



United States
Department of
Agriculture

Office of the
Assistant
Secretary for
Administration

Department
Management

Management
Services

Procurement
Operations
Division

Reporters
Building
300 7th Street,
SW Suite 353
Washington,
DC 20024

ACQUISITION OPERATING PROCEDURE (AOP)

FROM: Scott C. Wolz *Auth Chief*
Acting Chief, Procurement Operations Division

APR 22 2010

SUBJECT: AOP No. 6: Unsolicited Proposals

◆ **PURPOSE:** The purpose of this Acquisition Operating Procedure (AOP) is to establish a procedure that coordinates the receipt, evaluation, and timely disposition of unsolicited proposals.

◆ **AUTHORITIES:** Federal Acquisition Regulation (FAR) Subpart 15.6 and Agriculture Acquisition Regulation Subpart 415.6, Unsolicited Proposals.

◆ **PROCEDURES:**

1. Agency Receipt Point of Contact: The Offeror should send an original and one copy of the unsolicited proposal to the address below:

USDA, DM/Management Services, Procurement Operations Division
300 7th Street, S.W., Room 353 (Mail Stop 9307)
Washington, DC 20024

The Procurement Analyst of the Procurement Operations Division will assign a control number and retain the copy of the unsolicited proposal in the official file in the Procurement Operations Division, and then will forward the original to appropriate Agency Contracting Team Point of Contact for action.

2. Agency Contracting Team Point of Contact: The Contracting Team Lead/Head will conduct the preliminary review of the Unsolicited Proposal. At the Contracting Team Lead/Head's discretion, the Unsolicited Proposal may be assigned to a Contracting Specialist/Contracting Officer to conduct the preliminary review.
 - a. Complete the "*Unsolicited Proposal –Preliminary Review*" (Attachment A), within 5 business days after receipt of the Unsolicited Proposal, to determine if the Unsolicited Proposal meets the minimum requirements prescribed in FAR Subpart 15.6.
 - b. If it is determined that the Unsolicited Proposal contains sufficient information and a comprehensive evaluation should be completed by the technical program official, complete:

- (1) Within 5 business days after completing the preliminary review, the letter “*Unsolicited Proposal – Preliminary Review*” (Attachment B), to the Offeror submitting the Unsolicited Proposal.
 - (2) Within 5 business days after completing the preliminary review, the memorandum “*Unsolicited Proposal - Comprehensive Evaluation*” (Attachment C), will be provided to the appropriate program office requesting a comprehensive evaluation.
- c. If the Unsolicited Proposal does not meet FAR Subpart 15.6 minimum requirements or is rejected by the program office, within 5 business days after the preliminary review or receipt of the program technical official’s rejection, complete the letter “*Unsolicited Proposal - Rejection*” (Attachment D), and provide to the Offeror.
3. Technical Program Reviewer:
- a. The program office should designate a Technical Program Reviewer with the knowledge and expertise of the products or services to review and evaluate the Unsolicited Proposal.
 - b. After the Technical Program Reviewer completes the comprehensive evaluation, the findings should be sent to the Contracting Team Lead/Head for action.
4. Disposition of the Unsolicited Proposals:
- a. An Unsolicited Proposal resulting in the issuance of a contract will be handled and disposed of as prescribed in FAR Subpart 4.8 Government Contract Files.
 - b. An Unsolicited Proposal, which is rejected due to findings at the Preliminary Review or Comprehensive Evaluation, will be shredded, promptly, after issuance of the “*Unsolicited Proposal - Rejection*” letter to the Offeror submitting the Unsolicited Proposal.

Unsolicited Proposal - Preliminary Review

{Enter the Vendor's Name}

{Enter Today's Date}

If the unsolicited proposal meets the requirements listed below, promptly, in writing, acknowledge receipt of the proposal to the Offeror and submit the proposal to the program office for a comprehensive evaluation (FAR Subpart 15.606-1(b)). In writing, notify the Offeror if the unsolicited proposal is rejected based on "No" in any one of the requirements listed (FAR Subpart 15.606-1(c)).

Check the applicable boxes and provide an explanation if the box is "No." The proposal:

- | | Yes | No | |
|----|--------------------------|--------------------------|---|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | Is innovative and unique (FAR 15.603(c) (1) and FAR 15.606-1(a)(1)) |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | Was independently originated and developed by the Offeror (FAR 15.603(c)(2)) |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | Was prepared without Government supervision, endorsement direction or direct Government involvement (FAR 15.603(c)(3)) |
| 4. | <input type="checkbox"/> | <input type="checkbox"/> | Include sufficient detail to permit a determination that Government support could be worthwhile or the proposed work could benefit the agency's research and development or other mission responsibilities (FAR 15.603(c)(4)) |
| 5. | <input type="checkbox"/> | <input type="checkbox"/> | Is considered an advance proposal for a known agency requirement that can be acquired by competitive methods or is a proposal that addresses a previously published agency requirement (FAR 15.603(c)(5)) |
| 6. | <input type="checkbox"/> | <input type="checkbox"/> | Addresses a previously published agency requirement (FAR 15.603(c)(6)) |
| 7. | <input type="checkbox"/> | <input type="checkbox"/> | Is suitable for a response to an existing agency requirement (FAR 15.606-1(a)(2) and 15.602. |
| 8. | <input type="checkbox"/> | <input type="checkbox"/> | Is related to the agency's mission (FAR 15.606-1(a)(3)) |
| 9. | <input type="checkbox"/> | <input type="checkbox"/> | Contains sufficient technical information and cost or price data (FAR 15.606-1(a)(4)) |

10. Has overall scientific, technical or socioeconomic merit (FAR 15.606-1(a)(5))
11. Has been approved by a official authorized to obligate contractually
(FAR 15.606-1(a)(6))
12. Contains the proper marked restrictive legend (FAR 15.606-1(a)(7)& 15.609.

DECISION OF CONTRACTING TEAM LEAD/HEAD

[] Meets FAR and recommend Comprehensive Evaluation

[] Rejected

Agency Contracting Team Point of Contact

Date



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Reporters Building
300 7th Street, SW
Suite 353
Washington DC

{Enter the Offeror's Name}
{Enter the Offeror's Title}
{Enter the Offeror's Address}
{Enter the Offeror's City, State, Zip Code}

Subject: Unsolicited Proposal - Preliminary Review

Dear *{Enter Salutation}*:

Thank you for submitting the Unsolicited Proposal to the United States Department of Agriculture (USDA). The Procurement Operations Division of the Departmental Management, Management Services in USDA acknowledges receipt of the Unsolicited Proposal, dated *{Enter the Date}*. The preliminary review of the Unsolicited Proposal was completed and the Unsolicited Proposal meets the minimum requirements of a valid Unsolicited Proposal as prescribed in the Federal Acquisition Regulation Subpart (FAR) 15.6.

As a result of the findings, as prescribed in FAR Subpart 15.606-2, the Unsolicited Proposal will be forwarded to the appropriate program office to conduct a comprehensive evaluation by a technical program official with the knowledge and subject matter expertise specializing in the products and services covered in the Unsolicited Proposal to ensure sufficient information is contained as prescribed in FAR Subpart 15.606-2, Evaluation. The program office will be given thirty (30) workdays to complete the comprehensive evaluation and provide the findings to the Agency Contracting Team Point of Contact. Upon receipt of the findings, your firm will be notified.

If you have any questions regarding this information, please contact me by telephone at *{Enter phone number}* or by email to *{Enter email address}*.

Sincerely,

{Enter the Agency Contracting Team Point of Contact}
{Enter Title}



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TO: {Enter the Technical Program Reviewer's Name}
{Enter the Technical Program Reviewer's Office}

FROM: {Enter the Agency Contracting Team Point of Contact's Name}
{Enter the Agency Contracting Team Point of Contact's Title}

SUBJECT: Unsolicited Proposal - Comprehensive Evaluation
{Enter the Offeror's Name}

In accordance with the Federal Acquisition Regulation Subpart 15, 606-2, Evaluation the attached unsolicited proposal is being sent to your office for a comprehensive evaluation. As the Technical Program Reviewer, you must consider the factors listed in the attached "Unsolicited Proposal - Comprehensive Evaluation" (Attached Exhibit), in addition to any others factors that may be appropriate for the particular Unsolicited Proposal.

The cover sheet, "Unsolicited Proposal - Use of Data Limited," must remain on top of the Unsolicited Proposal at all times. You may not disclose information in the Unsolicited Proposal, i.e. trade secrets, processes, operations, style of work, apparatus and other matters as this may result in criminal penalties under 18 U.S.C. §1905. If the unsolicited proposal is rejected, you may not use any data, concept, idea or other part of the unsolicited proposal as the basis, or part of the basis, for a solicitation or in negotiations with any other firm unless you notify me and I obtain an agreement from the Offeror of the unsolicited proposal regarding the intended use. This prohibition does not preclude using any data, concept, or idea in the proposal that also is available from another source without restriction. If you need assistance from non-Government personnel to complete the comprehensive evaluation, please inform me so that I may obtain permission from the Offeror for the release of the Unsolicited Proposal to the non-Government personnel.

Please complete the comprehensive evaluation return it along with the Unsolicited Proposal to me by {Enter date (allow 30 business days)}.

If you have any questions regarding this information, please contact me by telephone at {Enter phone number} or by email to {Enter email address}.

Exhibit

Unsolicited Proposal - Comprehensive Evaluation

{Enter the Offeror's Name}

{Enter Today's Date}

The Federal Acquisition Regulation Subpart 15.606-2 requires a comprehensive evaluation of the Unsolicited Proposal. The comprehensive evaluation must consider the factors listed below, in addition to any others factors that may be appropriate for the particular proposal.

-
1. **Concept:** *(Explain unique, innovative and meritorious methods, approaches, or concepts demonstrated in the unsolicited proposal, FAR 15.606-2(a)(1))*

 2. **Methodology:** *(Explain overall scientific, technical, or socioeconomic merits are demonstrated by the unsolicited proposal, FAR 15.606-2(a)(2))*

 3. **Contribution:** *(Explain potential contributions to the agency's specific mission offered by the unsolicited proposal, FAR 15.606-2(a)(3))*

 4. **Capability:** *(Explain how the Offeror's capabilities, experience, facilities, techniques or combination are integral factors for achieving the proposal objectives, FAR 15.606-2(a)(4))*

 5. **Personnel:** *(Explain how the Offeror's qualifications, capabilities, and experience of the proposed principal investigator, team leader, or key personnel is critical to achieving the proposal objectives, FAR 15.606-2(a)(5))*

 6. **Cost /Price:** *(Explain the realism of cost or pricing information, FAR 15.606-2(a)(6))*

 7. **Funding:** *(Indicate if funds are available for issuance of a contract, FAR 15.607(b)(3))*

Exhibit

8. **Sources:** *(Explain if the unsolicited proposal is available without restrictions from another source(s))*

9. **Other Facts:** *(Provide any other pertinent facts)*

DECISION OF TECHNICAL PROGRAM REVIEWER

Approved Rejected

Technical Program Reviewer

Date

Title

Cover Sheet
(Place on top of the Unsolicited Proposal)

UNSOLICITED PROPOSAL – USE OF DATA LIMITED
(FAR 16.609(d))

All Government or nongovernment personnel must exercise extreme care to ensure that the information in this proposal is not disclosed to an individual who has not been authorized access to such data in accordance with Federal Acquisition Regulation Subpart 3.104, 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.

Questions regarding this notice and the use of the restricted data contained herein should be directed to the Procurement Operations Division, Management Services.



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Washington, DC 20024

{Enter the Offeror's Name}
{Enter the Offeror's Title}
{Enter the Offeror's Address}
{Enter the Offeror's City, State, Zip Code}

Subject: Unsolicited Proposal - Rejection

Dear *{Enter Salutation}*:

This letter is to inform you that the Procurement Operations Division of the United States Department of Agriculture (USDA), Departmental Management, Management Services completed the *{Enter Preliminary Review or Comprehensive Evaluation}* for your Unsolicited Proposal, dated *{Enter the Date}* as prescribed in the Federal Acquisition Regulation Subpart (FAR) 15.6. The Unsolicited Proposal is rejected for the reason(s) and/or explanation(s) identified below and no further consideration will be provided.

- The proposal is neither innovative and unique (*FAR 15.603(c) (1) & FAR 15.606-1(a)(1)*)
- The proposal was not independently originated and developed by the Offeror (*FAR 15.603(c)(2)*)
- The proposal was not prepared without Government supervision, endorsement direction or direct Government involvement (*FAR 15.603(c)(3)*)
- The proposal does not include sufficient detail to permit a determination that Government support could be worthwhile or the proposed work could benefit the agency's research and development or other mission responsibilities (*FAR 15.603(c)(4)*)
- The proposal is considered to be an advance proposal for a known agency requirement that can be acquired by competitive methods or is a proposal that addresses a previously published agency requirement (*FAR 15.603(c)(5)*)
- The proposal addresses a previously published agency requirement (*FAR 15.603(c)(6)*)

{Enter Salutation}

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- The proposal is not suitable for a response to an existing agency requirement (*FAR 15.606-1(a)(2) & 15.602.*)
- The proposal is not related to the agency's mission (*FAR 15.606-1(a)(3)*)
- The proposal does not contain sufficient technical information and cost or price data (*FAR 15.606-1(a)(4)*)
- The proposal has no overall scientific, technical or socioeconomic merit (*FAR 15.606-1(a)(5)*)
- The proposal has not been approved by an official authorized to obligate contractually (*FAR 15.606-1(a)(6)*)
- The proposal cannot be considered because it is impracticable for the Government to comply with the legend, but will consider the proposal if it is resubmitted with the proper legend. (*FAR 15.606-1(a (7) & 15.609*)

The Unsolicited Proposal will be shredded, promptly, after submission of this letter. If you have any questions regarding this information, please contact me by telephone at *{Enter phone number}* or by email to *{Enter email address}*.

Sincerely,

{Enter the Agency Contracting Team Point of Contact's Name}

{Enter the Agency Contracting Team Point of Contact's Title}