

## **Procurement Guidance - (1/2014)**

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T3.2.2.6 - Unsolicited Proposals Revised 10/2008

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### **T3.2.2.6 - Unsolicited Proposals** Revised 10/2008

## **A Unsolicited Proposals**

### **1 Responsibilities** Revised 10/2012

a. *Central Point of Contact.* The Acquisition Policy Division (AAP-100) is the central point of contact for unsolicited proposals (UPs), and has overall responsibility for control and tracking of all UPs in FAA.

b. *Designated UP Coordinator.* Each office head or service director in Washington headquarters, Regional Administrators, and Center Directors should designate a person as a contact and coordinator for UPs. The UP coordinator will receive, track, and forward UPs to the appropriate office for evaluation and appropriate correspondence.

(1) For Washington headquarters, AAP-100 is the UP coordinator.

(2) For Regions and Centers, acquisition offices should designate a UP coordinator (the UP coordinator need not be in the acquisition office). Acquisition offices should forward to AAP-100 the name, routing symbol, and phone number of the UP coordinator(s) for their region or center. The information should be updated whenever a UP coordinator changes.

c. *UP Evaluator.* UP evaluators are individuals who conduct a comprehensive review of UPs to determine if the ideas offered are innovative and unique, are independently originated, prepared without FAA supervision, could benefit FAA's mission, and are not an advance proposal for a known FAA requirement.

## **2 Content of UP**

A UP should contain:

- a. Offeror's name and address;
- b. Names and phone numbers of personnel to be contacted for evaluation and negotiation purposes;
- c. Type of organization, e.g., small business, non-profit, etc.;
- d. Concise title and abstract of the proposed effort;
- e. An outline and discussion of the purpose of the proposal and how it relates to the work of the FAA, the approach to the problem, and the nature and extent of the anticipated results;
- f. Names of key personnel, with brief biographical descriptions, and relevant experience;
- g. Length of time required to perform the work;
- h. Proposed cost, including separate cost estimates for salaries, equipment, and other direct or indirect costs;

- i. Name and addresses of any other Government agencies to whom the same or similar proposal has been submitted;
- j. Brief description of facilities, particularly those to be used in the proposed effort;
- k. Brief outline of previous work and experiences in the field;
- l. The period of time which the proposal is valid;
- m. Identification of any proprietary data;
- n. Required statements, if applicable, about organizational conflicts of interest, security clearances, and environmental impacts; and
- o. Signature of a person authorized to represent and contractually obligate the offeror.

### **3 Receipt of UP** Revised 10/2012

a. *Receipt Outside of AAP-100.* Often UPs are submitted directly to technical organizations, rather than to AAP-100. If an unsolicited proposal is received outside of AAP-100, the recipient should record the date of receipt and immediately send all copies to AAP-100. *The recipient must not read the UP upon receipt, except to read any transmittal document to ascertain that a UP is being submitted.* This safeguard is necessary to prevent any premature disclosure of any information which may be considered confidential or proprietary by the offeror.

b. *UPs Received by Regions and Centers.* UPs are sometimes submitted directly to regions and centers because the nature of the UP pertains only to region or center activities. Region and center UP coordinators may process these UPs if the subject matter indicates the region or center should evaluate the UP. The UP recipient should deliver all copies of the UP to the UP coordinator for the region or center. The UP coordinator will notify AAP-100 by e-mail of receipt of the UP and the subject matter; AAP-100 will assign a UP number for identification purposes and inform the region/center of that number. The UP coordinator will promptly send AAP-100 one copy of the UP and copies of all correspondence to the offeror and evaluating office.

c. UP coordinators for regions and centers will follow the same procedures as AAP-100 for processing UPs.

### **4 Procedures** Revised 10/2012

a. AAP-100 will process UPs as follows:

- (1) Review each submission received and determine whether it constitutes a valid UP;
- (2) Maintain an appropriate UP record;
- (3) If a valid UP, send the UP to a UP evaluator for review;
- (4) If it is not accepted, return the UP to the offeror advising of FAA policy and procedures regarding the treatment of UPs. A UP may be returned if:

(a) It is not related to the FAA mission (when returning the UP, if possible identify any other DOT operating administration whose mission may be related to the subject matter);

(b) The offeror requests withdrawal of the UP without an evaluation;

(c) The UP is not accepted for evaluation for any appropriate reason; or

(d) It does not contain a restrictive legend.

(5) Coordinate with the Procurement Legal Division (AGC-500) if any questions arise regarding proprietary data

(6) AAP-100 will retain one copy of the UP and return all remaining copies to the offeror if the UP will not be supported.

b. *Proprietary Data.* UPs may contain unique ideas which involve proprietary data. To safeguard this data and ensure restricted data is not disclosed, AAP-100 will place a cover sheet on the UP stating the following: "UNSOLICITED PROPOSAL - USE OF DATA LIMITED. All Government personnel must exercise extreme care to ensure that information in this proposal is not disclosed outside the Government and is not duplicated, used, or disclosed in whole or in part for any purpose 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 must control disclosure and use. The 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 will 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."

## **5 Evaluation** Revised 10/2012

### *a. UP Evaluator Responsibilities.*

(1) After receiving a UP from AAP-100, the UP evaluator should promptly perform an initial review of the UP to determine whether it has been submitted to the appropriate office. If the UP evaluator determines another office should perform the review, then the UP evaluator must immediately return the UP to AAP-100 with advice about which office should perform the review. The UP evaluator should also identify and coordinate with any other organizations that should assist in the evaluation of the UP, and advise AAP-100 accordingly.

(2) The UP evaluator should ensure a comprehensive evaluation of the UP is completed within 30 days after receipt from AAP-100. Coordinating with other offices, if necessary, should be factored into the 30 day time period. If the review cannot be completed within 30 days, the UP evaluator should advise AAP-100 of the reasons for the delay and when the evaluation is expected to be completed.

(3) UP evaluators may consider the following when reviewing and deciding whether to support a UP:

- (a) Unique and innovative methods, approaches or concepts are demonstrated;
- (b) Overall scientific, technical, or socio-economic merits of the proposal;
- (c) Potential contribution of the effort to the FAA's mission;
- (d) The offeror's capabilities, related experience, facilities, techniques or unique combinations of these which are integral factors for achieving the proposal objectives; and
- (e) The qualifications, capabilities and experience of the proposed principal investigator, team leader, or key personnel who are critical to achieving the proposal objectives.

b. Once the evaluation is completed, the UP evaluator should advise AAP-100 by memorandum of the results of the evaluation.

(1) If the proposal will not be supported, that is, the FAA does not intend to award a contract based on acceptance of the proposal, the UP evaluator should include with the memorandum a draft reply to the offeror, with appropriate comments concerning the proposal and the specific reasons why the proposal will not be pursued. The UP evaluator should also return all copies of the UP to AAP-100.

(2) If the proposal will be supported, the UP evaluator should submit with the memorandum:

- (a) A procurement request for the requirement; and
- (b) Written justification to support a recommendation for a single source contract.
- (c) If the UP will be supported, it will be the basis for negotiating a contract.

## **6 Notifying the Offeror** Revised 10/2012

a. AAP-100 will provide the following written notifications to offerors:

(1) Acknowledge receipt of the UP from the offeror, and include a UP identification number for tracking purposes in the acknowledgment.

(2) Advise the offeror of the status of the proposal if the evaluation is not completed within 30 days, or is delayed, and the date the evaluation is expected to be completed;

(3) Advise the offeror of the results of the evaluation, using the UP evaluator's draft letter and any other data to explain why the proposal will or will not be supported by the FAA.

## **7 Prohibitions**

- a. Government personnel must not use any data, concept, idea, or other part of a UP 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 available to the Government from other sources without restriction.
- b. Government personnel must not disclose restrictively marked information included in a UP. 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.

## **B Clauses**

[view contract clauses](#)

## **C Forms**

[view procurement forms](#)