

Reporting Requirements in new SBIR Policy Directive

10. Agency and SBIR Applicant/Awardee Reporting Requirements

(a) **General.** The Small Business Act requires agencies to collect meaningful information from SBCs and ensure that reporting requirements are streamlined to minimize the burden on small businesses.

(1) SBA is required to collect data from agencies and report to the Congress information regarding applications by and awards to SBCs by each Federal agency participating in the SBIR program. SBIR agencies and SBA will report data using standardized templates that are provided, maintained, and updated by SBA.

(2) The Act requires a “simplified, standardized and timely annual report” from each Federal agency participating in the SBIR program (see §3 for the definition of Federal agency), which is submitted to SBA. In addition, agencies are required to report certain items periodically throughout the year to SBA. Agencies may identify certain information, such as award data information, by the various components of each agency. SBA will collect reports electronically, to the extent possible. The reports will be uploaded to databases attached to Tech-Net – located at www.SBIR.gov. If the databases attached to Tech-Net are unavailable, then the report must be emailed to technology@sba.gov.

(3) To meet these requirements, the SBIR program has the following key principles:

- (i) Make updating data available electronically;
- (ii) Centralize and share certain data through secure interfaces to which only authorized government personnel have access;
- (iii) Have small business enter the data only once, if possible; and
- (iv) Provide standardized procedures.

(b) Summary of SBIR Databases.

(1) The Act requires that SBA coordinate the implementation of electronic databases at the SBIR agencies, including the technical ability of the agencies to share the data. In addition, the Act requires the reporting of various data elements, which are clustered together in the following subsections:

(i) Solicitations Database (to include the Master Schedule);

(ii) Tech-Net, which includes the following databases:

(A) Company Registry Database;

(B) Application Information Database;

(C) Award Information Database;

(D) Commercialization Database;

(E) Annual Report Database; and

(F) Other Reporting Requirements Database.

(2) The subsections below describe the data reporting requirements, including reporting mechanisms, the frequency of data collection and reporting, and whether this information is shared publicly or is protected and only available to authorized personnel. The table below summarizes the data collection requirements for each database; however, there may be some divergences at the individual data field level. Refer to Appendices III-IX for the detailed reporting requirements at the data field level. SBA notes that not all of the information will be collected starting with fiscal year 2012. Rather, beginning in fiscal year 2012, SBA will begin a phased implementation of this data collection.

Database	Reporting Mechanism	Collection/Reporting Frequency	Public/Government
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Solicitations	Agency XML or manual upload to http://SBIR.gov	Within 5 business days of solicitation open date	Public
Company Registry	SBC reports data to Tech-Net. Agency receives .pdf from company	Register or reconfirm at time of application	Government only
Application Information	Agency provides XML or manual upload to Tech-Net	Quarterly	Government only
Award Information	XML or manual upload to Tech-Net	Quarterly	Public
Commercialization	Agencies + companies report to Tech-Net	Agencies update in real time SBC updates prior to subsequent award application and voluntarily thereafter	Government only

Annual Report	Agency XML or manual upload to Tech-Net	Annually	Public
Other Reports	As set forth in the directive	As set forth in the directive	Public

(3) SBIR awardees will have user names and passwords assigned in order to access their respective awards information in the system. Award and commercialization data maintained in the database can be changed only by the awardee, SBA, or the awarding SBIR /STTR Federal agency.

(c) Master Schedule & the Solicitations Database.

(1) SBA posts an electronic Master Schedule of release dates of program solicitations with links to Internet web sites of agency solicitations on www.SBIR.gov.

(i) On or before August 1, each agency representative must notify SBA in writing or by e-mail of its proposed program solicitation release and proposal due dates for the next fiscal year. SBA and the agency representatives will coordinate the resolution of any conflicting agency solicitation dates by the second week of August. In all cases, SBA will make final decisions. Agencies must notify SBA in writing of any subsequent changes in the solicitation release and close dates.

(ii) For those agencies that use both general topic and more specific subtopic designations in their SBIR solicitations, the topic data should accurately describe the research solicited.

(iii) Agencies must post on their Internet web sites the following information regarding each program solicitation:

- (A) list of topics upon which R/R&D proposals will be sought;
- (B) Agency address, phone number, or email address from which SBIR Program solicitations can be requested or obtained, especially through electronic means;
- (C) names, addresses, and phone numbers of agency contact points where SBIR-related inquiries may be directed;
- (D) release date(s) of program solicitation(s);
- (E) closing date(s) for receipt of proposals; and
- (F) estimated number and average dollar amounts of Phase I awards to be made under the solicitation.

(2) SBA will manage a searchable public database that contains all solicitation and topic information from all SBIR agencies. Agencies are required to update the Solicitations Database, hosted on Tech-Net (available at www.SBIR.gov), within 5 business days of a solicitation's open date for applications and/or submissions for SBCs. Refer to Appendix III: Solicitations Database for detailed reporting requirements. The main data requirements include:

- (i) type of solicitation – SBIR/STTR;
 - (ii) Phase – I or II;
 - (iii) topic description;
 - (iv) sub-topic description;
 - (v) website for further information; and
 - (vi) applicable contact information per topic or sub-topic, where applicable and allowed by law.
- (d) Company Registry Database.

(1) SBA will maintain and manage a company registry to track ownership and affiliation requirements for all companies applying to the SBIR Program, including participants that are majority-owned by multiple VCOCs, private equity firms, or hedge funds.

(2) Each SBC applying for a Phase I or Phase II award must register on Tech-Net prior to submitting an application. The SBC will report and/or update ownership information to SBA prior to each SBIR application submission. The SBC will also be able to view all of the ownership and affiliation requirements of the program on the registry site.

(3) Fields collected in the Company Registry Database are not to be shared publicly. Refer to Appendix IV for details on specific fields shared publicly.

(4) The SBC will save its information from the registration in a .pdf document and will append this document to the application submitted to a given agency unless the information can be transmitted automatically to SBIR agencies.

(5) Refer to Appendix IV for detailed reporting requirements. The main data requirements include:

(i) basic identifying information for the SBC;

(ii) the number of employees for the SBC;

(iii) whether the SBC has venture capital, hedge fund or private equity firm investment and if so, include:

(A) the percentage of ownership of the awardee held by the VCOC, hedge fund or private equity firm;

(B) the registration by the SBC of whether or not it is majority-owned by VCOCs, hedge funds, or private equity firms. Please note that this may be auto-populated through the individual calculations of investments in the SBC already submitted.

(iv) information on the affiliates of the SBC, including:

(A) the names of all affiliates of the SBC;

(B) the number of employees of the affiliates;

(e) Application Information Database.

(1) SBA will manage an Application Information Database on information on applications to the SBIR program across agencies.

(2) Each agency must upload application data to the Application Database at Tech-Net at least quarterly.

(3) The data in the applicant database is only viewable to authorized government officials and not shared publicly.

(4) Refer to Appendix V for detailed reporting requirements. The main data requirements for each Phase I and Phase II application include:

(i) name, size, and location of the applicant, and the identifying number assigned;

(ii) an abstract and specific aims of the project;

(iii) name, title, contact information, and position in the small business of each key individual that will carry out the project;

(iv) percentage of effort each key individual identified will contribute to the project;

(v) Federal agency to which the application is made and contact information for the person responsible for reviewing applications and making awards under the program.

(5) The Applicant Information Database connects and cross-checks information with the Company Registry and government personnel can see connected data.

(f) Award Information Database.

(1) SBA will manage a database to collect information on awards made within the SBIR

program across agencies.

(2) Each agency must update the Award Information Database quarterly, if not more frequently.

(3) Most of the data available on the Award Information Database is viewable and searchable by the public on Tech-Net.

(4) Refer to Appendix VI for detailed reporting requirements. The main data requirements for each Phase I and Phase II application include:

(i) information similar to the Application Information Database – if not already collected;

(ii) the name, size, and location of, and the identifying number assigned;

(iii) an abstract and specific aims of the project;

(iv) the name, title, contact information, and position in the small business of each key individual that will carry out the project;

(v) the percentage of effort each key individual identified will contribute to the project;

(vi) the Federal agency making the award;

(vii) award amount;

(viii) principal investigator identifying information – including name, email address, and demographic information;

(x) more detailed information on location of company;

(xi) whether the awardee

(A) has venture capital, hedge fund or private equity firm investment and if so, the amount of such investment received by SBC as of date of award and amount of additional capital awardee has invested in SBIR technology;

(B) is a WOSB or has a woman as a principal investigator;

(C) is an SDB or has a socially and economically disadvantaged individual as a principal

investigator;

(D) is owned by a faculty member or a student of an institution of higher education as defined in 20 U.S.C. § 1001); and

(E) information that the awardee received the award as a result of the Commercialization Program – Pilot Program for Civilian Agencies set forth in §12(c) of the directive.

(xii) an identification of any business concern or subsidiary established for the commercial application of a product or service for which an SBIR or STTR award is made.

(5) The Award Information Database connects and cross-checks information with the Company Registry and Application Information Database, and government personnel can see connected data.

(g) Commercialization Database.

(1) The Commercialization Database will store information reported by awardees on the commercial activity resulting from their past SBIR awards.

(2) SBA and SBIR agencies will have two options to collect this information from SBCs. First, SBA may collect commercialization data directly from awardees into a central commercialization database. Alternatively, agencies may collect commercialization data from awardees, and then upload the data to the central commercialization database for real-time availability for SBA and other SBIR agencies. The central commercialization database may be maintained by SBA or another Federal agency, as long as there is an interagency agreement addressing the database and stating, at a minimum, that all data in the database will be available in real-time to authorized Government personnel.

(4) SBIR awardees are required to update this information on their prior Phase II awards in the Commercialization Database when submitting an application for an SBIR Phase II award and upon completion of the last deliverable for that award.

(5) Commercialization data at the company level will not be shared publicly. Aggregated data that maintains the confidentiality of companies may be reported in compliance with the statute.

(6) Refer to Appendix VII for detailed reporting requirements. The main data requirements include for every Phase II award:

(i) any business concern or subsidiary established for the commercial application of a product or service for which an SBIR award is made;

(ii) total revenue resulting from the sale of new products or services, or licensing agreements resulting from the research conducted under each Phase II award;

(iii) additional investment received from any source, other than Phase I or Phase II awards, to further the research and development conducted under each Phase II award; and

(iv) any narrative information that a Phase II awardee voluntarily submits to further describe the commercialization efforts of its awards and related research;

(7) The SBC may apportion sales or additional investment information relating to more than one Phase II award among those awards, if it notes the apportionment for each award. Companies are requested to update their records in this database on a voluntary basis for at least 5 years following the completion of award.

(8) Awardees will update their information and add project commercialization and sales data using their user names and passwords. SBA and SBIR agencies will coordinate data collection to ensure that small businesses will not need to report the same data more than once.

(9) Note that the Award Information and Commercialization Databases will contain the data

necessary for agencies to determine whether an applicant meets the agency's benchmarks for progress towards commercialization.

(h) Annual Report.

(1) Agencies must submit their annual reporting to SBA on an annual basis and will be for the period ending September 30 of each fiscal year. The report is due to SBA by January 15 of each year. For example, the report for FY 2012 (October 1, 2011—September 30, 2012) must be submitted to SBA by January 15, 2013.

(2) SBA will provide a template for the Annual Report via Tech-Net to agencies to populate with the information below. SBA will reserve the right to add further detail to the annual report data and performance metrics via the template beyond the information provided below and the appropriate appendix.

(3) After agencies submit the annual report to SBA, SBA will also calculate the required data, if the supporting data for that calculation has already been submitted to SBA (e.g., total SBIR dollars obligated, the percentage of extramural budget allocated to SBIR, number of awards exceeding the statutory thresholds). SBA will work with the agencies to resolve any data inconsistencies.

(4) The report must include the following:

(i) Agency total fiscal year, extramural R/R&D total obligations as reported to the National Science Foundation pursuant to the annual Budget of the United States Government.

(ii) SBIR Program total fiscal year dollars derived by applying the statutory per centum to the agency's extramural R/R&D total obligations.

(iii) SBIR Program fiscal year dollars obligated through SBIR Program funding agreements for Phase I and Phase II.

- (iv) Number of topics and subtopics contained in each program solicitation.
- (v) Number of proposals received by the agency for each topic and subtopic in each program solicitation.
- (vi) For all applicants and awardees in the applicable fiscal year – where applicable, the name and address, solicitation topic and subtopic, solicitation number, project title, total dollar amount of funding agreement, and applicable demographic information. The agency is not required to re-submit applicant and award information in the annual report that it has already reported to SBA through Tech-Net as required under Appendices IV, V, and VI.
- (vii) Justification for the award of any funding agreement exceeding the award guidelines set forth in §7(h) of this directive, the amount of each award exceeding the guidelines, the identity and location of the awardee, whether the awardee has received any venture capital, hedge fund, or private equity firm investment, and whether the awardee is majority-owned by a venture capital operating company, hedge fund or private equity firm.
- (viii) Justification for awards made under a topic or subtopic where the agency received only one proposal. Agencies must also provide the awardee's name and address, the topic or subtopic, and the dollar amount of award. Awardee information must be collected quarterly – in any case, but updated in the agency's annual reports.
- (ix) An accounting of Phase I awards made to SBCs that have received more than 15 Phase II awards from all agencies in the preceding 5 fiscal years. Each agency must report: name of awardee; Phase I funding agreement number and date of award; Phase I topic or subtopic title; amount and date of previous Phase II funding; and commercialization status for each prior Phase II award.
- (x) All instances where the SBIR Phase II awardee did not receive an SBIR Phase I award.

(xi) All instances in which an agency pursued R/R&D, services, production, or any combination of a technology developed by an SBIR awardee and determined that it was not practicable to enter into a follow-on funding agreement with non-SBIR funds with that concern. See §9(a)(12) for minimum reporting requirements.

(xii) The number and dollar value of each SBIR and non-SBIR award (includes grants, contracts and cooperative agreements as well as any award issued under the Commercialization Program) over \$10,000 and compare the number and amount of SBIR awards with awards to other than SBCs.

(xiii) Information relating to the pilot to allow for funding of administrative, oversight, and contract processing costs, including the money spent on each activity and any other information required in the approved work plan to measure the benefits of using these funds for the specific activities – especially, as it pertains to the goals outlined in the work plan. See § 9(e)(3) concerning the Pilot to Allow for Funding of Administrative, Oversight, and Contract Processing Costs.

(xiv) An analysis of the various activities considered for inclusion in the Commercialization Program – Pilot Program for Civilian Agencies set forth in §12(c) of the directive and a statement of the reasons why each activity considered was included or not included.

(xv) A description and the extent to which the agency is increasing outreach and awards to SDBs and WOSBs.

(xvi) General information about the implementation of and compliance with the allocation of funds for awardees that are majority-owned by multiple VCOCs, hedge funds and private equity firms.

(xvii) A detailed description of any appeals filed on Phase III awards pursuant to §4(c)(8) of the

directive and notices of noncompliance with the policy directive filed by SBA.

(xviii) Information relating to each Phase III award made by that agency either as a prime or subcontract, including the name of the business receiving the Phase III award, the dollar amount, and the awarding agency or prime contractor.

(xix) An accounting of funds, initiatives, and outcomes under the commercialization programs set forth in §12(b) & (c) of this directive.

(xx) By October 13, 2013, and then subsequently in each annual report, information relating to the agency's enhancement of manufacturing activities, if the agency awards more than \$50,000,000 under the SBIR and STTR Programs combined in a fiscal year. The report must include:

(A) a description of efforts undertaken by the agency to enhance U.S. manufacturing activities;

(B) a comprehensive description of the actions undertaken each year by the agency in carrying out the SBIR or STTR Programs to support Executive Order 13329 (relating to manufacturing);

(C) an assessment of the effectiveness of the actions taken at enhancing the R&D of U.S. manufacturing technologies and processes;

(D) a description of efforts by vendors selected to provide discretionary technical assistance to help SBIR and STTR business concerns manufacture in the U.S.; and

(E) recommendations from the agency's SBIR and STTR program managers of additional actions to increase manufacturing activities in the U.S..

(5) Before the end of each fiscal year, each agency must submit a report to SBA on those SBCs that submitted an application and were found to not meet the agency's benchmarks with respect to progress towards commercialization. This report must include the name and employer identification number of the SBC, the closing date of the solicitation to which it proposed, and

the agency that issued the solicitation.

(6) The annual report also includes the performance metrics information set forth in the next section, Performance Metrics and Standards.

(i) Performance Areas, Metrics and Goals.

(1) As part of the agency's work plans, which are submitted pursuant to §9(f) of the directive, SBA will set performance criteria. The performance criteria will measure each agency's accomplishments in meeting certain performance areas against the agency's goals. The Small Business Act establishes broad performance areas for the program, including commercialization, streamlining, outreach, etc. The metrics used to measure the agency's accomplishments in these performance areas will be set with input from the SBIR agency. Agencies must report their progress on the performance criteria at the end of the fiscal year as part of their annual report.

(2) The metrics and performance areas will evolve over time and can be found at www.SBIR.gov. Examples of performance areas and metrics can be found at Appendix IX.

(j) Other Reporting Requirements.

(1) SBA will set forth a list of reports that agencies are required by statute to submit, in a table format, which will be available at www.SBIR.gov.

(2) The system will include a list of any individual or small business concern that has received an SBIR award that has been convicted of a fraud-related crime involving SBIR funds or found civilly liable for a fraud-related violation involving SBIR funds.

(3) Agencies must submit to SBA's Administrator, not later than 4 months after the date of enactment of its annual Appropriations Act, a report describing the methodology used for calculating the amount of its extramural budget. The report must also include an itemization of each research program excluded from the calculation of its extramural budget and a brief

explanation of why it is excluded.

(4) Agencies must provide notice to SBA of any case or controversy before any Federal judicial or administrative tribunal concerning the SBIR Program of the Federal agency. This does not include agency level protests of awards unless and until the protest is before a Federal court or administrative body. The agency must provide notice to SBA within 15 business days of the agency's written notification of the case or controversy.

(5) Agencies must provide notice of all instances in which an agency pursued research, development, production, or any such combination of a technology developed by an SBC using an award made under the SBIR Program of that agency, where the agency determined that it was not practicable to enter into a follow-on non-SBIR Program funding agreement with that concern. The agency must provide notice to SBA within 15 business days of the agency's award.

The report must include, at a minimum:

- (i) the reasons why the follow-on funding agreement with the concern was not practicable;
- (ii) the identity of the entity with which the agency contracted to perform the research, development, or production; and
- (iii) a description of the type of funding agreement under which the research, development, or production was obtained.

(6) Agencies must provide information supporting the agency's achievement of the Interagency Policy Committee's policy recommendations on ways to improve program effectiveness and efficiency. This includes qualitative and quantitative data as appropriate, which would measure the agency's progress. The agency must provide this information to SBA at the end of each fiscal year.

(7) Agencies must provide an annual report to SBA, Senate Committee on Small Business and

Entrepreneurship, House Committee on Small Business, and the House Committee on Science, Space, and Technology on SBIR and STTR programs and the benefits of these programs to the United States. Prior to preparing the report, the agency shall develop metrics to evaluate the effectiveness and benefit to the United States of the SBIR and STTR programs. The metrics must be science-based and statistically driven, reflect the mission of the agency, and include factors relating to the economic impact of the programs. The report must describe in detail the agency's annual evaluation of the programs using these metrics. The final report must be posted online so it can be made available to the public.

(8) By December 31, 2012, agencies must provide a report to the SBA, Senate Committee on Small Business and Entrepreneurship, House Committee on Small Business, and the House Committee on Science, Space, and Technology describing actions taken during the prior year to increase coordination between the SBIR Program and the Experimental Program to Stimulate Competitive Research or the Institutional Development Award Program, if the agency participates in those programs.

(9) By December 31, 2014, agencies must provide a report to the SBA, Senate Committee on Small Business and Entrepreneurship, House e Committee on Small Business, and the House Committee on Science, Space, and Technology analyzing whether actions taken to increase coordination between the SBIR Program and the Experimental Program to Stimulate Competitive Research or the Institutional Development Award Program have been successful in attracting entrepreneurs into the SBIR Program and increasing the participation of States with respect to which there has been a historically low level of SBIR awards, if the agency participates in those programs.

(10) NIH, DoD and the Department of Education must provide the written determination to

SBA anytime it issues a Phase II award to a small business concern that did not receive a Phase I award for that R/R&D. The determination must be submitted prior to award.

(11) SBA will compile data and report to Congress on the Federal and State Technology (FAST) Partnership Program, described in §12 of this Policy Directive. If required by the FAST grant, the grantees will report a comprehensive list of the companies that received assistance under FAST and if those companies received SBIR or STTR awards and any information regarding mentors and Mentoring Networks, as required in the Federal and State Technology (FAST) Partnership Program .

(k) Further Clarification on Availability of SBC Information

(1) Unless stated otherwise, the information contained in the Company Registry Database, the Application Information Database, and the Commercialization Database are solely available to authorized government officials, with the approval of SBA. This includes Congress, GAO, agencies participating in the SBIR and the STTR Programs, Office of Management and Budget, OSTP, Office of Federal Procurement Policy, and other authorized persons who are subject to a nondisclosure agreement with the Federal Government covering the use of the databases. These databases are used for the purposes of evaluating and determining eligibility for the SBIR Program, in accordance with Policy Directives issued by SBA. Pursuant to 15 U.S.C. §638(k) (4), certain information provided to those databases are privileged and confidential and not subject to disclosure pursuant to 5 U.S.C. §552 (Government Organization and Employees); nor must it be considered to be publication for purposes of 35 U.S.C. §102 (a) or (b).

(2) Most of the information in the Award Information and Annual Reports Databases will be available to the public. Any information that will identify the confidential business information of a given small business concern will not be disclosed to the public. Those databases are

available at Tech-Net and offer a vast array of user-friendly capabilities that are accessible by the public at no charge. The Award Information Database allows for the online submission of SBIR/STTR awards data from all SBIR agencies. It also allows any end-user to perform keyword searches and create formatted reports of SBIR/STTR awards information, and for potential research partners to view research and development efforts that are ongoing in the SBIR and the STTR Programs, increasing the investment opportunities of the SBIR/STTR SBCs in the high tech arena.

(1) Waivers.

(1) Agencies must request an extension for additional time between the solicitation closing date and notification of recommendation for award. SBA will respond to the request for an extension within 5 business days, as practicable. See § 7(c)(1) of the directive for further information.

(2) Agencies must request a waiver to exceed the award guidelines for Phase I and Phase II awards by more than 50% for a specific topic. See §7(i)(4) of the directive for further information.

(3) Agencies must request a waiver to not use its SBIR funds, as part of the pilot allowing for the use of such funds for certain SBIR-related costs, to increase participation by SDBs and WOSBs in the SBIR Program, and small businesses in states with a historically low level of SBIR awards. See §9(f)(3)(ii) of the directive for further information.

(4) Agencies must request a waiver to issue a funding agreement that includes a provision for subcontracting a portion of that agreement back to the issuing agency if there is no exception to this requirement in the directive. See §9(f)(4) of the directive for further information.