DARPA-PS-26-136 FoxTail
Frequently Asked Questions (FAQs)
as of 10/27/2026

1Q: Does this effort supersede SBIR data rights? Additionally, what restrictions are placed on [eventual] nominal licensing and fees to non-government adopters of the proposed developed technology?

1A: No. This solicitation is not an SBIR/STTR solicitation and does not, by itself, supersede or alter any valid SBIR/STTR data rights associated with data or software developed under a prior SBIR/STTR award. However, proposers are responsible for identifying any background IP, including any SBIR/STTR-developed material, that they propose to incorporate into deliverables and that may restrict the Government's ability to integrate, transition, operate, maintain, or sustain the resulting capability. Proposers should identify proposed restrictions and any associated license terms in their proposal for Government consideration before award.

The solicitation does not establish a prescribed licensing model, fee cap, or requirement for nominal- or no-cost licenses for non-Government commercial adopters. Proposers may propose commercial licensing terms for non-Government use, subject to applicable law and the terms of the resulting award. Proposers shall identify in their proposal any Background IP restrictions, license terms, recurring fees, or other conditions that could unreasonably prevent, delay, or materially impair the Government's ability to use, integrate, transition, maintain, or sustain the capability, including through third parties. The Government will evaluate proposed restrictions and associated fees as part of its assessment of whether the proposed approach meets program objectives. Any rights or license terms accepted by the Government must be reflected in the resulting award.

For third parties authorized by the Government to perform Government-purpose integration, operation, maintenance, or sustainment, the performer may not impose licensing fees or restrictions inconsistent with the Government's rights under the resulting award.