



Guidelines for Submitting Unsolicited Contract Proposals

A Mandatory Reference for ADS Chapter 302

New Reference: 06/14/2007
Responsible Office: OAA/P
File Name: 302map_061407_cd48

GUIDELINES FOR SUBMITTING UNSOLICITED CONTRACT PROPOSALS TO THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The Agency for International Development (USAID) encourages the submission of new and innovative ideas consistent with and contributing to the accomplishment of USAID's objectives. Such opportunities are routinely announced through broad Agency announcements or specific Requests for Proposals (RFPs). When new or innovative ideas do not fall under topic areas publicized through those techniques, offerors may consider submitting them as unsolicited proposals. Note that the criteria for unsolicited proposals are quite stringent.

The Agency's requirements for contractor resources are normally program specific. USAID's projects are usually designed in collaboration with the host country. These factors can limit both the need for, and USAID's ability to use, unsolicited proposals.

Unsolicited proposals, within the context of these guidelines, refer to written offers of interest resulting in the award of a contract or acquisition award, whereby goods and services are procured to meet an Agency requirement. These guidelines are not applicable to assistance instruments, such as grants and cooperative agreements, where it is the intent of the Agency to support or intensify the activities of independent organizations which contribute to the Agency's foreign assistance goals and objectives. For guidelines applicable to assistance instruments see ADS303.

USAID's policy directives and required procedures for unsolicited contract proposals are established in accordance with Subpart 15.6 of the Federal Acquisition Regulation (FAR). The following guidance provides information that potential offerors should consider prior to initiating contact with USAID on unsolicited proposals:

1. What is an unsolicited proposal?

An unsolicited proposal is a written proposal for a new or innovative idea that is submitted 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 or any other Government-initiated solicitation or program.

A valid unsolicited proposal must-

1. Be innovative and unique;
2. Be independently originated and developed by the offeror;
3. Be prepared without Government supervision, endorsement, direction, or

direct Government involvement;

4. Include sufficient detail to permit a determination that USAID support could be worthwhile and the proposed work could benefit USAID's research and development or other responsibilities;
5. Not be an advance proposal for a known USAID requirement that can be acquired by competitive methods;
6. Unsolicited proposals in response to a publicized general statement of Agency needs are considered to be independently originated.

Advertising material, commercial item offers, or contributions (concepts, suggestions or ideas presented to USAID for its use with no indication that the source intends to devote any further effort to it on USAID's behalf) are not unsolicited proposals.

2. Content of a Valid Unsolicited Proposal

A valid unsolicited proposal must contain the following information to permit consideration in an objective and timely manner:

A. Basic information, including—

- (1) Offeror's name and address and type of organization; e.g., profit, nonprofit, 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, 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, including—

- (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 USAID'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 USAID; e.g., facilities, equipment, materials, or personnel resources.

C. Supporting information, including—

- (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 six month minimum is suggested);
- (3) Type of contract preferred;
- (4) Proposed duration of effort;
- (5) Brief description of the organization, previous experience in the field, and facilities to be used;
- (6) Other statements, if applicable, about organizational conflicts of interest, security clearances, and environmental impacts;

3. Limited Use of Data

An offeror may restrict the data included in its unsolicited proposal, by marking the proposal with the legend set forth in Federal Acquisition Regulation Section 15.609 below (or as updated - see <http://www.arnet.gov>.)

15.609 Limited use of data.

(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 wishes to restrict the data, the title page must be marked with the following legend:

USE AND DISCLOSURE OF 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*].

(b) The offeror shall also mark each sheet of data it wishes to restrict 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.

(c) The agency point of contact shall return to the offeror any unsolicited proposal marked with a legend different from that provided in paragraph (a) of this section. The return letter will

state that the proposal cannot be considered because it is impracticable for the Government to comply with the legend and that the agency will consider the proposal if it is resubmitted with the proper legend.

(d) The agency point of contact shall place a cover sheet on the proposal or clearly mark it as follows, unless the offeror clearly states in writing that no restrictions are imposed on the disclosure or use of the data contained in the proposal:

UNSOLICITED PROPOSAL—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 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 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.

(e) Use the notice in paragraph (d) of this section solely as a manner of handling unsolicited proposals that will be compatible with this subpart. However, 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). An offeror should identify trade secrets, commercial or financial information, and privileged or confidential information to the Government (see paragraph (a) of this section).

(f) When an agency receives an unsolicited proposal without any restrictive legend from an educational or nonprofit organization or institution, and an evaluation outside the Government is necessary, the agency point of contact shall—

(1) Attach a cover sheet clearly marked with the legend in paragraph (d) of this section;

(2) Change the beginning of this legend to read “All Government and non-Government personnel”; and

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

(g) If the proposal is received with the restrictive legend (see paragraph (a) of this section), the modified cover sheet shall also be used and permission shall be obtained from the offeror before release of the proposal for evaluation by non-Government personnel.

(h) When an agency receives an unsolicited proposal with or without a restrictive legend from other than an educational or nonprofit organization or institution, and evaluation by Government personnel outside the agency or by experts outside of the Government is necessary, written permission must be obtained from the offeror before release of the proposal for evaluation. The agency point of contact shall—

(1) Clearly mark the cover sheet with the legend in paragraph (d) or as modified in paragraph (f) of this section; and

(2) Obtain a written agreement from any non-Government evaluator stating that data in the proposal will not be disclosed to persons outside the Government.