**VCOC/FJV Certification:**

***This Certification is a Required Component of the Full Application for Only Those SBIR Applicants That are (A) Majority-Owned by Multiple Venture Capital Operating Companies, Hedge Funds, or Private Equity Firms (VCOCs) and/or (b) Joint Ventures Minority-Owned by a Foreign Entity (FJVs)***

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| --- |
| **Applicant:** |
| **Proposed Subrecipient(s):** |
| **Control Number:** |

1. **INSTRUCTIONS**

Any small business that is (a) majority-owned by multiple venture capital operating companies, hedge funds, or private equity firms (VCOCs) and/or (b) a joint venture minority-owned by a foreign entity (FJVs), and is submitting an application for a Small Business Innovation Research (SBIR)/Small Business Technology Transfer (STTR) award to ARPA-E must complete this certification as part of its Full Application. This includes checking all of the boxes in the certification and having an authorized officer of the Applicant sign and date the certification.

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 award and meets the specific 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 Program Policy Directive, and any statutory and regulatory provisions referenced in those authorities.

If the Contracting Officer believes that the Applicant 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 Contracting Officer believes, after award, that the business is not meeting certain funding agreement requirements, the agency 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. **CERTIFICATIONS** (*Applicants that are both VCOCs and FJVs must mark either “Yes” or “No” for each question in both Section II.A and Section II.B*)

**A. CERTIFICATION FOR VCOCs** (*Applicants that are VCOCs only, and are not FJVs, must mark either “Yes” or “No” for each question in this Section II.A. FJVs that are not VCOCs should mark “N/A” for each question*)

The undersigned has reviewed, verified and certifies that (one box for each question must be checked):

1. **The Applicant is NOT more than 50% owned by a single VCOC, hedge fund or private equity firm.**

Yes €  No  N/A

1. **The Applicant is more than 50% owned by multiple domestic business concerns that are VCOCs, hedge funds, or private equity firms.**

Yes €  No  N/A

1. **I have registered with SBA at http://SBIR.gov as a business that is majority-owned by multiple VCOCs, hedge funds or private equity firms.**

Yes €  No  N/A

1. **Is the Applicant owned in whole or in part, directly or indirectly, by a person or company that is a citizen of, resident of, or established under the laws of a Country of Risk (currently, Russia, China, Iran or North Korea)?**

Yes €  No  N/A

**If “Yes”, identify the person(s)/resident(s) or company(ies): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**B. CERTIFICATION FOR FJVs** (*Applicants that are FJVs only, and are not VCOCs, must mark either “Yes” or “No” for each question in this Section II.B. VCOCs that are not FJVs should mark “N/A” for each question*)

The undersigned has reviewed, verified and certifies that (one box for each question must be checked):

1. **The Applicant is a joint venture (as defined by the SBA in 13 C.F.R. Part 121).**

Yes €  No  N/A (*Applicant is a VCOC, and not a FJV*)

1. **There is NOT more than 49% participation by foreign entity(ies) in Applicant.**

Yes €  No  N/A (*Applicant is a VCOC, and not a FJV*)

1. **The foreign entity(ies) participant(s) is/are the following** (*If further space is required, please expand the table as needed*)**:**

|  |  |  |
| --- | --- | --- |
| **Name of Foreign Entity** | **Country in which Foreign Entity is Registered** | **Nature of Participation** |
|  |  |  |
|  |  |  |
|  |  |  |

1. **Is the Applicant owned in whole or in part, directly or indirectly (including the owners of any foreign entities listed in certification (3), above) by a person or company that is a citizen of, resident of, or established under the laws of a Country of Risk (currently, Russia, China, Iran or North Korea)?**

Yes €  No  N/A

**If “Yes”, identify the person(s)/resident(s) or company(ies): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

1. **ACKNOWLEDGEMENT & SIGNATURE**

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

€All statements and information provided in this form and any documents submitted are true, accurate and complete. If assistance was obtained in completing this form and the supporting documentation, I have personally reviewed the information and it is true and accurate. I understand that, in general, these statements are made for the purpose of determining eligibility for an SBIR/STTR award and continuing eligibility.

€I understand that certifications in this document are continuing in nature. Each SBIR funding agreement for which my organization submits an application or receives an award constitutes a restatement and reaffirmation of these certifications.

€I understand that I may not misrepresent status as small business to: (1) obtain an award under the Small Business Act; or (2) obtain any benefit under a provision of Federal law that references the SBIR/STTR Program.

I am an officer of the business concern authorized to represent it and sign this certification on its behalf. By signing this certification, I am representing on my own behalf, and on behalf of the Applicant 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. Please submit a scan of the signed form in Adobe PDF format in ARPA-E eXCHANGE (**[**https://arpa-e-foa.energy.gov/**](https://arpa-e-foa.energy.gov/)**)**

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