Amendment No. 9 to BAA FA8750-21-S-7001

The purpose of this amendment is to:

1. *Section III, Paragraph 5, updates S&T Protection language;*
2. *Section V, paragraph 2.e, updates the language regarding the S&T review;*

**Section III:**

**5. S&T Protection.**

**I. Notice of Intent.**

(a) Security Risk Review. Each proposal submission will be subject to a Security Risk Review prior to selection for award. The Security Risk Review is applied to federally funded research designed to help protect Department of the Air Force Science and Technology (S&T) by identifying possible vectors of undue foreign influence. AFRL will follow all policy and procedures outlined in Air Force Research Laboratory (AFRL) Instruction AFRLI 61-113, Science and Technology Protection for the Air Force Research Laboratory and Department of the Air Force Instruction DAFI 63-101/20-101, Integrated Lifecycle Management.

(b) Security risk review for these subject proposals will be developed for all proposed Senior/Key personnel and “Covered Individuals”. These risk reviews will be based on information disclosed in a Research and Related Senior and Key Person Profile and Security Questionnaire. In addition, any accompanying or referenced documents, publicly available information, and information contained in internal U.S. Government databases will be utilized in risk reviews. Nationality or citizenship is not a factor in the security risk reviews.

(c) When considering all external engagements, AFRL incorporates a holistic decision-making process that encompasses technical and security factors. The security review method implemented by AFRL measures risk factors to identify the appropriate Risk Acceptance Level (RAL) within the organization. The objective analysis of the security risk factors is conducted to empower AFRL’s S&T leaders to make risk-informed decisions. The review process generally looks at five factors, or risk areas, but with authority for expanded review as noted in OSD R&E Memorandum dated 6 Jun 2023. The potential security risk factors are set forth below:

Potential security risk factors:

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**II. Actions Required by Applicants/Recipients at proposal submission.**

(a) In accordance with AFRLI 61-113, S&T Protection, Applicants/Recipients are required to submit the following documentation with their proposal:

(1) Grant or Cooperative Agreement (CA) proposals:

(i) Standard Form 424, “Research and Related Senior and Key Person Profile (Expanded) (See Appendix 1) AND;

(ii) Security Program Questionnaire (See Appendix 2) AND;

(iii) “Privacy Act Statement” consent form for each Covered Individual that is also signed by the Applicants/Recipients as that Individual’s Sponsor. (See “Covered Individual” section below, and Appendix 4)

(2) Contract or Other Transaction Agreement (OTA) proposals:

(i) Research and Related Senior and Key Person Profile Worksheet (See Appendix 3) AND;

(ii) Security Program Questionnaire (See Appendix 2) AND;

(iii) “Privacy Act Statement” consent form for each Covered Individual that is also signed by the Applicant/Recipient as that Individual’s Sponsor. (See “Covered Individual” section below, and Appendix 4)

The above appendices are included in the RI-Specific Proposal Preparation Instructions which can be accessed at: <https://sam.gov/opp/5d5947ee115b4a49adc07d0bc4bc72e5/view> . Always reference the latest versions of these documents. Complete and submit the required forms with your proposal to the technical point of contact (TPOC) listed in Section VII-Agency Contacts **AND** [AFRL.RIOF@us.af.mil](mailto:AFRL.RIOF@us.af.mil).

(3) In the event a security risk is identified, and the Government has determined the security risk exceeds the acceptable threshold, the Applicant/Recipient will be notified and informed of the decline of award. **The Government will only provide a general statement of the reasoning due to Government OPSEC measures.**

(4) By submission of the Research and Related Senior Key Person Profile and Security Program Questionnaire, the Applicant/Recipient agrees to comply with the following:

(i) To certify that each covered individual who is listed on the application has been made aware: 1) of all relevant disclosure requirements, including the requirements of 42 U.S.C. § 6605; and 2) that false representations may be subject to prosecution and liability pursuant to, but not limited to, 18 U.S.C. §§287, 1001, 1031 and 31 U.S.C. §§ 3729-3733 and 3802. See National Science and Technology Council Guidance for Implementing National Security Presidential Memorandum 33 (NSPM-33) on National Security Strategy for United States Government-Supported Research and Development (January 2022).

(ii) To establish and maintain an internal process or procedure to address foreign talent programs, conflicts of commitment, conflicts of interest, and research integrity.

(iii) To exercise due diligence to identify Foreign Components or participation by Senior/Key Personnel in Foreign Government Talent Recruitment Programs and agree to share such information with the Government upon request.

**III. Actions Required by Covered Individuals.**

(a) Covered Individual. An individual who contributes to a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with a research and development award from a federal research agency; and is designated as a covered individual by the federal research agency concerned. See 42 U.S.C. § 6605, Definitions. (Note: For purposes of a Broad Agency Announcement (BAA) solicitation, “covered individuals” are all Senior/Key Personnel.)

(b) Federal law requires that all current and pending research support, as defined by 42 U.S.C. §6605, must be disclosed at the time of proposal submission, for all covered individuals. The Government may require an updated disclosure during the performance of any research project selected for funding. The Government will require an updated disclosure whenever covered individuals are added or identified as performing under the funded project.

(c) Covered Individuals are also required to sign the “Privacy Act Statement” and provide such signed statement to the Applicant/Recipient for submission with the proposal. (See Appendix 4)

(d) Any decision to accept a proposal for funding under this announcement will include full reliance on the individual’s statements. Failure to report fully and completely all sources of project support and outside positions and affiliations may be considered a material statement within the meaning of the False Claims Act, 31 U.S.C. 3729, and constitute a violation of Federal law.

**IV. Actions required by Applicants/Recipients during period of performance:**

1. Applicant/Recipient will be required to re-submit the Research and Related Senior and Key Person Profile as an annual requirement. In addition, whenever a new covered individual(s) is to be added or identified as performing under the funded project, a new Research and Related Senior and Key Person Profile will be required prior to continued performance.
2. If, at any time, during performance of this award, the Applicant/Recipient learns that its Senior/Key Research Personnel (including any sub awardee personnel who receive this designation) are or are believed to be participants in a Foreign Government Talent Program or have Foreign Components with a strategic competitor or country with a history of targeting U.S. technology for unauthorized transfer, the Applicant/Recipient will notify the Contracting/Grants/Agreements Officer within 5 business days of awareness.
3. This disclosure must include specific information as to the personnel involved and the nature of the situation and relationship. The Government will review this information and conduct any necessary fact-finding or discussion with the Applicant/Recipient. The Government’s determination on disclosure may include acceptance, mitigation, or termination of the award.
4. Failure of the Applicant/Recipient to reasonably exercise due diligence to discover or ensure that neither it nor any of its Senior/Key Research Personnel involved in the subject award are participating in a Foreign Government Talent Program or have a Foreign Component with a strategic competitor or country with a history of targeting U.S. technology for unauthorized transfer may result in the Government exercising remedies in accordance with federal law and regulation.
5. The Applicant/Recipient will be required to flow down this provision to all sub awardees who have personnel designated as Senior/Key Research Personnel as a result of their involvement in the performance of the research.

**Section V:**

2. REVIEW AND SELECTION PROCESS:

1. Only Government employees on the BAAteam will evaluate the white papers/proposals for selection. The Air Force Research Laboratory's Information Directorate has contracted for various business and staff support services, some of which require contractors to obtain administrative access to proprietary information submitted by other contractors. Administrative access is defined as "handling or having physical control over information for the sole purpose of accomplishing the administrative functions specified in the administrative support contract, which do not require the review, reading, and comprehension of the content of the information on the part of non-technical professionals assigned to accomplish the specified administrative tasks."These contractors have signed general non-disclosure agreements and organizational conflict of interest statements. The required administrative access will be granted to non-technical professionals. Examples of the administrative tasks performed include: a. Assembling and organizing information for R&D case files; b. Accessing library files for use by government personnel; and c. Handling and administration of proposals, contracts, contract funding and queries. Any objection to administrative access must be in writing to the Contracting Officer and shall include a detailed statement of the basis for the objection.
2. **WHITE PAPER/PROPOSAL REVIEW PROCESS:**
   1. **FIRST STEP – White Paper Reviews:** The Government will review White Papers to identify those with the greatest potential to meet the Air Force’s needs based on the criteria above. If funding is available for an identified white paper, AFRL/RI will request a formal technical and cost proposal from the Offeror. For white papers not of interest to the Government, or for which funding is not available, those Offerors will receive letters from the Government indicating the basis for non-selection.
   2. **SECOND STEP – Proposal Review and Selection Process**
3. **Categories**: Based on the evaluation, proposals will be categorized as Selectable or Not Selectable (see definitions below). The selection of one or more offerors for award will be based on the evaluation, as well as importance to agency programs and funding availability.
   1. **Selectable:** Proposals are recommended for acceptance, if sufficient funding\* is available.
   2. **Not Selectable:** Even if sufficient funding existed, the proposal should not be funded.

*\*Selectable proposals will be designated as funded or unfunded. Letters will be sent to the unfunded offerors. These proposals may be funded at a later date without reevaluation, if funding becomes available.*

1. The Government reserves the right to award some, all, or none of the proposals. When the Government elects to award only a part of a proposal, the selected part may be categorized as Selectable, though the proposal as a whole may not merit such a categorization.
2. **In parallel with the technical evaluation, the Government will review the SF424 (for assistance instruments), the Research and Related Senior and Key Person Profile Worksheet (for FAR based or Other Transactions), and Security Program Questionnaire and Privacy Act Statement submitted by the Contractor in order to satisfy the S&T Protection requirements IAW AFRLI 61-113. In the event a security risk is identified and the Government has determined the security risk exceeds the acceptable threshold, the Offeror will be notified and informed of the declination of award.**
3. Proposal Risk Assessment: Proposals’ technical, cost, and schedule risk will be assessed as part of the above evaluation criteria’s application. Proposal risk relates to the identification and assessment of the risks associated with an offeror's proposed approach as it relates to accomplishing the proposed effort. Tradeoffs of the assessed risk will be weighed against the potential scientific benefit. Proposal risk for schedule relates to an assessment of the risks associated with the offeror's proposed number of hours, labor categories, materials, or other cost elements as it relates to meeting the proposed period of performance.
4. Prior to award of a potentially successful offer, the Contracting Officer will make a determination regarding price reasonableness and realism.

**No other changes are made.**