII, Sections D and F of this funding opportunity notice. Failure to comply may result in DOE’s inability to treat such information as proprietary and may delay the award process.

For fields 6 through 11, the files that are attached must comply with the following instructions:

**Project Summary/Abstract (Field 6 on the Form). [MANDATORY]**

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 must not exceed 1 page when printed using standard 8.5” by 11” paper with 1” margins (top, bottom, left and right) with font not smaller than 11 point. Save this information in a file named “Summary.pdf,” and click on “Add Optional Other Attachment” to attach.

The purpose of the project summary is to communicate the overall sense of the project, not every step of the work plan or every accomplishment in Phase I. 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 summary must include:

- ***Statement of the problem or situation that is being addressed.*** Describe the problem or situation being addressed – be sure that the DOE 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? – i.e., What is the overall approach of the combined Phase I/Phase II project? (Typically one to two sentences).
- ***What was done in Phase I?*** (Typically two to three sentences).
- ***What is planned for the Phase II project.*** (Typically, two to three 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 Department 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.

**Suggested Format:** First Sentence--State the problem being addressed so that the research need is clear. Second Sentence--State what is being done to address the problem.

**Project Narrative (Field 7 on the form). [MANDATORY]**

The project narrative is considered the “main” portion of the grant application. Phase II grant applications must propose research and development required to meet the DOE objectives stated in the technical topic of the Phase I program solicitation 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. The work proposed in Phase II, assuming that it proceeds successfully, should be suitable in nature for subsequent progression into Phase III. Although there is no page limitation, the application should be written succinctly using the outline below. To attach a Project Narrative, click “Add Attachment.”

The project narrative **must include ALL of the following using this outline:**

**Significance, Background Information, and Technical Approach**

- Identification and Significance of the Problem or Opportunity, and Technical Approach - Define the specific technical problem or opportunity addressed by your application. Provide enough background information, so that the importance of the problem/opportunity is clear. Indicate the overall technical approach to the problem/opportunity and the part that the proposed research plays in providing needed results.
- Anticipated Public Benefits - Discuss the technical, economic, social, and other benefits to the public as a whole, if the project is successful and is carried over into Phase III. Identify specific groups in the commercial sector as well as the Federal government that would benefit from the projected results. Describe the resultant product or process, the likelihood that it could lead to a marketable product, and the significance of the market.
- Degree to which Phase I has Demonstrated Technical Feasibility - Discuss the purpose of your Phase I research, the research carried out, the research findings or results, and your estimate of technical feasibility. In particular, address the degree to which the Phase I objectives have been met.

The Phase II application should include all relevant information concerning the research carried out in Phase I. Technical reviewers are not always the same as used in Phase I, therefore, may not be familiar with the Phase I application.

## The Phase II Project

- Technical Objectives - State the specific technical objectives of the Phase II research and development.
- Work Plan - **This section should be a substantial part of the technical proposal.** Provide an explicit, detailed description of the Phase II research approach and work to be performed. Indicate what will be done, 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 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.

- Performance Schedule - Phase II projects are typically for 24 months. Please note that the performance period should cover a period of up to 12 months with an option for a continuation of up to an additional 12 months. Please state in this section if the project will be completed in less than 24 months. Briefly describe the important milestones and the estimated amount of time for completing each task described in the work plan.
- Facilities/Equipment - Describe available equipment and physical facilities necessary to carry out the Phase II 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 \$5000 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 as described in Part V, Section A, Criterion 3.

- To the extent possible in keeping with the overall purposes of the program, only American-made equipment and products should be purchased with financial assistance provided under the Phase II awards.
- Consultants and Subcontractors - Involvement of subcontractors and consultants, including but not limited to universities, national laboratories, and other research institutions is permitted provided the work is performed in the United States. If any consultants and/or subcontractors are to be used, this section must identify them by name, identify whether the party is being proposed as a consultant versus as a subcontractor. A letter of commitment is required from all subcontractors and consultants, as explained under “Other Attachments” below. All consultants and subcontractors will likely be contacted by the Contracting Office, if selected for award, to verify participation.
- Phase II Funding Commitment (Commercial Contribution) [OPTIONAL] - While not a requirement to obtain Phase II funding, applicants are strongly encouraged to submit a Phase II commitment from the private sector or non-SBIR/STTR funding sources **which will be considered as part of the evaluation criterion on “Impact.”** To receive full credit, the Phase II funding commitment must be at least an additional 20 percent or more of the Phase II funding requested from the DOE and provided to or by the small business concern during the Phase II project period.

Partial credit will be given for commitments that are at least an additional 10 percent. The funds must be used for research or research and development in an expanded Phase II project (i.e., expanded by the amount of the commercial contribution), and the funds cannot be contingent on meeting technical objectives in Phase II. In-kind contributions are allowed; however, the applicant or donor must estimate the dollar value of any in-kind contribution. Letters merely expressing interest or intent without making a firm commitment, as described above, will receive no credit under this evaluation sub-criterion. The Phase II commitment from the donor must be submitted with the Phase II grant application as a separate attachment. Add as an attachment in field 11, “Other Attachments,” on this form. You should describe the Phase II Funding Commitment in the “Work Plan” section of the technical proposal. **The amount of the commercial contribution should NOT appear on the budget page.**

- 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.** To receive full credit, the Phase III follow-on funding commitment must provide that a specific dollar amount of funds (at least one-half of that requested from DOE for Phase II) will be made available to or by the small business. Partial credit will be given for smaller commitments. 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; and (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. Letters merely expressing interest or intent without making a firm commitment, as described above, will receive no credit under this evaluation sub-criterion. The Phase III commitment must be submitted with the Phase II grant application as a separate attachment. Add as an attachment in field 11, "Other Attachments," on this form. You should also reference it in the technical proposal in the "Work Plan" section.

**Bibliography & References Cited (Field 8 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.

**Facilities & Other Resources (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.

**Equipment (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.

**Other Attachments (Field 11 on the form)**

**Note: Field 11 will hold more than one attachment.** If you need to elaborate on your responses to questions 1-5 on the "Other Project Information" document, provide the information in a single file named "projinfo.pdf". Click on "Add Attachments" in Field 11 to attach file.

Also, attach the following files:

- Signed Letter of Phase II 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. The letters must state an agreement to serve in the manner and to the extent described in the "Work Plan" section of the technical proposal. This letter must also include a breakdown of costs (labor, materials, supplies, travel, etc.) and be signed by the consultant or subcontractor or authorizing party, certifying their

availability and salary (for consultants). Note: Consultants are not employees of either the small business or any subcontractor.

- PI Certification (May be found at:  
[www.science.doe.gov/sbir/submission/picert.htm](http://www.science.doe.gov/sbir/submission/picert.htm).)
- Level of Effort Worksheet (discussed in Part III, Section 3)

### 3. RESEARCH AND RELATED Senior/Key Person. [MANDATORY]

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 must be knowledgeable of the critical technical aspects of the grant application and be capable of leading the research effort in the United States. Because DOE's evaluation of the grant application is critically dependent on the qualifications of the PI, changes in the PI that are made after award selection are strongly discouraged. Requests for PI changes will be closely scrutinized and may cause delays in grant execution. Our preference is that the PI be the same individual from the Phase I project, if possible.

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

Processing of applications that include co-PIs may be delayed while the error is corrected by the applicant. Non-U.S. citizens are eligible to perform work on SBIR/STTR projects provided he/she legally resides in the U.S. and is legally empowered to work in the U.S. at the time that an award is made and during the performance of the grant period.

**Additional PI Restrictions for SBIR Only** – If the Phase I project was awarded as an SBIR grant, then the Phase II application must be submitted for an SBIR award and the PI's primary employment must be with the small business at the time of award and during the conduct of the proposed research. Primary employment means that no less than 20 hours per week is spent in the employment of the small business during the conduct of the project and no more than 19 hours per week spent in the employment of another organization.

**Additional PI Restrictions for STTR Only - If the Phase I project was an STTR grant, then the Phase II application must be submitted for an STTR award and the PI's primary employment may be with the small business 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, their primary employment (at least 20 hours per week) must be with the research institution in order to qualify under STTR.

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:

***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:

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

*Research and Professional Experience:* Beginning with the current position list, in chronological order, professional/academic positions with a brief description.

*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.

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

*Synergistic Activities.* List no more than 5 professional and scholarly activities related to the effort proposed.

***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.

- 4. RESEARCH AND RELATED BUDGET. [MANDATORY]** Fully complete the Research and Related Budget form in accordance with the instructions on the form (Activate Help Mode to see instructions) 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.

Applicants may request funding of up to \$750,000 for up to 24 months over two budget periods. The first budget period should cover a period of 12 months with an option for a continuation of up to an additional 12 months. The amount budgeted for the first 12 month budget period should not exceed \$375,000. 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 announcement (See PART IV, G). Note, however, that foreign travel and participant/trainee costs are typically considered unallowable costs unless approved by the DOE Project Officer and the SBIR/STTR Program Manager.

**Budget Justification (Field K on the form). [MANDATORY]** Provide the required supporting information for all proposed costs. Provide any other information you wish to submit to justify your budget request. Attach a single budget justification file for the entire project period in Field K. The file automatically carries over to each budget year. Please note, that if you are selected for an award, additional budget explanation will most likely be required.

**Notes:**

All equipment will be carefully reviewed relative to need and appropriateness for the research or R&D proposed.

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.**

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 all of the 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.

**5 R&R SUBAWARD BUDGET ATTACHMENT(S) FORM. [IF APPLICABLE] Budgets for Subawardees (including research institutions).** You must provide a separate cumulative R&R budget and budget justification for each subawardee that is expected to perform work estimated to be more than **\$100,000 or 50 percent** of the total work effort (whichever is less). Download the R&R Budget Attachment from the R&R SUBAWARD BUDGET ATTACHMENT(S) FORM and e-mail it to each subawardee that is required to submit a separate budget. (Note: Subawardees must have installed PureEdge Viewer before they can complete the form.) 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.

**6. SBIR/STTR INFORMATION FORM. [MANDATORY]** Please complete the information on this form.

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

Commercialization Plan [MANDATORY]– A succinct commercialization plan must be included in the Phase II grant application. **This information will be evaluated and considered part of the score for the “Impact” criteria discussed in Part V.** Elements of the plan should include:

- (i) Company Information: Describe core competencies; size; specialization areas; products with significant sales; and history of previous Federal and non-federal funding, regulatory experience, and subsequent commercialization.
- (ii) Market: Analyses of market size, and estimated market share after first year sales and after 5 years.
- (iii) Intellectual Property: Patent status, technology lead, trade secrets or other demonstration of a plan to achieve sufficient protection to realize the commercialization stage.

For Question 8, the attachment should be in accordance with the following instructions:

For history of previous funding, please provide a table which includes: the title of the project, the source of funding (if Federal, please indicate whether SBIR or STTR or other), the year the funding was received, the total sales of the resulting product or service (include sales by your company or any licensee, and identify the licensee), and the total revenues obtained for pursuit of commercialization (identify sources of these revenues). **This information will be evaluated as part of the “Impact” criteria discussed in Part V.**

**7. 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 APPLICANTS**

- If selected for award, the Department reserves the right to request additional or clarifying information for any reason deemed necessary, including but not limited to:
  - Indirect cost information
  - Fee justification
  - Other budget information
  - Assurance of Compliance point of contact information
  - Representation concerning financial management system
  - Consultant documentation/verification of rates
  - Representations of Limited Rights Data & Restricted Software, if applicable
- Any submission incorporating data affecting national security will not be accepted for evaluation.

#### **E. SUBMISSION DATES AND TIMES.**

**1. Pre-application Due Date.** Pre-applications are not required.

**2. Application Due Date.**

Applications must be received by April 13, 2007, not later than 8:00 PM Eastern Time. Modifications will be accepted if received by the due date and deadline time. You are encouraged to transmit your application well before the deadline.

#### **F. INTERGOVERNMENTAL REVIEW.**

This program is not subject to Executive Order 12372 – Intergovernmental Review of Federal Programs.

#### **G. FUNDING RESTRICTIONS.**

Funds will be allocated **over the two budget periods**. Funding for the 2<sup>nd</sup> budget period will be contingent on the demonstration of adequate progress, evaluation of programmatic priorities, and availability of funds.

In order to begin the Phase II project as soon as possible after applicants are notified of having been selected for Phase II funding, an amendment to the Phase I grant will be issued to provide funding for up to approximately four months of the Phase II effort.

Approximately one-sixth of the requested amount will be obligated. During the period funded by this initial Phase II amendment, the Phase II portion of the grant will be negotiated.

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 may be found at [FAR Part 31](#).

Pre-award Costs. Recipients may charge to an award resulting from this announcement pre-award costs that were incurred within the 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 contracting officer for any pre-award costs that are for periods greater than this 90-day calendar period.

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 this project.

## H. OTHER SUBMISSION AND REGISTRATION REQUIREMENTS

### 1. Where to Submit.

- **APPLICATIONS MUST BE SUBMITTED THROUGH GRANTS.GOV TO BE CONSIDERED FOR AWARD.** Submit electronic applications through the “Apply for Grants” function at [www.Grants.gov](http://www.Grants.gov). If you have problems completing the registration process or submitting your application, call Grants.gov at 1-800-518-4726 or send an email to [support@grants.gov](mailto:support@grants.gov).

### 2. Registration Process.

- You must COMPLETE the one-time registration process (all steps) before you can submit your first application through Grants.gov (See [www.grants.gov/GetStarted](http://www.grants.gov/GetStarted)). **We recommend that you start this process at least two weeks before the application due date.** It may take 21 days or more to complete the entire process. Use the Grants.gov Organizational Registration Checklists at <http://www.grants.gov/assets/OrganizationRegCheck.doc> to guide you through the process. **IMPORTANT:** During the CCR registration process, you will be asked to designate an E-Business Point of Contact (EBIZ POC). The EBIZ POC must obtain a special password called “Marketing Partner identification Number” (MPIN).

## Part V - APPLICATION REVIEW INFORMATION

### A. CRITERIA

#### 1. Initial Review Criteria.

The SBIR/STTR office will perform an initial review to ensure that the applications meet minimum requirements.

#### 2. Merit Review Criteria.

The Phase II grant application must contain enough information on progress accomplished under Phase I, by the time of Phase II grant application submission, to enable an evaluation of the project's promise if continued into Phase II.

Phase II grant applications will be evaluated using the following criteria:

3. **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.
4. **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; (3) with regard to the Phase I objectives, the degree to which Phase I has proven feasibility of the concepts; and (4) the degree to which the DOE investment in the project would be justified by the level of proposed research effort.
5. **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. **The following evidence is also evaluated: (4) the information contained in the company's Commercialization Plan, including past history of commercializing SBIR/STTR or other research, (5) the existence of Phase II funding commitments from the applicant, other private sector, or non-SBIR/STTR funding sources, and (6) Phase III follow-on funding commitments for the subject of the research.**

Each criterion will be assigned a numerical rating based on the evidence provided. The overall score of the application is determined by the average of the numerical ratings for the three criteria. The Impact criterion is evaluated in two parts; technical potential and business capability. Technical potential as evidenced by 1, 2, and 3 is evaluated during peer review and is provided a rating. Business capability as evidenced in 4, 5, and 6 is

evaluated internally by DOE experts and provided a rating. The ratings for technical potential and business capability are then averaged into one rating for the Impact criterion.

**6. Other Selection Factors.**

The Selection Official may consider other program policy factors such as program balance of funds distribution and needs of the technical programs.

**B. REVIEW AND SELECTION PROCESS.**

**1. Merit Review.**

Phase II 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.

- 2. Selection.** 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 number is proportionate to their SBIR/STTR funding contribution. 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. Selections are made from this ranked list until the program's SBIR/STTR Phase II budget is exhausted. The Selection Official may also consider other program policy factors such as program balance and needs of the technical programs.

**3. 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.** DOE anticipates notifying applicants selected for award by the week of June 19, 2007, and awarding the initial Phase II funding amendment on or near July 17, 2007. Negotiation and finalization of the Phase II award is expected to be completed, where possible, by September 30, 2007.

## Part VI - AWARD ADMINISTRATION INFORMATION

### A. AWARD NOTICES.

#### 1. Notice of Selection.

The SBIR/STTR program office will post a listing of projects selected for awards on their Website at [www.science.doe.gov/sbir](http://www.science.doe.gov/sbir) on or near June 19, 2007. Each applicant's business official (as listed on the application) will also receive written notification of the results via email from the SBIR/STTR office the week of June 19, 2007.

Evaluators' comments will be automatically sent to all applicants via email, which may take up to 4 weeks after the award selection.

#### 2. Notice of Award.

A Notice of Financial Assistance Award (NFAA) issued by the contracting officer is the authorizing award document. The initial funding NFAA 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. The subsequent amendment normally includes the Budget Summary.

### B. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS.

#### 1. Terms and Conditions and National Policy Requirements

If a grant is awarded, the grantee 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 [http://www.science.doe.gov/sbir/NEWWEB/terms\\_and\\_conditions\\_for\\_sbir.htm](http://www.science.doe.gov/sbir/NEWWEB/terms_and_conditions_for_sbir.htm).

#### 2. Financial Management System and Indirect Rates for Phase II

If the grantee intends to submit a Phase II grant application, it should begin the process of assuring a satisfactory financial management system **in advance of the submission of the application.**

At a minimum, the system must provide for: (1) accurate, current, and complete disclosure of the financial results of each project; (2) records that identify the source and application of funds for the financially assisted project, including information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, outlays, income, and liabilities; (3) effective control over and accountability for all such funds, property (including exempt property), and assets, and assurance that they are used solely for authorized purposes; (4) comparison of actual expenditures with approved budget amounts for each grant; (5) procedures for determining the reasonableness, allowability,

and allocability of costs in accordance with the provisions of the applicable Federal cost principles found in the Federal Acquisition Regulation (FAR), Part 31; (6) accounting records that are supported by source documentation, such as canceled checks, paid bills, payrolls, contract documents, etc.; and (7) a systematic method to assure timely and appropriate resolution and settlement of audit findings and recommendations pertaining to subcontractors.

A review may be performed of a recipient's financial management system as part of a pre-award review or at any time subsequent to award. To the extent possible, readily available sources of information, such as previous audit reports, will be relied upon to make any pre-award assessment of the applicant's financial management system. Additional information will be sought from the recipient, or an on-site pre-award review will be performed, only if it is necessary to assure prudent management of DOE funds. The Department of Energy assumes no liability for costs incurred in the establishment of a financial management system sufficient for a Government grant.

### Indirect Costs

Indirect costs are normally a component of a Phase II 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 Phase II budget, and the subsequent negotiation of costs for the Phase II project. **Applicants are encouraged to be proactive in ensuring that all proposed rates are established timely 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:

- An Indirect Cost Rate Agreement (ICRA) in effect with your cognizant Federal agency covering the period of performance of this award, supporting the indirect rate(s) proposed.
- If no ICRA exists, an Indirect Cost Rate Proposal may be submitted to DOE for evaluation.
- 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 contract specialist who will evaluate your proposal if you are selected.

For assistance, go to "[Guidance for Indirect Rate Submission](#)" and a [model indirect rate proposal spreadsheet](#).

**C. REPORTING.**

Reporting requirements are identified on the Federal Assistance Reporting Checklist, DOE F 4600.2, attached to the award agreement. Note: Compliance with the reporting requirements is mandatory for obtaining approval of funds for the second budget period.

## PART VII - QUESTIONS/AGENCY CONTACTS

### A. QUESTIONS

Questions regarding the content of the announcement must be submitted through the “Submit Question” feature of the DOE Industry Interactive Procurement System (IIPS) at <http://e-center.doe.gov>. Locate the program announcement on IIPS and then click on the “Submit Question” button. Enter required information. You will receive an electronic notification that your question has been answered. DOE/NNSA will try to respond to a question within 3 business days, unless a similar question and answer have already been posted on the 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](mailto:support@grants.gov). DOE cannot answer these questions.

Questions regarding grant application requirements must be directed to: 301-903-1414 or [sbir-sttr@science.doe.gov](mailto:sbir-sttr@science.doe.gov).

### B. Agency Contact

Name: Julie Scott

E-mail: [Julie.scott@science.doe.gov](mailto:Julie.scott@science.doe.gov)

FAX: 301-903-5488

Telephone: 301-903-1414

## **PART VIII - OTHER INFORMATION**

### **A. MODIFICATIONS.**

Notices of any modifications to this announcement will be posted on Grants.gov and the DOE Industry Interactive Procurement System (IIPS). You can receive an email when a modification or an announcement message is posted by joining the mailing list for this announcement through the link in IIPS. When you download the application at Grants.gov, you can also register to receive notifications of changes through Grants.gov.

### **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.**

Patentable ideas, trade secrets, proprietary or confidential commercial or financial information, disclosure of which may harm the applicant, should be included in an application only when such information is necessary to convey an understanding of the proposed project. The use and disclosure of such data may be restricted, provided the applicant includes the following legend on the first page of the project narrative and specifies the pages of the application which are to be restricted:

“The data contained in pages \_\_\_\_\_ of this application have been submitted in confidence and contain trade secrets or proprietary information, and such data shall be used or disclosed only for evaluation purposes, provided that if this applicant receives an award as a result of or in connection with the submission of this application, DOE shall have the right to use or disclose the data herein to the extent provided in the award. This restriction does not limit the government’s right to use or disclose data obtained without restriction from any source, including the applicant.”

To protect such data, each line or paragraph on the pages containing such data must be specifically identified and marked with a legend similar to the following:

“The following contains proprietary information that (name of applicant) requests not be released to persons outside the Government, except for purposes of review and evaluation.”

### **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.**

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

If proprietary information is provided in a grant application that constitutes proprietary technical data, confidential personnel information, or proprietary commercial or financial information, it will be treated in confidence, to the extent permitted by law, provided this information is clearly marked by the applicant with the term "Confidential Proprietary Information". 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 solicitation, shall remain with the grantee, except that the government shall have the limited right to use such data for government purposes and shall not release such proprietary data outside the government without permission of the grantee for a period of not less than four years from delivery of the last deliverable under that agreement (either Phase I, Phase II, or federally-funded SBIR Phase III). Agencies are released from obligation to protect SBIR data upon expiration of the protection period except that any such data that is also protected and referenced under a subsequent SBIR award must remain protected through the protection period of that subsequent SBIR award. However, effective at the

conclusion of the four-year period, the government shall retain a royalty-free license for government use of any technical data delivered under an SBIR/STTR award whether patented or not.

- 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 protecting its own interests with regard to the retention of intellectual property and commercialization rights.

## **G. NOTICE OF RIGHT TO REQUEST PATENT WAIVER**

Domestic small businesses and domestic nonprofit organizations will receive the patent rights clause at 37 CFR 401.14, i.e., the implementation of the Bayh-Dole Act. This clause permits domestic small business and domestic nonprofit organizations to retain title to subject inventions. Therefore, small businesses and nonprofit organizations do not need to request a waiver.

## **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.