

**GUIDANCE FOR THE
PREPARATION AND
SUBMISSION OF
UNSOLICITED PROPOSALS**

Oct 2016

Forward

Constantly changing requirements and mounting technological complexity continue to challenge the National Security Agency (NSA). In an effort to meet this challenge, NSA is continually exploring the marketplace for approaches that allow it to keep one step ahead of the state-of-the-art. Therefore, the Agency encourages the submission of unique and innovative unsolicited proposals. While a number of mechanisms have been developed over the years to encourage participation in Agency research programs, this guidance focuses only on unsolicited proposals. Its purpose is to acquaint potential offerors with the specialized guidelines applicable to the preparation of unsolicited proposals.

This guidance is essentially a plain English version of Federal and Department of Defense Regulations. It is for use by all types of potential offerors. For further information, please contact the B312 Policy Office on 443-479-1792.

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INTRODUCTION

The National Security Agency (NSA) encourages submission of unsolicited proposals in accordance with the policies and procedures of the Federal Acquisition Regulation (FAR) (Subpart 15.6). This guidance is based on these Government-wide and DoD Regulations and it applies to all unsolicited proposals regardless of the Agency program for which they are intended. It does not apply to solicited proposals or proposals that would result in contracts. In case of an apparent conflict, the Regulations shall take precedence over this guidance.

DEFINITIONS

The FAR defines an "unsolicited proposal" as 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.

Note: A white paper submitted in response to a technical representative's verbal or written request and proposals for known requirements that can be acquired competitively or resemble a pending solicitation do not constitute an unsolicited proposal.

"COORDINATING OFFICE" means a point of contact established within the agency to coordinate the receipt, evaluation, and disposition of unsolicited proposals.

The following are not considered to be unsolicited proposals:

"TECHNICAL CORRESPONDENCE" means written requests for information regarding Government interest in research areas, submission of research descriptions, pre-proposal explorations, and other written technical inquiries (technical correspondence does not request nor require agency funding).

"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.

Advertising material, commercial item offers usually sold to the general public, or contributions, as defined above, routine correspondence on technical issues, proposals for known requirements that can be acquired competitively or resemble a pending solicitation do not qualify as unsolicited proposals.

RELATIONSHIP TO AWARD

Whether it is a contract, grant, cooperative agreement, or other type of agreement, the Contracting Officer at NSA will select the award instrument to be used to support or acquire an effort funded on the basis of submission of an unsolicited proposal. NSA does not have separate "grant proposal" and "contract proposal" categories, so all unsolicited proposals may be prepared in a similar fashion. The evaluation process, however, differs depending on the support instrument.

Grants and cooperative agreements are generally used to fund basic research in educational and nonprofit institutions, while other types of efforts in both educational and other private sector organizations are acquired under contract. Additional information peculiar to the contractual process (certifications, price/cost information, facilities etc.) will be requested by the NSA Contracting Officer, as necessary, as the procurement progresses.

WHEN TO SUBMIT

There are no specific dates for the submission of unsolicited proposals, but, as a practical matter, there is normally greater funding flexibility and availability during the early months in a fiscal year. The Fiscal Year begins October 1st. However, all unsolicited proposals should be submitted 6-9 months in advance of the desired start date.

WHERE TO SUBMIT

Proposal handling is centralized in the "coordinating office" to provide the shortest and quickest route between the offeror and the evaluating offices, which include both technical and economic evaluations.

All unsolicited proposals shall be submitted to:

National Security Agency
Attn.: Unsolicited Proposals, B312
9800 Savage Road, Suite 6623
Ft. George G. Meade, MD 20755-6623

Official copies submitted to addresses, other than the one listed above, may suffer delays in evaluation and may not be reviewed as formal submission to the Agency. All formally received proposals will be acknowledged.

Information copies may be forwarded to interested individuals within the Agency, although this is not recommended. However, if this is done, their names and organization should be mentioned in the letter of transmittal to the coordinating office.

NUMBER OF COPIES

Two (2) signed copies of unsolicited proposals must be submitted to the coordinating office listed above.

EVALUATION PROCEDURES

An unsolicited proposal sent to the address above will immediately be sent to an Agency organization determined to be the office of primary interest in the proposed technology area. That organization will be given 30 days to review the proposal and make a decision whether to accept it as qualified under this program. If accepted, the proposal submitter will be notified in writing; however, only if there is interest and funding available, either current year or potential future year funding, will further contact be made with the proposal submitter. Should a favorable decision to move forward with the proposal and should funds be available, the proposal will be processed through the normal agency procurement process and be subject to all applicable reviews and approvals required by the FAR and DFARS. The timeline for contract award could vary depending on the complexity and dollar amount of the procurement.

PROPOSAL CONTENTS

NSA does not have any prescribed forms or formats for preparation of unsolicited proposals; however, it is advisable that proposals conform to the procedural and submission guidelines covered within this document. Contact with Agency technical personnel prior to proposal submission is permissible and is encouraged to determine if preparation of a formal submission is warranted. Such discussions, confined to the limited objectives of conveying to the potential offeror an understanding of the Agency mission and needs relative to the type of effort contemplated, do not jeopardize the unsolicited status of any subsequently submitted proposal. It is advisable for the offeror to cite the individual's name and technical organization contacted in a conspicuous area of the proposal.

In order to be considered as a valid unsolicited proposal for formal Agency evaluation, a submission must be innovative and unique; be independently originated and developed by the offeror; be prepared without Government supervision; not be an advance proposal for a known Agency requirement that can be acquired by competitive methods, or duplicate a current or pending formal NSA solicitation. It must 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. It must not, for instance, merely offer to perform standard services or provide computer facilities or services. If a document does not meet these conditions, a comprehensive evaluation will not be made and the document will be considered and handled as technical correspondence (see "DEFINITIONS"), or returned to the

offeror. Correspondence of this nature is handled directly between the interested individual or organization and the appropriate Agency office or employee. The Agency does not have a "preliminary" or "informal" proposal category; hence inquiries or exploratory discussion prior to submission of a complete unsolicited proposal are handled as technical correspondence. This approach is to the offeror's advantage, as experience has demonstrated that abbreviated submissions rarely contain sufficient information to adequately communicate the potential merits of a contemplated project.

Unsigned "advance copies" may also be treated as technical correspondence or held in suspense, pending receipt of a properly endorsed proposal. For minor omissions, NSA may elect to request revised or additional material from the offeror, but this may lead to delay in initiating evaluation.

Proposals that vary widely from these guidelines may suffer unnecessarily long delays in evaluation and confuse the reviewers. Proposals in areas clearly beyond the Agency's mission and, for which there is no possibility of funding, need not be accepted for formal evaluation and the offeror will be so notified.

The following general information is needed in all unsolicited proposals in order to permit consideration in an objective and timely manner:

Transmittal Letter of Introductory Material, to include:

- The legal name and address of the organization and specific division or campus identification, if part of a larger organization;
- Type of organization: e.g., profit, nonprofit, educational, Historically Black College or University, Minority Institution, small business, small disadvantaged, small woman-owned, etc.
- Name and telephone number of the technical and business personnel who may be contacted during evaluation or negotiation;
- 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 proposal effort;
- Date of submission;
- Signature of person authorized represent and contractually obligate your organization (unless the signature appears on the proposal itself)

ABSTRACT

Include a concise (200-300 word) abstract describing the objective of the proposed effort and the method of approach.

PROJECT DESCRIPTION

The main body of the unsolicited proposal should be a detailed statement of the work to be undertaken and should include: significance of the proposed work, a statement of the objectives and the expected outcome; relation to the present state of knowledge in the field; and relation to previous work done on the project and to related work in progress elsewhere. The statement should outline the general plan of work, including the broad design of experiments to be undertaken and an adequate description of experimental methods and procedures.

When it is expected that the effort will require more than one year for completion, the proposal should cover the complete project to the extent that it can be reasonably anticipated. Principal emphasis should, of course, be on the first year of work, and the description should distinguish clearly between the first year's work and the work planned for subsequent years.

MANAGEMENT APPROACH

For large or complex efforts involving interactions among numerous individuals or organizations, plans for distribution of responsibilities and any necessary arrangements for ensuring a coordinated effort should be described.

PERSONNEL

Technical personnel are responsible for direct supervision of the work and participate in the conduct of the research regardless of whether compensation is received under any award.

A short biographical sketch of the offeror's key personnel who would be involved including a list of their principal publications and any exceptional qualifications. Include a statement of U.S. Citizenship or resident alien status of each individual. Omit any personal items that would not merit consideration in evaluation of the proposal. Give similar biographical information on other senior professional personnel who will be directly associated with the project. Give the names and titles of any other scientists and technical personnel closely associated with the project in an advisory capacity. Universities should list approximate number of students or other assistants, together with information as to their level of academic attainment. Any special industry-university cooperative arrangements that will enhance the project should be described.

It should be noted that non-U.S. Citizenship and/or an individual's resident alien status may result in the individual being found ineligible to work on the project.

FACILITIES AND EQUIPMENT

Describe available facilities and major items of equipment especially adapted or suited to the proposed project, and any additional major equipment that will be required. Identify any Government-owned facilities, industrial plant equipment or special tooling which needs to be

used on the project. Before requesting a major item of capital equipment, the offeror should determine if sharing or loan of equipment already within the organization is a plausible alternative to purchase. Where such arrangements cannot be made, the proposal should so state.

The need for items that are typically used for both research and non-research purposes should be explained.

PROPOSED COST

Proposals should contain cost and technical parts in one volume. As applicable, include separate cost estimates for salaries and wages; fringe benefits; equipment; expendable materials and supplies; services; domestic and foreign travel; ADP expenses; publication or page charges; consultants; subcontracts; other miscellaneous identifiable direct and indirect costs. Salaries and wages should be listed in appropriate organizations categories, e.g. principal investigator, other scientific and engineering professional, graduate research assistants, and technicians and other non-professional personnel. Estimate all manpower data in terms of man-hours.

Explanatory notes should accompany the cost proposal to provide: identification and estimated cost of major capital equipment items to be acquired; purpose and estimated number and lengths of trips planned; basis for indirect cost computation, including date of most recent negotiation and cognizant agency; and clarification of other items in the cost proposal that are not self-evident. Allowable costs are governed by FAR Part 31 and OMB Circular A-21 for educational institutions and A-122 for nonprofit organizations.

SECURITY

The submitter shall be required to comply with all applicable Agency security regulations if the proposed research requires access to or will result in the generation of classified information.

CURRENT PROJECTS

Provide the title of the project, sponsoring agency, and completion date of all other current Projects being conducted by the proposed principal investigator.

SPECIAL MATTERS

Include any required statement of environmental impact of the research, conflict of interest, or such other topics as may be required by the nature of the effort and current statutes, executive orders, or other current Government-wide guidelines.

Offerors other than educational institutions should include a brief description of the organization, its facilities, and previous work experience in the field of the proposal.

Identify the cognizant Government audit agency and inspection agency, when applicable.

LENGTH

There is no specific length requirement for proposals; however, every effort should be made to keep them concise and focused on substantive material essential for a complete understanding of the project. Any necessary detailed information, such as reprints, should be included as attachments rather than in the main body of the proposal. In this case, a complete set of attachments is necessary for each copy of the proposal. Avoid use of "one-of-a-kind" attachments; instead, their availability should be mentioned in the proposal.

JOINT PROPOSALS

Some projects involve joint efforts among individuals in different educational institutions or organizations. The proposal may be submitted by one party in such cases; however, the proposal should clearly describe the role to be played by each organization as well as the legal and managerial arrangements contemplated.

Alternatively, the cooperating parties may prefer simultaneous submission of related proposals from each organization, in which case parallel awards would be made.

Where a project of a cooperative nature with the Agency is contemplated, the proposal should describe the contributions expected from any participating Agency employee and Agency facilities or equipment that may be required. However, the proposal must be confined to only material that the proposing organization can commit itself. "Joint" proposals that purport to specify the internal arrangements the Agency will actually make are not an acceptable means of establishing an Agency commitment.

TECHNICAL EVALUATION

Comprehensive technical evaluations of unsolicited proposals will consider all the factors identified in FAR 15.606-2.

The principal elements considered in evaluating a proposal are its technical and programmatic relevance to Agency objectives and intrinsic scientific or engineering merit, the qualifications of the investigator and the investigator's institution and the overall cost (exclusive of the amount of cost sharing, if any).

Several evaluation techniques are regularly used within the Agency. Regardless of the technique, proposals are reviewed by technical personnel knowledgeable in the proposed area of discipline. Technical proposals are reviewed entirely in-house. Cost proposals are reviewed using the combined efforts of in-house economic personnel and the Defense Contract Audit Agency, if applicable. For educational institutions, the local or regional Office of Naval Research and/or the Department of Health and Human Services will perform rate reviews and provide information on any existing rate agreements. The final decisions are always made by Agency

employees. If, during proposal evaluation, additional information is requested, it should be forwarded through the coordinating office.

NOTE: Universities should make sure that their rates are on file with the local or regional Office of Naval Research and/or the Department of Health and Human Services.

REVISIONS

Unsolicited proposals may be revised in the absence of any specific request resulting from the evaluation process. If the offeror wishes to submit additional material or a complete revision, it should be mailed to the same address as the original unsolicited proposal was.

It should be noted that submission of duplicative or overlapping proposals or revisions may delay the evaluation. It is important to clearly identify the original proposal by title, by date of submission, to whom submitted, and by NSA serial number from the acknowledgment letter, and to explain the relationship between new material and the previous submission.

ACCEPTANCE

When an unsolicited proposal is accepted, negotiation and award will be by NSA. The unsolicited proposal is used as a basis for negotiation with the original offeror. Additional information, such as certifications, cost and pricing data, will be required as the negotiations evolve. NSA does not allow a proposal or any of the unique ideas in it to be used as a basis of a solicitation or negotiation with other organizations. For purposes of clarity and to ensure a full and complete understanding of the requirement, the government may develop a statement of work or purchase description to include any documentation requirements. The intent is not to change the proposal, but rather to align it with a particular need. Nonetheless, the offeror would have the opportunity to make any necessary minor revisions to the proposal.

An unsolicited proposal that results in an award becomes a part of that award document and may be available to the public upon specific request (i.e., Freedom of Information Act requests); however, information or material will be held in confidence to the extent permitted by law, including the Freedom of Information Act.

LIMITED USE OF DATA STATEMENT

An unsolicited proposal may include data that the offeror does not want disclosed for any purpose other than evaluation. If the offeror wishes to restrict the proposal, the title page must be marked with the following legend:

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}.

The offeror shall also mark each 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"

REJECTION

The bulk of rejections are the result of the Agency's current or projected mission goals or non-availability of funds. However, NSA will return unsolicited proposals under the circumstances described in FAR 15.607. A record copy of a proposal that does not result in an award will be retained by NSA for a limited time period and then destroyed. Notification letters are addressed to the individual who made the official submission and will cite the reason(s) for rejection. Any request for further information on the technical aspects of evaluations should be directed to the NSA official who signed the notification letter.

WITHDRAWAL

Requests for withdrawal of an unsolicited proposal may be done at any time and should be sent to the NSA coordinating office identified on page 5. The serial number from the acknowledgment letter should be cited.

INTERAGENCY COORDINATION

NSA does not transfer formal submissions to, or accept similar submissions from, other agencies without the written consent of the offeror, except as they relate to an interagency funding arrangement.

COMPETITION IN CONTRACTING ACT

A favorable comprehensive evaluation of an unsolicited proposal does not, in itself, justify awarding a contract without providing for full and open competition. The Competition in Contracting Act (CICA) promotes "full and open competition" by requiring (with certain exceptions) that all responsible sources be permitted to compete for contracts. However, a contract based on an unsolicited proposal may be awarded without providing for full and open competition if the Contracting Officer determines it satisfies the requirements of FAR 6.3.

OTHER POINTS OF CONTACT

In the event that an entity wishes to explore a potential business relationship that does not fall under the unsolicited proposal provisions of this document, or if there is interest in arranging a company capabilities briefing for Agency personnel, business opportunities information can be obtained on the Internet at <http://www.nsa.gov/business/> .