

Sample

FAR 15.604 Unsolicited Proposal Preliminary Information

“It is the policy of the Government to encourage the submission of new and innovative ideas in response to 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. When the new and innovative ideas do not fall under topic areas publicized under those programs or techniques, the ideas may be submitted as unsolicited proposals.”

UNSOLICITED PROPOSAL DEFINITION

Unsolicited proposal means 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. (FAR 2.101)

CONTENT OF UNSOLICITED PROPOSALS

Reference FAR subpart 15.605 [here](#).

RESPONSIBLE PROSPECTIVE CONTRACTORS AND ORGANIZATIONAL AND CONSULTANT CONFLICTS OF INTEREST

Offerors of unsolicited proposals shall be subject to the Federal Acquisition Regulation (FAR) requirements of [subpart 9.1](#) – “*Responsible Prospective Contractors*” and [subpart 9.5](#) – “*Organizational and Consultant Conflicts of Interest*”.

ADVERTISING MATERIAL, COMMERCIAL ITEM OFFER AND CONTRIBUTION

Advertising material, commercial item offers, or contributions, as defined in [15.601](#), or routine correspondence on technical issues, **are not unsolicited proposals**.

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The preferred methods for submitting ideas/concepts to the Government, such as any agency: upcoming solicitations; Broad Agency Announcements; Small Business Innovation Research programs; Small Business Technology Transfer Research programs; Program Research and Development Announcements is through the specific instructions appropriately described for any applicable and announced effort as these efforts are established/organized and/or become available.

“UNIQUE” AND “INNOVATIVE”

Specifically, a “unique, innovative” product or service idea or approach would be a sole, inventive conception, unusual, and/or without a like or comparable idea or approach.

For example, a proposed unique and innovative product or service idea or approach which is similar or comparable in purpose, concept, design, etc., to those supplies and services offered under the “GSA Federal Supply *Multiple Award Schedule (MAS)* contracts” would **not** be considered “unique and innovative”.

AGENCY POINTS OF CONTACT FOR INFORMATION REGARDING ADVERTISING, CONTRIBUTIONS, AND OTHER TYPES OF TRANSACTIONS SIMILAR TO UNSOLICITED PROPOSALS AND INFORMATION SOURCES ON AGENCY OBJECTIVES AND AREAS OF POTENTIAL INTEREST

- Agency Contracting Office
- Agency cognizant, applicable Office Activity Representatives and technical representatives; subject-matter experts and qualified personnel;
- Agency Office of Public Affairs/Relations;
- Agency Office of Small Disadvantaged Business Utilization (OSDBU); Agency Small Business Specialist (SBS);
- Agency Legal Office

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FAR Subpart 15.604 Unsolicited Proposal Preliminary

INSTRUCTIONS FOR IDENTIFYING AND MARKING PROPRIETARY INFORMATION SO THAT IT IS PROTECTED AND RESTRICTIVE LEGENDS CONFORM TO FAR 15.609

Unsolicited proposals should be identified and marked as prescribed by FAR [15.609](#).

PRELIMINARY MEETINGS

Preliminary meetings may be scheduled at the discretion of the Government and upon request. To submit requests for preliminary meetings, access:

_____.

PROCEDURES FOR SUBMISSION AND EVALUATION OF UNSOLICITED PROPOSALS

Unsolicited proposals shall be submitted and evaluated as prescribed by FAR subpart 15.6. If after review of these preliminary considerations, potential offerors determine to submit an unsolicited proposal or proposals, access:_____.

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Technical Agency Points of Contract for Potential Unsolicited Proposal Preliminary Meeting Request Memorandum

From: Agency Contracting Office
To: Agency Requirements Office - Technical Agency Points of Contact
Subject: Potential Unsolicited Proposal Preliminary Meeting Request

It is the policy of the Government to encourage the submission of new and innovative ideas in response to 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. When the new and innovative ideas do not fall under topic areas publicized under those programs or techniques, the ideas may be submitted as unsolicited proposals.

This office is in receipt of a request from a potential unsolicited offeror for a preliminary meeting with Agency, "Agency Points of Contact" (e.g., SMEs and qualified personnel, etc.) as prescribed by FAR 15.204 "Exchanges with Industry Before Receipt of Proposals".

Potential Unsolicited Proposal Offeror:

Unsolicited Proposal Product/Service:

Preliminary meetings are scheduled and/or held at the *discretion* of the Government and include attendance by appropriate Government agency points of contact.

While there may be no present broad or solicited agency announcements/advertisements for the potential unsolicited proposal product/service, preliminary meetings/early exchanges may save considerable time and effort for all parties prior to the potential receipt of detailed unsolicited proposals or proprietary vendor/offeror information.

The purpose of exchanging information is to improve the understanding of Government requirements and industry capabilities. Any exchange of information must be consistent with procurement integrity requirements (see [3.104](#)). FAR 15.604 prescribes information that agencies make available to potential unsolicited proposal offerors in connection with preliminarily scheduled introductory meetings.

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**FAR 15.6 *Technical* Agency Points of Contract for
Potential Unsolicited Proposal Preliminary Meeting
Request Memorandum**

If in agreement, please provide a date and time of availability and the name of the proposed meeting participants (agency points of contact) representing your office. Alternatively, your response of non-availability as applicable, is also requested.

Should you have any questions concerning this matter, please contact _____.

Sincerely,

Agency Contact Point

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FAR 15.606-1 Unsolicited Proposal Initial Review, Acknowledgement of Receipt and/or Rejection Letter

Date:

Contractor Name

Reference: *(Unsolicited Proposal Title)*

Dear (Contractor Point of Contact)

For Acknowledgement and Receipt include the following:

In accordance with Federal Acquisition Regulation (FAR) 15.606-1, this serves as the Government's acknowledgement of receipt of the above referenced unsolicited proposal.

For Rejection include the following:

In accordance with Federal Acquisition Regulation (FAR) 15.606-1, this serves as the Government's acknowledgement and rejection of the above referenced unsolicited proposal.

The reason(s) for the Government's rejection of the unsolicited proposal is as follows:

(List the reason(s) and provide explanation(s)/finding(s) and determinations(s) for rejecting the unsolicited proposal

Example:

The unsolicited proposal is for "Archeological Management Services - Control of Environmental Contamination from Water Submerged Vehicles". Product or service unsolicited proposal submissions for the purpose of obtaining a contract in the accomplishment of Government missions must be "unique and innovative". Specifically, a "unique, innovative" product or service idea or approach would be a sole, inventive conception, unusual, and/or without a like or comparable idea or approach.

Comparable and/or like services are currently provided in existing commercial, competitive and strategically sourced Government contract vehicles, e.g., The General Services Administration (GSA) Federal Supply Schedule – "Multiple Award Schedule" for "Professional Services – Environmental Services, Category 541620".

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**FAR 15.606-1 Unsolicited Proposal Initial Review,
Acknowledgement of Receipt and/or Rejection
Letter**

Accordingly, the unsolicited proposal shall not be retained for further consideration. The Government's disposition method is to immediately and properly destroy the unsolicited proposal in accordance with agency rules and regulations.

Should you have any questions concerning this matter, please contact _____.

Sincerely,

Agency Contact Point

Sample

FAR 15.609 Legends

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.

(Modified)

All Government and non-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.

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FAR 15.606-2 Unsolicited Proposal Request for Comprehensive Review Memorandum

From: Agency Contracting Office

To: Agency Requirements Office - Technical Agency Points of Contact

Subject: Request for FAR Subpart 15.6 Unsolicited Proposal Comprehensive Review

It is the policy of the Government to encourage the submission of new and innovative ideas in response to 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. When the new and innovative ideas do not fall under topic areas publicized under those programs or techniques, the ideas may be submitted as unsolicited proposals.

This office is in receipt of the subject unsolicited proposal. In accordance with Federal Acquisition Regulation (FAR) 15.606-2, a “Comprehensive Evaluation” is required by the appropriate technical, or subject-matter expert and/or qualified personnel.

As prescribed by FAR 15.606-2, comprehensive evaluations shall consider the following factors and all other appropriate factors for the particular proposal.

The evaluation shall consider whether or not the unsolicited proposal demonstrates:

1. Unique, innovative and meritorious methods, approaches, or concepts, demonstrated by the proposal, including whether or not, **(a)** the *substance* of the proposal is available to the Government without restriction from another source or **(b)** resembles a pending competitive acquisition requirement.

“Unique” and “Innovative”

Specifically, a “unique, innovative” product or service idea or approach would be a sole, inventive conception, unusual, and/or without a like or comparable idea or approach. *For example*, a proposed unique and innovative product or service idea or approach which is similar or comparable in purpose, concept, design, etc., to those supplies and services offered under the “GSA Federal Supply *Multiple Award Schedule (MAS)* contracts” would **not** be considered “unique and innovative”.

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

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FAR 15.606-2 Unsolicited Proposal Request for Comprehensive Review Memorandum

3. Potential contribution of the effort to the agency's specific mission, including whether or not the *substance* of the proposal relates to the activity (Division, Office, etc.) 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; and,
6. The realism of the proposed cost, and whether appropriate funding is available.

Please include in your evaluation any offeror proposed energy-saving performance objectives in accordance with 10 CFR 436.33(b).

Upon completion of the evaluation, written recommendations for contract negotiation and award or the rejection of unsolicited proposals shall be provided to the Office of Procurement Agency ("Agency Contact Point") in accordance with the aforementioned factors as prescribed by FAR 15.606-2.

List the reason(s) and provide explanation(s)/finding(s) and determination(s) for rejecting the unsolicited proposal.

The cover document contained herewith titled, "**Unsolicited Proposal – Use of Data Limited**" shall remain and be handled with the unsolicited proposal at all times. In accordance with FAR 15.608, Government personnel shall not use 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 an 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.

While unsolicited proposals contain offeror designated acceptance periods (suggested period is 6 months), initially, thirty (30) days shall be provided to complete evaluations. Requests for additional time to complete evaluations should be provided in written format and include the scheduled date for completion.

Should you have any questions concerning this matter, please contact _____.

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FAR 15.607 Comprehensive Review Letter

Date:

Contractor Name

Reference: *(Unsolicited Proposal Title)*

Dear (Contractor Point of Contact)

In accordance with Federal Acquisition Regulation (FAR) 15.607, the Government has conducted a comprehensive review of the above referenced unsolicited proposal.

The above referenced unsolicited proposal is hereby returned for the reasons cited below:

(Cite/List substantive reason(s) as prescribed in FAR 15.607)

Should you have any questions concerning this matter, please contact _____
_____.

Sincerely,

Agency Point of Contact