



SPACE & MISSILE SYSTEMS CENTER

A CONTRACTOR'S GUIDE TO

UNSOLICITED PROPOSALS

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The purpose of this document is to provide potential offerors guidance on unsolicited proposals, in an easy-to-read Question/Answer (Q&A) format, covering the following topics:

- Unsolicited Proposals defined
- What is NOT an Unsolicited Proposal
- Content of a Valid Unsolicited Proposal
- Required Information on a Valid Unsolicited Proposal
- Other Considerations
- Proprietary Information
- What the Government Can and Cannot Do

For additional information, including agency procedures for review, evaluation, and acceptance of unsolicited proposals, vendors are encouraged read Federal Acquisition Regulation (FAR) Subpart 15.6.

Vendors are reminded that only the cognizant contracting officer has the authority to bind the Government regarding unsolicited proposals.

Question: What is an unsolicited proposal?

Answer: "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).

Question: What is NOT an unsolicited proposal?

Answer: The following items are NOT considered unsolicited proposals, as defined by FAR 15.601:

"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.



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

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

Question: What constitutes a valid unsolicited proposal?

Answer: A valid unsolicited proposal must –

- (1) Be innovative and unique;
- (2) Be independently originated and developed by the offeror. Unsolicited proposals in response to a publicized general statement of agency needs are considered to be independently originated;
- (3) Be prepared without Government supervision, endorsement, direction, or direct Government involvement;
- (4) Include sufficient detail to permit a determination that Government support could be worthwhile and the proposed work could benefit the agency’s research and development or other mission responsibilities;
- (5) Not be an advance proposal for a known agency requirement that can be acquired by competitive methods, **and**
- (6) Not address a previously published agency requirement.

Question: What information is required on a valid unsolicited proposal?

Answer: In accordance with FAR 15.605, unsolicited proposals should 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, 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 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 the agency'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 the agency; 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 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.



Question: What other requirements will be considered?

Answer: No purchase or award shall be made unless the contracting officer makes an affirmative determination of an *offeror's responsibility* (see FAR subpart 9.1). *Organizational conflicts of interest* are another factor to be considered (see FAR subpart 9.5).

Question: What about identifying and marking proprietary information?

Answer: 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*].

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."

Question: What can the Government do with my unsolicited proposal, and are there any restrictions?

Answer: 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 (see FAR 3.104 and FAR 15.609) 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.