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RECEIPT AND HANDLING OF UNSOLICITED PROPOSALS

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PURPOSE AND SCOPE

Unsolicited proposals can be a valuable method for obtaining unique or innovative methods or approaches to accomplishing the Bureau of Engraving and Printing's (BEP/Bureau) mission. This circular is designed to direct a uniform response to unsolicited proposals throughout the Bureau. It defines unsolicited proposals; outlines rules governing contact with potential offerors; describes formatting for unsolicited proposals; and lists policies for accepting and receiving unsolicited proposals. This policy applies to all Bureau personnel involved in receiving, evaluating, and processing unsolicited proposals.

1.0 POLICY

The Bureau encourages prospective contractors to generate innovative ideas and submit them as unsolicited proposals.

2.0 SUPERSESSION

This circular supersedes Circular No. 70-06.1, Receipt and Handling of Unsolicited Proposals, October 11, 1983.

3.0 BUREAU POINT OF CONTACT AND COORDINATING DIVISION

3.1 The Office of Acquisition (OA) is the Bureau point of contact for unsolicited proposals, and should be the starting point for employees and offerors for matters concerning unsolicited proposals. BEP employees who are approached about unsolicited proposals or need contact information for unsolicited proposals should use the links in the following section to contact the division chiefs by email or phone. The OA is located in Room 705-A.

3.2 The OA will separate incoming unsolicited proposals into one of two categories: Equipment and Materials or IT and Services. The [Equipment and Materials Division](#) will coordinate unsolicited proposals addressing those categories, and the [IT and Services Division](#) will coordinate unsolicited proposals in those areas. A contract specialist from the appropriate division will contact the offeror when the unsolicited proposal is received and keep him or her apprised of the submitted proposal's status. Forward unsolicited proposals to the manager of either division, the email addresses are located at the BEP website links above. The OA will manage the submitted proposal through the process of receiving, evaluating, and disposition. OA will also control reproduction and disposition of proposal material, particularly data with duplication and disclosure restrictions.

4.0 BACKGROUND

4.1 There are two reasons the Bureau sets policy for handling unsolicited proposals.

4.1.1 The first reason is regulatory. "It is the policy of the Government to encourage the submission of new and innovative ideas in response to Broad Agency Announcements, Small Business Innovation Research topics, Small

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Business Technology Transfer Research topics, Program Research and Development Announcements, or any other Government initiated solicitation or program. When the new and innovative ideas do not fall under topic areas publicized under those programs or techniques, the ideas may be submitted as unsolicited proposals.” [Federal Acquisition Regulation \(FAR\), Subpart 15.6](#). The FAR Subpart goes on to state “Agencies shall establish procedures for controlling the receipt, evaluation, and timely disposition of unsolicited proposals consistent with the requirements of this subpart.”

- 4.1.2 The second reason is practical, as the lack of established procedures for receiving, evaluating, and handling unsolicited proposals can cause the Bureau to miss the benefits of those proposals. Thus, unsolicited proposals must reach the appropriate BEP decision makers who can evaluate and weigh them against the Bureau’s needs. Established, well-advertised coordinating procedures will result in an effective process flow and accurate record keeping of unsolicited proposals.

5.0 REFERENCES

- 5.1 [Federal Acquisition Regulation](#), Volume 1-Parts 1 to 51, (this edition includes the consolidation of all federal acquisition Circulars through 2001-27), March 2005.

Note: FAR Subpart links in this document are current as of April 1, 2011.

6.0 DEFINITIONS

- 6.1 Unsolicited Proposal – is a written offer to perform a task or effort submitted to the Bureau by an offeror, without Bureau solicitation, with the express objective of obtaining a contract. The general characteristics of an unsolicited proposal are listed in the [FAR, Subpart 15.603](#).
- 6.2 Program Research and Development Announcement – an announced general solicitation for proposals in the areas of science and technology, and basic research and development, see [FAR Subpart 15.602](#).
- 6.3 Coordinating Division – The Division within the Office of Acquisition that receives the unsolicited proposal and refers it to the appropriate program office. The Coordinating Division varies based on the type of product or service offered in the unsolicited proposal.
- 6.4 Program Office – The Bureau Office tasked with reviewing and evaluating an unsolicited proposal. The Program Office will vary depending on the type of product or service offered in the unsolicited proposal.

7.0 GUIDANCE ADDRESSING CONTACT WITH INDUSTRY

- 7.1 The [FAR Subpart 15.604](#) provides initial guidance concerning proper agency and industry personnel contact.
- 7.2 Bureau personnel may encourage potential offerors to contact the Office of Acquisition before developing an unsolicited proposal or submitting proprietary

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data. The Office of Acquisition will forward the inquiry to the proper Program Office. This contact includes inquiries to discover the general need for the proposal's process or product, and can include the Bureau's technical personnel. The discussions must be limited to providing a better understanding of the Bureau's mission and responsibilities and must not cover detailed technical discussion relating to specific requirements.

- 7.3 During personal contact with potential offerors, Bureau personnel must not give the impression the Bureau is accepting the proposal. Furthermore, when encouraging offerors to submit unsolicited proposals, ensure the potential offeror understands the encouragement is not acceptance of the proposal for work.

8.0 PROCEDURES

8.1 Receipt and Initial Review

- 8.1.1 The Office of Acquisition (either the Equipment and Materials, or IT and Services Division, see Section 4.0) is the initial repository for all submitted unsolicited proposals, including those delivered directly to technical personnel from contractors. Bureau personnel receiving unsolicited proposals must promptly forward them to the Office of Acquisition. Unsolicited proposals may be expedited through the receiving and reviewing processes, when appropriate.
- 8.1.2 When initially received, the responsible OA division will perform a general quality review to ensure that submitted unsolicited proposal meets the requirements of the [FAR Subpart 15.603](#), paying careful attention to Section (c) 5 and 6.
- 8.1.3 Ensure the unsolicited proposal is not advertisement, a commercial offer or a contribution, as defined in the [FAR Subpart 15.601](#).
- 8.1.4 Additionally, unsolicited proposals must meet more detailed requirements listed in [FAR Subpart 15.605](#), before forwarding them to the appropriate Program Office for a comprehensive review.
- 8.1.5 OA personnel will also ensure the proposal has the proper nondisclosure markings, see Section 10, Protecting Unsolicited Proposal Data, of this circular.
- 8.1.6 If the unsolicited proposal meets the requirements of Section 9.1.2 and 9.1.3, the OA should forward it for evaluation, using these steps:
- If received electronically, forward to the appropriate Program Office with a cover sheet using the nondisclosure language found in Exhibit A.
 - Email (or forward) the unsolicited proposal to the appropriate Program Office for comprehensive evaluation; request a completed evaluation within 45 working days.
 - Annotate the evaluation's due date on a calendar or workflow software to confirm it is completed within the 45-day window.

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- Respond to offeror, by letter or email, that the unsolicited proposal was received.

8.1.7 If the requirements of subparagraph 9.1.2.1 (above) are not met, return the entire unsolicited proposal package to the offeror. The returned package must include a letter explaining why the proposal is being returned; what, if any, corrective action might be taken to correct deficiencies; and whether or not a resubmitted, corrected proposal would be considered. Returns may be made via electronic means if received electronically, i.e. email.

8.2 Evaluation

During the comprehensive evaluation of an unsolicited proposal, evaluators must consider the factors listed in the [FAR Subpart 15.606-2](#).

8.3 Evaluation Report

8.3.1 When the evaluation is complete, evaluators must prepare and report an evaluation report and forward it to the Coordinating Division recommending acceptance or rejection of the unsolicited proposal.

8.3.2 When recommending rejection, evaluators must forward copies of the unsolicited proposal and technical evaluation report to the Coordinating Division. The technical evaluation report must document the rejection and base it on one or more of the following criteria:

- The proposed project will not contribute enough to the Bureau's mission to justify the proposal's funding.
- The product or process resulting from the proposal is available from other sources, making a noncompetitive procurement unwarranted.
- The proposed project closely resembles a planned competitive solicitation, precluding the initiation of a noncompetitive procurement.
- The proposed project is not sufficiently unique to justify acceptance.

8.3.3 When recommending acceptance, the technical office performing the evaluation keeps copies of the proposal and forwards the technical evaluation report to the Coordinating Division. The technical evaluation report must include the following:

8.3.3.1 Specifically note that none of the reasons for rejection, as outlined in Section 9.3.2 apply to the accepted unsolicited proposal.

8.3.3.2 Provide additional facts and circumstances that preclude competition, such as:

- If evaluators determine the proposed effort is unique, identify the type and extent of market research or analysis that supports such a determination.
- If evaluators determine the proposed effort is innovative, rather than unique, indicate whether or not the innovation could be obtained from other sources without the use of any ideas, data, concepts, or other parts of the unsolicited proposal.

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8.3.3.3 The evaluating office must include a target date, quarter and fiscal year, when it intends to submit an official procurement request to the Office of Acquisition if the unsolicited proposal is found acceptable by the BEP.

8.4 Completed Reports

8.4.1 When receiving rejected proposals, the Coordinating Division will return all copies of the unsolicited proposal to the offeror, and include a cover letter stating the reason(s) for its rejection. Additionally, the office will include any actions the offeror can perform to improve future submission. Finally, the letter should state that the Bureau appreciates the offeror's interest in supporting Government programs.

8.4.2 When the evaluation report recommends acceptance, the Coordinating Division will take the following actions:

- Provide the original unsolicited proposal and a copy of the technical evaluation report to the Office of Acquisition as advance information.
- Create a calendar or workflow entry to confirm that the requisition process has started.
- Notify the offeror by letter or email that the unsolicited proposal is being considered for a contract, and provide an approximate fiscal year and quarter the acquisition package will be delivered to the Office of Acquisition.

8.5 Procurement Actions

8.5.1 Favorable evaluations of unsolicited proposals do not automatically result in a contract award; this policy is detailed in the [FAR Subpart 15.607 \(a\)](#).

8.5.2 When an unsolicited proposal has been accepted, the requester will promptly include the request in their proposed budget and develop a fully structured and funded requisition package. The package will include a TDF Form 76-01.6, Justification for Other Than Full and Open Competition (JOFOC), Statement of Work, and an Independent Government Estimate. The complete acquisition package will then be sent to the Office of Acquisition.

8.5.3 The Office of Acquisition will initiate the procurement action when it receives the funded Acquisition Package, however, only the responsible contracting officer has the authority to contractually obligate the Government to a procurement.

9.0 PROTECTING UNSOLICITED PROPOSAL DATA

9.1 Bureau personnel will 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 negotiation with any other firm. However, this prohibition does not preclude using any data, concept, or idea available to the Bureau from other unrestricted sources.

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- 9.2 Bureau personnel will not disclose restrictively marked information 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 administrative disciplinary action or criminal penalties under 18 United States Code (USC) 1905.
- 9.3 Bureau personnel will notify potential offerors that do not want company data disclosed for any purpose other than evaluation, that they must use the nondisclosure statement as written in Exhibit B. Unsolicited proposals marked with any other nondisclosure statement must be returned with instructions to use the nondisclosure statement as shown in Exhibit B.
- 9.4 The Coordinating Division will place a nondisclosure statement on each copy of the unsolicited proposal as a cover sheet when it is received, using the nondisclosure statement on Exhibit A.
- 9.5 When non-Bureau Government personnel and non-Government subject matter experts are used to evaluate unsolicited proposals, the Bureau must obtain written permission from the offeror to release the proposal for evaluation. Additionally, the Coordinating Division must use a nondisclosure statement coversheet (Exhibit A) on the proposal and have non-Bureau or non-Government evaluators sign an agreement restricting disclosure inside the Government.

10.0 OFFICE OF PRIMARY RESPONSIBILITY

Office of Acquisition

<SIGNED>
Larry R. Felix
Director

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EXHIBIT A
Cover Sheet

1. The following nondisclosure statement will be placed on each copy of an unsolicited proposal, before it is submitted to the program office performing the evaluation:

**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 this 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.

2. If an unsolicited proposal is received from an educational or nonprofit institution, or when evaluation outside the Government is necessary, the cover sheet will be modified as follows:

- 2.1 Change the beginning of the legend to read:

"All Government and non-Government personnel"

- 2.2 Delete the words:

"is not disclosed outside the Government and"

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EXHIBIT B
Offeror's Nondisclosure Statement

1. Title page must be marked with the following nondisclosure statement:

USE AND DISCLOSURE OF DATA

This data 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; however if a contract is awarded to this offeror as a result of or in connection with the submission of this 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 unrestricted source. The data subject to this restriction is contained on the following page(s):
_____.

2. Each page containing restricted data shall be further marked with the following nondisclosure statement:

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

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EXHIBIT C

Information For Potential Offerors Of Unsolicited Proposals

1. POLICY

It is the policy of the Government to foster and encourage potential contractors to submit unsolicited proposals when they will enhance, benefit and/or provide valuable input to the Bureau's research and development mission or another area of Bureau responsibility.

2. PRELIMINARY INQUIRIES

Potential contractors should approach the Bureau of Engraving and Printing to determine the general need for the proposed project and the requirements for submitting unsolicited proposals. This section is written to provide an overview to assist potential contractors through the Bureau's unsolicited proposal process. The [Federal Acquisition Regulation \(FAR\) Subpart 15.6](#) sets Unsolicited Proposal policy and general procedures.

3. DEFINITION OF AN UNSOLICITED PROPOSAL

- 3.1 Unsolicited Proposal – is a written offer to perform a task or effort submitted to the Bureau by an offeror, without Bureau solicitation, and with the express objective of obtaining a contract. It should be independently originated and developed by the offeror without any Bureau supervision, and present a unique or innovative method or approach to addressing a Bureau operational or management need. The unsolicited proposal must include sufficient detail to demonstrate that the proposed solution would benefit the Bureau, and that Bureau support would be advantageous.
- 3.2 Invalid Unsolicited Proposals – are those that do not meet the requirements of valid unsolicited proposals; they are described by example below:
- Advertising material designed to present the contractor's present products or potential capabilities to potential customers, or to determine the Bureau's interest in buying such products.
 - A proposal offering the contractor's standard commercial product as a means to introduce the product into the Bureau's supply system as an alternate or replacement for an existing supply item.
 - A proposal merely offering concepts, ideas, or suggestions that is not a detailed technical proposal that includes cost estimates.
 - Written inquiries regarding Bureau interest in research areas, submissions describing research, pre-proposal explorations, or other written technical inquiries.
 - A proposal that addresses a specific documented Bureau requirement that is planned for competitive procurement, even if received before the Request for Proposal is released.

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- A proposal requested by Bureau personnel (either directly or indirectly) in order to avoid competitive procurement.

4. CONTENTS OF AN UNSOLICITED PROPOSAL

- 4.1 An unsolicited proposal must present a firm, priced offer to accomplish a specific function supporting the Bureau's mission and contain sufficient information to facilitate an objective and timely evaluation of its worth, preferably without consulting other materials or the offeror.
- 4.2 The following basic information is required:
 - Offeror's name, address, and type of organization, e.g., small business, large business, profit, nonprofit, educational, etc.
 - Names and contact information of key personnel, technical and business, to use during evaluation or negotiation.
 - Properly marked proprietary data to be used only for evaluation purposes see Section 10 and Exhibit B.
 - Names of other Federal, state, local agencies, or parties receiving the proposal or funding the proposed effort.
 - Date of submission.
 - Signature by an authorized company official with authority to contractually obligate the organization.
- 4.3 The following technical information is required:
 - Concise title and abstract (approximately 200 words) of the proposed effort.
 - A full discussion of the unsolicited proposal's objectives, the approach and extent of the effort being employed, the nature and extent of the anticipated results, and how the effort will support accomplishing the Bureau's mission.
 - Resumes of the offeror's key personnel, including alternates, involved in the project.
 - Type of support needed from the Bureau, e.g., facilities, equipment, materials, or personnel resources.
- 4.4 The following supporting information is required:
 - Proposed price or total estimated costs for the effort, ensuring there is enough detail for a meaningful evaluation.
 - Period of time for which proposal is valid (at least 6 months is suggested).
 - The type of contract preferred, i.e. time and materials, firm fixed-price, etc.
 - Proposed duration of the effort.
 - Description of the organization, its past performance in the field, and facilities it will use for the effort.
 - Pertinent comments concerning security clearances, organizational conflicts of interest, or other matters necessary for full understanding of the proposal.
 - The names and telephone numbers of agency technical or other BEP points of contact already contacted regarding the proposal.

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5. SUBMISSION OF UNSOLICITED PROPOSALS

5.1 The Office of Acquisition (OA) is the Bureau point of contact for unsolicited proposals, and should be the starting point for employees and offerors for matters concerning unsolicited proposals. To submit an unsolicited proposal related to equipment and materials, click this link to the [Equipment and Materials Division](#), who will manage the proposal's evaluation. If you are interested in submitting unsolicited proposals addressing IT or services, click the link for the [IT and Services Division](#) that manages proposal evaluations in those areas. A contract specialist from the appropriate division will contact you when the unsolicited proposal is received and keep you apprised of the submitted proposal's status.

5.2 Ensure the unsolicited proposal is delivered at least six months before the proposed project start date to allow sufficient evaluation; and in the case of accepted proposals, sufficient negotiation time. Unsolicited proposals may be submitted in hard copy or email.

Use the following address for submitting unsolicited proposals by postal service, mail to the attention of the unit manager of the division that will manage your proposal:

—Office of Acquisition
Bureau of Engraving and Printing
14th and C Streets, SW, Room 705-A
Washington, DC 20228

5.3 Contacting Bureau technical personnel before submitting an unsolicited proposal to obtain background understanding of the Bureau's mission and needs relative to an unsolicited proposal is encouraged and permitted. Potential offerors should be advised that Bureau personnel are not authorized to obligate the organization to pay for costs associated with developing and submitting an unsolicited proposal. Additionally, the Bureau is not obligated to accept and fund an unsolicited proposal once submitted.

6. PROPRIETARY INFORMATION

6.1 By regulation, the Bureau is not permitted the use of all, or any part, of an unsolicited proposal to solicit or negotiate with any other firm, unless the offeror has been notified, and agrees, to the intended use. This prohibition extends to the disclosure of information that concerns or relates to trade secrets, processes, operations, style of work, apparatus, or similar matters.

6.2 However, this prohibition does not preclude using any data, concept, or idea available to the Bureau from other unrestricted sources, if the unsolicited proposal had not been submitted.

6.3 In order to assure proper protection for proprietary data submitted as a part of an unsolicited proposal, offerors must mark the title page with the following statement:

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USE AND DISCLOSURE OF DATA

This data 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; however if a contract is awarded to this offeror as a result of or in connection with the submission of this 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 unrestricted source. The data subject to this restriction is contained on the following page(s): _____.

- 6.4 The offeror must also mark each sheet that it wishes to restrict with the following nondisclosure statement:

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

- 6.5 An unsolicited proposal shall be returned to the offeror if it is marked with a nondisclosure statement different from that shown above. Standard language for nondisclosure statements has been provided in order to avoid the need for the Bureau to research the legal nuances of each restriction applied. Unsolicited proposals that have been returned for this reason may be resubmitted, provided the appropriate nondisclosure statement has been provided.