



DEFENSE ADVANCED RESEARCH PROJECTS AGENCY
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DARPA Instruction No. 20

CMO

SUBJECT: Soliciting, Evaluating, and Selecting Proposals under Broad Agency Announcements and Research Announcements

- References:**
- (a) DARPA Instruction No. 13 (DI 13), "Program Funds Commitment and Acquisition Procedures," February 11, 2008
 - (b) DARPA Instruction No. 20 (DI 20), "Soliciting, Evaluating and Selecting Proposals under Broad Agency Announcements and Research Announcements," February 10, 2011 (hereby canceled)
 - (c) DARPA Guide to Broad Agency Announcements and Research Announcements, authorized by DARPA Instruction No. 20, current edition
 - (d) DARPA Instruction No. 70 (DI 70), "Contractor Relationships: Inherently Governmental Functions, Prohibited Personal Services, and Organizational Conflicts of Interest," May 12, 2008
 - (e) through (i), see Enclosure 1

1. PURPOSE

This Instruction extracts the discussion of Broad Agency Announcements (BAAs), Research Announcements (RAs) and Proposal Evaluation from Reference (a), superseding paragraph 4.C. and its subparagraphs, paragraph 4.D. and its subparagraphs, paragraph 4.M.2. and its subparagraphs, and paragraph 4.N. and its subparagraphs. This Instruction reissues Reference (b) and authorizes the issuance of the DARPA Guide to Broad Agency Announcements and Research Announcements (Reference (c)).

2. APPLICABILITY AND SCOPE

This Instruction sets forth DARPA policy regarding soliciting, evaluating and selecting proposals under BAAs and RAs. This Instruction does not address policy for soliciting, reviewing and selecting proposals under Requests for Proposals or other solicitations for Other Transactions for Prototypes, Small Business Innovation Research or Small Business Technology Transfer. The Instruction applies to all DARPA employees and support contractor personnel. It also applies to DARPA contracting agents to the extent that they negotiate and make awards based on proposals submitted under DARPA BAAs and RAs.

RELEASABILITY: UNLIMITED. This Instruction is authorized for public release.

3. POLICY

3.A. General

3.A.1. It is the policy of DARPA to use BAAs to fulfill requirements for scientific study and experimentation directed towards advancing the state-of-the-art or increasing knowledge and understanding of defined areas of interest. In accordance with (IAW) FAR, Subpart 35.016 (Reference (g)), DARPA shall use the Scientific Review Process described herein to evaluate and select proposals submitted in response to a BAA for funding.

3.B. Broad Agency Announcements (BAAs) and Research Announcements (RAs)

3.B.1. Authority to Issue DARPA BAAs and RAs. All DARPA BAAs and RAs will be prepared and issued by DARPA. DARPA's contracting agents are not authorized to issue BAAs or RAs on behalf of DARPA. However, DARPA may accept and evaluate proposals submitted in response to other agencies' BAAs and RAs when such proposals meet DARPA program and mission requirements.

3.B.2. Content of DARPA BAAs and RAs. As early in the process as possible, the Program Manager (PM) must determine the elements and content of an effective BAA or RA. IAW Reference (c), BAAs publicized by DARPA must, at a minimum:

- Describe DARPA's research interest.
- Describe criteria for selecting the proposals, their relative importance and the method of evaluation.
- Specify the period of time during which proposals submitted in response to the BAA will be accepted; and
- Contain instructions for the preparation and submission of proposals.

Reference (g) specifically calls out requirements for BAAs only. DARPA, however, applies these same requirements to RAs. From this point forward, all references to BAAs, herein, also refer to RAs.

3.B.2.a. DARPA maintains a Model BAA that provides specific instructions for preparing BAAs, including mandatory language that must be included in all BAAs. Instructions for accessing a copy of the current Model BAA are included in Reference (c). The Model BAA shall also be used as a starting point for drafting all RAs.

3.B.2.b. At a minimum, BAAs and RAs must include the following three evaluation criteria:

- Overall Scientific and Technical Merit

- Potential Contribution and Relevance to DARPA Mission
- Cost Realism

Other evaluation criteria may also be included should the PM believe they are helpful in determining which proposal(s) are selectable. The Model BAA includes suggested language for optional evaluation criteria.

3.B.3. Publishing DARPA BAAs and RAs. BAAs and RAs must be publicized on the Federal Business Opportunities (FBO) website (www.FBO.gov), unless an exception to FAR Subpart 5.202 applies. Additionally, all BAAs and RAs that include opportunities for assistance awards to include grants, cooperative agreements and Other Transactions for Research (also known as Technology Investment Agreements) must also be publicized at www.Grants.gov. BAAs and RAs that will remain open for more than a year must be publicized no less frequently than annually, unless an exception to FAR Subpart 5.202 applies.

3.B.4. Review and Approval of DARPA BAAs and RAs. Each DARPA Technical Office may establish its own internal review and approval process for BAAs and RAs. However, all BAAs and RAs must, at a minimum, be reviewed by the assigned PM, Assistant Director/Program Management (ADPM), Technical Office Director (OD), General Counsel (GC), the Program Director of the Small Business Programs Office (SBPO), the Security and Intelligence Directorate (SID), the Contracting Officer (CO), and the Director, Contracts Management Office (CMO). The Director, CMO, or his/her designee approves all BAAs and RAs prior to their posting to FBO.gov and/or Grants.gov. In parallel action, an informational copy must be provided to Public Affairs (PA) once it has been approved by the OD.

3.C. Scientific Review Process

3.C.1. General. A proposal received in response to a BAA or RA that does not comply with the requirements may be rejected as a nonconforming proposal. All proposals conforming to solicitation submission requirements received must be evaluated IAW the evaluation criteria specified therein through DARPA's Scientific Review Process. IAW Reference (g), written evaluation reports must be prepared for each individual proposal. In addition, proposals should not be evaluated against one another since they are not submitted IAW a common work statement.

3.C.2. Disclosure and Protection of Source Selection Information. Proposals and evaluation information shall be presumed to be Source Selection Information IAW FAR Subparts 2.101 and 3.104, and must be protected as such by each individual having access to the proposals. All evaluation documentation (e.g., evaluation reports) will be marked "Source Selection Information – See FAR 2.101 and FAR 3.104." IAW FAR Subpart 3.104-4, no person or other entity may disclose source selection information to any other person unless authorized by the Director, DARPA, the Scientific Review Official (SRO) or the CO.

3.C.3. Review Team Composition. The Review Team is comprised of the PM, SRO, Reviewers, Subject Matter Experts (SMEs), and the Delegate PM and/or Delegate SRO, if required (see paragraphs 3.C.4.a. and b.). The roles and responsibilities of the Review Team Members and how to document such are defined in Reference (c).

3.C.4. Financial, Personal and Business Conflicts of Interest (COIs). Review Team Members, including Intergovernmental Personnel Act (IPA) employees, that have a COI are disqualified from participating in Scientific Review Process matters that may have a direct and predictable effect on the member's financial interests or on financial interests imputed to the team member. Financial interests imputed to the team member include the financial interests of a spouse, minor child, general partners from outside businesses, and any organization in which the member is serving as an officer, director, trustee, general partner, or employee, or any person or organization with whom the team member is negotiating or has any arrangement concerning prospective employment. Review Team Members may also have a personal COI if a reasonable person with knowledge of the relevant circumstances would question the member's impartiality in participating in the Scientific Review Process. Review Team Members that know or believe that they have a COI shall immediately disqualify themselves from the Review Team by notifying the PM, SRO, CO, and GC. The PM or SRO after consultation with the CO and GC may also disqualify Reviewers/SMEs who they believe have a COI. The Review Team Members and the CO shall consult with GC concerning COI matters. See Reference (c) for further guidance.

3.C.4.a. IPAs and Delegate PMs. An IPA shall not serve as the PM or review any BAA proposal or contract in which the IPA's sending institution is a performer, proposer, subcontractor, or team member. A Delegate PM will be assigned to take the place of the IPA PM with a COI. After consultation with the CO and GC, an IPA may serve as PM or review the non-conflicted proposals when his/her sending institution is participating, only if he/she cannot have a direct and predictable effect on his/her sending institution, and for which the IPA does not otherwise have a COI. See Reference (c) for further guidance.

3.C.4.b. IPAs and Delegate SROs. An IPA serving as SRO has a COI for proposals or contracts from his sending institution and is disqualified from participating in the Scientific Review Process unless approved action, in consultation with the CO and GC, is taken to negate the COI. A Delegate SRO may be assigned to take the place of a SRO with a COI. See Reference (c) for further guidance.

3.C.4.c. IPA Reviewers/SMEs. An IPA serving as a Reviewer or SME has a COI for proposals from his sending institution and is disqualified from participating in the Scientific Review Process unless approved action, in consultation with the CO and GC, is taken to negate the COI. See Reference (c) for further guidance.

3.C.5. Review Team Kick-Off Meeting. Prior to beginning evaluation of proposals submitted in response to a BAA, the PM and all Reviewers/SMEs shall meet in person, via telephone or via video conference for three purposes: (1) to discuss the objectives of the program; (2)

receive training on how to properly document proposal reviews; and (3) receive a briefing concerning procurement integrity, financial COIs and personal and business relationship laws and regulations, and organizational conflicts of interest (OCI), relevant to the Scientific Review Process. The PM may additionally distribute proposal review assignments during, but not prior to, this meeting. Review Team Members are required to review, sign and submit a written self-certification regarding their known or believed COIs related to reviewing the submitted BAA proposals or otherwise participating on the Scientific Review Team. Once the Review Team Member has self-certified and GC has reviewed and agreed the Review Team Member does not have a conflict for proposals submitted under the BAA, the Review Team Member may be granted access to the BAA proposals. If a Review Team Member is uncertain whether he/she has a conflict, he/she should seek ethics advice from GC before signing and submitting their self-certification.

3.C.6. Evaluation of Proposals. Once all Review Team Members have been briefed and have signed and submitted their COI self-certification forms, the Scientific Review Process begins. Using the evaluation criteria in the publicized BAA or RA, the Review Team Members evaluate each assigned proposals and assess them, IAW the publicized evaluation criteria. SMEs, if any, review the portions of each proposal within their area of expertise. As assigned by the PM, they assess the assigned portions, IAW the publicized evaluation criteria. Reviewers and SMEs shall document the strengths and weaknesses noted in each proposal.

3.C.7. Designating Recommended Proposals for Funding. It is the PM's (and/or Delegate PM's) responsibility to designate recommended proposals for funding. The PM shall recommend funding the proposals that best meet his or her program objectives based on assessment of the proposal(s) against the publicized evaluation criteria, the Review Team's evaluations of the proposals, consideration of available funding, and appropriate levels of risk. The SRO may use the PM's recommendations and information prepared by the Reviewers and SMEs. However, the recommendation shall represent the PM's independent judgment. The total value of proposals recommended for funding may not exceed the funds programmed within the PAD.

3.C.8. Documenting the PM's Recommendation for Funding. The PM (and/or Delegate PM, as appropriate) will document the rationale supporting his or her designation of proposals for funding. The rationale must address how the selected proposal(s) meet the publicized evaluation criteria. IAW DI 66, should there be any recommendations of proposals involving Human Subjects Research, the PM must inform the SRO.

3.C.9. SRO Selection of Proposals for Funding. The SRO (or Delegate SRO, as appropriate) has final proposal funding selection authority. The SRO reviews the recommendation package to ensure that the PM has adequately justified and documented the rationale for selecting proposals for award. The SRO may concur with the PM's recommendations, require additional effort by the PM, make a different selection, or withdraw funding for the program altogether. Additional detail regarding the SRO Review can be found in paragraph 3.C. of Reference (c).

3.C.10. Informal Feedback Sessions. FAR Part 35 allows for informal feedback sessions after proposers have been officially notified in writing of the funding selection decision for their proposal(s). Such feedback sessions may only be requested by proposers, not their subcontractors. Subcontractors may attend the feedback session at the invitation of the proposer, but they may not initiate the meeting request. In the feedback sessions, the PM and other government representatives may only discuss the strengths and weaknesses of the proposal that is the subject of that feedback session. PMs shall not disclose information from other proposals submitted against the same BAA or RA. Likewise, the PM shall not discuss how many proposals were received in response to the BAA or how many proposals were selected for funding. The CO shall advise the PM and other government representatives regarding appropriate responses that may be given during the informal feedback session. If the proposer plans to include their legal counsel in the feedback session, GC must be present.

4. RESPONSIBILITIES

4.A. Technical Office Directors (ODs) shall act as the SRO for all BAAs except when a COI has been identified. If a COI is identified, a Delegate SRO must be assigned, IAW Reference (c). Duties of the SRO (or Delegate SRO) are described in Reference (c). When functioning as SROs, ODs shall ensure the integrity of the Scientific Review Process by:

4.A.1. Reviewing all BAAs and RAs issued by their Technical Office.

4.A.2. Reviewing BAA and RA recommendations.

4.A.3. Signing Procurement Requests (PRs)/Military Interdepartmental Purchase requests (MIPRs).

4.A.4. When necessary, appoint Delegate PMs. See Reference (c) for additional guidance regarding identifying a Delegate PM when the PM has identified or anticipates an OCI as described in DI 70 (Reference (d)).

4.B. Program Managers (PMs) shall:

4.B.1. IAW this Instruction, manage the BAA/RA process.

4.B.2. IAW the procedures outlined herein and within Reference (c), prepare BAAs and RAs as well as with the Model BAA template current at the time the BAA is released.

4.B.3. Select the Reviewers and SMEs.

4.B.4. Coordinate with SID if classified information is anticipated to be required during performance of the BAA effort or if the proposals resulting from the BAA will include international participants or export control issues, including International Traffic in Arms Regulations (ITAR) or Export Administration Regulation (EAR) requirements. Further guidance is provided within Reference (c).

4.B.5. Ensure the protection of source selection information and maintain the integrity of the procurement process. Further guidance is provided within Reference (c).

4.B.6. Approve, in concert with the CO, any answers to proposer questions and coordinate with the CO on questions to be sent to proposers. Further guidance is provided within Reference (c).

4.B.7. IAW the procedures within Reference (c), designate recommended proposals for award.

4.B.8. May serve as a Reviewer or SME when chosen by another PM to serve on his or her Review Team. Duties of Reviewers and SMEs are described in Reference (c).

4.C. DARPA General Counsel (GC) shall:

4.C.1. Review all DARPA BAAs and RAs.

4.C.2. Serve as legal advisor for the Review Team and CO.

4.C.3. Attend informal feedback sessions when a proposer's legal counsel is present; attend others as requested.

4.C.4. Prepare and/or deliver briefing(s) to the Review Team regarding COIs and the Procurement Integrity Act.

4.D. The Director, CMO, shall:

4.D.1. Approve all BAAs and RAs prior to their publication.

4.D.2. Ensure DARPA compliance with (Reference (g) and provide oversight of the process for scientific review of proposals.

4.E. Contracting Officers (COs) shall:

4.E.1. Review all assigned DARPA BAAs and RAs. (CMO)

4.E.2. Consult with the PM and GC concerning any potential COI or OCI issues.

4.E.3. Determine whether each proposal is conforming and coordinate with the PM and GC, as necessary, before notifying proposers of nonconforming proposals.

4.E.4. Prepare the PM for informal feedback sessions and attend such sessions, when required by the provisions of this Instruction.

4.E.5. Negotiate the contract or agreement awards for proposals selected for funding under a BAA or RA.

4.E.6. Prepare and/or deliver briefing(s) to the Review Team regarding proper documentation of the Scientific Review Process.

4.F. The Director, SBPO, shall review all DARPA BAAs and RAs and coordinate on the accompanying DD Form 2579, "Small Business Coordination Record."

4.G. The Director, Support Services Office (SSO)/SID, shall:

4.G.1. Review all DARPA BAAs/RAs and assist PM with security classification requirements.

4.G.2. Review and assist when international participants are identified or anticipated to be included in the BAA.

4.G.3. Review and assist when export control issues are identified in the BAA, to include ITAR and EAR requirements.

5. RELEASABILITY. UNLIMITED. This Instruction is authorized for public release.

6. EFFECTIVE DATE

8.A. This Instruction is effective immediately.

8.B. This Instruction must be reissued, cancelled or certified current within 5 years of its original publication date, IAW DoD Instruction 5025.01 (Reference (i)). If not, it will expire effective 10 years from its publication date and be removed from the DARPA Policy Portal, unless the Director, Support Services Office approves an extension.



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Enclosures-1

E1. References, continued

E1: ENCLOSURE 1
References, continued

- (e) FAR Subpart 2.101, "Definitions," January 2010 edition
- (f) FAR Subpart 3.104, "Disclosure, Protection, and Marking of Contractor Bid or Proposal Information and Source Selection Information," January 2010 edition
- (g) Federal Acquisition Regulation (FAR), Subpart 35.016, "Broad Agency Announcement," January 2010 edition
- (h) Memorandum for Deputy Director, Defense Advanced Research Project Agency (DARPA), RE: Guidance for IPA Scientific Review Process Personnel Having Financial Conflicts of Interest Under 18 U.S.C. § 208, from DoD, Office of General Counsel, Alternate Designated Agency Ethics Official, dated April 20, 2010
- (i) DoD Instruction 5025.01, "DoD Directives Program," September 26, 2012