



DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND

WASHINGTON, D.C. 20362

IN REPLY REFER TO

NAVSEAINST 4200.3B

OPR 0215/ 2

14 January 1988

NAVSEA INSTRUCTION 4200.3B

From: Commander, Naval Sea Systems Command

Subj: UNSOLICITED PROPOSALS PROCESSING

Ref: (a) Federal Acquisition Regulation (FAR), Subpart 15.5 (R)

Encl: (1) Restrictive Legend and Notice

1. Purpose

a. To establish policy and provide procedures for processing unsolicited proposals received by the Naval Sea Systems Command (NAVSEA).

b. To redesignate NAVSEA Directorate control points for processing unsolicited proposals.

2. Cancellation. NAVSEAINST 4200.3A.

3. Discussion

a. In accordance with reference (a) an unsolicited proposal is a proposal which is made to the Government by a prospective contractor without prior formal or informal solicitation. Such proposals may be the product of original thinking and are the property of the organization or individual who presents them; thus, they are deemed to have been submitted in confidence. They are offered in the hope that the Government will contract with the offeror for research on, or development of, the ideas they contain. Some of these proposals can eventually become a part of a Command program; others may be determined to be of little or no value. However, all such proposals must be considered, protected from unauthorized disclosure, and acknowledged within a reasonable length of time to ensure the continued cooperation and participation of outside sources in the Command's areas of interest.

b. As a result of the NAVSEA reorganizations, designated control points may no longer be applicable, so it is imperative that people comply with the contents of paragraphs 6a and 6b.

4. Scope. This instruction applies to all unsolicited proposals received by NAVSEA. It does not apply to alternative proposals which may be submitted as a result of any solicitation document.

5. Policy

a. It is the policy of NAVSEA to encourage the submittal of unsolicited proposals which offer new ideas in such areas as research and development, management support, and cost reduction. These proposals will be protected from unauthorized disclosure of the ideas they contain. (A)

b. Further, it is the policy of FAR 15.503(c) that 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;
- (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; and
- (5) Not be an advance proposal for a known agency requirement that can be acquired by competitive methods.

6. Action

a. Each Directorate will designate a control point for initial receipt, control, and action routing of unsolicited proposals. Previously designated control points will be reviewed for currency, and redesignations will be made as appropriate.

b. Written notification of newly designated and/or redesignated control points shall be provided to the Contracts (R) Directorate (SEA 0215) within 30 days of receipt of this directive and whenever changes occur thereafter.

c. The cognizant designated control point will:

(1) Upon receipt of each unsolicited proposal, promptly prepare a letter to the offeror acknowledging receipt, expressing appreciation, and furnishing the name of a contact for the proposer and a tentative schedule for completion of the review (usually allowing 60 - 90 days).

(2) Enter all bibliographic data of each proposal into a continuing action log with date of receipt and progressing disposition included for each entry.

(3) Initiate and maintain a revolving 30-day suspense and tickler file entry, reflecting data from paragraph 6c(2) above, for each unsolicited proposal received.

(4) Route the proposal to appropriate directorate personnel for review and assessment action with a copy of the letter prepared under paragraph 6c(1) above, and request that the results of such review and assessment be furnished to the control point within 30 days.

(5) Prepare such letters as may be required following paragraph 6d(1) below, returning rejected proposals to offerors.

d. Cognizant technical personnel receiving an unsolicited proposal from the control point shall perform the following:

(1) Conduct a review of the merits of the proposal as they may apply to the Command's areas of interest giving fair and unbiased consideration to the proposal regardless of source. If acquisition is not contemplated, return the proposal to the control point within 30 days of receipt, explaining the reason for rejection, so that the control point may then return the proposal to the offeror following paragraph 6c(5) above.

(2) If it is determined, on the basis of such review, that the unsolicited proposal may result in a contract, the following steps, paragraphs 6d(2)(a) through 6d(2)(d), will be followed before preparation and issuance of a Procurement Request (PR) to reduce administrative lead-time:

(a) The file will be documented to show that the factors set forth in paragraph 5b do apply. If it is determined that any of these factors do not apply, the matter will be referred through the Chain of Command for such further investigation as is indicated.

(b) Oral or written communications with the offeror on technical matters may be conducted where considered necessary. Written requests to the offeror for additional technical information will contain a statement substantially as follows:

"It is understood that compliance with the request contained herein will not be the basis for any claim against the United States, nor shall any costs incurred in such compliance be reimbursed by the United States unless such reimbursement is the subject of an express agreement or is allowed under the cost principles set forth in Section 31, Part 2 of the Federal Acquisition Regulation (FAR)."

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Any oral discussions must be based on this understanding, and a copy of each written request will be furnished to the directorate control point.

(c) As indicated in paragraph 5a, unsolicited proposals shall be protected from unauthorized disclosure of the ideas they contain. If the offeror wishes to restrict the data in their proposal, they may mark the title page with a legend such as that provided by FAR 15.509(a) (see enclosure (1), paragraph 1). If the proposal is marked with a legend other than that provided by FAR 15.509(a), technical personnel shall forward the proposal to the appropriate Contracting Officer in SEA 02. The Contracting Officer shall then coordinate with the Office of Counsel (SEA OOL) and, if circumstances dictate, will prepare a letter to the offeror returning the proposal, explaining why it is impracticable for the Government to comply with the legend and advising that the proposal should be resubmitted with a legend substantially conforming to that provided by FAR 15.509(a). A copy of this letter will be furnished to the directorate control point. Upon receiving the corrected proposal, the Contracting Officer will forward it to the cognizant technical personnel. But if it is determined that the legend is not more restrictive than that provided by FAR 15.509(a) after consulting with SEA OOL, the Contracting Officer will return the proposal to cognizant technical personnel, indicating this fact.

(d) If the proposal contains no restrictive legend, (R technical personnel will forward it to the appropriate Contracting Officer in SEA 02. The Contracting Officer shall then coordinate with SEA OOL, and unless the offeror has given a clear written indication that they do not wish to impose any restrictions on disclosure or use of the data contained in the proposal, the Contracting Officer will place a cover sheet on the proposal containing the notice prescribed by FAR 15-509 (d) (see enclosure (1), paragraph 2). The Contracting Officer will then return the proposal, with the cover sheet attached, to the cognizant technical personnel.

(e) After completion of appropriate steps in paragraph 6d(2)(a) through (d) above, cognizant technical personnel will prepare a Purchase Request (PR) in accordance with NAVSEAINST 4200.11. The PR will be submitted through the chain of command to SEA 0214 for processing and contractual action. The PR shall be documented to include:

(1) A statement that the factors set forth in paragraph 5b have been considered, investigated, and do apply.

(2) The identity of NAVSEA personnel who made the assessment of the unsolicited proposal.

(3) The basis for conclusions reached.

(4) The identity of other persons or agencies contacted.

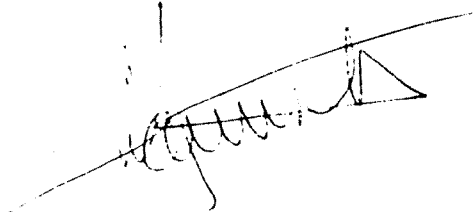
A copy of the PR will be furnished to the directorate control point.

e. Contracts Directorate personnel will process the PR following appropriate regulations.

f. Cognizant Contracts Directorate personnel will assist technical personnel as indicated in paragraphs 6d(2)(c) and (d) above.

g. The Office of Counsel (SEA 00L) will assist the appropriate Contracting Officer as indicated in paragraphs 6d(2)(c) and (d) above.

7. Exception. This instruction does not apply to nor modify any instructions relative to work under the cognizance of the Deputy Commander for Nuclear Propulsion, NAVSEA 08.



W. H. HAUENSTEIN
Deputy Commander for Contracts

Distribution:
NAVSEA Special List Y2

Copy to:
SEA 09B11 (5)
09B38 (50)

RESTRICTIVE LEGEND AND NOTICE

1. The legend referenced in paragraph 6d(2)(c) and provided by FAR 15.509(a) is as follows:

"The data in this proposal 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 the proposal; provided, that 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 contract. This restriction does not limit the Government's right to use information contained in the data if it is obtainable from another source without restriction. The data subject to this restriction are contained in Sheets (insert numbers or other identification of sheets)."

The Company will mark each sheet of data which they wish to restrict with the following legend (FAR 15.509(b)):

"Use or disclosure of proposal data is subject to the restriction on the title page of this Proposal."

2. The notice referenced in paragraph 6d(2)(d) and provided by FAR 15-509(d) is as follows:

UNSOLICITED PROPOSAL
USE OF DATA LIMITED

All Government personnel must exercise EXTREME CARE to ensure that the 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 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.

Enclosure (1)