35.007 Solicitations.

(a) The submission and subsequent evaluation of an inordinate number of R&D proposals from sources lacking appropriate qualifications is costly and time-consuming to both industry and the Government. Therefore, *contracting officers should* initially distribute *solicitations* only to sources technically qualified to perform research or *development* in the specific field of science or technology involved. Cognizant technical personnel *should* recommend potential sources that appear qualified, as a result of-

(1) Present and past performance of similar work;

(2) Professional stature and reputation;

(3) Relative position in a particular field of endeavor;

(4) Ability to acquire and retain the professional and technical capability, including facilities, required to perform the work; and

(5) Other relevant factors.

(b) Proposals generally *shall* be solicited from technically qualified sources, including sources that become known as a result of synopses or other means of publicizing requirements. If it is not practicable to initially solicit all apparently qualified sources, only a reasonable number need be solicited. In the interest of competition, *contracting officers shall* furnish copies of the *solicitation* to other apparently qualified sources.

(c) *Solicitations shall* require *offerors* to describe their technical and management approach, identify technical uncertainties, and make specific proposals for the resolution of any uncertainties. The *solicitation should* require *offerors* to include in the proposal any planned subcontracting of scientific or technical work (see <u>35.009</u>).

(d) *Solicitations may* require that proposals be organized so that the technical portions can be efficiently evaluated by technical personnel (see 15.204-5(b)). *Solicitation* and evaluation of proposals *should* be planned to minimize *offerors*' and Government expense.

(e) R&D *solicitations should* contain evaluation factors to be used to determine the most technically competent (see <u>15.304</u>), such as-

(1) The *offeror*'s understanding of the scope of the work;

(2) The approach proposed to accomplish the scientific and technical objectives of the contract or the merit of the ideas or concepts proposed;

(3) The availability and competence of experienced engineering, scientific, or other technical personnel;

- (4) The offeror's experience;
- (5) Pertinent novel ideas in the specific branch of science and technology involved; and
- (6) The availability, from any source, of necessary research, test, laboratory, or shop facilities.

(f) In addition to evaluation factors for technical competence, the *contracting officer shall* consider, as appropriate, management capability (including cost management techniques), experience and *past performance*, subcontracting practices, and any other significant evaluation criteria (*e.g.*, unrealistically low cost estimates in proposals for cost-reimbursement or fixed-price incentive contracts). Although cost or price is not normally the controlling factor in selecting a contractor to perform R&D, it *should* not be disregarded in arriving at a selection that best satisfies the Government's requirement at a fair and reasonable cost.

(g) The *contracting officer should* ensure that potential *offerors* fully understand the details of the work, especially the Government interpretation of the work statement. If the effort is complex, the *contracting officer should* provide potential *offerors* an opportunity to comment on the details of the requirements as contained in the work statement, the contract Schedule, and any related specifications. This *may* be done at a preproposal conference (see <u>15.201</u>).

(h) If it is appropriate to do so, *solicitations should* permit *offerors* to propose an alternative contract type (see 16.103).

(i) In circumstances when a concern has a new idea or product to discuss that incorporates the results of independent R&D work funded by the concern in the private sector and is of interest to the Government, there *should* be no hesitancy to discuss it; however, the concern *should* be warned that the Government will not be obligated by the discussion. Under such circumstances, it *may* be appropriate to negotiate directly with the concern without competition. Also, see <u>subpart 15.6</u> concerning *unsolicited proposals*.

(j) The Government *may* issue an exploratory request to determine the existence of ideas or prior work in a specific field of research. Any such request *shall* clearly state that it does not impose any obligation on the Government or signify a firm intention to enter into a contract.

Parent topic: Part 35 - Research and Development Contracting