



Collider/Disrupter  
Other Transaction Agreement Eligibility Assertion

To be considered for an Other Transaction Agreement under 10 U.S.C. 4022 - Authority of the Department of Defense to carry out certain prototype projects – interested participants must meet one of the eligibility requirements found in that statute. If your company would like to be considered for award of an Other Transaction Agreement (OTA), please make a selection from choices below and submit this Enclosure with your proposal. For this requirement, it is contemplated that the Government may transition to follow-on production contracts(s) or transactions(s) upon successful completion of an initial prototype pursuant to 10 U.S.C. 4022(f).

Appropriate Use of Authority-

(1) The Secretary of Defense shall ensure that no official of an agency enters into a transaction (other than a contract, grant, or cooperative agreement) for a prototype project under the authority of this section unless one of the following conditions is met:

- (A) There is at least one nontraditional defense contractor or nonprofit research institution participating to a significant extent in the prototype project.
- (B) All significant participants in the transaction other than the Federal Government are small businesses (including small businesses participating in a program described under section 9 of the Small Business Act (15 U.S.C. 638)) or nontraditional defense contractors.
- (C) At least one third of the total cost of the prototype project is to be paid out of funds provided by sources other than the Federal Government.
- (D) The senior procurement executive for the agency determines in writing that exceptional circumstances justify the use of a transaction that provides for innovative business arrangements or structures that would not be feasible or appropriate under a contract, or would provide an opportunity to expand the defense supply base in a manner that would not be practical or feasible under a contract.

**Note:** 10 U.S.C. 4022 and 10 U.S.C 3014 define Non-traditional Defense Contractor as:

“an entity that is not currently performing and has not performed, for at least the one-year period preceding the solicitation of sources by the Department of Defense for the procurement or transaction, any contract or subcontract for the Department of Defense that is subject to full coverage under the cost accounting standards prescribed pursuant to section 1502 of title 41 and the regulations implementing such section.”

