

AIR FORCE
Small Business Innovation Research (SBIR)/Small Business Technology Transfer (STTR)
Non-Disclosure Agreement (NDA) Requirements

DFARS 252.227-7018(b)(8), Rights in Noncommercial Technical Data and Computer Software – Small Business Innovation Research (SBIR) Program (May 2013), allows Government support contractors access to SBIR data without company-to-company NDAs only AFTER the support contractor notifies the SBIR firm of its access to the SBIR data AND the SBIR firm agrees in writing no NDA is necessary. If the SBIR firm does not agree, a company-to-company NDA is required.

“Covered Government support contractor” is defined in 252.227-7018(a)(6) as “a contractor under a contract, the primary purpose of which is *to furnish independent and impartial advice or technical assistance directly to the Government in support of the Government’s management and oversight of a program or effort* (rather than to directly furnish an end item or service to accomplish a program or effort), provided that the contractor—

(i) Is not affiliated with the prime contractor or a first-tier subcontractor on the program or effort, or with any direct competitor of such prime contractor or any such first-tier subcontractor in furnishing end items or services of the type developed or produced on the program or effort; and

(ii) Receives access to the technical data or computer software for performance of a Government contract that contains the clause at 252.227-7025, Limitations on the Use or Disclosure of Government-Furnished Information Marked with Restrictive Legends.”

USE OF SUPPORT CONTRACTORS:

Support contractors may be used to administratively process SBIR documentation or provide technical support related to SBIR contractual efforts to Government Program Offices.

Below, please provide your firm’s determination regarding the requirement for company-to-company NDAs to enable access to SBIR documentation by Air Force support contractors. This agreement must be signed and included in your Phase I/II proposal package

YES NO Non-Disclosure Agreement Required
(If Yes, include your firm’s NDA requirements in your proposal)

Company: _____ Proposal Number: _____

Address: _____ City/State/Zip: _____

Proposal Title: _____

Name _____ Date: _____

Title/Position _____