

**COMMERCE ACQUISITION MANUAL
1335.016**

DEPARTMENT OF COMMERCE
BROAD AGENCY ANNOUNCEMENT

**COMMERCE ACQUISITION MANUAL
1335.016**

Table of Contents

SECTION 1 – OVERVIEW1

1.1 BACKGROUND1

1.2 PURPOSE1

1.3 APPLICABILITY1

1.4 POLICY1

1.5 SCOPE1

1.6 ROLES AND RESPONSIBILITIES2

SECTION 2 – PROCEDURES FOR BROAD AGENCY ANNOUNCEMENT4

2.1 ACQUISITION PLANNING4

2.2 PROTECTION OF PROCUREMENT SENSITIVE INFORMATION4

2.3 REQUIREMENTS PACKAGE4

2.4 DETERMINATION OF USE OF BROAD AGENCY ANNOUNCEMENT5

2.5 PUBLICIZING THE REQUIREMENT5

2.6 RECEIPT AND HANDLING OF PROPOSALS AND INFORMATION5

2.7 EVALUATION AND SELECTION5

2.8 NOTIFICATION TO UNSUCCESSFUL OFFERORS7

2.9 NEGOTIATION7

2.10 AWARD8

2.11 CANCELLATION OF ANNOUNCEMENT8

2.12 UNSOLICITED PROPOSALS8

APPENDIX A - DEFINITIONS A-1

APPENDIX B – COMPARISON OF BAA AND RFPB-1

BROAD AGENCY ANNOUNCEMENT

SECTION 1 – OVERVIEW

1.1 Background

A Broad Agency Announcement (BAA) is a competitive solicitation method for certain research and development efforts. Federal Acquisition Regulation (FAR) 35.016 authorizes the use of the broad agency announcement (BAA) with peer or scientific review for the acquisition of basic and applied research and that part of development not related to the development of a specific system or hardware procurement. Broad agency announcements may be used to fulfill requirements for scientific study and experimentation directed toward advancing the state-of-the-art or increasing knowledge or understanding rather than focusing on a specific system or hardware solution.

The availability of the broad agency announcement must be publicized through the Government-wide point of entry and, if authorized pursuant to FAR Subpart 5.5, may also be published in noted scientific, technical, or engineering periodicals. Synopsis under FAR Subpart 5.2, Synopses of Proposed Contract Actions, of individual contract actions based upon proposals received under the broad agency announcement is not required, as the notice published in the Government-wide point of entry fulfills the synopsis requirement.

1.2 Purpose

This Commerce Acquisition Manual (CAM) Chapter provides policy and guidance for the use of the broad agency announcement solicitation method.

1.3 Applicability

The requirements of this chapter are applicable to all Department of Commerce (DOC) Operating Units (OU). The broad agency announcement policy and guidance provided herein applies only to the award of contracts. Grants and cooperative agreements are not covered by this chapter. OUs may issue supplemental guidance implementing processes and procedures for broad agency announcements.

1.4 Policy

The broad agency announcement may be used to fulfill requirements for scientific study and experimentation directed toward advancing the state-of-the-art or increasing knowledge or understanding rather than focusing on a specific system or hardware solution. Broad agency announcements should only be used when meaningful proposals with varying technical and/or scientific approaches can be reasonably anticipated.

1.5 Scope

A broad agency announcement solicitation method may be used when:

- a. The Government desires new and creative solutions to problem statements.

- b. Using a conventional statement of work could result in unintentionally stifling ideas and concepts given many possible approaches.
- c. Evaluation will be based on peer or scientific review.

1.6 Roles and Responsibilities

1.6.1 Senior Procurement Executive (SPE)

The Senior Procurement Executive has overall responsibility for the following:

- a. Developing and implementing Department-wide policies and guidance for the use of the broad agency announcement; and
- b. Overseeing use of the broad agency announcement solicitation process through normal oversight reviews of procurement offices.

1.6.2 Senior Bureau Procurement Official (BPO)

The Senior Bureau Procurement Official shall ensure that the broad agency announcement solicitation process is effectively implemented and used. The BPO is responsible for the following:

- a. Determining the need for higher-level review and approval or additional concurrences for the broad agency announcement within their organization;
- b. Determining appropriate coordination and concurrences for the broad agency announcement; and
- c. Providing the Office of Acquisition Management a copy of OU supplemental guidance implementing processes and procedures for broad agency announcements.

1.6.3 Head of Contracting Office (HCO)

The Head of Contracting Office is responsible for:

- a. Approving a determination for use of the broad agency announcement solicitation method; and
- b. Approving the broad agency announcement prior to issuance.

1.6.4 Contracting Officer

The Contracting Officer is responsible for:

- a. Preparing a determination that use of the broad agency announcement solicitation method is appropriate for the acquisition;
- b. Publicizing the broad agency announcement requirement in the Government-wide point of entry; and
- c. Negotiating and awarding contracts as a result of the broad agency announcement.

1.6.5 Selecting Official

The selecting official serves as the source selection authority. Designation of the selecting official shall follow the requirements in CAR 1315.303 for designating the source selection authority for large dollar competitive negotiations acquisitions over \$10M. As provided in CAR 1315.303, the head of the operating unit may re-delegate the selecting official's authority. The selecting official is responsible for:

- a. Overseeing the overall conduct of the selection process;
- b. Appointing and replacing members of the evaluation team, including the peer or scientific review team(s);
- c. Making final selection of proposals for acceptance; and
- d. Preparing the selection report.

1.6.6 Evaluation Team

The evaluation team is responsible for:

- a. Evaluating proposals in accordance with publicized criteria;
- b. Documenting the basis for the selection or non-selection of the proposals; and
- c. Drafting the comprehensive technical evaluation report summarizing the evaluation results of the peer and scientific review team(s) and recommending selected proposals.

1.6.7 Program Official

The Program Official is responsible for:

- a. Participating on the evaluation team;
- b. Preparing and submitting procurement requests for selected proposals to the Contracting Officer; and
- c. Providing assistance to the contracting office during contract negotiation.

1.6.8 Office of General Counsel

The Office of General Counsel is responsible for:

- a. Providing legal advice, counsel, review and concurrence of acquisition plans, solicitations and contractual documents, and
- b. Ensuring acquisitions are legally sufficient.

END OF SECTION 1

SECTION 2 – PROCEDURES FOR BROAD AGENCY ANNOUNCEMENT

2.1 Acquisition Planning

Market research and acquisition planning are required for all acquisitions. Program and contracting officials should work together as early as possible to plan and coordinate requirements that will use the broad agency announcement solicitation method.

Working closely with the program office, the Contracting Officer shall assist in the preparation of a Milestone Acquisition Plan or Formal Acquisition Plan for the broad agency announcement and anticipated contract awards. The applicable Plan should be tailored as appropriate to clearly indicate that a broad agency announcement is contemplated; provide rationale for its use; and include all required milestones and concurrences.

Normal acquisition plan review and approval procedures apply to requirements that will use the broad agency announcement. A copy of the proposed broad agency announcement that includes the evaluation criteria and method of selection shall be submitted with the acquisition plan.

2.2 Protection of Procurement Sensitive Information

Acquisition plans and supporting documentation contain advance information on proposed acquisitions which could give prospective contractors an unfair advantage, therefore, they are considered procurement sensitive information. Individuals who participate directly or indirectly in any stage of the acquisition process shall not publicize, discuss or release any information regarding the acquisition plan, supporting documents or other details regarding the proposed acquisition to prospective contractors or individuals who are not directly involved in the acquisition, except as provided in the Federal Acquisition Regulation. Participants on the acquisition team may be required to complete Confidentiality and Conflict of Interest Certifications.

2.3 Requirements Package

The program office shall prepare a BAA requirements package that, at a minimum, includes:

- a. Description of the research interest, either for an individual program requirement or for broadly defined areas of interest covering the full range of the requirements.
- b. Criteria for selecting the proposals, their relative importance, and the method of evaluation. Evaluation criteria may include such areas as:
 - i. Overall technical feasibility of the proposed project.
 - ii. Adequacy and relevance of the proposed research.
 - iii. Capabilities, related experience, facilities and techniques which the offeror possesses (and which are considered integral factors) for achieving the objective.
 - iv. Qualifications, capabilities, experiences, and availability of proposed key personnel.
 - v. Available funding.
 - vi. Cost realism and reasonableness to the extent appropriate

- vii. Past performance where source selection is expected to exceed the simplified acquisition threshold, except as provided in FAR 15.304(c)(3)(iii).
 - viii. Subcontracting plan, if applicable
- c. Period of time during which proposals submitted in response to the broad agency announcement will be accepted;
- d. Instructions for the preparation and submission of proposals;
- e. Estimates of the amount of available funds and the number of anticipated awards;
- f. Name of the individual designated to be the selecting official; and
- g. Names, titles, and brief background of the individuals who will serve on the peer/scientific evaluation panel.

2.4 Determination to Use Broad Agency Announcement

The Contracting Officer shall prepare a determination that documents that use of the broad agency announcement solicitation method is appropriate for the acquisition. The determination shall be approved by the Head of Contracting Office.

2.5 Publicizing the Requirement

The Contracting Officer shall publicize the broad agency announcement through the Government-wide point of entry and, if authorized in accordance with FAR Subpart 5.5, the announcement may also be published in noted scientific, technical, or engineering periodicals. The publicized notice may either include instructions for potential offerors to request copies of the broad agency announcement or provide the complete text of the announcement including evaluation and selection criteria. The broad agency announcement must be published no less frequently than annually and may remain open for submission of proposals for a maximum of one year; however, the time allotted to a specific announcement should be based on program requirements and priorities.

If the complete text of the announcement is not publicized, the broad agency announcement shall be prepared, maintained, and distributed by the Contracting Officer. In addition, the Contracting Officer shall maintain a source list of firms who request copies of the announcement.

2.6 Receipt and Handling of Proposals and Information

Proposals submitted in response to a broad agency announcement shall be submitted to the designated Contracting Officer and protected in accordance with FAR 15.207, Handling of Proposals and Information. The Contracting Officer is responsible for safeguarding proposals from unauthorized disclosure throughout the source selection process.

2.7 Evaluation and Selection

Evaluation, selection, and award may occur anytime after a broad agency announcement is issued and proposals are received.

2.7.1 Exchanges with Offerors

After receipt of proposals, exchanges with offerors may be conducted by the Contracting Officer, however, contacts shall be limited to the following instances:

- a. For purposes of clarification, as defined at FAR 15.306, Exchanges with offers after receipt of proposals, to understand the meaning of some aspect of the proposal that is not clear; or
- b. To obtain confirmation or substantiation of a proposed approach, solution, or cost estimate.

2.7.2 Proposal Evaluation

Proposals received as a result of the broad agency announcement shall be evaluated in accordance with evaluation criteria specified in the publicized notice through a peer or scientific review process. Peer or scientific reviews shall be performed by specialists in the required discipline either from within the Department or outside the Department, or both. The Contracting Officer should work with Office of General Counsel, Contract Law Division to ensure that evaluations by specialists outside the Department are closely controlled and subject to appropriate agreements to avoid actual or apparent conflicts of interest.

All or part of a proposal may be selected for award of a contract unless the offeror requests otherwise. In addition, changes to a selected proposal may be sought as long as: the ideas or other aspects of the proposal on which selection is based are contained in the proposal as originally submitted, and are not introduced by the changes; and the changes sought would not involve a material alteration to the requirements stated in the broad agency announcement. Changes that would affect a proposal's selection shall not be sought.

When changes to proposals are desired, the Contracting Officer may request revisions from the offeror. The changes shall not transfer information from one offeror's proposal to another offeror. When collaboration between offerors would improve proposed research, programs, collaboration may be suggested to the offerors by the Contracting Officer.

Following the peer or scientific teams(s) review of the proposals, the evaluation team shall prepare written evaluation reports on individual proposals. However, proposals need not be evaluated against each other since they are not submitted in accordance with a common work statement. In addition, the evaluation team shall prepare a written technical evaluation report that summarizes the evaluation results and provides a recommendation to the selecting official.

2.7.3 Selection of Proposals

The selecting official shall review the technical evaluation report and all supporting documentation and apply the evaluation factors contained in the broad agency

announcement to prepare a selection report. The selection report must represent the conclusions of the selecting official and be self contained. It shall not incorporate by reference the comments of the reviewers.

Upon completion of the selection report, the selecting official shall sign the report and forward the following to the Contracting Officer:

- a. The selection report and the proposals selected for funding;
- b. A description of any changes desired in any offeror's proposal, including the reasons for the changes and any effect on the level of funding;
- c. A description of deliverable items, including technical reports and delivery dates, consistent with the requirements of the broad agency announcement;
- d. A procurement request for each proposal selected;
- e. Comments on the offeror's cost proposal that addresses the need for, and reasonableness of travel, computer time, materials, equipment, subcontracted items, publication costs, labor hours, labor mix, and other costs;
- f. Comments on the technical approach, which may be based on the technical reviewer's comments;
- g. Copies of the technical reviewer's comments, with any different conclusions reached by the selecting official noted.
- h. A copy of the selected proposal(s) as originally submitted, and any related correspondence from the successful offerors.

2.8 Notification to Unsuccessful Offerors

The Contracting Officer shall notify each offeror whose proposal was not selected for award and provide a general explanation of why the proposal was not selected. If requested, the Contracting Officer shall arrange a debriefing in accordance with FAR 15.505, Preaward debriefing of offerors, or 15.506, Postward debriefing of offerors.

A proposal that is scientifically and programmatically meritorious but which is not selected during the initial review may be included in subsequent reviews unless the offeror requests otherwise. The Contracting Officer shall promptly notify the offeror that its proposal was not selected for initial award but will be held over for subsequent reviews.

2.9 Negotiation

After proposals have been selected, the process becomes one of negotiating a fair and reasonable price with a responsible contractor and the requirements of FAR Part 15 apply. However, competitive range determinations shall not be made and best and final offers shall not be requested.

Upon receipt of a complete procurement package, the Contracting Officer shall determine the proposed type of contract, level of effort, and the estimated date for the start of the negotiations. In addition, a draft contract shall be developed which includes any modifications to the offeror's proposal, and any changes to the proposed research effort. The contract statement of work may summarize the proposed research and state that the research shall be incorporated by reference into the contract.

The Contracting Officer shall notify each offeror whose proposal was selected for negotiation leading to award. The notification shall state:

- a. The proposal has been selected for negotiation leading to award of a contract; and
- b. Any expenses incurred by the offeror in anticipation of receiving an award will be at offeror's risk.

The offeror shall be requested to complete required certifications and representations, and all other appropriate award and contract forms. If applicable, the Contracting Officer shall request the offeror to provide a subcontracting plan. Price competition does not exist in the broad agency announcement process, as each offeror based its proposal on unique ideas. Therefore, if the proposed contract exceeds the FAR threshold for certified cost or pricing data, such data must be obtained during the negotiation process if the data was not submitted with the initial proposal.

After pre-negotiation planning has been completed, including obtaining a contract audit (if necessary), the Contracting Officer shall conduct negotiations in accordance with FAR Part 15 and CAR Part 1315, as applicable.

2.10 Award

After conclusion of negotiations, the Contracting Officer shall award a contract, complying with all applicable requirements, including business clearances, synopses of award, and Federal Procurement Data System reporting.

2.11 Cancellation of Announcement

If the program changes, if funding does not become available, or there are other fundamental reasons that require the broad agency announcement to be cancelled, the Contracting Officer shall publish a notice in the Government-wide point of entry. In addition, the Contracting Officer shall notify all offerors who submitted proposals.

2.12 Unsolicited Proposals

If an unsolicited proposal for efforts that are within the scope of the broad agency announcement is received during the time an announcement is open, the proposal shall be handled in accordance with FAR Subpart 15.6, Unsolicited Proposals.

**END OF SECTION 2
END OF CAM 1335.016**

APPENDICES

APPENDIX A - DEFINITIONS

Applied Research – Effort that: normally follows basic research, but may not be severable from the related basic research; attempts to determine and exploit the potential of scientific discoveries or improvements in technology, material processes, methods, devices, or techniques; and attempts to advance the state-of-the-art.

Basic Research – Research directed toward increasing knowledge in science. The primary aim of basic research is a fuller knowledge or understanding of the subject under study, rather than any practical application of the knowledge. (FAR 2.101)

Broad Agency Announcement – A general announcement of an agency’s research interest including criteria for selecting proposals and soliciting the participation of all offerors capable of satisfying the Government’s needs (see FAR 6.102(d)(2)). (FAR 2.101)

Government-wide point of entry (GPE) – The single point of entry where Government business opportunities greater than \$25,000, including synopses of proposed contract actions, solicitations, and associated information, can be accessed electronically by the public. The GPE is located at <http://www.fedbizopps.gov> . (FAR 2.101)

Organizational Conflict of Interest (OCI) – That because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the Government, or the person’s objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage. (FAR 2.101)

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. (FAR 2.101)

APPENDIX B – Comparison of BAA and RFP

	BAA	RFP
Type of Research	Scientific study and experimentation directed toward advancing state-of-the-art or increasing knowledge or understanding	Focusing on a specific system or hardware solution
Statement of Work	The Government drafts a statement of the problem or general research interest. Each offeror proposes its own statement of work and technical approach.	The Government drafts a common SOW on which all offerors propose
Proposal Comparison	Proposals contain stand-alone unique solutions. They are not compared to one another.	All proposals are supposed to do the same thing. Winner is selected by comparing proposals.
Nature of Competition	Each proposal presents a separate approach to solving the problem. There is technical competition in the “marketplace of ideas.” Cost or price is rarely the deciding factor on the winning proposal.	Proposals address common SOW and compete, one against the other. Cost, price or best value, is often a deciding factor.
Evaluation Process	Proposals undergo a scientific or peer review process. A proposal that is otherwise weak could be selected if it shows great technical promise, such as risky but perhaps revolutionary approach.	A RFP follows very closely a predetermined source selection plan.