The United States' Implementation of "Innovation Partnerships" Through the Small Business Innovation Research (SBIR) Program: A Critical Assessment

International Conference on Public Procurement and Innovation in Africa

Christopher Yukins
George Washington University Law School
November 15, 2023 – Session 2



Christopher Yukins George Washington University Law School

- Lynn David Research Professor in Government Procurement Law
- Government Procurement Law Program founded 1960
- United States advisor, UNCITRAL Model Procurement Law
- Fellow, Acquisition Innovation Research Center – Stevens Institute of Technology







Small Business Innovation Research (SBIR) Program

How It Works

Participating in America's Seed Fund happens in three phases.

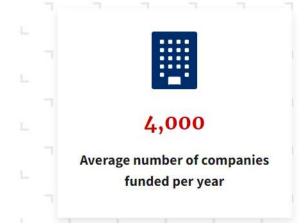


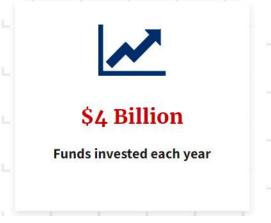


Small Business Innovation Research (SBIR) Program

Keep your equity and IP.

Change the World.

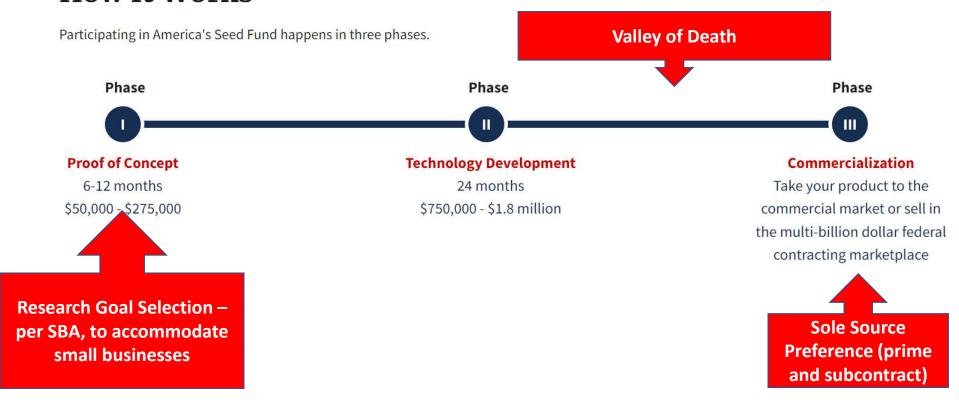






Risk Points

How It Works



SBA Administrator and Rulemaker -- and Advocate





Small Business Innovation Research (SBIR) Pro

Only 79 successful
Phase 3
commercializations in
FY14 in Defense
Department (2% of
4000)

SBIR is "tax" of 3.2% on major (over \$100m) agency research budgets Federal Research & Development (\$204 Billion)

elopment (\$204 Billion)

SBIR small sliver – and most R&D through grants, not contracts

4,000

Average number of companies funded per year

\$4 Billion
Funds invested each year

60% of \$700 billion in federal contracting done by competitive dialogue – more important driver of innovation

Normally
Government
retains
license to
funded
technology

r IP ownership taken by the government

6

- Anca Ramona Apostol, Pre-Commercial Procurement in Support of Innovation: Regulatory Effectiveness?, 2012 Pub. Proc. L. Rev. 213 (EU rule's roots in SBIR)
- Congressional Research Service, <u>Small Business Research Programs:</u> SBIR and STTR (2022)
- Crystal Santerre-Funderburg & Christopher Yukins, The U.S. Small Business Innovation Research (SBIR) Program: A Comparative Assessment, in <u>Joint Public Procurement and Innovation: Lessons</u> <u>Across Borders</u> (G. Racca & C. Yukins, eds., Bruylant 2019)



- European Defense Fund, EU Regulation 2021/697 (Apr. 29, 2021) (given increasing geopolitical risks the purpose of the EDF is to strengthen the European defense technological and industrial base)
- Marta Andrecka [Andhov], Innovation Partnership in the New Public Procurement Regime -- A Shift of Focus from Procedural to Contractual Issues?, 2015 Pub. Proc. L. Rev. 48
- Section 809 Panel, Report of the Advisory Panel on Streamlining and Codifying Acquisition Regulations, Vol. 1, January 2018
- U.S. Small Business Administration, <u>Small Business Innovation Research</u> (SBIR) and <u>Small Business Technology Transfer</u> (STTR) <u>Program: Policy</u> <u>Directive</u> (May 2023)
- U.S. Small Business Administration SBIR Director: Erick Page-Littleford, erick.page-littleford@sba.gov

References





Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Program











9:00 ET/ 11:00 BRASILIA FREE WEBINAR