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NASA Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Phase III Program

Responsible Office: Procurement

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Approved by

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Basic	1.0	08/20/2019	Basic release
Revision	2.0	08/21/2020	Revision to add question on subcontracting limitation and performance restriction; 2.1 added COR/TM; updated weblink for SBIR contracts; update dates
Revision	3.0	03/5/2021	Updated 2.1 and 2.4 indicating severable on the PR; Added 2.3 Incremental funding process; Added incremental funding questions to FAQ in section 3.0; Updated weblinks in Appendix B, Updated Appendix C with severable and non-severable definitions; Updated Appendix E

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NASA SBIR/STTR PHASE III PROGRAM

1.0 NASA SBIR/STTR Phase III Program Overview

Phase III refers to work that derives from, extends, or logically concludes effort(s) performed under a prior Small Business Innovation Research (SBIR) / Small Business Technology Transfer (STTR) Phase I or II funding agreement. Phase III work is typically oriented towards commercialization of SBIR/STTR research and technology.

1.1 Type of Activity

The following are the types of activity that constitute SBIR/STTR Phase III work:

- (i) SBIR/STTR-derived products or services intended for use by the Federal Government
- (ii) Continuation of Research / Research & Development

1.2 Funding Source

The funding source for a Phase III is non-SBIR/STTR Program funds from within NASA or another federal agency's funds to NASA.

2.0 Required Documentation

2.1 Initial Phase III Package from CTTL

Phase III packages shall be submitted to the NSSC through the NASA SBIR/STTR Electronic Handbook (EHB). The Center Technology Transition Lead (CTTL) will select homepage menu options **Contracts** → **Add Phase III**.

The following is required in the EHB for a new Phase III package:

- Statement of Work (SOW) or technical/cost proposal from firm (Center provides SOW if firm has not provided a proposal)
- Justification for Phase III (template in [Appendix D](#))
- Provide the following information in the EHB:
 - Prior Phase I, II or III award details (i.e., prior award number, solicitation title, project title, etc.)
 - Type of Phase III activity (i.e., follow-on R&D)
 - State if the award will exceed the simplified acquisition threshold
 - NASA Technical POC for Phase III including the Contracting Officer Representative (COR)/Technical Monitor (TM) if it is different
 - Purchase Requisition (PR) number (if applicable, refer to section [2.3](#))

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- Estimated value
- Requesting NASA Center
- Mission Directorate
- If the Phase III will include R/R&D
- For incremental funding “severable” indicated on the PR
- The Principal Investigator (PI) information at the firm for the Phase III effort (name, phone number, and email address)
- The Authorized Contract Negotiator (ACN) information at the firm for the Phase III effort (name, phone number, and email address)

2.2 Follow-on Documentation from Technical POC

NSSC will require the following documents from the COR / TM in the EHB, following receipt of a complete package including proposal:

- COR Delegation or TM Responsibility Form
- Technical Evaluation

2.3 Incremental funding process

If the Program and/or the COR is requesting the Phase III be incrementally funded, the work shall be severable (see Appendix C). In accordance with NFS 1832.702-70 NASA Policy, the below steps shall be followed:

- COR will request the input from the center budget analyst / Resource Analyst (RA) on severability determination
- If the budget analyst / RA agrees, “Severable” will be included on the PR which will indicate the input from budget, financial and Program personnel
- Upon receipt of the package at the NSSC, the Service Providers (SP) will send it to the assigned Contracting Officer (CO) for review and final determination. If CO disagrees and/or has concerns, s/he will immediately contact the COR to further discuss
- If the CO disagrees with the work being severable, the package will be sent to NSSC Office of General Counsel (OGC) for final input (all documentation will be included in the file).
- CO signing the award will indicate final determination of severability.

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2.4 Purchase Requisition Instructions for Center Resource Personnel

A PR for the estimated award value with a completed and signed NASA Form 1707 should be routed to NSSC in NASA’s Core Financial System (SAP). The Technical POC is responsible for working with their resource personnel to submit the PR and NF 1707. Use the following information when creating a PR in SAP for a Phase III that will be awarded at the NSSC:

- Material Group – “A”
- PGroup – “NX2”
- POrg – NASA
- Item Category – “D” (Services) ***Do not use Z (Supply) – it interferes with the SBIR deliverables / invoicing process***
- Text – Provide the SBC name, NASA Technical POC, Predecessor Contract Number, indicate “severable” for incremental funding and state “New Phase III SBIR/STTR”.
- NASA Data Tab – If PR is for a new award, “Send to PPS” button should be checked.

Note, initially a PR is not required if the Center only has a SOW and they require NSSC to submit a Request for Proposal (RFP) to the firm to obtain the firm’s cost proposal. If an RFP is required, the Center may opt to submit a planning PR or a PR for the estimated cost in order to commit funds for the Phase III, which may require a change in the amount at a later date. However, the metrics for Phase III award processing time at NSSC will not begin until a PR for the correct award value and complete proposal has been submitted to NSSC.

2.5 Documentation from the Firm

If the NASA Center provides a SOW to NSSC, NSSC will submit an RFP to the firm through the EHB and the firm will submit the following Phase III documentation in the EHB:

- Technical proposal
- Cost proposal with supporting documentation for costs (i.e., direct / indirect rate agreement, service quote, subcontractor budget, etc.)

3.0 Frequently Asked Questions

Q: Can NASA award a Phase III resulting from a Phase I or II effort awarded by another Agency?

A: A Phase III award can result from any prior SBIR/STTR Phase I or II funding agreement awarded by NASA or another Federal Agency.

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Q: Are there any limitations on Phase III awards?

A: There is no limit to the number, duration, type, or dollar value of Phase III awards made to a small business concern (SBC). There is no limit on the time that may elapse between a Phase I or II award and Phase III award, or between a Phase III award and any subsequent Phase III award.

Q: What if the firm is no longer considered a SBC and they are no longer eligible for the SBIR/STTR program?

A: The small business size limits for Phase I and II awards do not apply to Phase III awards. As long as Procurement can verify the firm received a prior Phase I or II award, they are eligible for a Phase III award.

Q: What if the SBC was acquired by another company?

A: The current policy indicates that a novated awardee or successor in interest may receive a Phase III award.

Q: Are SBIR Data Rights applicable to Phase III awards?

A: A Phase III award is by nature an SBIR/STTR award, has SBIR status, and must be accorded SBIR data rights in accordance with FAR 52.227-20. If an SBIR awardee wins a competition for work that derives from, extends, or logically concludes that firm's work under a prior SBIR/STTR funding agreement, then the funding agreement for the new work must have all SBIR/STTR Phase III status and data rights.

Q: Can a NASA Center use their own Procurement or go through NSSC SAT to purchase a product, service, or follow-on R/R&D resulting from a prior SBIR/STTR award?

A: For Phase III, Congress intends that agencies that pursue R/R&D or production developed under the SBIR Program, give preference, including sole source awards, to the awardee that developed the technology. In fact, the Act requires reporting to SBA of all instances in which an agency pursues research, development, or production of a technology developed by an SBIR/STTR awardee, with a concern other than the one that developed the SBIR/STTR technology. SBA will report such instances, including those discovered independently by SBA, to Congress. Therefore, any work that derives from, extends, or logically concludes effort(s) performed under a prior SBIR/STTR funding agreement should go through the NSSC Research Activities Branch for a Phase III award.

Q: Is a formal solicitation required for a Phase III?

A: In most cases, a formal solicitation will not be required as either an unsolicited proposal or an RFP will be the method used to obtain a proposal from the firm. In accordance with Federal Acquisition Regulation 5.202(a)(7), a synopsis is not required.

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Q: What if a significant length of time has passed since the prior Phase I/II/III award, is a Phase III award required or can NASA seek similar technology from other sources?

A: A Phase III contract may not be appropriate in all cases even if the effort is a follow-on to a prior SBIR/STTR contract. If multiple sources are available for an item or if similar technologies are available on the open market, the Government's needs may best be met through a competitive procurement. In general, the longer the period of time since the completion of the SBIR/STTR award, the greater the likelihood that the technology is no longer unique. If more than four years have passed since the completion of the SBIR/STTR award, a market survey should be performed to determine if the same or similar technology is available from multiple sources. The contract file should be documented to indicate the results of the market survey. However, the use of other sources for the procurement of products or R/R&D originally developed under an SBIR contract should be strongly discouraged.

SBIR/STTR legislation includes provisions directing that agencies pursuing R/R&D or production developed under the SBIR/STTR program give preference to the awardee that developed the technology. The legislation requires reporting to the SBA of all instances where an agency pursues such R/R&D or production with a firm other than the one that developed it under the SBIR/STTR program. SBA is in turn required to notify Congress of such instances. Therefore, anyone considering either issuing a competitive solicitation for a technology originally developed under the SBIR/STTR program or awarding a sole source to other than the SBIR/STTR firm, should discuss this situation with their Center SBIR Program Office, local Patent Counsel, and a procurement representative.

Q: Can NASA award a Phase III before the Phase I or II effort is complete?

A: SBA policy indicates that a Federal Agency may enter into a Phase III agreement at any time with a Phase I or II awardee. However, caution should be exercised to ensure that the resources of the SBC (i.e., personnel, finances, facilities, etc.) are adequate to allow timely completion of both efforts.

Q: Can the Center add a Phase III effort to an existing Phase II contract?

A: Phase II contracts are limited to a total dollar value of \$750,000. Also, the duration of the Phase II contract, contract type, and the scope of work may not be suitable for the anticipated Phase III effort. The NASA SBIR Program Office prefers that a Phase II contract not be extended to accommodate Phase III work. Therefore, a separate Phase III contract is recommended.

Q: Can a Phase III contract include Options for additional work or product quantities?

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A: Yes, however, the use of Options needs to be justified in accordance with the FAR procedures at 17.205. The details for Options should be clearly stated in the Base award to include the efforts that will be performed / procured, such as, the estimated timeframe, award value, and deliverables for each Option.

Q: What award instrument is used for Phase III efforts?

A: NSSC processes Phase III as a Firm-Fixed Price (FFP) contract, regardless of dollar value.

Q: Is a Firm-Fixed Price (FFP) contract required for a Phase III effort?

A: An FFP contract is not required for a Phase III effort. However, NASA HQ has a preference for FFP contracts due to the low risk to the Government. FFP contracts also reduce the administrative cost and burden on NASA procurement and technical representative(s) for the award.

Q: How can a NASA customer submit a Phase III package to NSSC?

A: All new Phase III requests should be submitted through the EHB by the NASA Center's CTTL. Submission of a PR routed to NSSC does not constitute proper submission of a Phase III.

Q: How long does it take to execute a Phase III award at NSSC?

A: The timeline for contract completion is approximately 35 days following receipt of a complete requirements package at NSSC. A requirements package consists of the NSSC obtaining all required documentation outlined in Paragraph 2 of this customer guide.

Q: Can I track the status of the Phase III award once the package is submitted in the EHB?

A: If you would like to track the status, check the NSSC website at <https://www.nssc.nasa.gov/sbir-search>. Once the package is received at NSSC, a processor and contracting officer will be assigned that can address specific inquiries.

Q: Who do I contact for assistance with submitting a Phase III package in the EHB?

A: CTTL submit Phase III packages in the EHB on behalf of their Center. Please contact the EHB Technical support at 301-937-0888 or sbir@reisystems.com for assistance with the Phase III package submission in the EHB.

Q: Who do I contact for general procurement questions regarding Phase III?

A: Please contact the NSSC at NSSC-ContactCenter@nasa.gov or 877-677-2123.

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Q: Is there a subcontracting limitation in Phase III?

A: The subcontracting limitation is not required for a Phase III award.

Q. Do Place of Performance restrictions in SBA Policy Directive and NASA SBIR/STTR solicitation apply to Phase III?

A. Place of Performance restrictions would apply to the Phase III as stated in the NASA SBIR/STTR solicitation.

Research/Research & Development (R/R&D) must be performed in the United States. However, based on a rare and unique circumstance (for example, if a supply, material or other item or project requirement is not available in the United States), NASA may allow a particular portion of the research or R&D work to be performed or obtained in a country outside of the United States. Proposals must clearly indicate if any work will be performed outside the United States, including subcontractor performance, and justification must be provided. Prior to award, approval by the Contracting Officer for such specific condition(s) must be in writing.

Q. Is incremental funding allowed for a Phase III contract?

A: Yes, when determining if a contract or task order can be incrementally funded, contracting officers, in conjunction with budget, financial, and program office personnel, must consider whether the procurement is severable or non-severable, a bona-fide need exists, and the appropriation is available for use. See [Section 2.3](#) for incremental funding process.

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APPENDIX A – ACRONYMS AND ABBREVIATIONS

ACN	Authorized Contract Negotiator
ACO	Administrative Contracting Officer
AFRC	Armstrong Flight Research Center
ARC	Ames Research Center
ARMD	Aeronautics Research Mission Directorate
CCRPP	Civilian Commercialization Readiness Pilot Program
CMS	Commercialization Metrics Survey
CO	Contracting Officer
COR	Contracting Officer's Representative
CPARS	Contractor Performance Assessment Reporting System
CRP	Commercialization Readiness Program
CTTL	Center Technology Transition Lead
EAR	Export Administration Regulation
EHB	NASA SBIR/STTR Electronic Handbook
FAQ	Frequently Asked Questions
FAR	Federal Acquisition Regulation
GFE	Government Furnished Equipment
GFF	Government Furnished Facilities
GFP	Government Furnished Property
GRC	Glenn Research Center
GSFC	Goddard Space Flight Center
HEOMD	Human Exploration and Operations Mission Directorate
IdMAX	Identity and Access Management System
IP	Intellectual Property
ITAR	International Traffic in Arms Regulations
JPL	Jet Propulsion Laboratory
JSC	Johnson Space Center
KSC	Kennedy Space Center
LaRC	Langley Research Center
MD	Mission Directorate
MSFC	Marshall Space Flight Center
NAMS	NASA Account Management System
NASA	National Aeronautics and Space Administration
NFS	NASA FAR Supplement
NSSC	NASA Shared Services Center

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NTO	New Technology Office
NTR	New Technology Report
NTSR	New Technology Summary Report
OCFO	Office of the Chief Financial Officer
OGC	Office of General Counsel
OIG	Office of Inspector General
OP	Office of Procurement
Phase II-E	Phase II Enhancement (2011-2015 solicitation) or Phase II Extended (2016-current solicitation)
Phase II-X	Phase II Expanded (2014-2015 solicitation)
PI	Principal Investigator
PMO	Program Management Office
POP	Period of Performance
PR	Purchase Requisition or Request
R/R&D	Research/Research and Development
RI	Research Institution
SAT	Simplified Acquisition Threshold
SBA	Small Business Administration
SBC	Small Business Concern
SBIR	Small Business Innovation Research
SMD	Science Mission Directorate
SME	Subject Matter Expert
SOW	Statement of Work
SSC	Stennis Space Center
SSO	Source Selection Official
STMD	Space Technology Mission Directorate
STR	Space Technology Roadmap
STTR	Small Business Technology Transfer
TAV	Technology Available
TECH-Net	Technology Resources Network
TIM	Technology Infusion Manager
TM	Technical Monitor
TRL	Technology Readiness Level

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APPENDIX B – HELPFUL LINKS

- EHB - <https://ehb8.gsfc.nasa.gov/ehb-app/home>
- EHB Technical Support – sbir@reisystems.com, 301-937-0888
- FAR - <https://www.acquisition.gov/browsefar>
- Fraud, Waste, & Abuse and ITAR/Export Control Training - <http://sbir.nasa.gov/content/training-resources>
- Inside NASA - <https://inside.nasa.gov/SBIR-STTR-Resources>
- NASA Electronic Forms - <https://nef.nasa.gov/home>
- NASA FAR Supplement - <https://www.hq.nasa.gov/office/procurement/regs/NFS.pdf>
- NASA New Technology Reporting System - <https://invention.nasa.gov/>
- NASA SBIR / STTR Firm Library - https://sbir.gsfc.nasa.gov/sbir/firm_library/index.html
- NASA SBIR / STTR Program Additional Sources of Assistance - <https://sbir.gsfc.nasa.gov/content/additional-sources-assistance>
- NASA SBIR / STTR Program & Center Point of Contacts – <https://sbir.nasa.gov/contacts>
- NASA SBIR / STTR Program Website - <https://sbir.nasa.gov/>
- NASA Shared Services Center (NSSC) – NSSC-ContactCenter@mail.nasa.gov, 877-677-2123, <https://www.nasa.gov/centers/nssc>
- NSSC SBIR / STTR Mailbox – NSSC-SBIR-STTR@nasa.gov
- NSSC SBIR / STTR Website - https://nasa.sharepoint.com/sites/nssc/SitePages/SBIR_STTR.aspx
- SBA SBIR / STTR Website - <https://www.sbir.gov/>

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APPENDIX C – DEFINITIONS

Administrative Contracting Officer (ACO): Individual assigned to administer a contract and enforces its terms and conditions.

Authorized Contract Negotiator (ACN): Individual at the firm that legally binds the company during pre-award contract negotiations and post-award to any changes or updates to the contract.

Awardee: The organizational entity receiving an SBIR/STTR Phase I, Phase II, or Phase III award.

Clause: Term or condition used in a contract or both the contract and solicitation.

Commercialization: The process of developing products, processes, technologies, or services and the production and delivery (whether by the originating party or others) of the products, processes, technologies, or services for sale to or use by the Federal government or commercial markets.

Contract: Agreement, enforceable by law, between two or more competent parties to do or not do something not prohibited by law for a legal consideration. FAR 2.101, “Definitions”, defines a contract as a mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them.

Contract Line Item Number (CLIN): Number that identifies a separate supply or service to be provided under contract. Each CLIN should have a single unit price, separate identification, separate delivery schedule, and single accounting classification citation.

Contracting Officer (CO): Person with the authority to enter into, administer, and/or terminate contracts and make related determination and findings.

Contracting Officer’s Representative (COR): An individual, including a contracting officer’s technical representative (COTR), designated and authorized in writing by the contracting officer to perform specific technical or administrative functions.

Data Rights: Rights to use recorded information, regardless of its form or the media on which it may be recorded. The term includes rights to technical data and computer software. The term does not include rights to information incidental to contract administration, such as financial, administrative, cost or price, or management information. The Government can acquire three types of data rights: (1) unlimited rights

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to all data, which is costly; (2) limited rights or restricted rights (a few essential rights for Government personnel only, which has a relatively low cost); and (3) government purpose rights, which includes rights for Government contractors as long as the use is for a Government purpose, at a moderate cost.

Feasibility: The practical extent to which a project can be performed successfully.

Federal Acquisition Regulation (FAR): Regulation that applies to all acquisitions of the executive branch of the U.S. Government. NASA-specific policies and procedures are established in the NASA FAR Supplement.

Firm-Fixed-Price (FFP) Contract: Agreement to pay a specified price when the supplies or services called for by the contract have been delivered and accepted within a specified time.

Funding Agreement: Any contract, grant, cooperative agreement, or other funding transaction entered into between any Federal agency and any entity for the performance of experimental, developmental, research and development, services, or research work funded in whole or in part by the Federal Government.

Infusion: The integration of SBIR/STTR developed knowledge or technologies within NASA programs and projects, other Government agencies and/or commercial entities. This includes integration with NASA program and project funding, development and flight and ground demonstrations.

Innovation: An innovation is something new or improved, having marketable potential, including: (1) development of new technologies, (2) refinement of existing technologies, or (3) development of new applications for existing technologies.

Intellectual Property (IP): The separate and distinct types of intangible property that are referred to collectively as “intellectual property,” including but not limited to: patents, trademarks, copyrights, trade secrets, SBIR/STTR technical data (as defined in section 2.23), ideas, designs, know-how, business, technical and research methods, other types of intangible business assets, and including all types of intangible assets either proposed or generated by the SBC as a result of its participation in the SBIR/STTR Program.

NASA Intellectual Property (NASA IP): NASA IP is NASA-owned, patented technologies that NASA is offering under a non-exclusive, royalty-free research license for use under the SBIR award.

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NASA's Electronic New Technology Reporting System (e-NTR): NASA's e-NTR system is an on-line system used to submit NTRs, Interim NTSRs and Final NTSRs. The system may be found at URL: <https://invention.nasa.gov>. In addition, for SBIR/STTR awardees, the e-NTR system link may be found within the SBIR/STTR EHB.

New Technology Reporting Requirements: Anyone performing experimental, developmental, or research work under a NASA funding agreement, including SBIR/STTR Awardees, is required to disclose any new technology, invention or innovation as a result of the work performed under the contract. Any improvement, regardless of how big or small, should be reported via the New Technology Report (NTR) process defined below. Reportable items include a discovery, an invention, an innovation, or simply an advance in the state of the art. More detail on NASA's New Technology Reporting requirements can be found at: <https://invention.nasa.gov>.

New Technology Report (NTR): NASA's New Technology Report (NTR), also known as a NASA Form 1679, is the method by which new technologies (inventions and/or innovations) are disclosed. The NTR captures essential information about the technology /innovation, including its purpose, features, benefits and uses. NTR's should be submitted within two months after the inventor discloses it in writing to the Awardee's personnel responsible for patent matters. NTRs may be submitted via NASA's e-NTR system, by way of a link in the EHB.

New Technology Summary Reports (NTSR): Interim and Final: The New Technology Summary Report is a required deliverable in all research contracts. It is used to summarize any and all technologies (inventions and/or innovations) developed during the performance of the contract. If no new technologies were developed under the contract, the Awardee shall submit an NTSR which contains a certification stating no new technology was developed. NTSRs may be submitted via NASA's e-NTR system, by way of a link in the EHB.

Non-severable: A service that by its nature cannot be separated for performance in separate fiscal years. The service involves work which cannot be separated into components for performance in different fiscal years but constitutes a specific entire job with a defined end product that must be performed as a single task to meet a need of the government. Procurement actions for non-severable services must be funded entirely with appropriations available at the time the award was made, notwithstanding that performance may extend into future fiscal years. These actions may be incrementally funded, but they must be fully funded by no later than the end of the availability period of the appropriation(s) available at the time of award. More specifically, if an award is made for non-severable services on December 12, 2020, then the funds available at the time of the award are FY 20/21 and FY 21/22 funds;

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these are the funds that must be used to fully fund the action, and the action must be fully funded by September 30, 2022, the end of the availability period for the funds available at the time of award. Examples of non-severable services/actions include acquisitions of most hardware or other supplies, studies or analyses where a final report is delivered, and leases.

Option: Contract term giving the Government the unilateral right, for a specified time, to purchase additional supplies or services called for by the contract or to extend the term of the contract. Examples are an increase in the quantity of supplies beyond that originally stipulated, an extension of time for services beyond that originally stipulated, and a change to the principal period of performance (such as the hours of the workday in a maintenance contract). A critical factor in an option is the window during which an option can be exercised. Missing the window voids the unilateral nature of the option.

Past Performance: History of how well a contractor performs on a contract or contracts. The Government tracks contractor performance to assess the risk of using the same contractor on a similar project sometime in the future.

Principal Investigator (PI): The one individual designated by the SBC to provide the scientific and technical direction to a project supported by the funding agreement.

Proposal: Document submitted by an offeror in response to a request for proposal, issued by the Government, for providing supplies or performing services.

Proprietary Data: Data that belong to an offeror or contractor, and apply to manufacturing processes, operations, or techniques that may distinguish that entity from its competition. The entity must label its proprietary data, and the Government must prevent the release of proprietary data to unauthorized parties.

Purchase Order: Order for supplies or services, used in the simplified acquisition method of contracting. Normally used above the micro-purchase level, purchase orders may be unilateral (requiring only a Government signature) or bilateral (requiring the signature of both the Contracting Officer and the contractor).

Research Institution (RI): A U.S. research institution is one that is: (1) a contractor-operated Federally funded research and development center, as identified by the National Science Foundation in accordance with the Government-wide Federal Acquisition Regulation issued in Section 35(c)(1) of the Office of Federal Procurement Policy Act (or any successor legislation thereto), or (2) a nonprofit research institution as defined in Section 4(3) of the Stevenson-Wydler Technology Innovation Act of 1980, or (3) a nonprofit college or university.

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Responsibility: Determination that the contractor has the capability to perform a contract successfully. Because the responsibility decision must be made prior to award, it is somewhat speculative. It can be based on a formal pre-award survey of technical capability, production capability, quality assurance capability, financial capability, accounting system, and other factors such as property control, transportation, packaging, security, safety, environmental or energy conservation, and flight operation or flight safety. It is also possible to make a responsibility determination without a formal pre-award survey when data are available to support a positive decision.

Severable: A service that can be separated into components that independently meet a need of the government. The services are typically continuing and recurring and, by definition address needs at the time the services are rendered. Contracts, options, task orders, and other procurement actions for severable services must be funded with appropriations that are “available” **at the time the services are performed**. That is, services performed in FY 21 must be funded with an appropriation that is “available” in FY 21 (i.e. either FY 20/**21** or FY **21**/22 funds). This same rule applies whether one-year, two-year, or three-year funding is being used. Examples of severable services might include ongoing engineering support services (and most other services where we are buying “bodies”, rather than a final end product), janitorial services, IT support, and landscaping.

SBIR/STTR Technical Data Rights: The rights an SBC obtains for data generated in the performance of any SBIR/STTR funding agreement that an awardee delivers to the Government during or upon completion of a federally funded project, and to which the Government receives a license.

Small Business: Entity, including its affiliates, that is independently owned and operated, is not normally dominant in the field of operation in which it is performing on Government contracts, and meets certain other size criteria set by the SBA.

Small Business Program: Program designed to ensure that small businesses — including small disadvantaged businesses, 8(a) firms, women-owned businesses, minority colleges, and labor surplus area firms, among others identified by law — receive a fair share of procurement dollars. In furtherance of economic objectives, various public laws and executive orders have designated that these groups be provided special opportunities in solicitation and award of federal contracts.

Sole Source: Source that is characterized as the one and only source, regardless of the marketplace, possessing a unique and singularly available performance capability for the purpose of the contract award.

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Solicitation: Request for proposal or invitation for bids issued to prospective offerors or bidders.

Source Selection: Process in which the requirements, facts, recommendations, and Government policy relevant to an award decision in a competitive procurement are examined and a decision is made.

Subcontract: Any agreement, other than one involving an employer-employee relationship, entered into by an awardee of a funding agreement calling for supplies or services for the performance of the original funding agreement.

Technical Monitor (TM): An individual designated and authorized in writing by the contracting officer to perform specific technical or administrative functions and serve as technical liaison between the contractor and contracting officer.

Technology Readiness Level (TRLs): Technology Readiness Level (TRLs) is a unidimensional scale used to provide a measure of technology maturity.

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APPENDIX D – JUSTIFICATION FOR PHASE III TEMPLATE

JUSTIFICATION FOR A PHASE III (Firm Name)

NASA Shared Service Center (NSSC) will negotiate with the above firm a Phase III contract.

DESCRIPTION:

Provide a description of the research requested to meet the agency's needs.

The estimated value of this effort is \$.

RELATED WORK:

Explain the relevance of this research to this NASA Program (or to other programs).

The firm first introduced the technology in a Phase [I / II / III] titled " " on [Agency such as NASA or Air Force] Contract No. [prior award number].

Pursuant to FAR 13.106-l(b) and 13.106-3(b)(3)(i), the acquisition of the above referenced research is determined to be available from only one source. Competition is not required for the follow reason:

JUSTIFICATION:

The competition for SBIR - Phase I and Phase II awards satisfies any competition requirement of the Armed Services Procurement Act, the Federal Property and Administrative Services Act, and the Competition in Contracting Act. Therefore, an agency that wishes to fund an SBIR Phase III project is not required to conduct another competition in order to satisfy those statutory provisions. As a result, in conducting actions relative to a Phase III SBIR award, it is sufficient to state for purposes of a Justification and Approval pursuant to FAR 6.302-5, that the project is an SBIR Phase III award that is derived from, extends, or logically concludes efforts performed under prior SBIR funding agreements and is authorized under 10 U.S.C. 2304(b) (2) or 41 U.S.C. 253(b) (2).

COR/TM Signature

Date

APPENDIX E – PHASE III PROCESS FLOW IN EHB

