

# PART 1215 - CONTRACTING BY NEGOTIATION

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## **PART 1215 - CONTRACTING BY NEGOTIATION**

### **SUBPART 1215.2--SOLICITATION AND RECEIPT OF PROPOSALS AND INFORMATION**

#### **1215.207 Handling proposals and information.**

(a) Offeror's proposals and information received in response to a request for information shall be marked as required by [TAM 1203.104-4](#), as applicable.

(b) Proposals may be released outside the Government whenever it is the only means of receiving the most competent technical and/or management evaluation available.

### **SUBPART 1215.4--CONTRACT PRICING**

#### **1215.404 Proposal analysis.**

#### **1215.404-470 Payment of profit or fee.**

The contracting officer shall not pay profit or fee on undefinitized contracts or undefinitized contract modifications. Any profit or fee earned shall be paid after the contract or modification is definitized.

### **SUBPART 1215.6--UNSOLICITED PROPOSALS**

#### **1215.602 Policy.**

DOT's policy encourages submission of new and innovative ideas that will support DOT's mission. Through the various Operating Administrations (OAs), DOT is responsible for transportation safety improvements, international transportation agreements and the continuity of transportation services in the public interest.

### **1215.603 General.**

DOT will accept unsolicited proposals from any entity for review and consideration. However, DOT will not pay any costs associated with the preparation of these proposals. Proposals that do not meet the definition and applicable content and marking requirements of [\(FAR\) 48 CFR 15.6](#) will not be considered under any circumstances and will be returned to the submitter.

### **1215.604 Agency points of contact.**

(a) The DOT does not have a centralized location to receive unsolicited proposals. The type of effort submitted in the proposal determines which DOT OA should receive and evaluate the proposal.

(b) Unsolicited proposals should be submitted to the responsible OA contracting office for appropriate handling. Specific information concerning the mission of each DOT OA is available on the worldwide web at <http://www.dot.gov>. Prospective contractors are urged to contact these contracting/procurement offices prior to submitting a proposal to ensure that the unsolicited proposal reaches the correct contracting office for action. This action will reduce unnecessary paperwork and wasted time for both the Government and the prospective contractors.

### **1215.606 Agency procedures.**

(a) The Chief of the Contracting Office is responsible for establishing procedures for controlling unsolicited proposals received in the contracting office. Within ten working days after receipt of an unsolicited proposal, the contracting office shall review the proposal and determine whether the proposal meets the content and marking requirements of [\(FAR\) 48 CFR 15.6](#). If the proposal does not meet these requirements, it shall be returned to the submitter giving the reasons for noncompliance.

(b) The OA contracting office is the designated point of contact for receipt and handling of unsolicited proposals. Persons within DOT who receive unsolicited proposals, such as technical personnel, shall forward the document to their responsible contracting office.

#### **1215.606-1 Receipt and initial review.**

(a) The agency contact point must make an initial review determination within seven calendar days after receiving a proposal.

(b) If the proposal meets the requirements at [\(FAR\) 48 CFR 15.606-1\(a\)](#), the agency contact point must acknowledge receipt within three calendar days after making the initial review determination and advise the offeror of the general timeframe for completing the evaluation.

(c) If the proposal does not meet the requirements of [\(FAR\) 48 CFR 15.606-1\(a\)](#), the agency contact point must return the proposal within three calendar days after making the determination. The agency point of contact must inform the offeror, in writing, of the reasons for returning the proposal.

#### **1215.606-2 Evaluation.**

(a) Comprehensive evaluations should be completed within sixty calendar days after making the initial review determination. If additional time is needed, then the agency contact point shall advise the offeror accordingly and provide a new evaluation completion date. The evaluating office must neither reproduce nor disseminate the proposal to other offices without the consent of the contracting office from which the proposal was received for evaluation. If additional information from the offeror is required by the evaluating office, the evaluator must convey this request to the responsible contracting office. The evaluator shall not directly contact the proposal originator.

(b) If the evaluator recommends acceptance of the proposal, the responsible contracting officer shall ensure compliance with all of the requirements of [\(FAR\) 48 CFR 15.607](#).