



Transportation Security Administration

Unsolicited Proposal Guide

Contracting & Procurement

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Introduction.

This guidebook on unsolicited proposals is intended for use by private organizations and individuals who may be considering or are interested in submitting an unsolicited proposal to the Transportation Security Administration. Because the submission of an unsolicited proposal is entirely at the expense and risk of the submitter, those interested in preparing such proposals are encouraged to carefully review this guide and FAR 15.6 prior to submission. Additional background information about unsolicited proposals can be found in the Federal Acquisition Regulation (FAR) Subpart 15.6 entitled —Unsolicited Proposals— which can be accessed at these links: [FAR 15.6](#), and [HSAR 3015.6](#). Organizations are likewise reminded that direct submission of proposals or material in response to (and in accordance with the explicit submittal instructions of) specific sources sought notices, requests for quotations, requests for proposals, or Broad Agency Announcements is the preferred approach for those particular notices from the TSA.

I. Background:

Extensive information about Government procurement requirements are available from both the Federal Business Opportunities website, <https://beta.sam.gov/> and the Department of Homeland Security (<https://www.tsa.gov/for-industry/small-business>). Likewise, extensive information about the TSA's mission areas can be found on the TSA website at www.tsa.gov.

Small businesses seeking business opportunities should likewise consult with the Department of Homeland Security Small Business Office. Please understand that some organizations occasionally have sought advice about products or services they seek to offer in the commercial marketplace to other private parties that may relate to transportation security, or safety items, or to travel products or services. In that vein, the TSA does not provide any approval, endorsement, or otherwise promote recommendation of any private or commercial product or manufacturer.

II. Definitions.

Unsolicited Proposal – a proposal that is submitted to the Transportation Security Administration (TSA), on your initiative, for the purpose of obtaining a contract with the TSA. It may not be in response to a formal or an informal request for proposal or request for quotation. A valid unsolicited proposal must:

- be innovative and unique;
- be independently originated and developed by the Offeror;
- be prepared without Government supervision, endorsement, direction, or direct Government involvement;
- include sufficient information and detail to permit the Government's determination that Government support would be worthwhile and that the proposed work could benefit the TSA's research and development activities or mission responsibilities;
- not be an advance proposal for a known TSA requirement that can be acquired by competitive contracting methods;
- not address a previously published TSA requirement; and be approved by a responsible official within the submitting organization who is duly authorized to commit the organization.

The following **are not** considered unsolicited proposals when submitted to the TSA:

- **Advertising material** – material designed to acquaint the Government with a prospective contractor's present off-the-shelf products or potential capabilities, or designed to determine the Government's interest in buying such products.
- **Commercial offerings** – an offer of: (1) standard commercial products usually sold in substantial quantities to the general public and which the vendor or manufacturer wishes to see included in the Government's supply system; or (2) standard commercial services usually available to the general public (i.e., training services.)
- **Contributions** – a concept, suggestion, or merely an idea presented to the Government for its use, with no indication on the part of the submitter that he will devote any further effort in relation to such concept, suggestion, or idea on behalf of the Government.
- **Technical correspondence** – inquiries regarding Government interest in research areas, pre-proposal explorations, technical inquiries, and research descriptions.

III. General

The unsolicited proposal is a valuable means by which unique or novel ideas, concepts, methods, or approaches, which have been originated or developed outside the Government, can be made available to the TSA for use in the accomplishment of its mission. The unsolicited proposal is offered in the hope that Government will evaluate it favorably and eventually, after conducting the required internal review and approvals, enter into a contract

with the submitter for research on or development of the methods, approaches, or ideas it contains, or to provide the specific services, or the delivery of the items it proposes. Material submitted as an unsolicited proposal may not merely be an advance proposal for a specific TSA requirement that would normally be procured by competitive methods.

An unsolicited proposal must be prepared independent of Government supervision or advice. The unsolicited proposal should present the proposed work with enough information and in sufficient detail to allow a determination that Government support could enhance, benefit, and/ or be of value to the TSA mission. The unsolicited proposal must be in sufficient detail to facilitate a comprehensive technical and cost evaluation which the Government is required to perform as a portion of its consideration of the merit of the unsolicited proposal.

Companies have the choice of submitting the unsolicited proposal with or without restrictions on the use of any data it contains. Any unsolicited proposal or portion submitted without a restrictive legend will be considered free of all restrictions and may be used at the discretion of the Government, subject to the restrictions of 18 U.S.C. 1905. If you want to restrict the use of your data, you must comply with the guidance provided in Section VIII below. Proposals with restrictions that do not conform to these requirements will not be considered.

You are encouraged to submit for evaluation unique ideas or concepts, or innovative methods or approaches originated, conceived, or developed on your own and which have application to the work of the TSA in its primary field of transportation security. Unsolicited proposals which do not, in fact, contain unique ideas or concepts or innovative methods or approaches owned by the submitter will be returned to the Submitter without evaluation. The review or evaluation of an unsolicited proposal submitted to the TSA does not imply a promise to pay, recognize innovation, originality, or ownership, or an agreement to restrict the use of the information contained therein except as provided by an appropriate legend on such proposal.

When considering submitting an unsolicited proposal, you should bear in mind that the usual acquisition approach of the TSA is to develop its own requirements following published acquisition planning and investment review processes, conduct extensive market research, make public notice of intent to solicit, competitively solicit offers or request quotations through prescribed formal processes, conduct source selection evaluations per published standards, and then, finally, award a contract to the source that offers the best value to the Government.

IV. Response Time

The unsolicited proposal process is managed by Contracting & Procurement, Mission Essentials Division, Contract Closeout and Administrative Support Branch (CC&ASB). The business practice is to provide an initial response to unsolicited proposals within seven (7) calendar days after receipt. If the proposal does not meet the requirements of [\(FAR\) 48 CFR 15.606-1\(a\)](#) the Agency POC shall respond to the Company within three (3) business days after making the determination, in writing, of the reasons the proposal does not meet the requirements of an unsolicited proposal. A written response shall be provided when an unsolicited proposal is received by mail. A reply email will be provided when an unsolicited proposal is received by email. An email or phone conversation is also appropriate in responding to a phone inquiry.

V. Submission of Unsolicited Proposals:

Via Official TSA Mail. Unsolicited proposals submitted by official mail shall not be accepted by hand delivery. All U.S. mail shall be processed through the TSA mailroom to ensure materials are screened before delivery. See “Where to Submit” for additional information.

Via Telephone Inquiry. Inquiries about unsolicited proposals can be received by phone. The unsolicited proposal phone number is 571-227-4636. All pertinent information from the caller (name; company name; phone number; email address; and a brief description of their product or service) shall be obtained during the phone call.

Via Electronic Mail. Inquiries regarding unsolicited proposals as well as actual unsolicited proposals submissions can also be received by TSA email. The email address is TSAUnsolicitedProposals@tsa.dhs.gov.

Each submission must be clearly identified as an Unsolicited Proposal.

Evaluation will not begin until the electronic copy has been submitted and received. If a non-competitive award results from your unsolicited proposal, the unsolicited proposal will be retained by the Government for its official contract files.

VI. Content of Unsolicited Proposals.

See [\(FAR\) 48 CFR 15.605](#)

VII. Treatment of Data in Unsolicited Proposals.

A. **Required Legend.** Your unsolicited proposal may include data that you do not want disclosed for any purpose other than evaluation of the unsolicited proposal. If you want to impose such a restriction on the proposal, the title page **must** be marked with the following legend. (Proposals marked with any other legend cannot be considered):

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 company 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 is contained on in Sheets (insert numbers or other identification of sheets).

Each sheet of your unsolicited proposal containing data that you want to restrict must be marked with the following legend:

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

B. **Notice Regarding the Freedom of Information Act (FOIA).** Despite the use of the legend in this section, if the TSA receives a request under the Freedom of Information Act (FOIA) (5 U.S.C. 552 as amended) for all or part of your unsolicited proposal, our determination to withhold or disclose a record will be based upon the particular details of the proposal and whether the record may be exempted from disclosure under the FOIA regulations.

C. **Prohibitions.** No part of your unsolicited proposal will be used as the basis, or as a portion of a solicitation, or in negotiation with other firms, unless you are notified of such by the Government and agree to the intended use. However, the Government is not precluded from using any data, concept, or idea which it could have used had the unsolicited proposal not been submitted.

D. **Data Rights for Awarded Contracts.** In the case of an awarded contract, the Government intends to include the clause at FAR 52.227-14, Rights in Data—General, or other appropriate data rights clauses.

VIII. Evaluation of Unsolicited Proposals.

Each unsolicited proposal will be reviewed initially to determine if it meets the criteria for an unsolicited proposal as defined herein. If so, the proposal must contain technical information and a cost estimate sufficiently detailed by element of cost to permit a meaningful evaluation.

If the proposal is determined to be advertising material, a commercial offering, contribution or technical correspondence as defined herein, it will be treated accordingly and may be shared with other Contracting & Procurement divisions, including the TSA's Office of Small and Disadvantaged Business Utilization. Further use or disposition of such information will be under the discretion of Contracting & Procurement.

If the submission meets the requirements for an unsolicited proposal, and it is sufficiently detailed, an evaluation panel will convene which will provide the unsolicited proposal to the appropriate TSA program offices for a comprehensive technical evaluation, and the Submitters shall be advised of the results of the evaluation as soon as they are available. The evaluation by the TSA program office will consider the:

- 1) Unique, innovative, or meritorious methods, approaches or ideas that you have originated or assembled together that are contained in the proposed effort.
- 2) Overall scientific or technical merits of the proposed effort or activity.
- 3) Potential contribution that the proposed effort is expected to make to TSA's specific mission, if pursued at this time.
- 4) Capabilities, related experience, facilities, or techniques, or unique combinations that you possess and offer and are considered to be integral factors for achieving the objectives of the proposal.
- 5) Qualifications, capabilities, and experience of the proposed principal investigator, team leader, or key personnel which are considered critical in achieving the objective of the proposal.
- 6) Cost/benefit of the offer.
- 7) Funding availability.

If the evaluation process Contracting and Procurement will notify the Submitter in writing.

IX. Contracting Practices.

A. **Market Research for Competitive Sources.** Upon completion of a favorable technical evaluation of an unsolicited proposal and a determination that funds are available, the TSA will conduct a market search to determine whether the substance of the proposal is available to the Government from another source. However, in the process, the Government will not disclose to others the originality of thought and the creativity and innovation of the proposed approach contained in the unsolicited proposal.

If the market search discloses that competition is feasible, prospective Companies will be provided a solicitation document stating the Government's minimum requirements, as well as evaluation criteria, but not the particular ideas, proprietary information, or solution contained in the unsolicited proposal. A market search may be done by the Government through a public Request for Information (RFI), a notice published on Federal Business Opportunities (<https://beta.sam.gov>) or by other means, to test the marketplace to determine if other qualified sources can satisfy the Government's requirements.

B. **Non-Competitive Procurement.** A sole source contract award resulting from the evaluation of an unsolicited proposal can occur only when all of the following conditions are met:

- 1) The unsolicited proposal receives a favorable technical and cost evaluation.
- 2) A determination that funds are available.
- 3) The market search described above identifies no potential competitors.
- 4) Written documentation justifying a contract award without conducting the required competitive contracting procedures is reviewed, approved and publicly disclosed by duly appointed management officials in accordance with TSA's established procedures.

X. Policy Statement.

The TSA will process unsolicited proposals in accordance with the procedures outlined in this guide. However, the TSA's receipt, evaluation, or other processing of an unsolicited proposal does not constitute a contract or an authorization to proceed.

Organizations or individuals submitting material to the TSA are entirely responsible for all costs and performance that relates to such material as the TSA is not liable for any cost incurred or performance which occurs in absence of a properly approved contract. No TSA official other than a duly warranted contracting officer may award a contract or execute any agreement that binds the Government. Submission of material to the TSA as an unsolicited proposal does not constitute a contract, a promise to contract, or a commitment of any kind.