

Appendix D: List of NASA SBIR Phase I Clauses, Regulations and Certifications

Introduction

Offerors who plan to submit a completed proposal package to this solicitation will be required to meet specific rules and regulations as part of the submission and if awarded a contract. Offerors should ensure that they understand these rules and requirements before submitting a completed proposal package to NASA.

Below are the all the clauses, regulations and certifications that apply to Phase I submissions and contracts. Each clause, regulation and certification contain a hyperlink to the webpages from the NASA FAR Supplement, SBIR/STTR Policy Directive, and www.acquisition.gov where you can read about the requirements.

On December 7, 2021, the United States District Court for the Southern District of Georgia Augusta Division (hereinafter "the Court") ordered a nationwide injunction enjoining the Government from implementing Executive Order 14042 in all covered contracts. As a result, NASA will take no action to enforce the clause implementing requirements of Executive Order 14042, absent further written notice from the agency, where the place of performance identified in the contract is in a U.S. state or outlying area subject to a court order prohibiting the application of requirements pursuant to the Executive Order (hereinafter, "Excluded State or Outlying Area"). A current list of such Excluded States and Outlying Areas is maintained at <https://www.saferfederalworkforce.gov/contractors/>

Federal Acquisition Regulations (FAR) Clauses for Phase I

[52.203-19 PROHIBITION ON REQUIRING CERTAIN INTERNAL CONFIDENTIALITY AGREEMENTS OR STATEMENTS.](#)

[52.204-6 UNIQUE ENTITY IDENTIFIER.](#)

[52.204-7 SYSTEM FOR AWARD MANAGEMENT.](#)

[52.204-8 ANNUAL REPRESENTATIONS AND CERTIFICATIONS \(DEVIATION 20-02A\)](#)

[52.204-10 REPORTING EXECUTIVE COMPENSATION AND FIRST-TIER SUBCONTRACT AWARDS.](#)

[52.204-13 SYSTEM FOR AWARD MANAGEMENT MAINTENANCE.](#)

[52.204-16 COMMERCIAL AND GOVERNMENT ENTITY CODE REPORTING.](#)

[52.204-18 COMMERCIAL AND GOVERNMENT ENTITY CODE MAINTENANCE.](#)

[52.204-19 INCORPORATION BY REFERENCE OF REPRESENTATIONS AND CERTIFICATIONS.](#)

[52.204-22 ALTERNATIVE LINE ITEM PROPOSAL.](#)

[52.204-23 PROHIBITION ON CONTRACTING FOR HARDWARE, SOFTWARE, AND SERVICES DEVELOPED OR PROVIDED BY KASPERSKY LAB AND OTHER COVERED ENTITIES.](#)

[52.204-24 REPRESENTATION REGARDING CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT](#)

[52.204-25 PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT.](#)

[52.204-26 COVERED TELECOMMUNICATIONS EQUIPMENT OR SERVICES - REPRESENTATION.](#)

[52.209-6 PROTECTING THE GOVERNMENT'S INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT.](#)

[52.215-1 INSTRUCTIONS TO OFFERORS—COMPETITIVE ACQUISITION.](#)

[52.215-8 ORDER OF PRECEDENCE—UNIFORM CONTRACT FORMAT.](#)

[52.216-1 TYPE OF CONTRACT.](#)

[52.219-6 NOTICE OF TOTAL SMALL BUSINESS SET-ASIDE](#)

[52.219-28 POST-AWARD SMALL BUSINESS PROGRAM REREPRESENTATION.](#)

[52.222-3 CONVICT LABOR.](#)

[52.222-21 PROHIBITION OF SEGREGATED FACILITIES.](#)

[52.222-26 EQUAL OPPORTUNITY.](#)

[52.222-36 EQUAL OPPORTUNITY FOR WORKERS WITH DISABILITIES.](#)

[52.222-50 COMBATING TRAFFICKING IN PERSONS.](#)

[52.223-6 DRUG-FREE WORKPLACE.](#)

[52.223-18 ENCOURAGING CONTRACTOR POLICIES TO BAN TEXT MESSAGING WHILE DRIVING.](#)

[52.223-99 ENSURING ADEQUATE COVID-19 SAFETY PROTOCOLS FOR FEDERAL CONTRACTORS \(DEVIATION 21-03\)](#)

[52.225-13 RESTRICTIONS ON CERTAIN FOREIGN PURCHASES.](#)

[52.227-1 AUTHORIZATION AND CONSENT.](#)

[52.227-11 PATENT RIGHTS—OWNERSHIP BY THE CONTRACTOR.](#)

[52.227-20 RIGHTS IN DATA—SBIR PROGRAM.](#)

[52.232-2 PAYMENTS UNDER FIXED-PRICE RESEARCH AND DEVELOPMENT CONTRACTS.](#)

[52.232-9 LIMITATION ON WITHHOLDING OF PAYMENTS.](#)

[52.232-12 ADVANCE PAYMENTS.](#)

[52.232-23 ASSIGNMENT OF CLAIMS.](#)

[52.232-25 PROMPT PAYMENT.](#)

[52.232-33 PAYMENT BY ELECTRONIC FUNDS TRANSFER—SYSTEM FOR AWARD MANAGEMENT.](#)

[52.232-39 UNENFORCEABILITY OF UNAUTHORIZED OBLIGATIONS.](#)

[52.232-40 PROVIDING ACCELERATED PAYMENTS TO SMALL BUSINESS SUBCONTRACTORS. \(DEVIATION 20-03A\)](#)

[52.233-1 DISPUTES.](#)

[52.233-3 PROTEST AFTER AWARD.](#)

[52.233-4 APPLICABLE LAW FOR BREACH OF CONTRACT CLAIM.](#)

[52.242-15 STOP-WORK ORDER.](#)

[52.243-1 CHANGES—FIXED PRICE.](#)

[52.246-7 INSPECTION OF RESEARCH AND DEVELOPMENT—FIXED PRICE.](#)

[52.246-16 RESPONSIBILITY FOR SUPPLIES.](#)

[52.244-6 SUBCONTRACTS FOR COMMERCIAL ITEMS. \(DEVIATION 20-03A\)](#)

[52.249-1 TERMINATION FOR CONVENIENCE OF THE GOVERNMENT \(FIXED-PRICE\) \(SHORT FORM\).](#)

[52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE.](#)

[52.252-5 AUTHORIZED DEVIATIONS IN PROVISIONS.](#)

[52.253-1 COMPUTER GENERATED FORMS.](#)

[52.252-2 CLAUSES INCORPORATED BY REFERENCE.](#)

[52.252-6 AUTHORIZED DEVIATIONS IN CLAUSES.](#)

NASA Clauses

Phase I

[1852.216-78 FIRM FIXED PRICE.](#)

[1852.203-71 REQUIREMENT TO INFORM EMPLOYEES OF WHISTLEBLOWER RIGHTS](#)

[1852.204-76 SECURITY REQUIREMENTS FOR UNCLASSIFIED INFORMATION TECHNOLOGY RESOURCES.
\(DEVIATION 21-01\)](#)

[1852.215-84 OMBUDSMAN.](#)

[1852.219-80 LIMITATION ON SUBCONTRACTING – SBIR PHASE I PROGRAMT. \(OCT 2006\)](#)

[1852.219-83 LIMITATION OF THE PRINCIPAL INVESTIGATOR – SBIR PROGRAM. \(OCT 2006\)](#)

[1852.225-70 EXPORT LICENSES](#)

[1852.225-71 RESTRICTION ON FUNDING ACTIVITY WITH CHINA](#)

[1852.225-72 RESTRICTION ON FUNDING ACTIVITY WITH CHINA – REPRESENTATION. \(DEVIATION 12-01A\)](#)

[1852.215-81 PROPOSAL PAGE LIMITATIONS.](#)

[1852.227-72 DESIGNATION OF NEW TECHNOLOGY REPRESENTATIVE AND PATENT REPRESENTATIVE.](#)

[1852.232-80 SUBMISSION OF VOUCHERS FOR PAYMENT.](#)

[1852.233-70 PROTESTS TO NASA.](#)

[1852.235-70 CENTER FOR AEROSPACE INFORMATION.](#)

[1852.239-74 INFORMATION TECHNOLOGY SYSTEM SUPPLY CHAIN RISK ASSESSMENT. \(DEVIATION 15-03D\)](#)

[1852.235-73 FINAL SCIENTIFIC AND TECHNICAL REPORTS.](#)

[1852.235-74 ADDITIONAL REPORTS OF WORK - RESEARCH AND DEVELOPMENT.](#)

[1852.237-73 RELEASE OF SENSITIVE INFORMATION.](#)

[PCD 21-02 FEDERAL ACQUISITION REGULATION \(FAR\) CLASS DEVIATION – PROTECTION OF DATA UNDER THE SMALL BUSINESS INNOVATIVE RESEARCH/SMALL TECHNOLOGY TRANSFER RESEARCH \(SBIR/STTR\) PROGRAM](#)

Additional Regulations

[SOFTWARE DEVELOPMENT STANDARDS](#)

[HUMAN AND/OR ANIMAL SUBJECT](#)

[HOMELAND SECURITY PRESIDENTIAL DIRECTIVE 12 \(HSPD-12\)](#)

[RIGHTS IN DATA DEVELOPED UNDER SBIR FUNDING AGREEMENT](#)

[INVENTION REPORTING, ELECTION OF TITLE, PATENT APPLICATION FILING, AND PATENTS](#)

SBA Certifications required for Phase I

[\(1\) CERTIFICATIONS.](#)

[\(2\) PERFORMANCE OF WORK REQUIREMENTS.](#)

[\(3\) EMPLOYMENT OF THE PRINCIPAL INVESTIGATOR/PROJECT MANAGER.](#)

[\(4\) LOCATION OF THE WORK.](#)

[\(5\) NOVATED/SUCCESSOR IN INTERESTED/REVISED FUNDING AGREEMENTS.](#)

[\(6\) MAJORITY-OWNED BY MULTIPLE VCOCS, HEDGE FUNDS OR PRIVATE EQUITY FIRMS \[SBIR ONLY\].](#)

[\(7\) AGENCY BENCHMARKS FOR PROGRESS TOWARDS COMMERCIALIZATION.](#)

[\(8\) LIFE CYCLE CERTIFICATIONS](#)