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## **CHAPTER 16. Unsolicited Proposals**

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## **16.1 Policy**

The submission of new and innovative ideas is encouraged. Unsolicited proposals will be reviewed and the feasibility of their implementation will be considered.

## **16.2 Receipt and Acknowledgement**

Unsolicited proposals shall be marked with the date and time of receipt and shall be transmitted to the General Manager. The General Manager will designate an Authority official to review the unsolicited proposal and brief the General Manager on the objectives of the unsolicited proposal. The General Manager will decide whether or not to proceed with a formal evaluation. If the General Manager decides to proceed with a formal evaluation, the receipt of the unsolicited proposal will be acknowledged in writing. The proposer will be informed of the Authority's Regulations, and procedures regarding unsolicited proposals. Proposals shall be safeguarded from unauthorized disclosure from the time of receipt, throughout the review and evaluation process, to the final decision to accept or reject the unsolicited proposal.

## **16.3 Requirements for Unsolicited Proposals**

An unsolicited proposal is one which:

1. Is innovative or unique
2. Is independently originated and developed by the offeror
3. Is prepared without the Authority's supervision
4. Includes sufficient detail to permit a determination that the proposed product, services, or work could benefit the Authority's mission or allow it to meet its responsibilities
5. Is not an advance proposal for a known or anticipated Authority requirement that can be procured by competitive methods

Unsolicited proposals should contain sufficient information to permit consideration in an objective and timely manner. Unsolicited proposals must contain at a minimum:

1. Basic information about the entity submitting the unsolicited proposal (e.g., name, address, and points of contact)
2. Technical information stating the objectives of the effort or activity, method of approach, extent of effort to be employed, nature and extent of the anticipated results, and manner in which the work will help to support accomplishment of the Authority's mission
3. Supporting information including proposed price or total estimated cost for the effort in sufficient detail for meaningful evaluation, preferred contract type, proposed period of performance, and proposal validity period

## **16.4 Exchanges with Proposer**

Exchanges with the proposer after receipt of an unsolicited proposal are allowed. These may take the form of clarifications, communications, or discussions.

## **16.5 Revised Proposals**

An unsolicited proposal may be revised only if it has been determined that the unsolicited proposal meets all the requirements of the "Requirements for Unsolicited Proposals" above.



## **16.6 Competitive Proposals**

An unsolicited proposal may be the basis of a competitive procurement if deemed by the Contracting Officer to be in the Authority's best interest. Such determination shall be in writing and approved by the General Manager.

## **16.7 Confidential Information**

The Authority shall 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 negotiations with any other firm unless the proposer is notified of the intended use. However, this prohibition does not preclude using any data, concept, or idea in the proposal that also is available from another source without restriction.

## **16.8 Negotiation Memorandum**

An overview of the procurement process for an unsolicited proposal that meets the requirements of the Requirements for Unsolicited Proposals above shall be documented in a negotiation memorandum. The memorandum shall include key milestones, a brief explanation of exception occurrences, the negotiation strategy, the results of the negotiation, and a summary of the rejection/acceptance recommendation.

## **16.9 Rejection of Unsolicited Proposal**

An unsolicited proposal that does not meet the requirements of the "Requirements for Unsolicited Proposals" above shall be rejected without further review. An unsolicited proposal that meets the requirements of the "Requirements for Unsolicited Proposals" but that does not result in an acceptance recommendation shall be rejected. The proposer shall be notified in writing of the reasons for rejection and of the proposed disposition of the unsolicited proposal.

## **16.10 Recommendation to Accept Unsolicited Proposal**

The Contracting Officer may recommend acceptance of an unsolicited proposal to the General Manager, who may accept it or reject it.

## **16.11 Award of Contract**

Award of a contract as a result of an unsolicited proposal shall comply with the provisions of the chapter on Sole Source. Any of the contract types in the chapter on Contract Types may be used when accepting an unsolicited proposal for award.