



1/18/2024

Acquisition Letter MV-2023-04

MEMORANDUM FOR: CHRIS BENNETHUM  
ASSISTANT COMMISSIONER  
FAS OFFICE OF ASSISTED ACQUISITION SERVICES (QF)

AND MARK LEE  
ASSISTANT COMMISSIONER

FROM: JEFFREY A. KOSES   
SENIOR PROCUREMENT EXECUTIVE  
OFFICE OF ACQUISITION POLICY (MV)

SUBJECT: Promoting Responsible Innovation through the  
Small Business Innovation Research (SBIR)/  
Small Business Technology Transfer (STTR) Program

### 1. Purpose.

This acquisition letter (AL) revises the acquisition review requirements for SBIR/STTR procurements.

### 2. Background.

On March 27, 2020, the Senior Procurement Executive (SPE) issued AL MV-20-06 to authorize the then FEDSIM and Region 5 Client Support Center (CSC) offices to provide Assisted Acquisition Services (AAS) for Phase III work under the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs.

On February 17, 2021, the SPE issued AL MV-21-01 to authorize FEDSIM and the Region 5 Client Support Center (CSC) to expand into SBIR/STTR Phase I and II acquisitions. It also authorized the then CSCs in Regions 4 and 8 to perform SBIR Phase III work.

FAS AAS continues to mature in the award of SBIR/STTR acquisitions. Developing management and oversight processes ensured the successful award of several SBIR/STTR acquisitions. As such, the oversight and control requirements are updated to reflect that maturity and to emphasize the need to increase focus on successful contract administration including progress towards providing products or services in the commercial marketplace.

Additionally, FAS modernized its organizational structure through the F4 initiative. The SBIR/STTR work formerly performed by these organizations now falls under the AAS Innovation business unit.

In recognition of the maturation of the control environment, the requirement for routine pre-award reviews for SBIR/STTR work is removed for the AAS Innovation business unit. Pre-award reviews are required for any other AAS business unit performing SBIR/STTR work. The FAS Office of Policy and Compliance and the Office of Government-wide Policy may require Acquisition Review Boards pre and/or post-award on specific projects.

### **3. Effective Date.**

This AL is effective immediately and remains in effect until rescinded or incorporated into the GSAM.

### **4. Cancellation.**

Acquisition Letter MV-21-01 signed February 17, 2021, is hereby cancelled in its entirety.

### **5. Requirements.**

SBIR/STTR acquisitions are subject to the following requirements.

#### **a. Disclosures**

- Develop standard language for inclusion in Phase III solicitations, requiring an annual reporting deliverable from other than small business concerns, (and small business awardees when the client is not a participating agency) to provide disclosures of foreign affiliations or relationships to foreign countries. These reports will be shared with the Office of Acquisition Policy, by the end of November each year.
- Do not accept work that would require more than nine (9) such businesses to disclose this information over a 12-month period without working with the Office of Acquisition Policy and obtaining an appropriate clearance under the Paperwork Reduction Act.

#### **b. Acquisition Reviews**

- AAS will conduct regular pre and post-award acquisition review boards on a sampling of SBIR contracts/orders. Review topics should include: completeness and quality of documentation; effective oversight, contract performance; cost-control; and progress towards providing products or services in the commercial marketplace.

- AAS will provide, at least semi-annually, a briefing to the Senior Procurement Executive on outcomes and results in SBIR/STTR work:
  - Ensure at least the following offices are invited to these briefings: The FAS Office of Policy and Compliance (QV), the Office of Small Disadvantaged Business Utilization (E) and the Office of the Chief Sustainability Officer (MG)
  - At a minimum, the briefings should include:
    - Metrics and performance against metrics
    - Lessons learned and challenges encountered
    - Success stories
    - Data on the number of awards by phase, dollars obligated, ceiling, business size, socio-economic status, and other meaningful breakouts
    - Progress towards introduction of products and services in the commercial market
    - Impacts on sustainability
    - Recommendations for improvements

#### **c. Continuous Improvements**

- Continue addressing documentation challenges identified in previous acquisition review boards.

#### **d. Process Flexibilities**

- SBIR/STTR procurements are exempt from GSA Form 2689 (see Acquisition Letter MV-2023-07).
- Consistent with SBA regulations, separate justifications for other than full and open competition are not required for phase III SBIR/STTR awards.

### **6. Point of Contact.**

Any questions regarding this letter may be directed to Vernita Misidor at [GSARPolicy@gsa.gov](mailto:GSARPolicy@gsa.gov).