



# UNSOLICITED PROPOSALS: *THE BASICS*

October 2011

This Information Sheet provides an overview of the unsolicited proposal process and is not meant to take the place of regulations. Those wishing to submit unsolicited proposals are reminded to review current regulations and to ensure your proposal is relevant to the Missile Defense Agency needs and mission prior to submission.

## DEFINITION

An “*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.

For additional information, including agency procedures for review, evaluation, and acceptance of unsolicited proposals, vendors are encouraged to read [Federal Acquisition Regulation \(FAR\) 2.101](#) and [Subpart 15.6](#), as supplemented.

Regulations are available at:

[https://acquisition.gov/far/html/Subpart%2015\\_6.html](https://acquisition.gov/far/html/Subpart%2015_6.html)

## **NOT AN UNSOLICITED PROPOSAL**

The following submittals are NOT considered to meet the definition of an unsolicited proposal:

- *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 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.

## VALID UNSOLICITED PROPOSAL

A valid unsolicited proposal must:

- Be innovative and unique;
- 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;
- Be prepared without Government supervision, endorsement, direction, or direct Government involvement;
- 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;
- Not be an advance proposal for a known agency requirement that can be acquired by competitive methods; **and**
- Not address a previously published agency requirement.

## OTHER CONSIDERATIONS

Only warranted Contracting Officers have authority to contractually bind the Government. Technical personnel who may receive, handle, or evaluate unsolicited proposals are not authorized to commit the Government.

Offerors submitting unsolicited proposals that meet the regulatory requirements and receive a favorable comprehensive evaluation may only receive award after the contracting officer:

- Makes an affirmative determination of an offeror’s responsibility ([FAR Subpart 9.1](#));
- Considers Organizational Conflicts of Interest issues ([FAR Subpart 9.5](#));
- Ensures sufficient funds are available for award;
- Complies with synopsis requirements of [FAR Subpart 5.2](#); **and**
- Executes any determination and finding or justification and obtained any approval(s) required by [FAR Subpart 6.3](#).

In the event the proposal is not accepted, the Government is not obligated in any way to reimburse the offeror for any cost that may have been incurred in preparing and submitting the unsolicited proposal.

## SUBMIT PROPOSAL TO:

Business Operations Support, Attn: MDA/DAR, C/O Stephen Shiple, Bldg 5222, Martin Rd, Redstone Arsenal, AL 35898  
[unsolicited.proposals@mda.mil](mailto:unsolicited.proposals@mda.mil)

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In accordance with [FAR 15.605](#), unsolicited proposals should contain the following information to permit consideration in an objective and timely manner.

**BASIC** information including:

- Offerer's name and address, type of organization (profit, nonprofit, educational, small business, etc.);
- Contact information for evaluation/negotiation purposes; including names and telephone numbers;
- Identification of proprietary data to be used only for evaluation purposes;
- Names of other Federal, State, or local agencies or parties receiving the proposal or funding the proposed effort;
- Date of submission; **and**
- Signature of person authorized to represent and contractually obligate the offeror.

**TECHNICAL** information including:

- Concise title and abstract (approximately 200 words) of the proposed effort;
- A reasonably complete discussion stating objectives of the effort or activity, method of approach and extent of effort to be employed, nature and extent of anticipated results, and manner in which the work will help to support accomplishment of agency's mission;
- Names and biographical info for offeror's key personnel who would be involved, including alternates; **and**
- Type of support needed from the agency (e.g., facilities, equipment, materials, or personnel resources).

**SUPPORTING** information including:

- Proposed price or total estimated cost for the effort in sufficient detail for meaningful evaluation;
- Period of time for which the proposal is valid (a six month minimum is suggested);
- Type of contract preferred;
- Proposed duration of effort;
- Brief description of the offeror, previous experience, relevant past performance, and facilities to be used;
- Other statements, if applicable, about organizational conflicts of interest, security clearances, and environmental impacts; **and**
- Names and telephone numbers of any agency technical or other agency points of contact already contacted regarding the proposal.

## PROPRIETARY INFORMATION

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 proposal must be marked with the following as required by [FAR 15.609](#):

- Title Page:  
"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]*."
- Each sheet of data the offeror wishes to restrict:  
"Use or disclosure of data contained on this sheet is subject to restriction on the title page of this proposal."

## GOVERNMENT RIGHTS

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 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](#).

**OTHER OPTIONS:** There are many hurdles to overcome for an unsolicited proposal to result in award. Other options to consider:

- Small Business Innovative Research (SBIR)/Small Business Technology Transfer Research (STTR) solicitations electronically posted at <http://www.acq.osd.mil/sadbu/sbir/homepg.htm>
- Technology Applications Program: <http://www.mdatechnology.net>
- General announcement of an agency's research interest posted as Broad Agency Announcements (BAA) to <http://www.fedbizopps.gov>