U.S. ARMY CONTRACTING AGENCY

Operations and Career Management

Guide for Processing
Unsolicited Proposals

2 March 2006

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1. Introduction (FAR Subpart 15.602).

a. It is the policy of the Government to foster and encourage the submission of unsolicited proposals. The Army also encourages prior contact by prospective submitters with Army subject matter experts so long as such contact is for the limited objective of conveying to the submitter, an understanding of the agency mission, responsibilities, and the needs relative to the type of effort contemplated, and the mechanism for submitting an unsolicited proposal. Information released to a contractor should be generally available to all contractors and potential contractors (subject to security considerations).

b. The submission of new and innovative ideas should be in response to Commerce Business Daily (CBD), Broad Agency Announcements, Small Business Innovation Research topics, Small Business Technology Transfer Research topics, Program Research and Development Announcements, or any other Government-initiated solicitation or program.

c. However, when the new and innovative ideas do not fall under topic areas publicized under the aforementioned programs or techniques, the ideas may be submitted as unsolicited proposals.

d. Prior to the Army's acceptance of any article of equipment, material, or disclosure of information for evaluation or testing, the individual, firm or corporation submitting such article, invention, or disclosure must understand and agree to the policy contained in FAR Subpart 15.6 and AR 27-60, Chapter 6, Section III.

e. The unsolicited proposal submitter must acknowledge his/her understanding of, and agreement to the aforementioned policy through the execution of a Memorandum of Understanding (MOU) that is provided by the unsolicited proposal coordinator.

2. Procedures for Processing Receipt of Unsolicited Proposals (FAR Subpart 15.606).

a. These procedures are established in accordance with FAR Subpart 15.606 and AFAR Supplement 5115.606 to control the receipt, evaluation, and timely disposition of unsolicited proposals, as well as to control the reproduction and disposition of proposal material, particularly data identified by the offeror as subject to duplication, use, or disclosure restrictions. Additional guidance is provided under Appendix XVIII, DA Pamphlet 70-3.

b. ACA Operations and Career Management Directorate/Director accomplishes the aforementioned actions, serving as HQ ACA designated point of contact (POC) in accordance with FAR Subpart 15.606, and as the unsolicited

proposal coordinator in accordance with DA Pamphlet 70-3 (Army Acquisition Procedures).

c. In turn, ACA PARCs, Regional Contracting Center Directors and Directors of Contracting shall also designate points of contact (POC) in accordance with FAR Subpart 15.606, who will also serve as the unsolicited proposal coordinators in accordance with DA Pamphlet 70-3 to accomplish the actions identified in paragraph 2.a. above.

d. ACA PARCs shall provide a quarterly report indicating the number of unsolicited proposals (1) received; (2) returned; (3) validated for evaluation; and (4) justified for award. The report shall be submitted no later than the last work day at the end of the first, second and third quarter to HQ ACA, Attention: SFCA-CO, Operations and Career Management Directorate (no report required for the fourth quarter).

e. **The POC shall**:

(1) Ensure that the following information is available to potential offerors of unsolicited proposals (FAR 15.604):

(a) Definition (FAR 2.101) and content (FAR 15.605) of an unsolicited proposal acceptable for formal evaluation.

(b) Requirements concerning responsible prospective contractors (FAR 9.1), and organizational conflicts of interest (FAR 9.5).

(c) Guidance on preferred methods for submitting ideas/ concepts to the Government, such as any agency's: upcoming solicitation; Broad Agency Announcements; Small Business Innovation Research programs; Small Business Technology Transfer Research programs; Program Research and Development Announcements; or grant programs.

(d) HQ ACA POC for information regarding advertising, contributions, and other types of transactions similar to unsolicited proposals.

(e) Information sources on HQ ACA objectives and areas of potential interest.

(f) Procedures for submission and evaluation of unsolicited proposals.

(g) Instructions for identifying and marking proprietary information so that it is protected and restrictive legends conform to FAR 15.609.

(2) Before initiating a comprehensive evaluation, determine if the proposal (FAR 15.606-1):

(a) Is a valid unsolicited proposal, meeting the requirements of FAR 15.603(c);

(b) Is suitable for submission in response to an existing requirement (FAR 15.602);

(c) Is related to HQ ACA Mission;

(d) Contains sufficient technical information and cost-related or price-related information for evaluation;

(e) Has overall scientific, technical, or socioeconomic merit;

(f) Has been approved by a responsible official or other representative authorized to obligate the offeror contractually; and

(g) Complies with the marking requirements of FAR 15.609.

(3) Promptly acknowledge receipt and process the proposal if it meets the requirements of the initial review. Reject the proposal if it does not meet the requirements, and promptly inform the offeror of the reasons for rejection in writing, and of the proposed disposition of the unsolicited proposal. However, if the unsolicited proposal does not relate to the mission of the Army, if possible, note in the return letter where the submitter might resubmit the unsolicited proposal in accordance with DA Pamphlet 70-3, paragraph 2.d.

3. Content of Unsolicited Proposal (FAR Subpart 15.605). The unsolicited proposal should contain the following information to permit consideration in an objective and timely manner. See Appendix C for sample of a comprehensive letter that may be provided to organizations or individuals that request guidance regarding the preparation and submission of unsolicited proposals:

a. **Basic Information**:

(1) Offeror's name and address and type of organization; e.g., profit, non-profit, educational, small business;

(2) Names and telephone numbers of technical and business personnel to be contacted for evaluation or negotiation purposes;

(3) Identification of proprietary data to be used only for evaluation purposes;

(4) Names of other Federal, State or local agencies or parties receiving the proposal or funding the proposed effort;

(5) Date of submission; and

(6) Signature of a person authorized to represent and contractually obligate the offeror.

b. **Technical Information**:

(1) Concise title and abstract (approximately 200 words) of the proposed effort;

(2) A reasonably complete discussion stating the objectives of the effort or activity, the method of approach and extent of effort to be employed, the nature and extent of the anticipated results, and the manner in which the work will help to support accomplishment of ACA's mission;

(3) Names and biographical information on the offeror's key personnel who would be involved, including alternates; and

(4) Type of support needed from ACA; e.g., facilities, equipment, materials, or personnel resources.

c. **Supporting Information**:

(1) Proposed price or total estimated cost for the effort in sufficient detail for meaningful evaluation;

(2) Period of time for which the proposal is valid (a 6-month minimum is suggested);

(3) Type of contract preferred;

(4) Proposed duration of effort;

(5) Brief description of the organization, previous experience, relevant past performance, and facilities to be used;

(6) Other statements, if applicable, about organizational conflicts of interest, security clearances, and environmental impacts; and

(7) The names and telephone numbers of agency technical or other agency points of contact already contacted regarding the proposal.

4. Evaluation of Unsolicited Proposal (FAR Subpart 15.606-2).

a. Prior to coordinating a comprehensive evaluation, the POC shall provide the submitter of the unsolicited proposal with a MOU for execution (see Appendix F) that confirms an understanding of, and agreement to the policy contained in FAR Subpart 15.6 and AR 27-60.

b. After execution of the MOU, the POC will coordinate a comprehensive evaluation, and attach or imprint on each unsolicited proposal circulated for evaluation, the legend (see Appendix A) required by 15.609(d).

c. Ensure that the evaluators consider the following factors, in addition to any others appropriate for the particular proposal (see Appendix D):

(1) Unique, innovative (why no other supplier can offer), and meritorious methods, approaches, or concepts demonstrated by the proposal;

(2) Overall scientific, technical, or socioeconomic merits of the proposal;

(3) Potential contribution of the effort to the agency's mission;

(4) The offeror's capabilities, related experience, facilities, techniques, or unique combinations of these that are integral factors for achieving the proposal objectives;

(5) The qualifications, capabilities, and experience of the proposed principal investigator, team leader, or key personnel critical to achieving the proposal objectives;

(6) The realism of the proposed cost/price;

c. The evaluators shall notify the POC in writing of their recommendations when the evaluation is completed.

5. Limited Use of Data (FAR Subpart 15.609).

a. An unsolicited proposal may include data that the offeror does not want disclosed to the public for any purpose, or used by the Government except for evaluation purposes. If the offeror chooses to restrict the data, ensure that the title page is marked with the legend identified in Appendix B.

b. Additionally, ensure that the offeror mark each sheet of data that it wishes to restrict with the following legend: "Use or disclosure of data contained on this sheet is subject to the restrictions on the title page of this proposal".

c. The POC shall return to the offeror any unsolicited proposal marked with a legend different from that identified in Appendix B. The return letter shall state that the proposal cannot be considered because it is impracticable for the Government to comply with the legend, but will consider the proposal if it is resubmitted with the proper legend.

d. The POC shall place a cover sheet on the proposal, or clearly mark it with the legend identified in Appendix A, unless the offeror clearly states in writing that no restrictions are imposed on the disclosure or use of the data contained in the proposal.

6. Proper Use of Limited Use of Data Notice (FAR Subpart 15.609).

a. Use the notice solely as a manner of handling unsolicited proposals that will be compatible with FAR 15.609.

b. Do not use this notice to justify withholding of a record, or to improperly deny the public access to a record, where an obligation is imposed by the Freedom of Information Act (5 U.S.C. 552).

7. Receipt of Unsolicited Proposal from an Educational or Non-profit Organization or Institution <u>(without restrictive legend)</u> (FAR Subpart 15.609).

a. When an evaluation outside the Government is necessary, the POC shall:

(1) Attach a cover letter clearly marked with the legend identified in Appendix A.

(2) Change the beginning of the legend to read "All Government and non-Government personnel …".

(3) Require any non-Government evaluator to agree in writing that data in the proposal will not be disclosed to others outside the Government.

(4) Obtain written permission from the offeror before release of the proposal for evaluation.

8. Receipt of Unsolicited Proposal from an Educational or Non-profit Organization or Institution (with restrictive legend) (FAR Subpart 15.609).

a. When an evaluation outside the Government or by experts outside of the Government is necessary, the POC shall:

(1) Attach a cover letter clearly marked with the legend identified in Appendix A.

(2) Change the beginning of the legend to read "All Government and non-Government personnel …".

(3) Require any non-Government evaluator to agree in writing that data in the proposal will not be disclosed to others outside the Government.

(4) Obtain written permission from the offeror before release of the proposal for evaluation.

9. Receipt of Unsolicited Proposal from Other than an Educational or Non-profit Organization or Institution (with/without restrictive legend) (FAR Subpart 15.609).

a. When an evaluation by Government personnel outside the agency or by experts outside of the Government is necessary, the POC shall:

(1) Attach a cover letter clearly marked with the legend identified in Appendix A.

(2) Change the beginning of the legend to read "All Government and non-Government personnel …".

(3) Require any non-Government evaluator to agree in writing that data in the proposal will not be disclosed to others outside the Government.

(4) Obtain written permission from the offeror before release of the proposal for evaluation.

10. Criteria for Acceptance and Negotiation of an Unsolicited Proposal (FAR Subpart 15.607).

a. A favorable comprehensive evaluation of an unsolicited proposal does not, in itself, justify awarding a contract without providing for full and open competition.

b. The contracting officer may commence negotiations on a sole source basis only when:

(1) An unsolicited proposal has received a favorable comprehensive evaluation;

(2) A justification and approval has been obtained (see 6.302-1(a)(2)(i) for research proposals or other appropriate provisions of Subpart 6.3, and 6.303-2(b);

(3) The agency technical office sponsoring the contract furnishes the necessary funds; and

(4) The contracting officer has complied with the synopsis requirements of Subpart 5.2.

APPENDIX A
UNSOLICITED PROPOSAL
(FAR 15.609)
USE OF DATA LIMITED

All Government personnel must exercise extreme care to ensure that the information in this proposal is not disclosed to an individual who has not been authorized access to such data in accordance with FAR 3.104, and is not duplicated, used, or disclosed in whole or in part for any purposes other than evaluation of the proposal, without the written permission of the offeror. If a contract is awarded on the basis of this proposal, the terms of the contract shall control disclosure and use. This notice does not limit the Government's right to use information contained in the proposal if it is obtainable from another source without restriction. This is a Government notice, and shall not by itself be construed to impose any liability upon the Government or Government personnel for disclosure or use of data contained in this proposal.

APPENDIX B

UNSOLICITED PROPOSAL

(FAR 15.609)

Use and Disclosure Data

This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed – in whole or in part – for any purpose other than to evaluate this proposal. However, if a contract is awarded to this offeror as a result of – or in connection with – the submission of these data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in these data if they are obtained from another source without restriction. The data subject to this restriction are contained in Sheets [insert numbers or other identification of sheets].

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
ACQUISITION LOGISTICS AND TECHNOLOGY
U.S. ARMY CONTRACTING AGENCY
5109 LEESBURG PIKE SUITE 302
FALLS CHURCH VA 22041-3201

24 October 2006

APPENDIX C – LETTER SAMPLE

The ABCDEFG Group
Mr. XXXXXXXXXXXX, President
123 S. None Street, Suite 10
Hampton, VA 12345

Dear Mr. XXXXX:

1. The information provided in this letter is to aid those organizations or individuals that may not have access to the Federal Acquisition Regulation (FAR) in the preparation and submission of unsolicited proposals to the United States Army. This letter provides guidance that conforms to the FAR, Subpart 15.6, Unsolicited Proposals.

2. If you have a competitively available product that you want the Army to consider for purchase, do not submit it as an unsolicited proposal. First obtain a copy of the handbook "selling to the Military" (DoD 4205-1M) from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington DC 20402-9328. The handbook is an introduction to the broad subject of contracting with agencies of the U.S. Department of Defense. It is intended to be useful to those who manage the marketing efforts of small businesses, especially firms that have not previously had Government contracts.

3. The handbook contains general information about contracting. It provides list of products and services, keyed to particular major buying offices, and it also provides a geographically arranged list of all DoD buying offices. Second, after review of the handbook, you will find that you will need to contact the Small Business Offices supporting the activities that purchase the item you have to sell. The Small Business Offices will help you fill out the paper work to get you on the Solicitation Mailing List for the item you have to sell. The Purchasing Activities will then inform you when solicitations are released for your item.

4. You must understand the following definitions to judge whether you have a valid unsolicited proposal:

a. 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.

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

c. 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 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.

d. 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.

e. Technical Correspondence: Written request for information regarding Government interest in research areas, submission of research descriptions, pre-proposal explorations, and other written technical inquiries.

5. (Name/Phone Number of Unsolicited Proposal Coordinator), as the unsolicited proposal coordinator for (Name of Organization) will guide you through the unsolicited proposal submission process or refer you to the appropriate organization for evaluation of your proposal. We encourage potential offerors to make preliminary contacts, through the UP coordinator, with appropriate field personnel before preparing a detailed unsolicited proposal or submitting proprietary data. Such contacts can answer questions as to the general need for the type of effort contemplated. Neither you nor the Army should consider such contacts as negotiations in contemplation of any contractual end work for the Army. Because the Army is composed of organizations with varied functional areas of responsibility, preliminary contact will allow ultimate referral to the appropriate organization, saving considerable time and effort.

6. There is no particular format to be followed in preparation of unsolicited proposals. The proposal should contain the following information to permit consideration in an objective and timely manner:

a. Basic information. Offeror's name, address, and type of organization; e.g., profit, non-profit, educational, small business, minority business, women-owned business.

b. Names and telephone numbers of technical and business personnel to be contacted for evaluation or negotiation purposes.

c. Names of other Federal, state, or local agencies or other parties, if any, receiving the proposal or funding the proposed effort.

d. Date of submission and signature of a person authorized to represent and contractually obligate the offeror.

e. Technical information. A concise, descriptive title and an abstract (200-300 words) stating the basic purpose, summary of work, and expected end result of the proposed effort.

f. A reasonably complete narrative in which the relevance of the proposed work to the Army's mission is discussed. State the problems to be addressed, the specific objectives of the research, and the expected consequences of successful completion of the research, including potential economic and other benefits.

g. A full and complete description of the work to be performed, the method of approach, and the extent of effort to be employed. Provide an estimated period of time in which to accomplish the objectives and criteria by which success of the project can be evaluated.

h. Names and biographical information on the key personnel who would be involved, including alternates, in the project.

i. Any support needed from the Army; e.g., facilities, equipment, material.

j. Supporting Information: A breakdown of the proposed cost or price in sufficient detail for meaningful evaluation. Show the estimated cost of materials and how you established it. Show the estimated costs of labor by category (engineering, manufacturing, test, etc.) and show the salary rates for each category. Show the indirect expense rates (manufacturing and engineering over heads, general and administrative expenses) to be applied. Explain the basis for the labor and indirect expense rates included in your cost breakdown (e.g., current experienced rates, projected from current experience, budgetary, etc.). Identify and explain the basis for any other cost elements included in your proposal.

k. A statement as to the proposed duration of the effort, the type of contract preferred, and the length of time for which the proposal is valid.

l. A brief description of any previous or ongoing research and development (R&D) work performed in the field or in related fields. Describe briefly the facilities and any special equipment available to perform the proposed effort.

m. Names and telephone number of agency technical or other agency points of contact already contacted regarding the proposal.

7. Unsolicited proposals may include proprietary data which you do not want disclosed to the public or used by the Government for any purpose other than proposal evaluation. DoD cannot assume responsibility for use of such data unless it is specifically and clearly marked with the following legend on the title page:

"Use and Disclosure of Data (FAR Subpart 15.609(a))

This proposal includes data that shall not be disclosed outside the government and shall not be duplicated, used, or disclosed --- in whole or on part --- for any purpose other than to evaluate the proposal. However, if a contract is awarded to this offeror as a result of --- or in connection with --- the submission of these data, the Government shall have the right to duplicate, use or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in the data if it is obtained from another source without restriction. The data subject to this restriction are contained in Sheets [insert numbers or other identification of sheets]."

a. You must also mark each restricted sheet with the following legend:

"Use or disclosure of data contained on this sheet is subject to the restriction on the title of this proposal."

b. We will return any unsolicited proposal received with a legend other than the stated above.

8. You will submit your prepared proposal to the unsolicited proposal coordinator for the Army organization determined to be responsible for the item or service you have to offer. Do not submit your proposal to any Government technical personnel with whom you have preliminary discussions, unless that person is a designated coordinator.

9. Your unsolicited proposal will be acknowledged within 10 days of receipt by the unsolicited proposal coordinator. The coordinator will provide you with an interim or final answer on your proposal within 90 days.

10. If the content of the proposal is approved, the coordinator will have appropriate personnel engaged in the technical areas of effort similar to the unsolicited proposal

conduct an evaluation. If the evaluator requests further information, submission will be at your expense and risk and shall create no obligation on the Government. The following are some factors considered by Army technical personnel in evaluating unsolicited proposals (FAR Subpart 15.606-2):

a. Unique, innovative and meritorious methods, approaches, or concepts demonstrated by the proposal that are not already available in the marketplace.

b. Overall scientific, technical, or socio-economic merits of the proposal.

c. Potential contribution of the effort to the agency's specific mission.

d. Your capabilities, related experience, facilities, techniques, or unique combinations of these that are integral factors for achieving the proposed objectives.

e. The qualifications, capabilities, and experience of your proposed principle investigator, team leader, or key personnel who are critical in achieving the proposed objectives.

f. Realism of the proposed cost and availability of funds.

11. You must be aware that a favorable comprehensive evaluation of an unsolicited proposal does not, in itself, justify awarding a contract without providing full and open competition. For example, we must reject your unsolicited proposal if it (FAR Subpart 15.607):

a. Is available to the Government without restriction from another source.

b. Closely resembles a pending competitive acquisition requirement.

c. Does not relate to the activity's mission.

d. Does not demonstrate an innovative and unique method.

12. If we reject your proposal, you of course, will be informed as to the reason for rejection. We retain a copy of all rejected unsolicited proposals to avoid any future misunderstanding regarding what was submitted.

13. We may only consider funding unsolicited proposals that offer significant advancement in the state-of-the-art or innovation. Unsolicited proposals that are recommended by our technical offices may never be funded due to higher priority requirements.

14. Please note those only duly constituted contracting officers have authority to contractually bind the Government. All other personnel who receive, handle, or evaluate unsolicited proposals are not authorized to commit the Government.

15. Thank you for your interest in the Army Contracting Agency.

Sincerely,

Jan Shadowens
Director, Operations and Career Management
Army Contracting Agency

APPENDIX D

Appendix XVIII
Unsolicited Proposals

Points of contact:
Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology), ATTN: SAAL-ZP, Skyline 6, Suite 309, 5109 Leesburg Pike, Falls Church, VA 22041-3201
U.S. Army Materiel Command, ATTN: AMCRDA-AI, 5001 Eisenhower Avenue, Alexandria, VA 22333-0001
U.S. Army Contracting Support Agency, ATTN: SFRD-KP, 5109 Leesburg Pike, Suite 916, Falls Church, Virginia 22041-3201

References:
10 USC 2302-2315.
FAR 3.104, "Procurement Integrity."
FAR 6.102, "Use of Competitive Procedures."
FAR 6.3, "Other than Full and Open Competition."
FAR 15.6, "Unsolicited Proposals."
DOD 4205.1-M, "Selling to the Military,"
DoD 5500.7-R, "Joint Ethics Regulation."
AR 27-60, "Intellectual Property."

Introduction and Purpose

This section provides standard guidelines for Army activities to follow in tracking, reviewing and evaluating unsolicited proposals (UPs) as required by the Federal Acquisition Regulation (FAR). This guide is companion to FAR Subpart 15.6, Unsolicited Proposals, and should be used in conjunction with it.

It is the policy of the Army to foster and encourage the submission of UPs. The Army encourages prior contact by a prospective submitter with Army subject matter experts so long as such contact is for the limited objective of conveying to the submitter an understanding of the agency mission, responsibilities, and the needs relative to the type of effort contemplated, and the mechanism for submitting a UP. Information released to a contractor should be generally available to all contractors and potential contractors (subject to security considerations). Availability includes prior presentation at an Advance Planning Briefing for Industry, availability through a Technical and Industrial Liaison Office or through the Defense Technical Information Center (DTIC) or announcement in the Commerce Business Daily (CBD). Army personnel will conduct such contacts in a professional manner and make no commitments regarding the availability of funds and the future acceptance of UPs. Caution must be exercised to avoid the unauthorized release of acquisition information, consistent with DoD 5500.7-R, Joint Ethics Regulation and FAR 3.104, Procurement Integrity.

Prior to the Army's acceptance of any article of equipment, material, or disclosure of information for evaluation or testing, the individual, firm, or corporation submitting such article, invention, or disclosure must understand and agree to policy contained in FAR Subpart 15.6 and AR 27-60, section 3. UP submitters must understand and agree to this policy and execute a Memorandum of Understanding (MOU) provided by the UP Coordinator.

Procedures

1. General.

a. The Assistant Secretary of the Army (Acquisition, Logistics and Technology) (ASA(ALT)), SAAL-ZP, has Army staff responsibility for the Army UP Program.

b. The Commanding General, U.S. Army Materiel Command (AMC) has management responsibility for the Army UP Program. This responsibility may be delegated to the Deputy Chief of Staff for Acquisition (AMCRDA-AI). Management of the UP program includes:

(1) Appointment of an Army UP Manager.

(2) Appointment of a UP coordinator for processing UPs submitted directly to HQ AMC.

c. Heads of materiel developing agencies have the responsibility for issuing standing operating procedures to implement the guidance contained in this pamphlet. Each agency's UP program should be structured to meet their specific requirements.

d. The Commanding General, U.S. Army Training and Doctrine Command (TRADOC) should designate a point of contact who interfaces with AMC and other materiel developers to coordinate the evaluation of UPs within TRADOC.

e. Commanders of major Army commands not covered above should establish UP programs and appoint UP points of contact to serve as liaison between the Army UP manager and UP coordinators in subordinate commands and to provide guidance/information to the subordinate UP coordinators.

f. Installation/activity commanders are responsible for:

(1) Establishing procedures for coordinating the processing of UPs within their commands. This process includes the receipt, review, evaluation, and disposition of the UPs.

(2) Appointing UP coordinators at separate locations/installations under their command to ensure that UPs are processed expeditiously and in accordance with the guidelines contained in this pamphlet.

g. UP coordinators are responsible for coordinating the receipt, review, evaluation, and disposition of UPs and other unsolicited submissions and ensuring adherence to procedures outlined in Figure XVIII-1. To assist in monitoring the status of UPs, the UP coordinator should keep a detailed record of activities associated with the UP, (in other words, name, address, title and phone number of POC for the UP; information on the evaluator; and all dates of action on the UP).

2. Processing — Receipt.

a. Army personnel who receive unsolicited submissions will refer them to the local UP coordinator. The UP coordinator determines if the submission is a UP as defined in this pamphlet.

b. The UP coordinator sends an acknowledgment letter to the UP submitter not later than 10 working days after receipt. If the submission is not an UP, the UP coordinator simply returns it to the submitter with an explanation.

c. In the case of UPs that relate to the mission of another Army activity, the receiving UP coordinator, after informal telephonic coordination, transfers such UPs to the coordinator at the cognizant activity and informs the submitter.

d. When a UP coordinator returns a UP that does not relate to the mission of the Army, the coordinator, if possible, notes in the return letter where the submitter might resubmit the UP.

3. Processing — Review

The UP coordinator performs an initial review to determine if the submittal qualifies as a valid UP as defined in FAR Subpart 15.606-1. If the UP submittal qualifies, it should be sent to the appropriate activity within the organization for evaluation by technically qualified personnel who are authorized to determine if the organization can fund the UP (see Figure XVIII-2 for a detailed guide for the UP evaluator).

a. If the submittal does not qualify as a UP (FAR Subpart 15.606-1), the UP coordinator notifies the submitter in writing (see Figure XVIII-1 for a detailed guide for the UP coordinator).

b. Limited use of data (FAR Subpart 15.609(a)) as follows:

(1) Unless the information is available to the Army from another source without restrictions, Army personnel handling UPs will not use any data, idea, or any other part of a UP as the basis, or part of the basis, for a solicitation or in negotiations with another firm unless the UP submitter agrees to the idea in writing. Army personnel will take extreme care when meeting with a particular firm to say nothing that might allow that firm to infer anything that a competitor may have submitted as part of a UP.

(2) A UP may include data that the submitter does not want disclosed for any purpose other than evaluation. Army personnel will not disclose outside the Government, information in any UP that is marked proprietary. All data rights issues should be coordinated with the Patent Counsel. If the submitter wishes to restrict the proposal, the title page must be marked with the legend contained in FAR 15.609(a).

(3) The UP coordinator immediately returns a UP that is marked with a legend different from that provided in FAR 15.609(a) along with a letter which provides appropriate information as highlighted in Figure XVIII-3. The return letter states that the proposal cannot be considered because it is impractical for the Government to comply with the legend (and point out why this is so), but that the proposal will be considered if it is resubmitted with a satisfactory legend.

(4) The UP coordinator should attach a locally reproduced cover sheet with the legend contained in FAR 15.609(d) for those UPs being tasked to in-house evaluators, UPs being forwarded elsewhere in the Government, and UPs without restrictive legends that are from educational or non profit organizations (also see FAR 15.609(f)) when the UP is being evaluated by organizations outside the Government. UPs from

other organizations may be evaluated outside the Government only if the UP coordinator obtains a written agreement that the data in the proposal may be released to others outside the Government for the purpose of evaluation. The UP coordinator also obtains a written agreement from any non-Government evaluator stating that data in the proposal will not be disclosed to others outside the Government.

4. Processing — Evaluation (FAR Subpart 15.606-2).

a. The UP coordinator coordinates the evaluations.

b. Army personnel with responsibility for the Army task most closely related to the UP perform the evaluation. Wherever possible, there will be at least two independent technical evaluations of each UP.

c. The evaluator should develop an evaluation form using the criteria in FAR Subpart 15.606-2. Also include in the evaluation form any action being taken regarding funding, and/or rejection of the UP. If the proposal is not funded, the evaluator should be requested to attach a draft reply or rejection letter. In addition, the evaluation form should include the name, title, phone number, and signature of evaluator and the approver.

d. UP evaluators are responsible for obtaining supporting evaluations of UPs from other Department of Defense (DoD) activities when necessary and apprise the UP coordinators of such actions. They may also communicate with the submitters in order to obtain clarifications of proposal contents and to inform the submitter of modifications that can make proposals fit Army needs. In conducting such discussions, evaluators should take care to avoid giving submitters un-releasable information that would provide an unfair advantage over potential or actual competitors. (See Figure XVIII-2)

5. Processing — Disposition.

a. The UP coordinator ensures that the evaluation is completed and the result submitted in writing to the submitter not later than 90 days after receipt of the proposal and executed MOU. If the 90-day suspense cannot be satisfied, the UP coordinator sends an interim reply to the submitter detailing the reason(s) for the delay and providing an estimated completion date.

b. The UP coordinator ensures that the Unsolicited Proposal Evaluation Review Committee (UPERC) reviews all UPs. The UPERC ensures that appropriate attention is given to adequately evaluating and processing unsolicited proposals.

c. After review and/or evaluation, the UP coordinator informs the submitter by letter of the results of the evaluation. The UP coordinator may select from among the following categories of responses.

(1) Acknowledge receipt of the UP, request an executed MOU when necessary and a second copy of the UP when appropriate. It is appropriate to request a second copy when the original cannot be conveniently copied.

(2) Not meeting the FAR criteria for an UP. Provide letter that contains guidance to preparers of unsolicited proposals as provided in Figure XVIII-3. If the proposal is being rejected because sole-source basis does not exist, indicate that if a Request for Proposal (RFP) is issued, the submitter may respond with a competitive proposal.

(3) Not related to local mission, forwarding UP elsewhere in the Army.

(4) Not related to Army mission. (Suggest non-Army activities, if known.)

(5) Second request for executed MOU.

(6) Rejected for technical reason (including duplication of existing research); include the reasons. Do not list the name of the evaluator of the UP.

(7) Rejected because of funding limitations and program priorities. (Use for relevant, technically acceptable proposal only.)

(8) Interim reply; holding for further evaluation. (Include target date.)

(9) Interim reply; intend to fund. Indicate that the submitter should take no action until contacted by contracting officer and contract awarded. Also indicate that final determination is subject to the provisions of the Competition in Contracting Act (CICA).

(10) Interim reply; holding for funding (Repeat every 6 months until funded or rejected. Consider rejection after 18 months if not funded.) The UP coordinator should inform the submitter that the Army's intent to fund does not guarantee the proposal's ultimate funding. Non-award can result from lack of funds or (in the case of a non-research UP) a subsequent competitive solicitation.

d. Sole-source justification as follows:

(1) CICA and the FAR differentiate between UPs in general, and unsolicited research proposals in particular. Specifically, FAR 6.302-1 states that— "Supplies or services may be considered to be available from only one source if the source has submitted an unsolicited research proposal that (A) Demonstrates a unique and innovative concept, or, demonstrates a unique capability of the source to provide the particular research services proposed; (B) Offers a concept or services not otherwise available to the Government; and, (C) Does not resemble the substance of a pending competitive acquisition."

(2) Subjects that do not fall into the sub-category of unsolicited research proposals include studies, analyses, or consulting services. Guidance for other than full and open competition may be found in DFARS 206.302-1.

(3) Unique and innovative concept may be demonstrated by performing a search of the Tech-Report and the Work-Unit Information Summary databases at the DTIC and documenting the search in the sole-source justification. Guidance should be obtained from the local Competition Advocate, who has approval authority for sole-source awards.

(4) Many unsolicited research proposals do not require CBD synopsis, before award, based upon exception (8), FAR 5.202: "The contract action results from the acceptance of an unsolicited research proposal that demonstrates a unique and innovative concept ... and publication of any notice ... would improperly disclose the originality of thought or innovativeness of the proposed research, or would disclose proprietary information associated with the proposal."

e. UPs should not be rejected solely because of non-availability of funds without considering reprogramming.

f. Rejected UPs may be returned to the submitter if requested; however, the UP coordinator retains one copy of each UP to avoid any future misunderstanding as to what was submitted.

g. Case files are not closed until the contract is signed or the UP is rejected; that is, until the rejection letter or front page from the signed contract can be enclosed.

h. The UP coordinator provides for the review of recommendations to accept or reject UPs. Whenever possible, the review is conducted by at least two technically competent personnel not involved in the original evaluation (a UPERC). The UPERC can meet formally or the evaluation packages can be circulated among the members for review and comment.

i. In all cases, the UPERC is responsible for confirming that the evaluation was accomplished in a thorough and professional manner and that subject-matter expert(s) performed the evaluation(s).

j. If the UP has not been recommended for funding, the UPERC confirms that—

(1) Reprogramming of funds was considered if the UP was judged relevant and technically acceptable.

(2) The response letter(s) accurately describe the reason(s) for rejection and make no unfounded promises.

k. If the UP has been recommended for funding, the UPERC confirms that the UP evaluator has shown that there is adequate justification for recommending a sole-source contract. In the case of an unsolicited research proposal, such confirmation requires a search of the DTIC database.

1. Upon receipt of an unsolicited submission, first determine if it constitutes a valid unsolicited proposal (UP) according to the Federal Acquisition Regulation (FAR) (as opposed to advertising material, technical correspondence, or a commercial product offer). If the submission does not constitute a UP, return it to the sender; otherwise, determine if the UP relates to your activity's mission. If it does not, forward it to the appropriate Army activity (after phoning to confirm) or return it to the sender, whichever is appropriate. If the UP relates to the local mission, but there is a current or pending procurement, or the proposal is for something that must be procured competitively and there is no potential for being able to justify a sole-source procurement, then return the UP to the sender.
2. When you return a submission that represents a feasible approach to an existing Army requirement, consider enclosing a copy of your recent Broad Agency Announcement (BAA), and suggest that the submitter might consider resubmitting the proposal under the BAA. If the UP does not seem to represent a current procurement, this represents a determination that the submission constitutes a valid UP to be evaluated by your activity.
3. When sending the UP and evaluation guidance to the evaluator, set an initial 30-day suspense and monitor the evaluation. If it appears that the evaluation will extend beyond 90 days, apprise the submitter of the delay and the reasons. Alternatively, if the evaluator is keeping in contact with the submitter, you only need to place memoranda for record in the case file. If the evaluator states an intent to fund, inform the submitter of the Army's preliminary intent to fund. A completed evaluation form is not required; however, you must keep the case open and maintain contact with the evaluator (at about 60-day intervals) until the contract is awarded and you receive the front page from the contract. The purpose of this is to eliminate the possibility of submitters not being informed if the UP is subsequently not funded.
4. If the UP is not funded, provide copies of the evaluation, relevant portions of the UP, and the draft rejection letter (prepared by the evaluator) to two knowledgeable, experienced members of your activity not involved with the original evaluation. This may be accomplished by convening a meeting of the Unsolicited Proposal Evaluation Review Committee (UPERC) (which is preferred) or by providing copies of the package to the UPERC individually in order to obtain their concurrence/ questions. Obtain additional information, if necessary, final UPERC concurrence, and mail the submitter the final rejection letter.
5. If the UP has been recommended for funding by the evaluator(s), provide copies of the UP and the evaluation(s) to the UPERC for a final review prior to awarding a contract.

Figure XVIII-1. Detailed Guide for the Unsolicited Proposal Coordinator

1. As a potential Unsolicited Proposal (UP) Evaluator, the UP process for you should begin with your meeting with a company interested in submitting a UP. This is encouraged by the Federal Acquisition Regulation (FAR) and by Army policy. When meeting with a company, review its capabilities and describe the Army problems and deficiencies that might be targets of opportunity. Take care to avoid discussing procurement information or information that is not generally available to all potential contractors. "Available" can mean prior presentation at an Advance Planning Briefing for Industry, or accessible through the Defense Technical Information Center (DTIC), or at a Technical and Industrial Liaison Office. Be sure to give the company the name of your UP coordinator and explain that the UP should go to the coordinator and not to you. If your activity has an open Broad Agency Announcement (BAA) that relates to the potential UP, provide the visitor a copy and explain that the proposal should be submitted in response to the BAA rather than as a UP. The proposal is competitive if related to a BAA and a sole-source justification is not required.
2. When the company submits a UP directly to you, forward it to your activity's UP coordinator. The UP coordinator will then log it in and acknowledge the proposal, confirm that the proposal constitutes a valid UP as defined in FAR 15.601 and 15.603, and return it to you (if appropriate) along with an evaluation package, instructions, and an evaluation form. You will also receive UPs from the coordinator when such UPs are submitted directly to the UP coordinator.
3. Your first responsibility in evaluating a UP is to confirm that there is not a pending solicitation for the product or service offered or if it is not available from another source. Note that Army policy requires that we provide the submitter a final or interim reply within 90 days. Accordingly, you will have 30 days to complete the evaluation. If it appears that there will be delays, inform the coordinator who will apprise the submitter of the delay. In addition, if you are communicating with the submitter (which is legal) tell the coordinator; often this can satisfy the requirement to keep the submitter informed but must be documented in the files.
4. If you do not intend to fund the UP, complete an evaluation form and prepare a draft letter of rejection. If, on the other hand, you intend to fund the UP, inform the coordinator, who will apprise the submitter of the Army's preliminary intent to fund? Later, when the contract is awarded, send the coordinator a copy of the front page of the contract.
5. In order to be able to award a contract based upon a UP, a sole-source justification must be prepared. In the case of an unsolicited research proposal, you must demonstrate that the effort is unique and innovative. This may most easily be accomplished by performing a search of the Tech-Report and Work-Unit Information Summary databases at DTIC and documenting the results of the search to the satisfaction of the contracting officer. For other than unsolicited research proposals, you must demonstrate the unique capabilities of the offeror.
6. After deciding to fund a UP, and informing the coordinator who then informs the submitter, it can happen that a contract is not awarded. Reasons might include lack of funds, changes in requirements or priorities, or lack of success in justifying a sole-source award. If the UP cannot be funded, immediately inform the coordinator, complete an evaluation form, and prepare the rejection letter. Additional information on sole-source awards may be obtained from the local Competition Advocate.

Figure XVIII-2. Detailed Guide for the Unsolicited Proposal Evaluator

The following information in this figure can be extracted and provided, in letter form, by designated unsolicited proposal (UP) coordinators, to organizations or individuals that request guidance regarding the preparation and submission of unsolicited proposals.

Body of Letter

1. The information provided in this letter is to aid those organizations or individuals that may not have access to the Federal Acquisition Regulation (FAR) in the preparation and submission of unsolicited proposals to the United States Army. This letter provides guidance that conforms to the FAR, Subpart 15.6, Unsolicited Proposals.

2. If you have a competitively available product that you want the Army to consider for purchase, do not submit it as an unsolicited proposal. First, obtain a copy of the handbook "Selling to the Military" (DoD 4205.1-M) from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328. The handbook is an introduction to the broad subject of contracting with agencies of the U.S. Department of Defense. It is intended to be useful to those who manage the marketing efforts of small businesses, especially firms that have not previously had Government contracts. The handbook contains general information about contracting. It provides lists of products and services, keyed to particular major buying offices, and it also provides a geographically arranged list of all DoD buying offices. Second, after review of the handbook, you will find that you will need to contact the Small Business Offices supporting the activities that purchase the item you have to sell. The Small Business Offices will help you fill out the paperwork to get you on the Solicitation Mailing List for the item you have to sell. The Purchasing Activities will then inform you when solicitations are released for your item.

3. You must understand the following definitions to judge whether you have a valid unsolicited proposal.
   a. 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.
   b. Advertising Material: Material designed to acquaint the Government with a prospective contractor's present products, services, or potential capabilities, or designed to stimulate the Government's interest in buying such products or services.
   c. 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 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.
   d. 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.
   e. Technical Correspondence: Written request for information regarding Government interest in research areas, submission of research descriptions, pre-proposal explorations, and other written technical inquiries.

4. (Name of UP Coordinator), as the unsolicited proposal coordinator for (Name of Organization) will guide you through the unsolicited proposal submission process or refer you to the appropriate organization for evaluation of your proposal. We encourage potential offerors to make preliminary contacts, through the UP coordinator, with appropriate field personnel before preparing a detailed unsolicited proposal or submitting proprietary data. Such contacts can answer questions as to the general need for the type of effort contemplated. Neither you nor the Army should consider such contacts as negotiations in contemplation of any contractual end work for the Army. Because the Army is composed of organizations with varied functional areas of responsibility, preliminary contact will allow ultimate referral to the appropriate organization, saving considerable time and effort.

5. There is no particular format to be followed in preparation of unsolicited proposals. The proposal should contain the following information to permit consideration in an objective and timely manner:
   a. Basic information. Offerors name, address, and type of organization; e.g., profit, nonprofit, educational, small business, minority business, women-owned business.

Figure XVIII-3. Guidance to Preparers of Unsolicited Proposals

b. Names and telephone numbers of technical and business personnel to be contacted for evaluation or negotiation purposes.

c. Names of other Federal, State, or local agencies or other parties, if any, receiving the proposal or funding the proposed effort.

d. Date of submission and signature of a person authorized to represent and contractually obligate the offeror.

e. Technical Information. A concise, descriptive title and an abstract (200-300 words) stating the basic purpose, summary or work, and expected end result of the proposed effort.

f. A reasonably complete narrative in which the relevance of the proposed work to the Army's mission is discussed. State the problems to be addressed, the specific objectives of the research, and the expected consequences of successful completion of the research including potential economic and other benefits.

g. A full and complete description of the work to be performed, the method of approach, and the extent of effort to be employed. Provide an estimated period of time in which to accomplish the objectives and criteria by which success of the project can be evaluated.

h. Names and biographical information on the key personnel who would be involved, including alternates, in the project.

i. Any support needed from the Army; e.g. facilities, equipment, material.

j. Supporting Information. A breakdown of the proposed cost or price in sufficient detail for meaningful evaluation. Show the estimated cost of materials and how you established it. Show the estimated costs of labor by category (engineering, manufacturing, test, etc.) and show the salary rates for each category. Show the indirect expense rates (manufacturing and engineering overheads, general and administrative expenses) to be applied. Explain the basis for the labor and indirect expense rates included in your cost breakdown (e.g., current experienced rates, projected from current experience, budgetary, etc.). Identify and explain the basis for any other cost elements included in your proposal.

k. A statement as to the proposed duration of the effort, the type of contract preferred, and the length of time for which the proposal is valid.

l. A brief description of any previous or ongoing research and development (R&D) work performed in the field or in related fields. Describe briefly the facilities and any special equipment available to perform the proposed effort.

m. Names and telephone number of agency technical or other agency points of contact already contacted regarding the proposal.

6. Unsolicited proposals may include proprietary data which you do not want disclosed to the public or used by the Government for any purpose other than proposal evaluation. DoD cannot assume responsibility for use of such data unless it is specifically and clearly marked with the following legend on the title page:

"Use and Disclosure of Data (FAR Subpart 15.609(a))

This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed — in whole or in part — for any purpose other than to evaluate the proposal. However, if a contract is awarded to this offeror as a result of — or in connection with — the submission of these data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in the data if it is obtained from another source without restriction. The data subject to this restriction are contained in Sheets [insert numbers or other identification of sheets]."

a. You must also mark each restricted sheet with the following legend:

"Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal."

b. We will return any unsolicited proposal received with a legend other than that stated above.

7. You will submit your prepared proposal to the unsolicited proposal coordinator for the Army organization determined to be responsible for the item or service you have to offer. Do not submit your proposal to any Government technical personnel with whom you have preliminary discussions, unless that person is a designated coordinator.

Figure XVIII-3. Guidance to Preparers of Unsolicited Proposals (continued)

8. Your unsolicited proposal will be acknowledged within 10 days of receipt by the unsolicited proposal coordinator. The coordinator will provide you with an interim or final answer on your proposal within 90 days.

9. After the content of the proposal is approved, the coordinator will have appropriate personnel engaged in the technical areas of effort similar to the unsolicited proposal conduct an evaluation. If the evaluator requests further information, submission will be at your expense and risk and shall create no obligation on the Government. The following are some factors considered by Army technical personnel in evaluating unsolicited proposals (FAR Subpart 15.606-2):
   (a) Unique, innovative and meritorious methods, approaches, or concepts demonstrated by the proposal.
   (b) Overall scientific, technical, or socio-economic merits of the proposal.
   (c) Potential contribution of the effort to the agency's specific mission.
   (d) Your capabilities, related experience, facilities, techniques, or unique combinations of these that are integral factors for achieving the proposed objectives.
   (e) The qualifications, capabilities, and experience of your proposed principal investigator, team leader, or key personnel who are critical in achieving the proposed objectives.
   (f) Realism of the proposed cost and availability of funds.

10. You must be aware that a favorable comprehensive evaluation of an unsolicited proposal does not, in itself, justify awarding a contract without providing for full and open competition. For example, we must reject your unsolicited proposal if it (FAR Subpart 15.607)—
    a. Is available to the Government without restriction from another source.
    b. Closely resembles a pending competitive acquisition requirement.
    c. Does not relate to the activity's mission.
    d. Does not demonstrate an innovative and unique method.

11. If we reject your proposal, you of course, will be informed as to the reason for rejection. We retain a copy of all rejected unsolicited proposals to avoid any future misunderstanding regarding what was submitted.

12. We may only consider funding unsolicited proposals that offer significant advancement in the state-of-the-art or innovation. Unsolicited proposals that are recommended by our technical offices may never be funded due to higher priority requirements.

13. Please note those only duly constituted contracting officers have authority to contractually bind the Government. All other personnel who receive, handle, or evaluate unsolicited proposals are not authorized to commit the Government.

Figure XVIII-3. Guidance to Preparers of Unsolicited Proposals (continued)

APPENDIX E

UNSOLICITED PROPOSAL

(FAR 15.606-2)

Evaluation Worksheet

OFFEROR NAME: _____

EVALUATOR NAME: _____

EVALUATOR TITLE: _____

EVALUATOR PHONE NUMBER: _____

EVALUATOR SIGNATATURE: _____

DATE COMPLETED: _____

As required by FAR Part 16.606-2, the following factors have been considered in the evaluation of this unsolicited proposal with the conclusions, determinations, and comments shown:

Factor 1: The unsolicited proposal presents unique, innovative, and meritorious methods, approaches, or concepts.

Comment 1: _____
_____
_____
_____
_____

Factor 2: The overall merits of unsolicited proposal include the following sub-factors:

Sub-factor 2a: The unsolicited proposal provides scientific merit.

Comment 2a: _____

_____

_____

_____

Sub-factor 2b: The unsolicited proposal provides technical merit.

Comment 2b: _____

_____

_____

_____

Sub-factor 2c: The unsolicited proposal provides socioeconomic merit.

Comment 2c: _____

_____

_____

_____

Factor 3: The unsolicited proposal provides potential contribution to the agency's specific mission.

Comment 3: _____

_____

_____

_____

Factor 4: The unsolicited proposal demonstrates the following abilities/assets, or unique combination of these that are integral factors for achieving the proposal objectives:

Sub-factor 4a: The offeror's capabilities.

Comment 4a: _____

_____

_____

_____

Sub-factor 4b: The offeror's related experience.

Comment 4b: _____

_____

Sub-factor 4c: The offeror's facilities.

Comment 4c: _____

Sub-factor 4d: The offeror's techniques.

Comment 4d: _____

Sub-factor 4e: There is a unique combination of sub-factors a-d that will achieve the proposal's objectives.

Comment 4e: _____

Factor 5: The unsolicited proposal clearly shows that the qualifications, capabilities, and experience of the following personnel are critical to achieving the proposal objectives:

Sub-factor 5a: Principal Investigator.

Comment 5a: _____

Sub-factor 5b: Team Leader.

Comment 5b: _____

Sub-factor 5c: Other Key Personnel.

Comment 5c: _____

_____

_____

_____

Factor 6: The unsolicited proposal provides realistic proposed costs.

Comment 6: _____

_____

_____

_____

NOTE: The evaluators shall notify the agency point of contact (POC) of their recommendations when the evaluation is completed.

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
ACQUISITION LOGISTICS AND TECHNOLOGY
U.S. ARMY CONTRACTING AGENCY
5109 LEESBURG PIKE SUITE 302
FALLS CHURCH VA 22041-3201

24 October 2006

APPENDIX F – MOU SAMPLE

SFCA-CO

POLICY STATEMENT AND MEMORANDUM OF UNDERSTANDING FOR THE EVALUATION OF UNSOLICITED PROPOSALS FOR CONTRACT

Prior to the Army's acceptance of any article of equipment, material, or disclosure of information for evaluation or testing, the individual, firm, or corporation submitting such article, invention, or disclosure must understand and agree to the following policy. (Reference: Federal Acquisition Regulation (FAR), Subpart 15.6 and Army Regulation (AR) 27-60, Chapter 6, Section III)

POLICY

1. The Army has a continuing interest in receiving and evaluating proposals containing new ides, suggestions, and inventive concepts for weapons, supplies, facilities, devices, and development activities. Government employees and contractors are constantly engaged in research and development and may already know the substance of your proposal or it may even be in the public domain. For such reasons, the Army has found it desirable, when receiving proposals for evaluation, to ensure that the persons submitting them are aware of the conditions under which the Army may consider proposals for evaluation.

2. The submitter should understand that the Army's receipt and evaluation of the proposal does not imply a promise to pay, recognition of novelty or originality, or any relationship that might require the Government to pay for the use of information to which the Army is otherwise lawfully entitled.

3. The Government will exercise due care to ensure that, in addition to the technical design or concept data submitted, any financial and management plans also submitted will not be used by the Government for any purpose other than for the evaluation of the proposal.

4. The Army handles voluntary submissions in accordance with established Government procedures for safeguarding such articles of information against unauthorized disclosure. In addition, the Army shall not disclose the data forming a part of, or constituting the submission outside of the Government, nor duplicate, use or disclose the data in whole or in part, except for record purposes or to evaluate the proposal. This restriction extends to and includes financial and management-plan information submitted with, or forming a part of the proposal.

5. The aforementioned restriction does not limit the Government's right to use information in such data if it has been obtained from another source, or if it is in the public domain. For example, the Army may have proposals without restrictive markings that were received from educational or non-profit organizations that were evaluated outside the Government, provided that the evaluators agreed in writing not to reproduce, use or disclose the information in whole or in part, except for the purpose of evaluation.

6. The Army will furnish you with information covering the results of the evaluation or tests if requested. You may not construe the information as a Government endorsement of the articles or subject matter of the disclosure. You may not use the information in whole or in part for advertising purposes with industry or other Government agencies.

7. No third party not a signatory to this MOU shall take any rights hereunder.

THIS IS A LEGAL DOCUMENT. READ IT CAREFULLY, AND BE SURE YOU UNDERSTAND IT BEFORE SIGNING.

MEMORANDUM OF UNDERSTANDING

I, the undersigned, on behalf of myself or Company/Corporation: _____ _____ have read the above policy statement and have made a disclosure of a proposal to the Department of the Army relating to: _____ _____.

It is understood that the Department of the Army has accepted the above proposal for the purpose of evaluating it and advising of any possible Army interest. It is further understood that such acceptance does not imply or create (1) a promise to pay; (2) an obligation to give up any legal right or to assume any duty; (3) a recognition of novelty, originality or priority; or (4) any relationship, contractual or otherwise, such as would render the Government liable to pay for or to give up any legal right or assume any obligation for disclosure or use of any information in the proposal to which the Government would otherwise lawfully be entitled.

_____

SIGNATURE

_____

PRINTED OR TYPED NAME

_____

TITLE OR POSITION (AUTHORIZED TO BIND SAID COMPANY/CORPORATION, IF ANY)

DATE: _____

8. Thank you for your interest in the Army Contracting Agency.

Sincerely,

Jan Shadowens
Director, Operations and Career Management
Army Contracting Agency