DEFENSE HEALTH AGENCY

A GUIDE FOR PREPARING AND SUBMITTING UNSOLICITED PROPOSALS

November 2026

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1. Introduction

This guide has been prepared, pursuant to Revolutionary Federal Acquisition Regulation Overhaul (RFO FAR) Part 15.5, to inform potential offerors of unsolicited proposals about the Defense Health Agency (DHA), its functions, and how it handles unsolicited proposal submissions. Inside are basic instructions for submitting an unsolicited proposal, focused particularly on what type of information must be included in an unsolicited proposal to qualify the submission for further consideration. Persons outside of the Government may use unsolicited proposals as a means 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 15.501 and 15.502).

2. Definitions (RFO FAR 15.501)

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 product or commercial service offer means 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 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.

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 is 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 DHA

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

Should questions arise during the preparation of an unsolicited proposal, the offeror is encouraged to contact the following office:

Procurement Policy and Quality Management Branch
Defense Health Agency
7700 Arlington, Blvd Falls Church, VA 22042
dha.buckley.procurement.mbx.contractpolicydivision@health.mil

5. Who May Submit Proposals

The DHA 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) 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 the DHA must prepare the following:

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) Identification 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.

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

1) Concise title and short abstract (approximately 200 words) 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) A description of the type of support needed from the agency; *e.g.,* Government property or personnel resources.

The abstract (approximately 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.

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, relevant past performance, 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 regarding the proposal.

Restricting Use and Disclosure of Data (RFO FAR 15.503-3)

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.

The offeror must 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."

Additionally, the offeror should identify trade secrets, commercial or financial information, and privileged or confidential information to the Government.

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 and that the agency will consider the proposal if it is resubmitted with the proper legend.

7. Evaluation of the Package

The offeror will be notified via email of the receipt of the proposal submission, the rejection or acceptance of the unsolicited proposal, and if accepted, the fact that the proposal is undergoing evaluation, and the estimated completion date. An email acknowledging receipt of the unsolicited proposal will be sent to the offeror from the POD within 2 business days of the POD receiving the USP. The email will acknowledge receipt of the USP and notify the offeror that it will be reviewed in accordance with the RFO FAR and DHA policies. If the unsolicited proposal does not comply with the requirements described above, the DHA POC will return it to the offeror along with an explanation of the proposal's shortcomings that prevented the Agency from considering it. The DHA will provide the results of the initial review of unsolicited proposals within 10 business days after the proposal is received by the Procurement Policy and Quality Management.

When conducting a comprehensive evaluation of an unsolicited proposal, the evaluator(s) will consider the following factors (see RFO FAR 15.505), 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 that are integral factors for achieving the proposal objectives;

5) The qualifications, capabilities, and experience of the proposed principal investigator, team leader, or key personnel critical to 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 the DHA 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 the DHA cannot award a contract in direct response to that proposal. In that case, the DHA 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. A 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 the Agency 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 as a prime contractor or as a subcontractor. Information on federal procurement opportunities is advertised in the System for Award Management (SAM) found at https://sam.gov. The Small Business Specialist is available to offer advice and assistance, particularly to qualifying small businesses, regarding DHA procurement opportunities.

8. When to Submit Proposals

Unsolicited proposals may be submitted at any time throughout the year. 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 Proposals

All unsolicited proposals must be emailed to the following address:

dha.buckley.procurement.mbx.contractpolicydivision@health.mil

This office acts as a central receiving point for the distribution, handling, and reporting of unsolicited proposals. The receiving office will forward unsolicited proposals to appropriate program areas for evaluation.

NOTE: DO **NOT** furnish unsolicited proposals to any other office in DHA to avoid jeopardizing its eligibility as an unsolicited proposal, and to prevent unintended or unwarranted disclosure of its contents.

APPENDIX A
REFERENCES

The following publications, available at the Acquisition website at https://www.acquisition.gov, are suggested for additional information:

1. RFO FAR Subpart 6.103 – Other than Full and Open Competition
2. RFO FAR 15.5 – Unsolicited Proposals

APPENDIX B
UNSOLICITED PROPOSAL (RFO FAR 15.503-3(a)) Restricting use and Disclosure of data

This proposal includes data that must not be disclosed outside the Government and must 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 must 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*]