

UNSOLICITED PROPOSALS

During the 2001 legislative session, legislation was passed authorizing certain State agencies to contract for goods and services based on a written unsolicited proposal¹.

Unsolicited proposals allow unique and innovative ideas or approaches that have been developed outside the Government agencies for use in accomplishment of their missions. Unsolicited proposals are offered with the intent that the Government will enter into a contract with the offeror in efforts supporting the Government mission, and often represent a substantial investment of time and effort by the offeror. Advertising material, commercial item offers, or contributions, as defined in Md. Code Annotated, State Finance and Procurement, §13-107.1, or routine correspondence on technical issues, are not unsolicited proposals.

A valid unsolicited proposal must:

- a. Be in writing;
- b. Contain a novel or innovative concept, application, approach, or method which, to the knowledge of the procurement officer, is not used by or available to another unit or demonstrates a novel capability of the offeror of the proposal;
- c. Has not been previously submitted to the unit by another person;
- d. Be for the delivery of business and economic development services; educational service; health or social services, or lottery service; and
- e. Meet a need of or otherwise be advantageous to the unit.

Unsolicited proposals shall be submitted to the Department of Human Resources' Deputy Secretary of Operations (DSO) or designee at 311 West Saratoga Street, Tenth Floor, Baltimore, Maryland 21201 in hard copy and electronic media.

Content of Unsolicited Proposals

Unsolicited proposals shall contain sufficient technical and cost information to evaluate the proposal, specifically:

- a. Offeror's name and address;
- b. Names and telephone numbers of technical and business personnel to be contacted for evaluation or negotiation purposes;
- c. Date of submission;
- d. Signature of a person authorized to represent and contractually obligate the offeror;
- e. Executive summary, not to exceed 5 pages, of the proposed effort including 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;

¹ See Annotated Code of Maryland, State Finance and Procurement, §13-107.1.

- f. Names and biographical information on the offeror's key personnel who would be involved, including alternates; and type of support needed from the agency; e.g., facilities, equipment, materials, or personnel resources;
- g. Proposed price or total estimated cost for the effort in sufficient detail for meaningful evaluation (maximum \$2million annually, and may not exceed \$4,000,000 for the total contract);
- h. Proposed duration of effort and detail delivery and/or implementation timelines has a maximum of 3 years (including extensions);
- i. Brief description of the organization, previous experience, relevant past performance;
- j. Other statements, if applicable, about organizational conflicts of interest including other contracts the offeror has with Maryland State Government; and,
- k. How they will execute a contract consistent with the requirements of COMAR Title 21 and the State Finance and Procurement Article.

The DSO or designee may request additional information from the offeror if necessary to determine compliance with the requirements.

Review

The DSO or designee shall review the proposal to determine if it is a valid Unsolicited Proposal in compliance with Sub-Section 1 "In General" and Sub-Section 2, "Content of Unsolicited Proposals" and that it contains sufficient technical and cost information for evaluation. The DSO or designee may request additional information from the offeror if necessary to determine compliance with the requirements.

Proposals Determined To Be Valid

If, based on the submitted proposal, any additional requested information, and the Department's summary, the DSO or designee determines that the proposal meets the requirements; the DSO or designee will send an acknowledgment to the offeror within thirty (30) business days after initial receipt of the proposal that:

- a. The proposal meets the requirements to qualify as an unsolicited proposal;
- b. The executive summary of the proposal will be sent to the Department of Budget and Management (DBM); and any other approvals required by law; and
- c. The proposal will be further evaluated by the agency to determine the merit of entering into contract negotiations.

Proposals Determined To Be Invalid

- (1) If, based on the submitted proposal, any additional requested information, and summary, the DSO determines that the proposal does not meet the requirements; the DSO or designee will inform the offeror of the reasons for rejection in writing within ten (10) business days after initial receipt of the proposal. If the agency rejects the unsolicited proposal for not meeting the requirements, the offeror cannot resubmit the same proposal for six months. In addition, if The DSO or designee fails to make a determination within the 30-day period established, the unsolicited proposal shall be deemed to have been disapproved.
- (2) DHR will use its best efforts to advise the offeror of the final determination resulting from its evaluation within thirty (30) calendar days after initial receipt of the proposal by the DSO/designee.

Notice of Intent to Award

- (1) The agency shall give notice of its intent to award the unsolicited proposal a minimum of thirty (30) days prior to contract execution in eMaryland Marketplace and one newspaper of general circulation as specified in Md. Code Annot., St. Finance and Proc., §13-107.1, subsection (i).
- (2) If, during the 30-day period established under paragraph (2) above, a person petitions the unit of State government conducting the procurement for reconsideration of a determination of approval, the procurement officer shall reconsider the determination of approval and make written findings affirming or reversing the determination of approval.

Contract Execution

Any unsolicited proposal accepted by an agency must be awarded and executed as a procurement contract in accordance with COMAR Title 21 and any other applicable statutory or regulatory requirements not expressly excepted under the unsolicited proposal law.