

DRMS-P

December 18, 2001

UNSOLICITED PROPOSALS  
(Supplementation is Prohibited.)

A. REFERENCES.

1. Federal Acquisition Regulation (FAR) Subpart 15.6, "Unsolicited Proposals".

**2. DRMS Instruction 4105.1, Unsolicited Proposals, November 30, 1998, (hereby superseded).**

B. PURPOSE.

1. Supersedes reference **A2** above in its entirety.

2. This instruction provides guidance on administrative process controls and the timely response to an unsolicited proposal.

C. APPLICABILITY AND SCOPE. This instruction applies to all unsolicited proposals received by the Defense Reutilization and Marketing Service (DRMS) or the Defense Logistics Information Service (DLIS), Battle Creek, Michigan.

D. DEFINITIONS.

1. Unsolicited proposal is a written proposal that is submitted to an agency on the initiative of the submitter for the purpose of obtaining a contract with the Government and which is not in response to a formal or informal request (other than an agency request constituting a publicized general statement of needs).

2. A valid unsolicited proposal must contain all of the following elements: **(1)** be innovative and unique, **(2)** be independently originated and developed by the submitter, **(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 would directly benefit either the DRMS or the DLIS mission, and **(5)**, not an advance proposal for a known DRMS or DLIS requirement that can be acquired by competitive methods.

3. The following are examples of submittals that are not unsolicited proposals: advertising material, commercial product offerings or technical correspondence. Concepts, suggestions or ideas presented to DRMS for its use, with no indication the submitter will devote any further individual resources or effort relating to such concepts, suggestions or ideas, does not meet the definition of an unsolicited proposal.

E. PROCEDURES.

1. All DRMS/DLIS offices or directorates shall upon initial receipt of an unsolicited proposal date stamp all copies of the proposal.
2. Place a DLA Form 22, "FOR OFFICIAL USE ONLY" (COVER SHEET) on the proposal.
3. Formally forward, via either inter-office mail, or hand delivery, the proposal and all copies within 2 working days to the DRMS-**POP**/Unsolicited Proposal Coordinator.

F. RESPONSIBILITIES.

1. For all unsolicited proposals received within DRMS or DLIS, the DRMS-**POP** Procurement Technical Division, Contracting, shall be the single point of contact.
2. The Chief, **Policy and Technical Support Branch (DRMS-POP), under the Procurement Operations Division**, shall:
  - a. Within 3 working days of receipt in DRMS-**POP**, determine if:
    - (1) The proposal meets the FAR Subpart 15.605 criteria for proposal content. If the proposal fails to meet the FAR Subpart 15.605 content requirement, formally return the unsolicited proposal to the submitter within 3 working days. Return correspondence shall specifically cite all proposal content deficiencies. Formally encourage proposal **re-submittal** once corrections are made.
    - (2) Determine the submitters' intentions with respect to the restrictive markings required by FAR Subpart 15.609. If the proposal is missing restrictive markings, contact the submitter. Confirm the intentions of the submitter with respect to the use, reproduction and disclosure of the data before forwarding the proposal to the office of primary technical responsibility. Once both of the above conditions are met, provide the submitter a written acknowledgement of receipt. Include a date in the acknowledgement when the submitter can expect a formal reply.
    - (3) Advise the submitter that requests by technical evaluators for further information, or **re-submittal** after proposal rework, shall be at the expense of the submitter and shall create no obligation to the Government. If the proposal is not accepted, the Government is not obligated in any way to reimburse the submitter for any costs it may have incurred in submitting the unsolicited proposal.
  - b. Determine the primary office of technical responsibility within DRMS/DLIS. Formally send one complete copy of the unsolicited proposal to the office of primary technical responsibility within 3 working days.
  - c. Retain the original copy of the unsolicited proposal in DRMS-**POP** official file. In the event of an unfavorable evaluation, retain the original copy of the unsolicited proposal in the official file. Dispose of any additional copies in accordance with submitter instructions. In the absence of submitter disposal instructions, destroy all copies of the unsolicited proposal except the original copy.
  - d. Maintain this instruction in a current status **and review it biennially**.
  - e. Be responsible for establishing and maintaining administrative process controls over unsolicited proposals to ensure timely response to the submitter, comprehensive and fair technical evaluation, and to inform persons involved with the evaluation process of the restrictions on the use or disclosure of proprietary information contained in the proposal.
  - f. Ensure technical evaluation is completed and formal response sent to the submitter within 40 calendar days of initial receipt within DRMS-**POP**. Advise the submitter if the evaluation process will exceed 40 calendar days and establish a revised date when the submitter may expect a reply.

3. The Office of Primary Technical Responsibility shall:

a. Select and apply the best procedure by which an objective evaluation of the proposal can be achieved.

b. If non-Government personnel will be used to evaluate the proposal, then send each non-Government evaluator one copy of the enclosure 2 and enclosure 3. Enclosures 2 and 3 shall be executed and returned prior to releasing the proposal to a non-Government evaluator. Provide an executed copy of both enclosure 2 and enclosure 3 to the DRMS-**POP**/Unsolicited Proposal Coordinator within 2 working days of receipt.

c. Ensure the enclosure 1 cover sheet is placed and remains on all documents and working papers during the evaluation process.

d. Be responsible for all coordination efforts required during the technical evaluation process between other offices or directorates.

e. Evaluate the unsolicited proposal using the minimum set of criterion set forth in FAR Subpart 15.606-2.

f. Establish and apply additional mission-related evaluation criterion to be used in evaluating the unsolicited proposal.

g. Conduct a comprehensive and fair technical evaluation of the unsolicited proposal against the criteria of FAR Subpart 15.606-2 and any additional mission-related criterion.

h. Mark all technical evaluations and related working papers with the legend "SOURCE SELECTION INFORMATION-SEE FAR 3.104."

i. Complete, and formally return to DRMS-**POP**, the unsolicited proposal and its technical evaluation within 30 working days. Forward all working papers used in the evaluation process to DRMS-**POP**. Advise the DRMS-**POP**/Unsolicited Proposal Coordinator before the due date if additional time is required for evaluation, provide justification therefore, and a revised completion date.

j. Track and report the number of labor hours expended during the technical evaluation process to the assigned activity-based accounting cost code.

k. In the event of an affirmative evaluation, and the office of primary technical responsibility elects to employ a service contract, forward a fully funded purchase request and statement of work to DRMS-**P**. In the event a sales contract vehicle is selected, the office of primary technical responsibility shall forward the request for action to DRMS-**BA**.

l. In the event of a negative evaluation, provide a technical evaluation summary. List all criteria used in evaluating the proposal. List the reason(s) why the proposal passed or failed on each evaluation criterion.

4. DRMS/DLIS Offices/Directorates shall:

a. Advise employees involved in the evaluation process of the requirements of FAR Subpart 15.608. Employees are responsible for the handling and safekeeping of unsolicited proposals in their possession. Employees shall be cautioned that an unsolicited proposal may contain proprietary information. The release, publication, copying or use of information contained in the unsolicited proposal may subject a person to severe criminal or administrative penalties. Failure on the part of the submitter to place restrictive markings on the proposal does not change the character of the information contained therein.

b. Encourage potential submitters to contact DRMS or DLIS technical personnel before expending significant resources on preparing detailed unsolicited proposals. Contacts of this kind can answer questions relative to the general need for the proposed effort. Such contacts should not be construed as any form of negotiation in contemplation of any contractual arrangement. DRMS/DLIS personnel shall remind potential submitters that only warranted contracting officers have the authority to contractually bind the Government.

G. EFFECTIVE DATE AND IMPLEMENTATION. This instruction is effective and shall be implemented upon ***signature by the DRMS Executive Assistant.***

H. INFORMATION REQUIREMENTS. (Reserved for future use.)

BY ORDER OF THE COMMANDER

/s/  
JANINE DES VOIGNES  
Executive Assistant

UNSOLICITED PROPOSAL USE OF DATA LIMITED

All Government personnel handling this proposal shall exercise extreme care to ensure that the information contained herein is not disclosed to an individual who has not been authorized access to such data in accordance with 3.104, and is not duplicated, used in whole or in part for any purpose other than the evaluation of the proposal, without the written permission of the offeror. If a contract is awarded on the basis of this proposal, the terms and conditions 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 obtainable from another source without restriction.

This is a Government notice and shall not, by itself, be construed to impose any liability upon Government or Government personnel for any disclosure or use of the data contained in this proposal.

DO NOT REMOVE THIS COVER SHEET

Encl 2  
DRMS Instruction 4105.1

ABC Company  
123 Main Street  
Anytown, MI 48000-0001

Dear \_\_\_\_\_:

In order to adequately evaluate your unsolicited proposal dated \_\_\_\_\_ entitled \_\_\_\_\_, the Government is considering utilizing non-Government personnel as technical evaluators. I must receive your written permission before I can release your unsolicited proposal to non-Government personnel.

Please complete and sign the permission statement below. Return the completed statement in the enclosed prepaid envelope.

Sincerely,

John Doe

I hereby grant permission to the Defense Logistics Agency (DLA) to disclose all, or any necessary part, of the above described proposal to non-Government personnel solely for the purpose of technical evaluation. Such disclosure shall be contingent upon the execution of an agreement between DLA and each such evaluator that no information shall be retained or disclosed to any organization or individual outside the Government and that access to the proposal, in whole or in part, is solely for providing evaluation, analysis and recommendation to DLA.

Signature

Date

Title

MEMORANDUM OF AGREEMENT  
(NON-GOVERNMENT EVALUATION)

The undersigned agrees, on behalf of himself/herself or \_\_\_\_\_, not to disclose to any organization or individual outside the Government, any data contained in the unsolicited proposal submitted by \_\_\_\_\_ to the Defense Logistics Agency (DLA) dated \_\_\_\_\_ relating to \_\_\_\_\_. The undersigned understands that his/her receipt of the above described unsolicited proposal is for the sole purpose of evaluating and analyzing the proposal and making a recommendation to DLA concerning its acceptability and potential application for use within the Department of Defense or DLA. The undersigned, on behalf of himself/herself or \_\_\_\_\_, further agrees to conduct the evaluation of the unsolicited proposal in accordance with the procedures and requirements contained in Federal Acquisition regulation part 15 and to provide the results of the evaluation in confidence solely to DLA.

Signature

Date

Title

Address

