

Defense Human Resources Activity (DHRA)



GUIDE FOR PREPARING AND SUBMITTING UNSOLICITED PROPOSALS

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1. Introduction

This guide has been prepared pursuant to the Revolutionary Far Overhaul (RFO) Federal Acquisition Regulation (FAR) Subpart 15.5 – Unsolicited Proposals. Its purpose is to inform potential offerors of unsolicited proposals how Defense Human Resources Activity (DHRA) handles the unsolicited proposal process. Inside are basic instructions for submitting an unsolicited proposal, focused particularly on what type of information must be included in an unsolicited proposal to permit the submission for further consideration. Persons outside of the Government may use unsolicited proposals to present and explain the merits of a particular innovative approach or idea for accomplishing Government missions. However, in order to receive consideration, such proposals must be clear and complete with respect to the content and format details addressed in this guide. Advertising material, commercial item offers, contributions, and routine correspondence on technical issues are not considered unsolicited proposals. (See RFO FAR subpart 15.501 and 15.503).

2. Definitions (RFO FAR 2.101 and 15.501)

Advertising material - 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 product or commercial service offer - An offer of a commercial product or commercial service 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 products or commercial services that are being offered for further development and that may be submitted as an unsolicited proposal.

Contribution - 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.

Unsolicited proposal - 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.

Routine correspondence on technical issues - a written request for information regarding Government interest in research areas, submission of research descriptions, pre-proposal exploration, and other written technical inquiries.

3. Acceptable Unsolicited Proposals

By regulation, a submittal does not qualify as an unsolicited proposal unless it meets all of the requirements that are found in RFO FAR 15.503-1(b). 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.

4. Preliminary Contacts with DHRA

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, DHRA recommends that potential offerors contact agency personnel before expending extensive effort on a detailed unsolicited proposal or before submitting proprietary data to the Government.

Preliminary contacts should include inquiries as to the general need for the type of effort contemplated. 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. Any such meetings between a potential offeror and agency technical personnel are strictly informal discussions. Discussions may not be construed in any way as authority to begin contractual work performance.

Detailed 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), and that control the exchange of information in connection with procurements already underway (see Public Law 101-189, Procurement Integrity).

5. Who May Submit Proposals

DHRA will accept unsolicited proposals only from individuals or organizations determined to be responsible prospective contractors. To qualify as a responsible prospective contractor an offeror must satisfy the following requirements:

General Standards (RFO FAR 9.104-1)

- 1) Have adequate financial resources to perform the contract, or the ability to obtain them;
- 2) Be able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing commercial and Governmental business commitments;
- 3) Have a satisfactory performance record;
- 4) Have a satisfactory record of integrity and business ethics;
- 5) Have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them;
- 6) Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them; and
- 7) Be otherwise qualified and eligible to receive an award under applicable laws and regulations.

6. What to Submit

Those who are interested in preparing an unsolicited proposal package for submission to DHRA must begin by preparing the following:

Project Technical Information (RFO FAR 15.503-2(b))

- 1) Concise title and abstract 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) Description of the type of support needed from the agency; e.g., Government property or personnel resources.

The abstract (no more than 200 words in length) should describe the proposed project including project objectives and benefits. The statement of work should contain a complete functional description of the project to be undertaken, with 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. It should also include a list of facilities, equipment, materials, or personnel resources to be used during the project, including whether these are to be Government-furnished; a schedule of major tasks and events to be accomplished; and a list of items to be delivered to the Government as end results of contract performance.

In addition to the project technical information above, unsolicited proposals should contain the following basic and supporting information to permit consideration in an objective and timely manner:

Basic Information (RFO FAR 15.503-2(a))

- 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.

Supporting Information (RFO FAR 15.503-2(c))

- 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, 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 (RFO FAR 15.503-3 and 15.504-2)

- 1) If an unsolicited proposal contains information the offeror wishes to protect from unwanted disclosure the title page must be marked with the legend in Appendix B.
- 2) The offeror should also mark each restricted sheet with the following:
“Use.or.disclosure.of.data.contained.on.this.sheet.is.subject.to.the.restriction.on.the.title.page.of.this.proposal.”
- 3) The agency Point of Contact (POC) will return to the offeror any unsolicited proposal marked with a legend different from that 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 that the Government will consider the proposal if it is resubmitted with the proper legend.
- 4) The agency POC will place a cover sheet on the proposal, or clearly mark it with the legend identified in Appendix C, unless the offeror clearly states in writing that no restrictions are imposed on the disclosure or use of the data contained in the proposal.

7. Evaluation of the Submission (RFO FAR 15.504-1 and 15.505)

Before beginning a comprehensive evaluation, DHRA will determine if the proposal:

- (1) Is a valid unsolicited proposal, as described at 15.503-1(b);
- (2) Is suitable for submission in response to an existing agency requirement;
- (3) Is related to the agency mission;
- (4) Contains sufficient technical information and cost-related or price-related information for evaluation;
- (5) Has overall scientific, technical, or socioeconomic merit;
- (6) Has been approved by a responsible official or other representative authorized to obligate the offeror contractually as described in RFO FAR 15.503-2(a)(6); and
- (7) Complies with the marking requirements of RFO FAR 15.503-3 and 15.504-2.

If the proposal meets these requirements, DHRA will acknowledge receipt of unsolicited proposals within 10 business days after the proposal is received by the Acquisition Management Directorate. If the unsolicited proposal does not comply with the requirements described above, DHRA POC will return it to the offeror along with an explanation of the proposal shortcomings that prevent the Agency from considering it. The offeror will be notified by that office of the receipt of the proposals, the fact that the proposal is undergoing evaluation, and an estimated completion date.

Clarity and completeness of the unsolicited proposal package are important. A package that possesses these qualities will result in less time spent in review and prompt a quicker response.

In conducting a comprehensive evaluation of an unsolicited proposal, evaluators will consider the following factors (see RFO FAR 15.505(c)), among any others appropriate for the particular proposal:

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

Offerors must take note that the Agency's favorable evaluation of an unsolicited proposal does not in itself, justify the Agency 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 DHRA 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 DHRA cannot award a contract in direct response to that proposal. In that case, DHRA may award a contract only if the proposal is subsequently selected after full and open competition is obtained. Criteria for authorizing the Government to use noncompetitive contracts are found in the Competition in Contracting Act (Public Law 98- 369) and in RFO FAR Part 6. Conducting 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.

If DHRA decides that the unsolicited proposal does not meet the requirements for an innovative or unique approach, technique, or concept; that the unsolicited proposal closely resembles a pending competitive acquisition requirement; or, that products or services similar to those described in the unsolicited proposal are available to the Government without restriction from another source, the offeror may wish to consider submitting its proposal in response to a written solicitation issued by the Government. The offeror may do this by submitting a proposal, either as a prime contractor or as a subcontractor, to an open solicitation. Information on federal procurement opportunities is advertised in the System for Award Management (SAM) found at <https://sam.gov>. The DHRA Office of Small Business Programs is available via email at dodhraosbp@mail.mil to offer advice and assistance, particularly to qualifying small businesses, regarding DHRA procurement opportunities.

8. When to Submit Proposals

Unsolicited proposals may be submitted at any time. All unsolicited proposals should be submitted well in advance of the anticipated starting date. This is to allow the agency time to make adjustments to accommodate the acceptance of unsolicited proposals, such as reallocating time and resources for proposal-related efforts not anticipated in previously approved operating and budget plans. Due to funding considerations, action on proposals submitted near the beginning or end of the Federal Government's fiscal year may also be affected by the outcome of deliberations on annual Federal budget appropriations.

9. Where to Submit Unsolicited Proposals

Unsolicited proposals should be emailed to the following address:

dodhra.mc-alex.dhra-hq.list.contracting-personnel@mail.mil

DO NOT furnish an unsolicited proposal to any other center or office in DHRA to avoid jeopardizing its eligibility as an unsolicited proposal, and to prevent unintended or unwarranted disclosure of its contents. If you believe your unsolicited proposal directly supports a specific DHRA center or office, you may indicate that in the proposal. Do not send the unsolicited proposal directly to the center or office.

APPENDIX A

REFERENCES

The following publications are suggested for additional information:

- 1) The Revolutionary FAR Overhaul (RFO) Federal Acquisition Regulation (FAR) Subpart 15.5 – Unsolicited Proposals, available at the Acquisition Network website at <https://www.acquisition.gov/>
- 2) RFO FAR, Subpart 6.103 – Other than Full and Open Competition

APPENDIX B

UNSOLICITED PROPOSAL (RFO FAR 15.503-3(a)) 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 this 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 the data if it is obtained from another source without restriction. The data subject to this restriction are contained in Sheets [insert.numbers.or.other.identification.of.sheets].

APPENDIX C

UNSOLICITED PROPOSAL (RFO FAR 15.504-2(a)(2)) 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 part 3, 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.