

## 14 FAH-2 H-370 UNSOLICITED PROPOSALS

*(CT:COR-1; 12-20-2005)*  
*(Office of Origin: A/OPE)*

### 14 FAH-2 H-371 GENERAL

*(CT:COR-1; 12-20-2005)*

- a. An **unsolicited proposal** is a written offer to perform a proposed task or effort, initiated by a prospective contractor (offeror) without a solicitation by the U.S. Government, with the objective of obtaining a contract. An unsolicited proposal is a valuable means by which unique or innovative methods or approaches which have originated outside the U.S. Government can be made available to U.S. Government agencies. It is offered in the hope that the U.S. Government will enter into a contract with the offeror for research or development of the methods, approaches, or ideas it contains or for delivery of the services or items it proposes.
- b. The unsolicited proposal often represents a substantial investment of time and effort by the offeror. It should present the proposed work in sufficient detail to enable program officials to determine if the work would enhance or benefit the U.S. Government's research and development or other mission responsibilities.

### 14 FAH-2 H-372 CRITERIA FOR UNSOLICITED PROPOSALS

*(CT:COR-1; 12-20-2005)*

- a. An unsolicited proposal must be:
  - (1) Innovative and unique;
  - (2) Independently originated and developed by the offeror;
  - (3) Prepared without U.S. Government supervision, endorsement, direction, or direct U.S. Government involvement;
  - (4) Include sufficient detail to permit a determination that U.S. Government support could be worthwhile and the proposed work could benefit the agency's research and development or other mission responsibilities; and
  - (5) Not be an advance proposal for a known agency requirement that

can be acquired by competitive methods.

- b. Advertising material, commercial product offerings, contributions, or technical correspondence, as defined below, do not constitute unsolicited proposals:
  - (1) **Advertising material:** Material to acquaint the U.S. Government with a vendor's current off-the-shelf products or potential capabilities and to stimulate the U.S. Government's interest in buying such products;
  - (2) **Commercial product offering:** Offers of commercial products usually sold in substantial quantities to the general public which the vendor wishes to introduce into the U.S. Government's supply system;
  - (3) **Contribution:** Concepts, suggestions, or ideas presented to the U.S. Government for its use with no indication from the vendor that he or she will devote any further effort on the U.S. Government's behalf; or
  - (4) **Technical correspondence:** Written inquiries regarding U.S. Government interest in technical research areas and descriptions of research being conducted in those areas.
- c. Unsolicited proposals should contain the information outlined in Federal Acquisition Regulation (FAR) 15.605 to permit consideration in an objective and timely manner.

## 14 FAH-2 H-373 RECEIPT OF UNSOLICITED PROPOSALS

*(CT:COR-1; 12-20-2005)*

- a. Unsolicited proposals received by any Department of State organizational element must be forwarded immediately to the cognizant head of the contracting activity (HCA), who will acknowledge receipt of each proposal. In the acknowledgment letter, the HCA must request any additional information needed to make the proposal complete.
- b. The contracting officer will conduct a preliminary review of the proposal to determine that it:
  - (1) Will deliver supplies or services that meet the needs of the requirements office;
  - (2) Contains sufficient technical and cost information for evaluation; and
  - (3) Does not provide "off-the-shelf" items or standard services.

- c. The HCA will then forward the proposal to the appropriate requirements office for review.

## **14 FAH-2 H-374 REVIEW OF UNSOLICITED PROPOSALS**

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- a. The ranking official in the requirements office must make a written determination as to whether the proposal is truly unsolicited. Consideration should be given to whether the document may have resulted from close professional relationships between program officials and their counterparts in the scientific/business community or the inadvertent disclosure of information relating to contemplated projects.
- b. In reviewing an unsolicited proposal, program officials should consider the following:
  - (1) Unique, innovative, or meritorious methods, approaches, or ideas contained in the proposal which originated with the offeror;
  - (2) Overall scientific, technical, or socio-economic merits of the proposed effort;
  - (3) Potential contribution which the proposed effort could make to the Department's mission;
  - (4) Capabilities, experience, techniques, or facilities which the offeror possesses and which are crucial to achieving the proposal's scientific or technical objectives; and
  - (5) Realism of the proposed cost.
- c. A format for an unsolicited proposal evaluation checklist is found in 14 FAH-2 Exhibit H-374.
- d. The contracting officer's representative (COR) must provide the results of the review, in writing, to the contracting officer. A favorable comprehensive evaluation of an unsolicited proposal is not, in itself, sufficient justification for negotiating on a noncompetitive basis with the offeror.
- e. If the review results in a finding that the proposal is unacceptable, the contracting officer will immediately notify the offeror of the reasons why the proposal is unacceptable and return it.
- f. If the requirements office decides to fund the unsolicited proposal, it must prepare a justification for the acceptance of an unsolicited proposal which documents that the substance of the proposal is not available from another source; that the proposal was selected on the basis of its overall

merit, cost, and contribution to program objectives compared with other offers; or that the proposal contains technical data or offers unique capabilities not available from another source.

- g. Data taken from the checklist used for evaluating the unsolicited proposal can be used in formulating the justification. A format similar to that used for the Justification for Other Than Full and Open Competition may be used.

## **14 FAH-2 H-375 THROUGH H-379 UNASSIGNED**

## **14 FAH-2 EXHIBIT H-374 FORMAT FOR AN UNSOLICITED PROPOSAL EVALUATION CHECKLIST**

*(CT:COR-1; 12-20-2005)*

**Unsolicited Proposal Number** \_\_\_\_\_

**Submitted by:** \_\_\_\_\_ **Date Accepted:** \_\_\_\_\_

<b>Remarks</b>	<b>Yes</b>	<b>No</b>
(1) Is the proposed effort or idea truly unique or proprietary?	<input type="checkbox"/>	<input type="checkbox"/>
(2) Are others working in the same area?	<input type="checkbox"/>	<input type="checkbox"/>
If so, can the requirement be competitively solicited without compromising the idea?	<input type="checkbox"/>	<input type="checkbox"/>
(3) Does the offeror have an unfair advantage because of prior contracts?	<input type="checkbox"/>	<input type="checkbox"/>
(4) Does the proposal appear to have actual or potential usefulness in support of Department of State goals and objectives?	<input type="checkbox"/>	<input type="checkbox"/>
(5) Does the proposed work relate to:		
a. Ongoing or completed projects at the Department of State?	<input type="checkbox"/>	<input type="checkbox"/>
b. Planned projects at the Department of State?	<input type="checkbox"/>	<input type="checkbox"/>
(6) Does the offer present a clear and complete Statement of Work?	<input type="checkbox"/>	<input type="checkbox"/>
a. Are objectives clearly defined?	<input type="checkbox"/>	<input type="checkbox"/>
b. Are products/end results defined?	<input type="checkbox"/>	<input type="checkbox"/>
c. Is the management approach logical?	<input type="checkbox"/>	<input type="checkbox"/>
d. Are key events/milestones identified?	<input type="checkbox"/>	<input type="checkbox"/>
e. Does the planned period of performance appear appropriate to the effort?	<input type="checkbox"/>	<input type="checkbox"/>

- (7) Are the proposed manpower requirements realistic?
- a. Are personnel categories appropriate?
- b. Are proposed hours, by category, reasonable?
- c. Does the offeror have the existing capability to perform the work?
- (8) Is there any significant amount of subcontract effort proposed?
- Would this pose a risk in achieving the objective?
- (9) Does the offeror propose to obtain equipment for the project?
- If so, evaluate type and quantity of equipment.
- a. If equipment is to be provided by the U.S. Government, is it available?
- b. If equipment is to be purchased, will it have subsequent usefulness?
- (10) Do the types and quantities of materials appear realistic for the project?
- (11) Does the offeror have an established reputation in the field?
- If not, does he or she have the technical capability to enter the field?
- (12) Are the proposed labor rates realistic for each category of labor?
- (13) Are material/equipment costs realistic?
- (14) Do the proposed indirect expense rates appear reasonable?
- (15) Evaluate other proposed costs. Does the overall cost appear reasonable?
- (16) Should an audit be made of the cost proposal? If so, request the contracting officer (CO) to arrange for the audit.
- (17) Does the offeror have sufficient financial resources for project completion?

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**Conclusions**

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- (1) Validity of unsolicited proposal:
  - a. Uniqueness of idea.
  - b. Prior U.S. Government involvement.
- (2) Technical approach:
  - a. Sound
  - b. Fair
  - c. Weak
- (3) Proposed cost:
  - a. High
  - b. Reasonable
  - c. Low

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**Recommendations**

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- (1) Pursue the project and negotiate with offeror.
- (2) Pursue the project, with modifications, and negotiate with offeror.
- (3) Pursue the project by competitive means.
- (4) Do not pursue the project.

**EVALUATORS**

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_____	_____	_____
Name	Signature	Date

_____	_____	_____
Name	Signature	Date

_____	_____	_____
Name	Signature	Date