**SBIR/STTR Funding Agreement Certification**

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| **Prime Recipient:**       |
| **Subrecipient(s):**       |
| **Award Number:**       |

1. **INSTRUCTIONS**

Each Prime Recipient under a Small Business Innovation Research (SBIR) or Small Business Technology Transfer (STTR) funding agreement must complete this certification at the time of award and any other time set forth in the funding agreement that is prior to performance of work under this award. To complete the certification, please answer all of the questions and have an authorized officer of the Prime Recipient sign and date the certification each time it is requested. Upon completion of the certification, please submit a scanned copy to the DOE Contracting Officer (ARPA-E-CO@hq.doe.gov). Failure to timely submit this certification form to the DOE Contracting Officer may result in delayed execution or non-execution of the Cooperative Agreement.

Please read carefully the following certification statements. The Federal government relies on the information to determine whether the business is eligible for a SBIR Program or STTR Program award. A similar certification will be used to ensure continued compliance with specific program requirements during the life of the funding agreement. The definitions for the terms used in this certification are set forth in the Small Business Act, U.S. Small Business Administration (SBA) regulations (13 C.F.R. Part 121), the SBIR and STTR Policy Directives and also any statutory and regulatory provisions referenced in those authorities.

If the DOE Contracting Officer believes that the Prime Recipient may not meet certain eligibility requirements at the time of award, he or she is required to file a size protest with SBA, who will determine eligibility. At that time, SBA will request further clarification and supporting documentation in order to assist in the verification of any of the information provided as part of a protest. If the DOE Contracting Officer believes, after award, that the business is not meeting certain funding agreement requirements, ARPA-E may request further clarification and supporting documentation in order to assist in the verification of any of the information provided.

Even if correct information has been included in other materials submitted to the Federal government, any action taken with respect to this certification does not affect the Government’s right to pursue criminal, civil or administrative remedies for incorrect or incomplete information given in the certification. Each person signing this certification may be prosecuted if they have provided false information.

1. **CERTIFICATION**

The undersigned has reviewed, verified and certifies that (all boxes must be checked):

1. **The Prime Recipient meets the ownership and control requirements set forth in 13 C.F.R. §121.702.**

[ ]  Yes € [ ]  No

1. **If the Prime Recipient is organized as a corporation, all corporate documents (articles of incorporation and any amendments, articles of conversion, by-laws and amendments, shareholder meeting minutes showing director elections, shareholder meeting minutes showing officer elections, organizational meeting minutes, all issued stock certificates, stock ledger, buy-sell agreements, stock transfer agreements, voting agreements, and documents relating to stock options, including the right to convert non-voting stock or debentures into voting stock) evidence that it meets the ownership and control requirements set forth in 13 C.F.R. §121.702.**

[ ]  Yes € [ ]  No [ ]  N/A

If N/A, explain why:

1. **If the Prime Recipient is organized as a partnership, the partnership agreement evidences that it meets the ownership and control requirements set forth in 13 C.F.R. §121.702.**

[ ]  Yes € [ ]  No [ ]  N/A

If N/A, explain why:

1. **If the Prime Recipient is organized as a limited liability company, the articles of organization and any amendments, and operating agreement and amendments, evidence that it meets the ownership and control requirements set forth in 13 C.F.R. §121.702.**

[ ]  Yes € [ ]  No [ ]  N/A

If N/A, explain why:

1. **The birth certificates, naturalization papers, or passports show that any individuals the Prime Recipient relies upon to meet the eligibility requirements are U.S. citizens or permanent resident aliens in the United States.**

[ ]  Yes € [ ]  No [ ]  N/A

If N/A, explain why:

1. **The Prime Recipient has no more than 500 employees, including the employees of its affiliates.**

[ ]  Yes € [ ]  No

1. **SBA has not issued a size determination currently in effect finding that the Prime Recipient exceeds the 500 employee size standard.**

[ ]  Yes € [ ]  No

1. **During the performance of the award, at least one principal investigator will spend more than one half of his/her time (based on a 40 hour workweek) as an employee of the Prime Recipient or, if a STTR award, the partnering Research Institution. Alternatively, the Prime Recipient has requested and received a written deviation from this requirement from the DOE Contracting Officer.**

[ ]  Yes € [ ]  No

[ ]  Deviation approved in writing by DOE Contracting Officer:      %

1. **Please check the applicable box:**

[ ]  Neither the Prime Recipient nor any member of the Project Team has submitted a proposal to DOE or another Federal agency to fund any portion of the work performed under this award or work essentially equivalent to that performed under this award.

[ ] € The Prime Recipient and/or another member of the Project Team has submitted a proposal to DOE or another Federal agency to fund all of the work, a portion of the work, or work essentially equivalent to that performed under this award under another grant, contract, cooperative agreement, subcontract, subaward, or other transaction.

[ ] €As described in the SBIR/STTR application submitted to ARPA-E and approved in writing by the DOE Contracting Officer, a portion of the work performed under this award has been funded under another Federal grant, contract, cooperative agreement, subcontract, subaward, or other transaction.

1. **During the performance of award, the Prime Recipient and, if a STTR award, a partnering Research Institution, will perform the applicable percentage of work, as measured as a percentage of total project cost (unless a deviation from this requirement is approved in writing by the DOE Contracting Officer). Please check the applicable lines and fill in if needed:**

**SBIR**

[ ] €SBIR Phase I: at least two-thirds (66.7%) of the research.

[ ] €SBIR Phase II: at least half (50%) of the research.

[ ] €SBIR Phase IIS (if applicable): at least half (50%) of the research.

[ ] €Deviation approved in writing by the DOE Contracting Officer:      %

**STTR**

[ ] €STTR Phase I: at least forty percent (40%) of the research by the Prime Recipient, and at least 30% of the research performed by a partnering Research Institution.

[ ] €STTR Phase II: at least forty percent (40%) of the research by the Prime Recipient, and at least 30% of the research performed by a partnering Research Institution.

[ ] €STTR Phase IIS (if applicable): at least forty percent (40%) of the research by the Prime Recipient, and at least 30% of the research performed by a partnering Research Institution.

[ ] €Deviation approved in writing by the DOE Contracting Officer:      %

1. **During performance of award, the research/research and development will be performed in the United States unless a deviation is approved in writing by the DOE Contracting Officer.**

[ ]  Yes € [ ]  No  [ ]  Waiver has been granted

1. **During performance of award, the research/research and development will be performed at the Prime Recipient’s facilities with the Prime Recipient’s employees, except as otherwise indicated in the SBIR/STTR application and approved in the funding agreement.**

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[ ]  Yes € [ ]  No

1. **The Prime Recipient has registered itself on SBA’s database as majority-owned by venture capital operating companies, hedge funds or private equity firms.**

[ ]  Yes € [ ]  No [ ]  N/A

If N/A, explain why:

1. **If receiving a SBIR award, the Prime Recipient is a “Covered Small Business Concern” (a small business concern that (a) was not majority-owned by multiple venture capital operating companies (VCOCs), hedge funds, or private equity firms on the date on which it submitted an application in response to an SBIR solicitation; and (b) on the date of the SBIR award, which is made more than 9 months after the closing date of the solicitation, is majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms).**

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[ ]  Yes € [ ]  No

1. **If receiving a STTR award, the Prime Recipient has provided satisfactory evidence that it will exercise management direction and control of the work performed under the STTR funding agreement.**

[ ]  Yes € [ ]  No

1. **ACKNOWLEDGEMENT & SIGNATURE**

[ ] €I will notify the Federal agency immediately if all or a portion of the work authorized and funded under this award is subsequently funded by another Federal agency.

[ ] €I understand that the information submitted may be given to Federal, State and local agencies for determining violations of law and other purposes.

[ ]  I am an officer of the business concern authorized to represent the Prime Recipient and sign this certification on its behalf. By signing this certification, I am representing on my own behalf, and on behalf of the business concern that the information provided in this certification, the application, and all other information submitted in connection with this application, is true and correct as of the date of submission.  I acknowledge that any intentional or negligent misrepresentation of the information contained in this certification may result in criminal, civil or administrative sanctions, including but not limited to: (1) fines, restitution and/or imprisonment under 18 U.S.C. §1001; (2) treble damages and civil penalties under the False Claims Act (31 U.S.C. §3729 *et seq.*); (3) double damages and civil penalties under the Program Fraud Civil Remedies Act (31 U.S.C. §3801 *et seq.*); (4) civil recovery of award funds, (5) suspension and/or debarment from all Federal procurement and nonprocurement transactions (FAR Subpart 9.4 or 2 C.F.R. part 180); and (6) other administrative penalties including termination of SBIR/STTR awards.

**Please complete the information below, print the form out, and sign and date following:**

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| ***Signature*** | ***Date\_\_/\_\_/\_\_*** |
| ***Print Name (First, Middle, Last)***       |
| ***Title***        |