



Small Business Innovation and Economic Security Act

Randy Simpson

COO

TechOpp, Inc.

3/4/2026

S. 3971

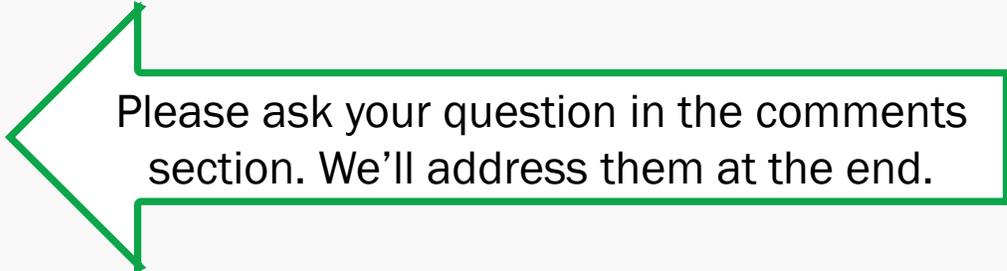
AN ACT

To extend the SBIR and STTR programs, and for other purposes.

- Background
- Legislation—S.3971
- Small Business Impact
- Call to Action
- Resources from TechOpp
- Question & Answer

Outline

Purpose is to help small businesses prepare and adapt

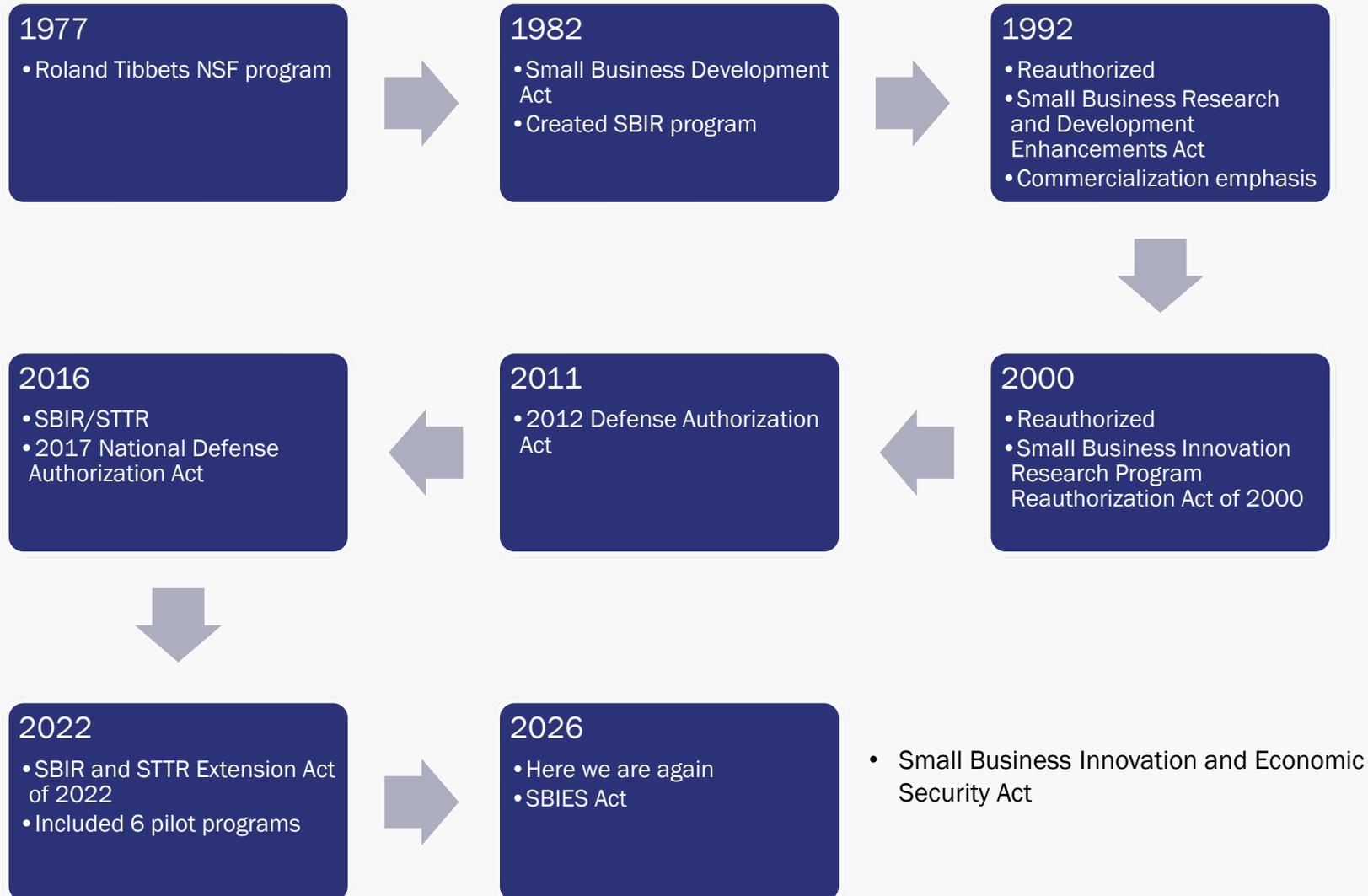


Please ask your question in the comments section. We'll address them at the end.

Background

Background

Long-Standing Federal Funding Program



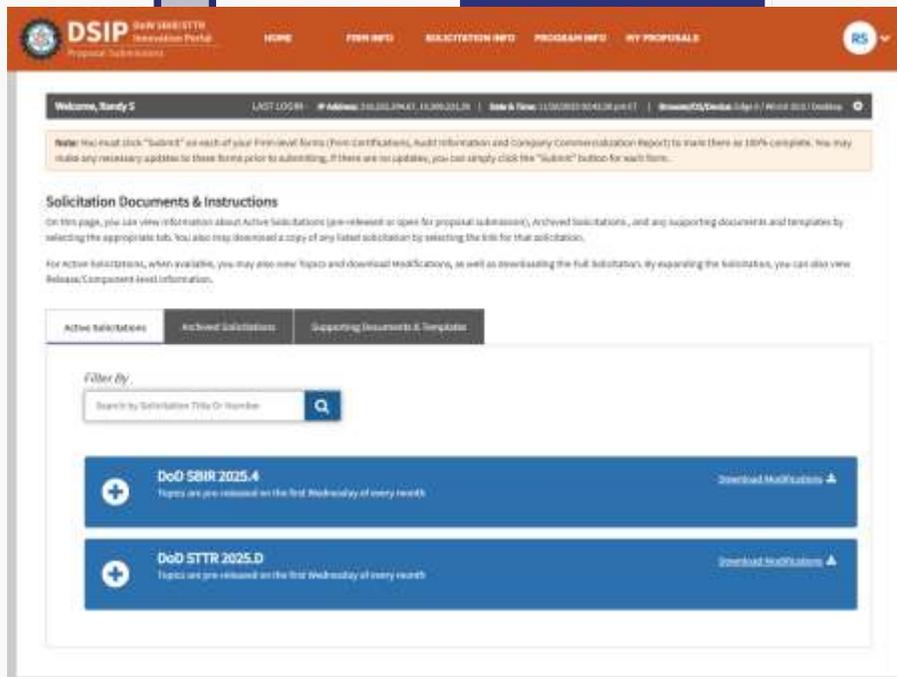
Congress and Agency Responsibilities

Legislation to
Directives to Policy

Congressional Reauthorization Act

- Establishes congressional direction
- Prescribes funding

Reauthorization Legislation



legislation
incorporate Act

SBIR/STTR
Policy Directive

- Single directive by SBA
- Advises all Agencies

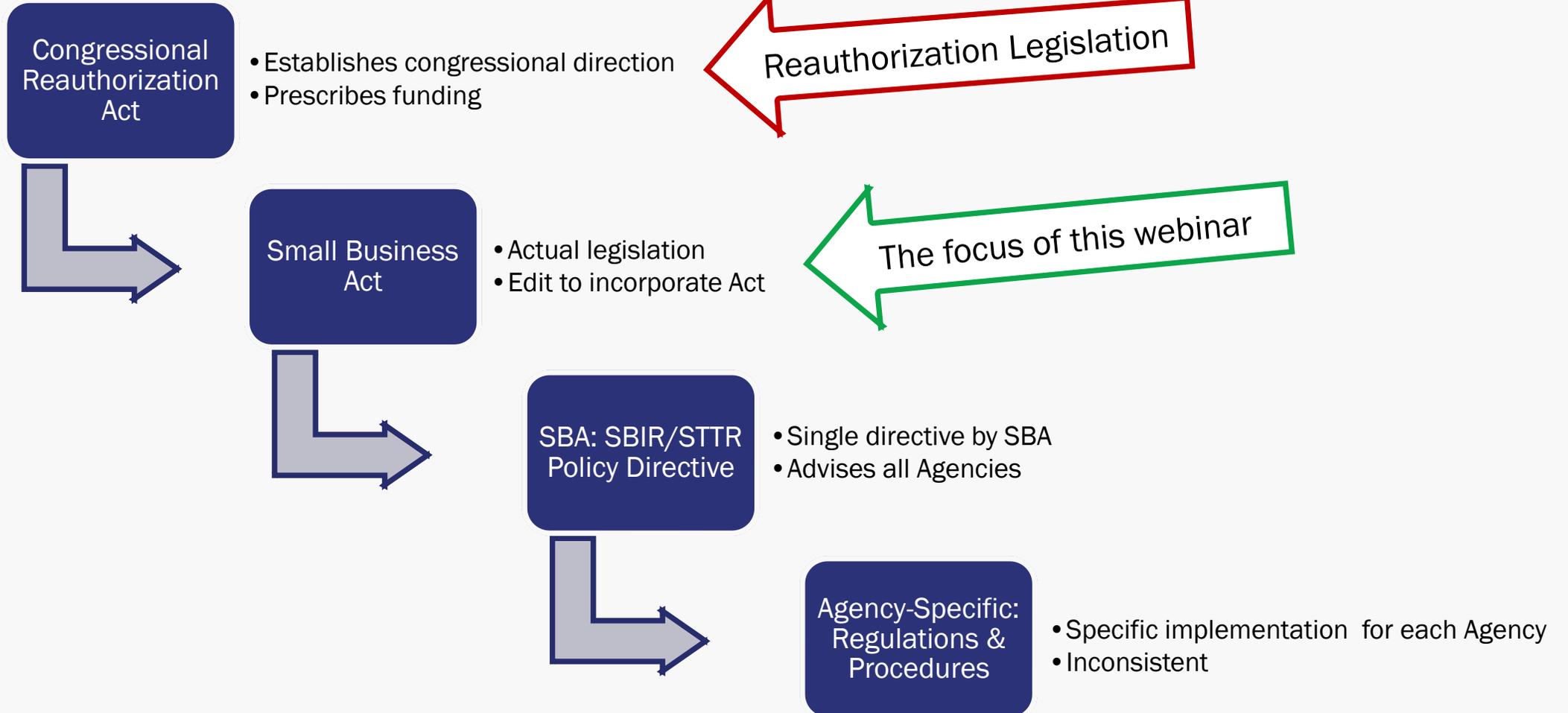
Agency-Specific:
Regulations &
Procedures

- Specific implementation for each Agency
- Inconsistent



Congress and Agency Responsibilities

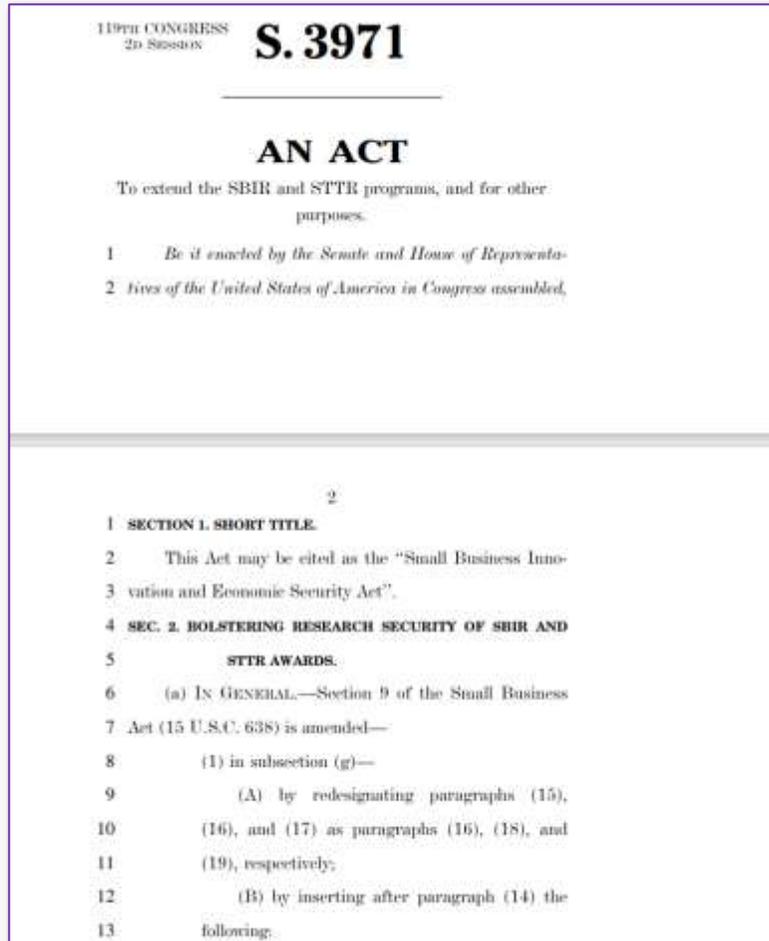
Legislation to Directives to Policy



Legislation

Legislation

SBIES Act



- Small Business Innovation and Economic Security Act
 - *March 4, 2026*
 - *Jointly introduced by Sen. Ernst and Sen. Markey in the Senate*
 - Chairpersons of the Senate’s Small Business and Entrepreneurship Committee
 - *Passed the Senate unanimously*
- Next step: to the House of Representatives and then to the President for signature
- C-Span March 3, 5:22 PM: Senate Session Part 3 at c-span.org/congress/?chamber=senate

Full Text: <https://www.congress.gov/bill/119th-congress/senate-bill/3971?s=1&r=8>

Legislation

Passed the Senate

- Senator Joni Ernst (R-IA)
- Senator Ed Markey (D-MA)

BILL

4. [S.3971](#) — 119th Congress (2025-2026)
Small Business Innovation and Economic Security Act
Sponsor: [Ernst, Joni \[Sen.-R-IA\]](#) (Introduced 03/03/2026) Cosponsors: (1)
Latest Action: Senate - 03/03/2026 Introduced in the Senate, read twice, considered, read the third time, and passed without amendment by Voice Vote. [\(All Actions\)](#)
Tracker: **Introduced** → **Passed Senate** → Passed House → To President → Became Law

ABOUT JONI
BORN July 1, 1970 in Red Oak
RESIDENCE Red Oak, Iowa

ABOUT ED
Senator Edward J. Markey, a consumer champion and national leader on energy, environmental protection and telecommunications policy, has a prolific legislative record on major issues across the policy spectrum and a deep commitment to improving the lives of the people of Massachusetts and our country.

Whether the issue is climate change, clean energy, safeguarding privacy, nuclear non-proliferation, investor protection or preserving an open Internet that spur's competition and consumer choice, Senator Markey stands up for the priorities and values of Massachusetts.

While serving for 17 years in the U.S. House of Representatives, Senator Markey fought for his constituents throughout his Congressional District. When he was Dean of the Massachusetts delegation in the House, he worked to harness the energy and influence of his colleagues on behalf of the entire Commonwealth. Elected to the Senate in a special election in June 2013, Senator Markey is bringing his experience, energy and expertise to fight for all the people of Massachusetts.

ED MARKEY
SENIOR VICE SENATOR FOR MASSACHUSETTS

DOWNLOAD OFFICIAL PORTRAIT

Legislation

Passed the Senate

- Senator Joni Ernst (R-IA)
- Senator Ed Markey (D-MA)

The “A Bill to extend the SBIR/STTR and for other purposes”, S.3971, was introduced by both Senator Ernst and Senator Markey (March 3) in the Senate and quickly passed by unanimous consent. It will now be sent to the House of Representatives, before being sent to the President’s desk.



ABOUT JONI

BORN
July 1, 1970 in Red Oak, Iowa

RESIDENCE
Red Oak, Iowa

COMMITTEES

- Armed Services
- Emerging Threats and Capabilities (Chair)
- Cybersecurity
- Personnel
- Agriculture, Nutrition, and Forestry
- Rural Development, Energy, and Credit (Chair)
- Conservation, Forestry, Natural Resources, and Biotechnology
- Livestock, Oils, Nuts, and Food Safety
- Homeland Security and Governmental Affairs
- Border Management, Federal Workforce, and Regulatory Affairs
- Disaster Management, District of Columbia, and Census
- Small Business & Entrepreneurship (Chair)

EDUCATION

- Iowa State University (B.A.)
- Columbus State University (MBA)

[DOWNLOAD OFFICIAL PHOTO](#)

ED MARKEY
SENIOR SENATOR FOR MASSACHUSETTS

ABOUT CONTACT SERVICES NEWS Q

ABOUT ED

Senator Edward J. Markey, a consumer champion and national leader on energy, environmental protection and telecommunications policy, has a prolific legislative record on major issues across the policy spectrum and a deep commitment to improving the lives of the people of Massachusetts and our country.



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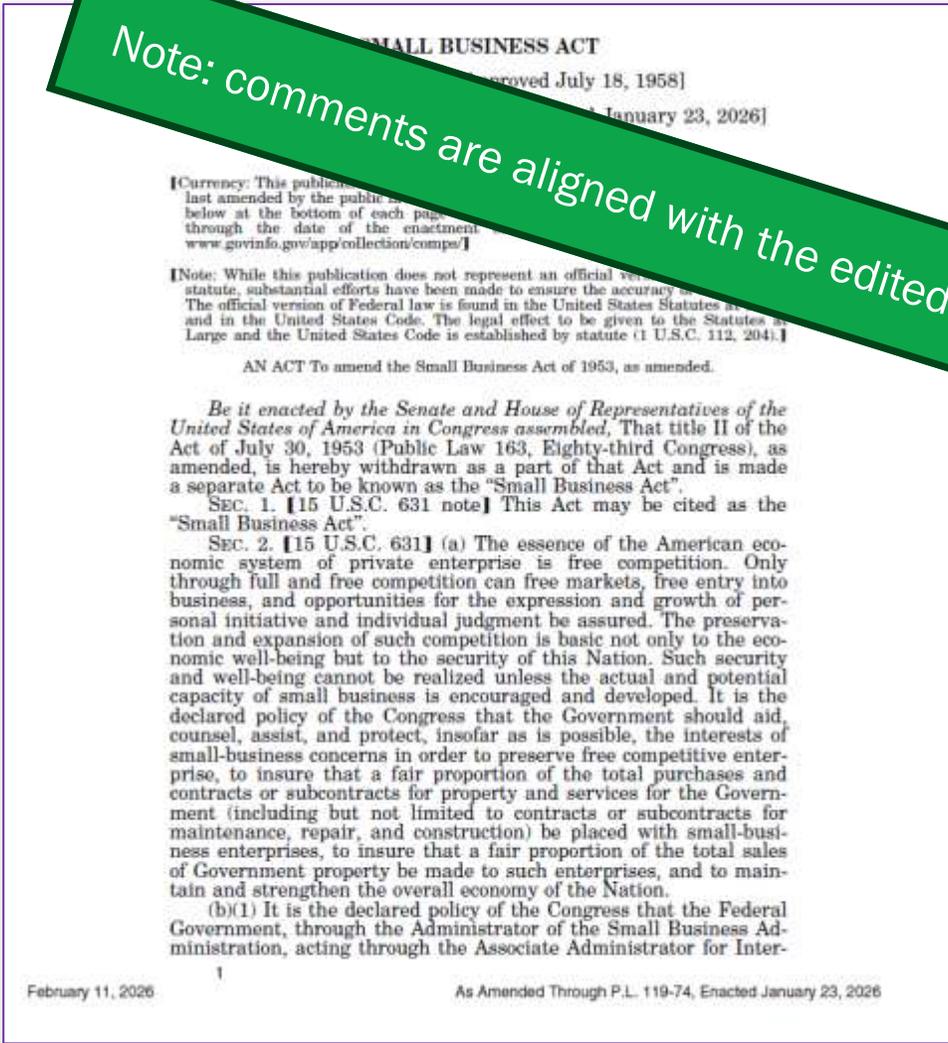


Small Business Impact

Small Business Act

Potential amendments per SBIES Act

Note: comments are aligned with the edited Small Business Act



- TechOpp took the S.3971 and incorporated the proposed changes into the Small Business Act
- Commented on each revised section of the Small Business Act to include those elements of interest to the Small Business Community
- The bill has passed the Senate and now heads to the House
- It is expected to pass the House without edits—timing is uncertain—expect this week or next week

Small Business Act

Potential amendments
per SBIES Act

SMALL BUSINESS ACT

[Public Law 85-536; Approved July 18, 1958]

[As Amended Through P.L. 119-74, Enacted January 23, 2026]

[15 U.S.C. 631 et seq.; 72 Stat. 384 et seq.]

Current: This publication is a compilation of the text of Public Law 85-536. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>

Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204.)

AN ACT To amend the Small Business Act of 1953, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Act of July 30, 1953 (Public Law 163, Eighty-third Congress), as amended, is hereby withdrawn as a part of that Act and is made a separate Act to be known as the "Small Business Act".

SEC. 1. [15 U.S.C. 631 note] This Act may be cited as the "Small Business Act".

SEC. 2. [15 U.S.C. 631] (a) The essence of the American economic system of private enterprise is free competition. Only through full and free competition can free markets, free entry into business, and opportunities for the expression and growth of personal initiative and individual judgment be assured. The preservation and expansion of such competition is basic not only to the economic well-being but to the security of this Nation. Such security and well-being cannot be realized unless the actual and potential capacity of small business is encouraged and developed. It is the declared policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small-business concerns in order to preserve free competitive enterprise, to insure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the Government (including but not limited to contracts or subcontracts for maintenance, repair, and construction) be placed with small-business enterprises, to insure that a fair proportion of the total sales of Government property be made to such enterprises, and to maintain and strengthen the overall economy of the Nation.

(b)(1) It is the declared policy of the Congress that the Federal Government, through the Administrator of the Small Business Administration, acting through the Associate Administrator for Inter-

February 11, 2026

As Amended Through P.L. 119-74, Enacted January 23, 2026

- TechOpp took the S.3971 and incorporated the proposed changes into the Small Business Act
- We then commented on each revised section of the Small Business Act to include those elements of interest to the Small Business Community
- The bill has passed the Senate and now heads to the House
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Line by Line Assessment

S.3971 SBIES Act

Page by page summary of the SBIES Act's Changes to the Small Business Act
SBIES is S.3971 downloaded March 4, [2026](#) from congress.gov
Small Business Act is as amended through P.L. 119-74, Jan 23--2026

Section 9 is where the changes are incorporated and begins on page 174 of the SBA

Page	Section	Change	Small Business Impact
181	(20)	Defines “agency acquisition workforce”	N/A
184	(15)	Agency requirement to “evaluate whether a small business concern presents a security risk...”	N/A
184	(16)	Not make an award if the head of the Federal Agency determines a security risk with the small business	Significant list of “lists” to avoid
185	(17)	Federal agency will advise small business of determination and the basis	N/A



“Security Risk”

Lists to avoid

- (i) the UFLPA Entity List maintained by the Department of Homeland Security
- (ii) the Non-SDN Chinese Military-Industrial Complex Companies List of the Office of Foreign Assets Control maintained by the Department of the Treasury;
- (iii) the Section 889 Prohibition List established under section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1917) and maintained by the Department of Defense;
- (iv) the list of Chinese Military companies required under section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 113 note) and maintained by the Department of Defense;
- (v) the Military End User List maintained by the Bureau of Industry and Security of the Department of Commerce;
- (vi) the Entity List maintained by the Bureau of Industry and Security of the Department of Commerce;
- (vii) the List of Equipment and Services maintained by the Federal Communications Commission; or
- (viii) the Withhold Release Orders and Findings List maintained by U.S. Customs and Border Protection;
- (E) has a security risk with a primary source that is classified; or
- (iii)(F) has a security risk that the Federal agency determines warrants a denial

Line by Line Assessment

SBIES Act

Page	Section	Change	Small Business Impact
188	(4)	Agency procurement center representatives “advocate for.... Phase III awards”	Benefit: Agency impetus for Phase III
190	(G)	Include award designation in Public Database	N/A
193	(m)	Extends program to September 30, 2031	N/A
197	(19)	Agency determine “whether a small business concern presents a security risk for any reason...” for STTR program	See page 184 (16)
197	(20)	Not make award consistent with page 184 (16) for STTR program	See page 184 (16)
198	(21)	Advise of determination consistent with page 185 (17) for STTR	See page 185 (17)

Line by Line Assessment

SBIES Act

Page	Section	Change	Small Business Impact
200	(1)	Each federal agency... “shall authorize recipients... to select, if desired, TABA. Also adds cyber security assistance as a new TABA assistance	TABA now for all Agencies
200	(1)(E)	Adds “screening for potential foreign involvement” as a new TABA assistance	Note “foreign involvement in technology development”
200	(2)(B)	STAFF: small business can hire or subcontract TABA training assistance	Funding for TABA training
200	(3)(A)	Agency “shall authorize... Phase I... TABA of \$6,500 either in addition to Phase I or included in Phase I. TABA vendor is selected by small business	No more Agency TABA. Discretionary in total
200	(3)(B)	Agency “shall authorize... Phase II... TABA of \$50,000 either in addition to Phase I or included in Phase I. TABA vendor is selected by small business	No more Agency TABA. Discretionary in total

Line by Line Assessment

SBIES Act

Page	Section	Change	Small Business Impact
202	(5)	Agency may perform targeted reviews of TABA	Select a TABA vendor who will pass the review. Bad TABA vendors will be “called out” by Agency
202	(bbb)(1)	For Agencies with iCorps, funding for training is an applicable TABA expense along with other funding options	Assess value of iCorps versus commercialization assistance
202	(C)(D)	Agency create standard model contract for Phase I, II and III	Potentially consistent contract language
202	(5)	Federal Contracting Office training to include Phase III procurements (sole source)	Should improve Phase III contracting

Line by Line Assessment

SBIES Act

Page	Section	Change	Small Business Impact
204	(y)(2)(A)	Identify SBC with Strategic Breakthrough Awards and ensure consideration in budget requests. Provide report to the Senate	Strategic Breakthrough awardee technology identification for Phase III
206	(C)	Agency establish direct access to program and requirements offices that may purchase technology	Direct contact is good news. TABA vendor should facilitate.
206	(1)(2)(3)	Defines “appropriate committees of Congress” and establishes reporting	N/A
206	(3)(d)	Commercialization Readiness Program expires September 30, 2031	N/A
207	(6)	Excludes Strategic Breakthrough Awards from SBIR/STTR funding limitations	N/A

Line by Line Assessment

SBIES Act

Page	Section	Change	Small Business Impact
208	(3)(cc)	Open Direct to Phase II awards to DOE, NASA and Dept of Education for STTR and SBIR	More D2P2 topics
211	(3)	Establishes Strategic Breakthrough Award taken from 3.2% allocation at 0.5%	Dilutes the available funding for Phase I, II
211	(3)(C)	Establishes \$30M Strategic Breakthrough Award in one or more awards. Proviso: Small Business has a Phase II award, demonstrates 100% match funds, provide market research to justify “effective solution”	New funding
211	(3)(C)(ii)	For DoD, 20% of matching funds must come from program of record (non-SBIR/STTR)	Emphasize DoD business relationships

Line by Line Assessment

SBIES Act

Page	Section	Change	Small Business Impact
211	(3)(C)(iii)	Strategic Breakthrough Awards to be made within 90 days of proposal submission	Timely contracting
211	(3)(C)(v)	Established award criteria to include: advance security capabilities of U.S., enable new alternatives to existing programs, established customer in Federal agency expressed interest to purchase and integrate, private investment is undercapitalized	Note evaluation criteria here and in solicitation upon release
217	(L)	Notes federal CO and acquisition workforce training funding	N/A
224	(I)	Extends provision until September 30, 2031	N/A
227	(3)	Extends commercialization assistance program until September 30, 2031	N/A

Line by Line Assessment

SBIES Act

Page	Section	Change	Small Business Impact
229	(x)(2)	Establishes due diligence program in each Agency to assess cybersecurity practices, foreign affiliations, Investment relationships, licensing agreements, business relationships with foreign countries of concern	Carefully consider staff's affiliation with foreign countries, especially PI and owners
231	(aaa)(1)	Beginning in FY27, Agency Director shall establish a limit on the maximum number of Phase I and Phase II proposals a SBA may submit in a single FY, either by FY, solicitation or topic.	Begins in Oct 2026. Makes bid/no-bid decision more critical
231	(aaa)(2)	Agency can offer a waiver to (aaa)(1) on a topic-by-topic basis at the time of the solicitation	Read topic carefully
231	(2)(G)	Waivers maximum of 5% of topics released in any FY	Waivers will be limited
231	(4)	Proposal limits (see above) will be established 90 days prior to topic release	Gives SBC some "headlights"

Call to Action



Call to Action

What to do now

- Read the proposed legislation
- Assess each “impact” and prepare. For example:
 - *“Security Risk” is a large part of the legislation*
 - Build your case that exempts you from “the lists” noted
 - *“Advocate for... Phase III awards”*
 - Create these business relationships now
 - *TABA offered by all Agencies*
 - Determine which element of TABA is most beneficial to your business
 - *Commercialization support for topic’s technology or another element*
 - *Pre-screen TABA vendors—draft your commercialization strategy*
- Be prepared for topic release—”peek preview” was posted on LinkedIn

Resources from TechOpp

TechOpp Webinars

Actionable Guidance

	<h3>Create a Navy Phase II Commercialization-Transition Plan</h3> <p>While the Navy seeks to acquire new technologies developed under the SBIR program, given the commercialization requirements in the new SBIR legislation, it is imperative to also find commercial markets. This webinar covers how to create a compelling commercialization plan for Navy-related technologies.</p>
	<h3>Developing a Compelling DOE Phase II Commercialization Strategy</h3> <p>The Department of Energy SBIR program looks for high-impact technologies that will have significant long-term benefits. This webinar includes key considerations that are specific to DOE-funded projects.</p>
	<h3>Write your DOE Phase I SBIR/STTR Proposal to be Graded</h3> <p>Proposals are not read, they are graded. We emphasize how to carefully address each of the merit review criteria, and how to ensure your important ideas are clearly conveyed.</p>
	<h3>Enhancing Your NASA Market Opportunities with TABA Funding</h3> <p>You don't want NASA to be your only customer of your SBIR-developed technology. Learn how you can leverage TABA funding to move beyond NASA and into commercial markets.</p>

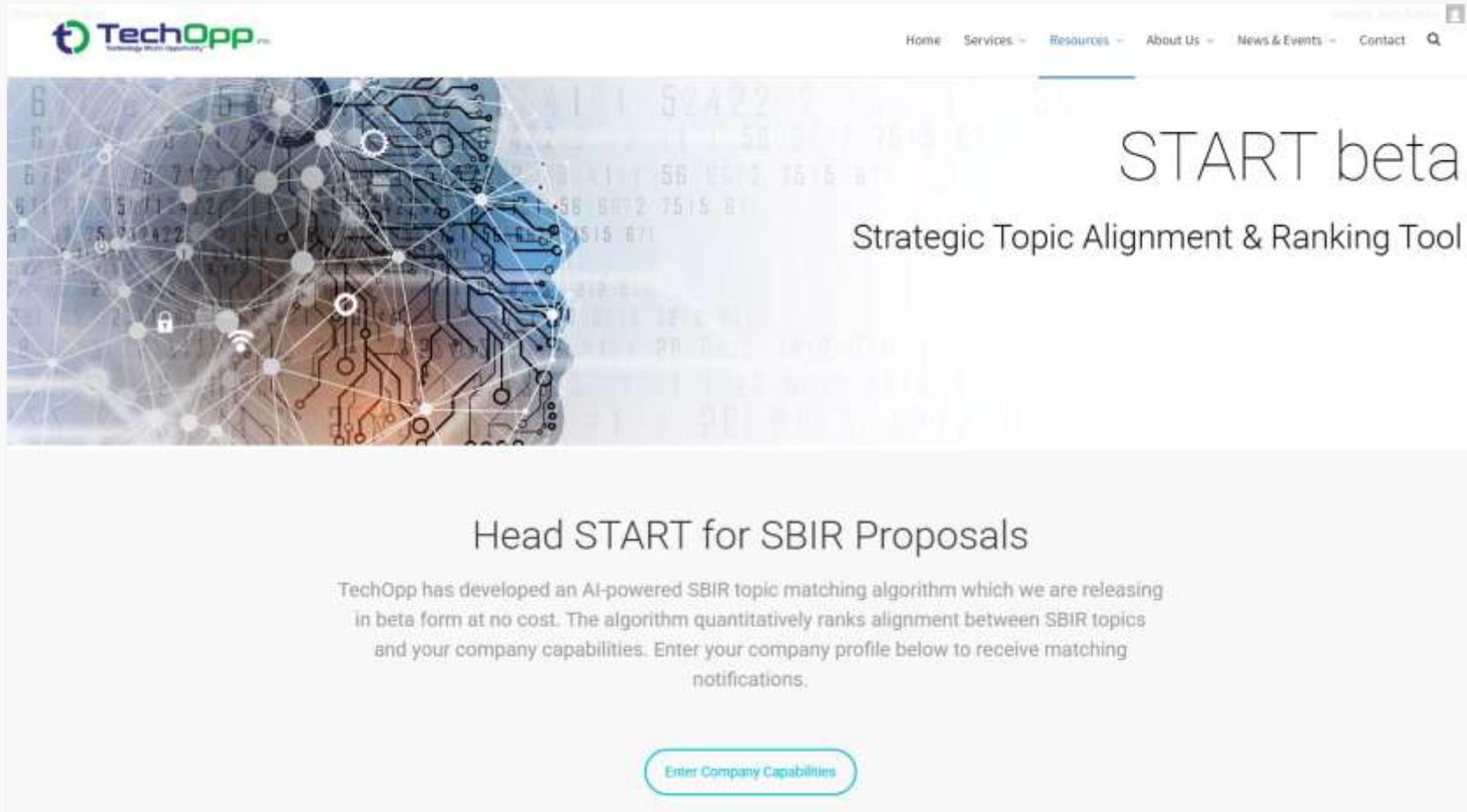
- Continuously offering free training
 - At Agency solicitation releases
 - Address challenging solicitation requirements
 - Create commercialization strategy
 - How to write to the Evaluator

[Register Here](#)

Techopp.com/webinars

SBIR Topic Search Tool

Enter capabilities,
receive early
notification of topics



Location: <https://techopp.com/resources/sbir-topic-search-tool/>

[AF Instructions: Phase II proposals require a comprehensive, detailed effort to be proposed in accordance with the information in these efforts of the technology under development is extremely important. Proper commercial exploitation of resulting technologies are sought.

All D2P2 research or research and development (R/R&D) must be performed by members in the United States, as defined in the DoD SBIR 23.3 BA. Primary employment must be with the small business concern at the time of award. Primary employment means more than one-half the PI's time is spent full-time employment with another entity.

Knowingly and willfully making false, fictitious, or fraudulent statements in violation of U.S.C. Section 1001, punishable by a fine up to \$250,000, up to five years imprisonment, or both.

Please note the FWA Training must be completed prior to proposal submission. If certified, DSIP will indicate completion of the Volume 6 requirements. If training is complete, the DAF recommends completing submission early to avoid close, causing system lag. Do not wait until the last minute. The proposal must be completely submitted prior to the deadline due to system inaccessibility. Do not use any alternative means of submission outside of DSIP.]

1 DoD Proposal Cover Sheet (Volume 1)

[DoD Instructions: Complete the proposal Cover Sheet in accordance with the instructions. The technical abstract should include a brief description of the program objectives, benefits and commercial applications of the proposed research, and a list of each successful proposal will be submitted to the Office of the Secretary of Defense. Therefore, must not contain proprietary or classified information.]

2 Technical Volume (Volume 2)

2.1 Table of Contents

1 DoD Proposal Cover Sheet (Volume 1)

2 Technical Volume (Volume 2)

- 2.1 Table of Contents
- 2.2 Glossary
- 2.3 Milestone Identification

2.4 Identification and Significance of the Problem or Opportunity

- 2.4.1 Introduction
- 2.4.2 Phase II Evaluation Criteria
- 2.4.3 Problem
- 2.4.4 Solution Summary
- 2.4.5 Unique Position
- 2.4.6 Overview of 3-Phase Program and Key Outcomes
- 2.4.7 Resulting Product, Market Pull and Commercialization

2.5 Phase II Technical Objectives

- 2.5.1 Technical Approach

This proposal includes data that shall not be disclosed outside the Government without the prior written consent of the contractor. The data disclosed-in whole or in part-for any purpose other than to evaluate this proposal to this proposing SBC as a result of or in connection with the submission of this proposal. The contractor shall retain the right to duplicate, use, or disclose the data to the extent provided in this proposal. This shall not limit the Government's right to use information contained in this data for any purpose. The data subject to this restriction are contained in pages [insert page numbers]

- 2.5.2 Method
- 2.5.3 Potential Commercial Application

2.6 Work Plan

- 2.6.1 Objective
- 2.6.2 Scope
- 2.6.3 Background
- 2.6.4 Task/Technical Requirements

2.7 Deliverables

- 2.8 Related Work
 - 2.8.1 Significant activities conducted by the Principal Investigator
 - 2.8.2 Proposer's Awareness of the State-of-the-Art in [specify area]
 - 2.8.3 Previous Work Not Directly Related to the Proposed Effort

2.9 Commercialization Potential

- 2.9.1 Commercialization Plan
- 2.9.2 Commercialization Strategy Plan

2.10 Relationship with Future Research or Research and Development

- 2.10.1 Anticipated Results
- 2.10.2 Significance of Phase II Effort

2.11 Key Personnel

- 2.11.1 Foreign Persons
- 2.11.2 Export Control

2.12 Facilities/Equipment

2.13 Consultants/Subcontractors

2.14 Prior, Current or Pending Support of Similar Proposals or

2.15 Risk/Mitigation Strategies NOTE THIS SECTION IS A TECHNICAL REQUIREMENT

3 Evaluation Criteria (for reference) [Remove Prior to Submission]

4 Page Count Allocation calculation (for reference; not an DAF requirement)

2.2 Glossary

[AF Instructions: (2) Glossary: Include a glossary of acronyms and abbreviations.]

- TOC Suggestion: Insert Glossary defining all acronyms.

2.3 Milestone Identification

[AF Instructions: (3) Milestone Identification: Include a program schedule showing milestones.]

- TOC Suggestion: Summarize the project visually in a Gantt chart. The "real tool" used to manage the project, not just a pretty picture.

2.4 Identification and Significance of the Problem or Opportunity

[AF Instruction: (4) Identification and Significance of the Problem/Opportunity: Describe the technical problem/opportunity to be pursued under this effort.]

[Evaluation Criteria a. The soundness, technical merit, and innovation of the proposed approach and its incremental progress toward topic or subtopic solution.]

NOTE: SUBHEADINGS IN THIS SECTION ARE THE RECOMMENDATION OF TECHOPP AND NOT AN AIR FORCE SOLICITATION REQUIREMENT

2.4.1 Introduction

- TOC Suggestion: Demonstrate an understanding of the user's concept of operation, application requirements, implementation challenges, critical issues being solved, etc. If you don't know, ask the Topic Author, do research, talk to an end user; do not submit "blind" to the end user's requirements.
- TOC Suggestion: Summarize your solution to the topic or subtopic, addressing the bullet above, in a sentence or two ("elevator story").

2.4.2 Phase II Evaluation Criteria

- TOC Suggestion: These criteria will be used to evaluate your proposal. The Evaluation team may not be able to thoroughly read/review every section, therefore we suggest a table up front to aid the Evaluator. Proposals may not be thoroughly read, but they have to be evaluated.

Table 1. Summary of [Client's] solution and its response to evaluation criteria

Criteria	Summary	Proposal Section Reference
a. The soundness, technical merit, and innovation of the proposed approach and its incremental progress toward topic or subtopic solution.	TOC Suggestion: Summarize in two or three bullets that you have a sound, innovative approach with technical merit TOC Suggestion: Summarize anticipated results of Phase I that prepares for Phase II that produces a prototype/beta for operational evaluation	TOC Suggestion: Insert links to the relevant sections that touch on the review criteria
b. The qualifications of the proposed principal/key investigators, supporting staff, and consultants. Qualifications include not only the ability to perform the research and development but also the ability to commercialize the results.	TOC Suggestion: Bulletize your key personnel with very brief qualifications, R&D successes, and commercialization successes	TOC Suggestion: Insert links to the relevant sections that touch on the review criteria
c. The potential for commercial (Government or private sector) application and the benefits expected to accrue from this commercialization.	TOC Suggestion: Bulletize federal programs and commercial markets TOC Suggestion: Bulletize benefits to end user(s)	TOC Suggestion: Insert links to the relevant sections that touch on the review criteria

2.4.3 Problem

- TOC Suggestion: Other people have tried to solve this before, demonstrate an understanding of the current state of the art and how it falls short of satisfying the end user's need.

[Summarize your offer here]

- Challenge (end user)
- Solution
- Benefit 1 (end user)
- ...
- Benefit n

Proposal Development

Free and Contracted Assistance

- Free topic assessment/bid/no-bid counsel
- Free TABA education and guidance—what are the benefits of TABA?
- Strategy Guides for every federal solicitation
 - *Free for small businesses selecting TechOpp for TABA*
- Hands-on proposal development coaching to improve p-win
 - *Firm Fixed Price engagements beginning at \$5K for 4-6 weeks*
 - *Includes authorship of Commercialization Plan and acquisition of Letter(s) of Support*

Location: <https://techopp.com/services/proposal-management-and-development/>

Direct Support

How we can help



PROPOSAL DEVELOPMENT

Our proposal management process includes coaching, writing, editing, and assistance with proposal submission.



TECHNICAL AND BUSINESS ASSISTANCE (TABAs)

Our hands-on TABAs support leverages federal funding to support technology transition and commercialization.



TRAINING

We leverage our hands-on experience to provide actionable SBIR training for state agencies and small businesses.



STRATEGIC MARKETING

Our marketing services focus on increasing brand visibility and driving customer engagement.



Question & Answer



Thank You

Randy Simpson, COO

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