

**A PRACTICAL GUIDE FOR PREPARING AND
SUBMITTING
UNSOLICITED PROPOSALS**

To

Office of the Chief Procurement Officer

First Responder Network Authority (FirstNet)

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## INTRODUCTION

This guide has been prepared, pursuant to Federal Acquisition Regulation (FAR) Part 15.6, to inform potential offerors of unsolicited proposals about the FirstNet Responder Network Authority (FirstNet), its functions, and how it handles the submission of unsolicited proposals. Inside, you will find definitions of common terms, basic instructions for submitting an unsolicited proposal, the types of information which must be included, and how to protect the data contained in an unsolicited proposal.

An unsolicited proposal package is used to present and explain the merits of an idea, product or service which was developed by the offeror and supports or aids in accomplishing a Government mission. Their submission affords the government the opportunity to review unique and innovative ideas or approaches from the public and private sector which may have potential applicability to its mission.

All proposals submitted to the FirstNet Office of the Chief Procurement Officer (OCPO) for consideration should be clear and complete with respect to the content and format detailed in this guide. To help you fully understand FirstNet, its mission, and organization, a list of published reference documents is included in Appendix A of this guide.

Additionally, in accordance with the FirstNet Acquisition Manual, **ALL** unsolicited proposals received by FirstNet personnel shall be forwarded to the OCPO for consideration. This Office will review the package and forward the information to the appropriate office for further consideration, if appropriate.

## **FIRSTNET PROCUREMENTS**

The FirstNet procurement organization contracts with the private sector for a variety of supplies, equipment and services. Services might include such things as training, architect-engineering, consultant and advisory services, custodial services, guard services, operation and maintenance, telecommunications and information technology (IT) support. FirstNet also procures supplies and equipment such as office supplies, office furnishings, and IT equipment including various types of computers, copiers, facsimile machines, and telephone equipment. Contract values can span a wide range from less than \$3,000 to several billion dollars depending on the identified need.

While most offers received by the FirstNet are obtained by the more conventional practice of submitting offers in response to official solicitations, FirstNet recognizes the private sector is filled with innovative individuals and groups able to offer different perspectives on how FirstNet can fulfill its mission. For this reason, FirstNet accepts unsolicited proposals for consideration for the award of a sole source contract.

But, what is a true unsolicited proposal? Who can submit them? When should they be submitted? To whom are they submitted and where? How will they be evaluated once they are submitted? These are all very good questions, so let's start at the beginning.



What is an unsolicited proposal? The FAR defines an unsolicited proposal in FAR 2.101.

### **DEFINITIONS**

An **unsolicited proposal** means a written proposal for a unique 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. An unsolicited proposal is not an offer in response to a request for proposals, an offer in response to a Broad Agency Announcement, a Small Business Innovation Research topic, a Small Business Technology Transfer Research topic, a Program Research and Development Announcement, or any other Government-initiated solicitation or program.

In layman's terms, an unsolicited proposal is an innovative or unique idea developed by a non-government person or entity on their own, which supports a government mission, and is submitted, in a prescribed format, in the hopes of obtaining a government contract.

It is important to keep in mind government agencies, bureaus, and departments can only contract for things which support their specific mission. A little research can help you get your idea into the right hands. Keep in mind advertising material, commercial item offers, contributions, and routine

correspondence on technical issues are not considered unsolicited proposals. To help you make the distinction, the actual definitions of these terms as they appear in FAR Part 15.601 follow.

- **Advertising material** means 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 such products or services.
- **Commercial item offer** means 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** means 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.
- **Routine correspondence on technical issues** is a written request for information regarding Government interest in research areas, submission of research descriptions, pre-proposal exploration, and other written technical inquiries.

*“Unsolicited proposals allow unique and innovative ideas or approaches that have been developed outside the Government to be made available to Government agencies for use in accomplishment of their missions. Unsolicited proposals are offered...for research and development ... supporting the Government mission, and often represent a substantial investment of time and effort by the offeror.”*

### **Acceptable Unsolicited Proposals**

You have come up with an idea and you would like to share your idea with FirstNet, but

how do you do that? The best way to introduce unique and innovative concepts or ideas to the Government is to submit an unsolicited proposal.

By regulation, an unsolicited proposal must fulfill **all** of the requirements that are found in FAR 15.603(c). This means it must:

- (1) Be innovative and unique;
- (2) Be independently originated and developed by the offeror;
- (3) Be prepared without Government supervision, endorsement, direction, or direct Government involvement;
- (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;
- (5) Not be an advance proposal for a known agency requirement that can be acquired by competitive methods; and
- (6) Not address a previously published agency requirement.

***Agency technical personnel may only be contacted for the limited purpose of obtaining an understanding of the agency mission and the responsibilities relative to fulfilling that mission.***

Because unsolicited proposals are developed on the initiative of the submitter, the Government is not responsible for any costs

incurred in the preparation or processing of an unsolicited proposal. For this reason, FirstNet recommends you research FirstNet's mission to gain an understanding of its significant areas of performance. FirstNet's internet address is: [www.firstnet.gov](http://www.firstnet.gov).



Agency technical personnel may be contacted to discuss only information to help you obtain an understanding of the agency mission and the responsibilities relative to fulfilling that mission. Any such meetings or discussions between you and agency technical personnel are strictly informal and should not be construed in any way that FirstNet has agreed to enter into a contract with you for your unique or innovative idea.

Additionally, these discussions may also be limited, depending on the circumstances, by particular laws that govern the conduct of lobbying efforts in connection with the expenditure of Congressionally-appropriated funds (see Public Law 101-121, Restrictions on Lobbying), or which control the exchange of information in connection with procurements already underway (see Public Law 101-189, Procurement Integrity).

Should questions arise during the preparation of an unsolicited proposal, you are encouraged to submit your inquiry to: [Procurement@firstnet.gov](mailto:Procurement@firstnet.gov)

## **WHAT TO SUBMIT**

So, you've come up with an innovative idea, you've determined it may meet the particular needs of the FIRSTNET, you've spoken to agency technical personnel and now you are ready to start putting your unsolicited proposal together. What should you include in your package?



Those who are interested in preparing an unsolicited proposal package for submission to the FirstNet must begin by preparing a package which contains the following information:

**Basic Information (FAR 15.605)**

- 1) Offeror's name and address and type of organization; e.g., profit, nonprofit, educational, small business;
- 2) Names and telephone numbers of technical and business personnel to be contacted for evaluation or negotiation purposes;
- 3) Identity of proprietary data to be used only for evaluation purposes;
- 4) Names of other Federal, State, Local agencies, or parties receiving the proposal or funding the proposed effort;
- 5) Date of submission; and
- 6) Signature of a person authorized to represent and contractually obligate the offeror.

### **Project Technical Information (FAR 15.605)**

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

The abstract should contain a description of the proposed project including project objectives and benefits. The statement of work must contain a complete functional description of the project to be undertaken and the manner in which the work will support the agency's mission. A schedule of major tasks and events to be accomplished along with a list of items to be delivered to the Government as end results of contract performance are key.

### **Supporting Information (FAR 15.605)**

- 1) Proposed price or total estimated cost for the effort in sufficient detail for meaningful evaluation;
- 2) Period of time for which the proposal is valid (a six month minimum is suggested);
- 3) Type of contract preferred;
- 4) Proposed duration of effort;
- 5) Brief description of the organization, previous experience, and past performance in the field, and facilities to be used;
- 6) Other statements, if applicable, about organizational conflicts of interest, security clearances, and environmental impacts; and

- 7) The names and telephone numbers of agency technical or other agency points of contact already contacted about the proposal.

**Limited Use of Data (FAR 15.609)**

Preparing an unsolicited proposal can be a lot of work and you may put a lot of time and effort into developing a package. If an unsolicited proposal contains information you wish to protect from unwanted disclosure, the title page must be marked with the following legend, also available in Appendix B.

**“USE AND DISCLOSURE 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].”*

In addition, you must also mark each restricted sheet of data it wishes to restrict with the following legend:

*“Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal.”*

The law requires the agency Point of Contact (POC) to return to you any unsolicited proposal marked with a legend different from that which is identified in Appendix B. The return letter will state that 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.

The agency POC also has to place a cover sheet on the proposal, or clearly mark it with the legend identified in Appendix C, unless you clearly state in writing that no restrictions are imposed on the disclosure or use of the data contained in the proposal.

### **WHO MAY SUBMIT PROPOSALS**

FirstNet will only accept unsolicited proposals from individuals or organizations determined to be responsible, prospective contractors. To qualify as a responsible, prospective contractor you must satisfy the following regulatory requirements:

- a) have adequate financial resources to perform the contract, or the ability to obtain them;
- b) be able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing commercial and Governmental business commitments;
- c) have a satisfactory performance record;
- d) have a satisfactory record of integrity and business ethics;
- e) have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them;
- f) have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them; and
- g) be otherwise qualified and eligible to receive an award under applicable laws and regulations.



## **WHEN TO SUBMIT PROPOSALS**

Unsolicited proposals may be submitted at any time throughout the year. However, all unsolicited proposals should be submitted well in advance of the anticipated starting date. If FirstNet accepts your proposal, this is to allow the agency time to make adjustments in time frames and budget to accommodate the acceptance.



## **WHERE TO SUBMIT PROPOSALS**

All unsolicited proposals to FirstNet will be submitted to the following email address:

[Procurement@firstnet.gov](mailto:Procurement@firstnet.gov)

The FirstNet Office of the Chief Procurement Officer acts as a central receiving point for the distribution, handling, and reporting of unsolicited proposals. The receiving office will forward unsolicited proposals to appropriate program areas for further evaluation, if the prerequisites identified above are met.

FirstNet will acknowledge receipt of unsolicited proposals within ten (10) workdays after the proposal is received. You will be notified by that office of the receipt of the proposals, the fact that the proposal is undergoing evaluation, and if possible, an estimated completion date. Competing priorities, time of the year, and the complexity of the submission can all effect how quickly an unsolicited proposal can be reviewed.

***NOTE: Furnishing your unsolicited proposal to any other office in FirstNet may jeopardize its eligibility as an unsolicited proposal and could lead to the unintended or unwarranted disclosure of its contents.***



## **EVALUATION OF THE PACKAGE**

Clarity and completeness of any unsolicited proposal package are extremely important. Be sure to thoroughly explain the idea or concept and include all required information. A package which possesses these qualities will likely move through the process faster resulting in less time spent in review and a quicker response.

In conducting a comprehensive evaluation of an unsolicited proposal, evaluators will consider, among other things, the following factors (see FAR 15.606-2) for the particular proposal:

- 1) Unique, innovative, and meritorious methods, approaches or concepts demonstrated by the proposal;
- 2) Overall scientific, technical, and/or socioeconomic merits of the proposal;
- 3) Potential contribution of the effort to the agency's specific mission;



- 4) Your capabilities, related experience, facilities, techniques, or unique combinations of these which are integral factors for achieving the proposal objectives;
- 5) The qualifications, capabilities, and experience of the proposed principal investigator, team leader, or key personnel who are critical in achieving the proposal objectives; and
- 6) The realism of the proposed cost.

It is important to note that a favorable evaluation of an unsolicited proposal neither justifies awarding a contract without providing for full and open competition nor does it constitute any obligation on the part of the Government to accept the proposal. Other priorities or program funding limitations may preclude FirstNet from making an award even if the evaluation is favorable.

If an unsolicited proposal does not meet statutory criteria for award of a sole-source, or other noncompetitive contract, then a contract cannot be awarded in direct response to that proposal. In that case, a contract may only be awarded if the proposal is subsequently selected after full and open competition is obtained.

A market search will be necessary to determine whether there are capable, alternative sources or means by which the Government may obtain the proposed product or services. Criteria for authorizing the Government to use noncompetitive contracts can be found in the Competition in Contracting Act (Public Law 98-369) and in Federal Acquisition Regulation, Part 6.



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## **OTHER PATHS**

What if after all this you decide that your proposal does not truly meet the requirements of an unsolicited proposal? Maybe you found a similar approach, technique, or concept while you were performing your research. Or, maybe, you learn it closely resembles a pending competitive acquisition requirement. What then?

You may want to look for contracting opportunities on the Federal Business Opportunities (FBO) website which can be found at [www.fedbizopps.gov](http://www.fedbizopps.gov). This path to a government contract can be easier to navigate because solicitation documents often specify the types of supplies, equipment or services which are sought, delivery time frames, and the anticipated quantities needed in order to support the mission of FirstNet. Additionally, you can use the site to research subcontracting and/or partnering opportunities.

Additionally, FirstNet uses the System for Award Management (SAM) to search for small business sources. In fact, all potential government contractors are encouraged to register their company

information in the SAM. The SAM is accessible at: [www.uscontractorregistration.com](http://www.uscontractorregistration.com) . You can create an account by clicking on the “New Registration” button. You will also find frequently asked questions and a list of the information you will need to get started.

In summary, the information contained in this guide has been provided in accordance with (FAR) Part 15.6 but also in the hope it would make it easier for you to find contracting opportunities within the federal government but more specifically, with FirstNet.

## APPENDIX A – REFERENCES

The following publication is suggested for additional information:

**Title 48 Code of Federal Regulations (CFR).** Chapter 1, The Federal Acquisition Regulation (FAR), Subpart 6.3 – Other than Full and Open Competition, and Subpart 15.6 – Unsolicited Proposals, available at the Acquisition Network website at <https://www.acquisition.gov/>.

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## **APPENDIX B**

### **UNSOLICITED PROPOSAL (FAR 15.609(a))**

#### **USE AND DISCLOSURE 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*].

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## **APPENDIX C**

### **UNSOLICITED PROPOSAL (FAR 15.609(d))**

#### **UNSOLICITED PROPOSAL - USE OF DATA LIMITED**

All Government 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 FAR 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.

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