

**ARS** □ **ERS** □ **NASS** □ **NIFA**

*Policies and Procedures*

**Title:** Unsolicited Proposals

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This P&P updates the heading to reflect the name change from CSREES to NIFA.

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# 1. Background

Federal Acquisition Regulation (FAR) Subpart 15.6 and Agricultural Acquisition Regulation (AGAR) Subpart 415.6 sets forth policies and procedures concerning the submission, receipt, evaluation, and acceptance or rejection of unsolicited proposals.

Each agency Head of the Contracting Activity Designee (HCAD) is responsible for implementing procedures and establishing points of contact for the control of unsolicited proposals. This P&P provides the required guidance on unsolicited proposals for REE.

# 2. Policy

Unsolicited proposals allow innovative ideas or approaches that have been developed outside the Government to be made available to Government agencies for use in accomplishment of their missions. Unsolicited proposals are offered with the intent that the Government will enter into a contract with the offeror for research and development or other efforts supporting the Government mission.

Advertising material, commercial item offers or contributions (as defined in the Glossary), or routine correspondence on technical issues are not unsolicited proposals.

A valid unsolicited proposal must:

- Be innovative and unique;
- Be independently originated and developed by the offeror;
- Be prepared without Government supervision, endorsement, direction, or direct Government involvement;
- Include sufficient detail to permit a determination that Government support could be worthwhile and the proposed work could benefit the agency's research and development, or other mission responsibilities;
- Not be an advance proposal for a known agency requirement that can be acquired by competitive methods; and
- Not address a previously published agency requirement.

Reference FAR Subpart 15.605 for the content of unsolicited proposals.

### **3. REE Point of Contact**

The Chief, Acquisition Programs and Oversight Branch (APOB), Acquisition and Property Division (APD), has been designated by the HCAD to serve as the REE point of contact for the receipt and handling of unsolicited proposals.

### **4. Procedures**

An unsolicited proposal must be formally submitted to the Agency by way of the REE point of contact (Chief, APOB, APD). The REE point of contact will control the receipt, evaluation, and timely disposition of the unsolicited proposal. The unsolicited proposal should not be duplicated or distributed within the Agency unless directed by the REE point of contact. Unsolicited proposals must be safeguarded, particularly data identified by the offeror as being subject to duplication, use, or disclosure restrictions.

A preliminary review of the proposal will be conducted to determine if it meets the requirements of the FAR and can be considered a valid unsolicited proposal.

If the proposal meets these requirements, the point of contact will promptly acknowledge receipt and process the proposal for evaluation. If a proposal is rejected because it does not meet the necessary requirements, the point of contact will promptly inform the offeror, in writing, of the reasons for rejection and of the proposed disposition of the unsolicited proposal.

Comprehensive evaluations will be coordinated by the point of contact who will attach or imprint on each unsolicited proposal circulated for evaluation the required legend to safeguard the proposal, unless the offeror clearly states in writing that no restrictions are imposed on the disclosure or use of the data contained in the proposal.

When performing a comprehensive evaluation of an unsolicited proposal, evaluators will consider the required factors in addition to any others appropriate for the particular proposal. The evaluators will notify the Agency point of contact of their recommendation when the evaluation is complete.

A favorable comprehensive evaluation of an unsolicited proposal does not in itself justify awarding a contract without providing for full and open competition. The cognizant Agency contracting officer may commence negotiations on a sole source basis only when:

- an unsolicited proposal has received a favorable comprehensive evaluation;
- a justification and approval has been obtained for research proposals or other appropriate provisions of the FAR;

- the agency technical office sponsoring the contract furnishes the necessary funds; and
- the cognizant contracting officer has complied with the synopsis requirements of the FAR.

Government personnel are prohibited from using any data, concept, idea, or other part of an unsolicited proposal as the basis, or part of the basis, for a solicitation or in negotiations with any other firm unless the offeror is notified of and agrees to the intended use. However, this prohibition does not preclude using any data, concept, or idea in the proposal that also is available from another source without restriction. Government personnel shall not disclose restrictively marked information included in the unsolicited proposal. The disclosure of such information concerning trade secrets, processes, operations, style of work, apparatus, and other matters, except as authorized by law, may result in criminal penalties under 18 U.S.C. 1905.

## **5. Summary of Responsibilities**

### **REE Personnel**

- When an unsolicited proposal is received by an individual, safeguard the proposal and send it to the REE point of contact within 1 day of receipt.
- When preliminary contact is made by a potential offeror of an unsolicited proposal, provide information on agency objectives, existing research programs, and techniques to assist the offeror in developing its proposal.
- When designated by the REE point of contact, participate in a comprehensive evaluation of unsolicited proposals and provide the necessary evaluation documentation.

### **REE Point of Contact (Chief, APOB, APD)**

- Coordinates the receipt and handling of unsolicited proposals.
- Provides guidance to potential offerors of unsolicited proposals as to the criteria for determining valid unsolicited proposals and guidance on the procedures for their submission and evaluation.

## 6. Glossary

**Advertising Material.** Material designed to acquaint the Government with a prospective contractor's present products, services, potential capabilities, or designed to stimulate the Government's interest in buying such products or services.

**Commercial Item Offer.** An offer of a commercial item that the vendor wishes to see introduced in the Government's supply system as an alternate or a replacement for an existing supply item. This term does not include innovative or unique configurations or uses of commercial items that are being offered for further development and that may be submitted as an unsolicited proposal.

**Contribution.** A concept, suggestion, or idea presented to the Government for its use with no indication that the source intends to devote any further effort to it on the Government's behalf.

**Unsolicited Proposal.** A written proposal for a new or innovative idea that is submitted to an agency on the initiative of the offeror for the purpose of obtaining a contract with the Government and that is not in response to a request for proposals, Broad Agency Announcement, Small Business Innovation Research topic, Small Business Technology Transfer Research topic, Program Research and Development Announcement, or any other Government-initiated solicitation or program.

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