

# U.S. Department of Energy

Washington, D.C.

## ORDER

DOE 4210.9A

1-6-93

SUBJECT: UNSOLICITED PROPOSALS

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1. PURPOSE. This directive sets forth the policy, controls, and procedures for processing unsolicited proposals and compiles the regulations governing the receipt and review of unsolicited proposals as may be submitted to the Department from time to time.
2. CANCELLATION. DOE 4210.9, SYSTEM FOR PROPOSAL INFORMATION NETWORK, of 9-18-87.
3. APPLICABILITY. The provisions of this Order apply to all written submissions to the Department on the initiative of the submitter for the purpose of obtaining a contract or financial assistance from the Department; or submitted in response to a notice of program interest.
4. BACKGROUND. The Department follows the policy stated below with regard to unsolicited proposals:

Present and future needs of the Nation demand the involvement of all resources in exploring alternative energy sources and technologies. To achieve this objective, it is DOE policy to encourage external sources of unique innovative methods, approaches, and ideas by stressing submission of unsolicited proposals for Government support.

In support of this policy and to ensure the integrity of the acquisition process, it is necessary for the DOE to establish controls for the dissemination, processing, evaluation and protection of unsolicited proposals submitted to the Department for consideration.

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DISTRIBUTION:

All Departmental Elements

INITIATED BY:

Office of Procurement,  
Assistance, and  
Program Management

5. EXCLUSIONS. The provisions of this Order do not apply to:
- a. Proposals or applications submitted in response to invitations for bids, requests for proposals, requests for quotations, program opportunity notices, program research and development announcements, research opportunity announcements, program rules, solicitations for cooperative agreement proposals, or solicitations with a common cutoff date for submissions and under which the submissions are evaluated concurrently.
  - b. Communications that may be entitled "proposal" but are in fact clearly advertising material, commercial product offers, contributions, technical correspondence, and suggestions.
  - c. Unsolicited proposals submitted to the Power Marketing Administrations.
6. REFERENCES.
- a. Title 48 Code of Federal Regulations (CFR), Chapter 1, Federal Acquisition Regulation (FAR), subpart 15.5, which covers unsolicited proposals.
  - b. Title 48 CFR, Chapter 9, Department of Energy Acquisition Regulation (DEAR), subpart 915.5, which covers unsolicited proposals, and section 915.504, which covers notices of program interest.
  - c. Title 10 CFR, Part 600, Department of Energy (DOE) Financial Assistance Rules, section 600.14, which covers unsolicited applications, and section 600.15, which covers notices of program interest.
  - d. Title 5 United States Code (U.S.C.) 552, Freedom of Information Act, which establishes procedures for access to records in the possession of the Federal Government.
  - e. Title 5 U.S.C. 552a, Privacy Act, which governs Federal agencies management of records pertaining to individuals.

- f. DOE 1324.2A, RECORDS DISPOSITION, of 9-13-88, which assigns responsibilities and authorities and prescribes policies, procedures, standards, and guidelines for orderly disposition of DOE and DOE contractor records.
  - g. DOE 1324.5A, RECORDS MANAGEMENT PROGRAM, of 4-30-92, which establishes policies, procedures and activities needed to manage the recorded information of DOE.
  - h. DOE 4200.1C, COMPETITION IN CONTRACTING, of 1-9-87, which establishes policies and procedures to assure that Departmental competitive contracting procedures conform to the requirements of the Competition in Contracting Act.
  - i. DOE 4600.1A, FINANCIAL ASSISTANCE PROCEDURES MANUAL, of 4-1-87, which establishes the various processing and procedural requirements for financial assistance award and administration.
7. DEFINITION. The terms "unsolicited proposals," "proposals," and "proposers," wherever they appear in this Order, except in the case of the title "Unsolicited Proposals Coordinator," also shall mean "unsolicited applications," "applications," and "applicants," respectively.
- a. Unsolicited proposal is a written proposal or application that is submitted to an agency on the Initiative of the submitter for the purpose of obtaining a contract with or financial assistance from the Government and which is not in response to a formal or informal request (other than an agency request constituting a publicized general statement of needs) .
  - b. A Notice of Public Interest (NOPI) is a communication device issued by a program office which informs and helps potential interested proposers to focus on broad areas where submission of an unsolicited proposal may be mutually beneficial to both DOE and the proposals. It is not a formal solicitation.

8. POLICY. With regard to unsolicited proposals that may be submitted to the Department, it is DOE policy to:
  - a. Acknowledge receipt of applicable proposals and applications (submissions ) promptly;
  - b. Promptly record submissions in a formal system for accountability and proposal information;
  - c. Review and evaluate submissions in accordance with the guidelines established In this Order, and applicable regulations; and
  - d. Notify the submitter of the disposition (e.g., funded or declined) of the proposal or application within established timeframes.
  
9. RESPONSIBILITY AND AUTHORITIES.
  - a. Director of Procurement, Assistance and Program Management, through the Director, Office of Clearance and Support, shall:
    - (1) Manage the System for Proposal Information Network, including monitoring for compliance with this Order;
    - (2) Serve as the Department's focal point of contact on unsolicited proposals;
    - (3) Receive, acknowledge, assign, and monitor progress of unsolicited proposals forwarded to DOE for evaluation;
    - (4) Inform proposers which program office has been assigned the responsibility for conducting the programmatic review of the proposal;
    - (5) Provide monthly reports to affected Departmental Elements;
    - (6) Issue Departmental policy on unsolicited proposal procedures, their submission, evaluation and disposition; and

- (7) Provide training or other assistance to Departmental Elements upon request.

b. Heads of Departmental Elements shall:

- (1) Appoint an individual to provide unsolicited proposal liaison with the responsible PR organization. The appointment and changes thereto shall be communicated to the Unsolicited Proposals Coordinator, Office of Clearance & Support;
- (2) Ensure timely and accurate reporting to Unsolicited Proposals Coordinator, on status of proposals;
- (3) Provide for the adequate and proper maintenance of records to enable the cognizant element to answer inquiries on submissions including those received after notification of disposition has been provided to the submitter;
- (4) Develop detailed procedures for the timely and fair handling and review of unsolicited proposals assigned to their organizations. These procedures shall provide for reasonable program coordination with other Government agencies with respect to funding of similar projects. The extent of coordination shall be addressed in the justification for acceptance of the unsolicited proposal; and
- (5) Concur in and approve justifications for acceptance of unsolicited proposals.

10. PROCEDURES.

- a. Notice of Program Interest. Specific and short-term program objectives and needs may preclude consideration of unsolicited research proposals. Therefore, program staffs are encouraged to develop, and publish at least annually, statements of program interest in unsolved technical areas and new directions which might be addressed by unsolicited proposals from the external

community. The use of the NOPI described in DEAR 915.504 and 10 CFR Section 600.15 is particularly encouraged. The NOPI is a means to inform and help potentially interested proposers to focus on broad areas where submission of unsolicited proposals may be mutually beneficial to both DOE and the submitter.

- b. Preliminary Discussions. Project officers are encouraged to be available for technical discussions with prospective submitters. Presubmission discussions shall be limited to conveying to the prospective submitter an understanding of the DOE mission and needs relative to the type of effort contemplated. Advance discussions with potential proposers should not encourage or otherwise authorize the proposer to perform any work at DOE expense in anticipation of award.
- c. General Procedures.
  - (1) Point of Receipt for Submission. The Unsolicited Proposals Coordinator in the Office of Clearance and Support is the focal point of contact for those who wish to present unsolicited proposals to the DOE program and staff offices and also is responsible for acting as the control point for all such submissions, except those fossil energy-related proposals, which are received and controlled by the Pittsburgh Energy Technology Center. Proposals, applications, and other submissions covered by this Order might, however, be received in any Departmental Element. All submissions received elsewhere in the Department shall be forwarded to the Unsolicited Proposals Coordinator who will maintain centralized control to assure review by appropriate program offices and tracking and reporting. Classified (i.e., Secret) unsolicited proposals received in the Office of Intelligence (IN) shall not be forwarded to the Unsolicited Proposals Coordinator. IN shall provide to the Unsolicited Proposals Coordinator an unclassified summary of the proposal, which will be entered into the System for Proposals Information Network (SPIN). Upon completion of reviews and disposition of the classified proposal in accordance with the provisions of this Order, IN shall notify the Unsolicited Proposals

Coordinator of the final action taken. A submission addressed to a contractor is not considered to be a submission to the Department and shall not be entered into SPIN. Field offices are required to promptly submit all unsolicited proposals to Headquarters for processing. Absent any specific delegation, only designated Headquarters organizations are authorized to concur in and approve justifications for acceptance of unsolicited proposals. Each program office will provide the Unsolicited Proposals Coordinator with the following to assure proper assignment and tracking:

- (a) A current statement of its program mission and objectives.
  - (b) The name of an individual to act as the proposal contact, who shall be responsible for the receipt of proposals and the furnishing of data on the actions taken on unsolicited proposals.
  - (c) The name of a representative who can speak for the programmatic interests of the office.
- (2) System for Accountability and Control. Unsolicited submissions received by the DOE shall be acknowledged and entered by the Unsolicited Proposals Coordinator, into SPIN, then forwarded to the responsible program office for review, evaluation, and disposition.
- (3) Deadlines. Submissions shall be entered into SPIN or an alternate system and forwarded to the responsible program office by the Unsolicited Proposals Coordinator, PR-13, within 5 working days after receipt. Entry of the disposition decision into SPIN or an alternate system shall be within 5 working days after receipt by the Unsolicited Proposals Coordinator of the notice to the submitter.

- (4) Detailed Procedures. More indepth procedures for receipt and control of unsolicited proposals are contained in Attachment 1.
- d. Review of Unsolicited Proposals. Each office shall establish a review process to handle unsolicited proposals forwarded to its organization. The procedures shall provide that:
- (1) Proposals are given a preliminary review to determine if there are any immediately identifiable impediments that would prevent the proposal from being funded, such as lack of programmatic interest, failure to demonstrate a unique or innovative method, approach or idea, lack of funds for support, or substantial duplication of known research or recent, current or planned solicitation or program opportunity notice. Submitters shall be notified of the results of the preliminary review within 30 days after receipt of the submission;
  - (2) Proposals are evaluated in accordance with the requirements of 48 CFR Chapter 1, subpart 15.5 and 48 CFR Part 9, subpart 915.5 for contracts and 10 CFR Part 600 for grants and assistance agreement, and the guidelines set forth in Attachment 2;
  - (3) A proposer shall be notified of the DOE's decision within 6 months after receipt of the proposal, specifying the final decision to accept or not to accept; and
  - (4) Adequate documentation of the evaluation is prepared as provided in subparagraph e below.
- e. Disposition of Proposals.
- (1) The reviewing program office shall prepare an adequate written record to justify the decision to fund or not to fund a specific proposal. This record shall summarize the results of the preliminary and final reviews of the proposal and shall include copies, or a summary thereof, of each evaluation. If the proposal is accepted, a justification for acceptance of an unsolicited proposal

shall be prepared by the reviewing program office in accordance with applicable DOE procedures, the DEAR, and the FAR. The approved justification specified in applicable regulations shall be appended to the procurement request.

- (2) A written notice of "proposal declination" shall be forwarded to the responsible program official by the reviewing program office. If the proposal does not offer sufficient technical merit or program value; is not relevant to the accomplishment of a purpose authorized by DOE program legislation; or if funds are not available, the reviewing program office shall prepare a declination letter to the proposer, for signature of the responsible program official or designee, which sets forth the basis for rejection.
- (3) When a proposal otherwise qualifies as an unsolicited proposal, but in substance closely resembles that of an intended formal competitive solicitation or program opportunity notice, all copies of the proposal will be returned promptly, advising the proposer: (a) of the potential solicitation; (b) that the proposer will be added to the source list; and (c) that the proposal may be resubmitted in accordance with the requirements of the competitive announcement.
- (4) Proposals selected for support should be forwarded by the responsible program official with appropriate supporting documentation to the appropriate procurement office for award.

f. Timeframes.

- (1) A preliminary determination that the submission qualifies or does not qualify as an unsolicited proposal and notification to the submitter shall take place within 30 days after receipt of the unsolicited proposal.

(2) Final action on unsolicited proposals shall take place within 6 months of receipt. For a proposal to be held longer than 6 months, the written approval of the Director, Office of Clearance and Support, shall be obtained.

g. Records. The responsible program official or designee will maintain adequate records to respond to subsequent inquiries regarding the basis for the decision to support or not support the proposal. The responsible program official will ensure that the retention of these records is authorized by an approved records disposition schedule, as required by DOE 1324.2A.

h. Reports.

(1) The responsible program official or designee shall ensure that a copy of the procurement request, if the proposal is funded, and/or all correspondence to proposers regarding the disposition (preliminary review, acceptance, declination) or status of their proposal is provided to the Unsolicited Proposals Coordinator, PR-13, for entering into SPIN.

(2) The responsible program official or designee shall ensure that monthly SPIN reports, forwarded for updating to the program office, are updated to reflect status of unsolicited proposals.

110 NONDISCLOSURE OF INFORMATION: DOE personnel shall not disclose restrictively marked information included in any unsolicited proposal. The disclosure of such information concerning trade secrets, processes, operations, style of work, apparatus, and other matters, except as authorized, may result in criminal penalties under 18 U.S.C. 1905.

BY ORDER OF THE SECRETARY OF ENERGY:



DOLORES L. ROZZI  
Director of Administration  
and Management

PROCEDURES FOR HANDLING UNSOLICITED PROPOSALS  
SUBMITTED TO DOE

1. All unsolicited proposals submitted to DOE will be received and acknowledged by the Unsolicited Proposals Coordinator, except those submitted to the Pittsburgh Energy Technology Center.
2. If a proposal is handcarried or mailed directly to a responsible program official or designee, the office receiving the proposal will forward a copy of the proposal with the letter of transmittal promptly, via that office's proposal contact, to the Unsolicited Proposals Coordinator for entry into the System for Proposal Information Network (SPIN).
3. If a proposal is handcarried or mailed directly to a field office or energy technology center for Headquarters evaluation, the proposal should be transmitted promptly to the Unsolicited Proposals Coordinator for system entry.
4. The Unsolicited Proposals Coordinator will conduct the initial analysis of the proposal and, according to the research and programmatic objectives proposed, will assign it to the appropriate program or staff office for review. The Unsolicited Proposals Coordinator will acknowledge receipt within 5 working days after receipt of the submission and inform the proposer which program office has been assigned the responsibility for conducting the programmatic review of the proposal. The Unsolicited Proposals Coordinator will assign a proposal number, enter the proposal into the DOE SPIN and distribute copies of the proposal to the appropriate program office(s). In order that proposals may be handled in confidence consistent with DEAR, FAR, and 10 CFR Part 600, the notice contained on page 5 of this attachment shall be affixed to each proposal upon receipt by DOE and to any reproduction or abstract thereof. The notice contained on page 6 of this attachment shall be affixed to all unsolicited proposals in DOE custody which contain data that has been designated with a restrictive legend identifying it as proprietary information. Within 5 working days after receipt of the proposal, the Unsolicited Proposals Coordinator will forward proposals to the proposal

contact designated by each office. The proposal contact designated by each program office shall forward the proposal to the assigned reviewer within 2 days of receipt in the program office. The reviewer will perform a preliminary review to determine if there are any immediately identifiable impediments that would prevent the proposal from being funded, such as lack of programmatic interest, failure to demonstrate a unique or innovative method, approach or idea, lack of funds, or substantial duplication of known research, or a recent, current or planned solicitation or program opportunity notice. The reviewer will notify the submitter within 30 days if the submission qualifies as an unsolicited proposal, with a copy of the notification provided to the program proposal contact who will forward the information to the Unsolicited Proposals Coordinator.

5. When the evaluation is completed and it is determined that the proposal will be supported or not supported, or other action is contemplated, the responsible program official or designee will promptly provide the Unsolicited Proposals Coordinator with notification of intended disposition. If the proposal is to be declined, the responsible program official shall prepare a letter informing the proposer, with a copy to the Unsolicited Proposals Coordinator through the program proposal contact, of the reason for declination. If the determination is made that the proposal will be supported, a copy of the approved procurement request, with the unsolicited proposal number annotated, shall be provided to the Unsolicited Proposals Coordinator through the program proposal contact.
6. When a proposal is sent to more than one office by the Unsolicited proposals Coordinator, the first program office listed on the DOE cover sheet shall be designated the principal reviewer having the responsibility for responding to the proposer, and providing status to the Unsolicited Proposals Coordinator. The subsequently listed reviewers are designated as coreviewers. Any response a coreviewer desires to make to the proposer should be coordinated with the principal reviewer. The coreviewers have the responsibility for notifying the principal reviewer, within 21 days after receipt of a proposal, of any potential interest or action on their part with respect to such

proposal. After 21 days, the principal reviewer may take independent action on the proposal if notice has not been received from coreviewers of potential interest or action on their part. Where such notice of potential interest has been received, the principal reviewer's action; i.e., acceptance or decline action, should be coordinated with the interested coreviewers. When considered advisable, the designated principal reviewer responsibility may be transferred to a coreviewer as described in paragraph 7 below.

7. To transfer a proposal and its review responsibility from the assigned reviewing office to another office, the individual to whom the proposal was originally assigned shall prepare a memorandum to the individual to whom the proposal is being transferred, indicating the Unsolicited Proposal Number, submitter, the reason the proposal is being transferred, and other pertinent information. A copy of such memorandum shall be provided to the Unsolicited Proposals Coordinator through the program proposal contact. In the event that a proposal must be reassigned to ensure proper review, it is essential that such transfer be effected immediately, since the period for completion of review, 6 months, begins with receipt of the proposal in the Department, and does not restart upon transfer.
8. Unsolicited proposals forwarded to DOE by a member of Congress will be processed as stated in previous paragraphs with the following exceptions:
  - a. The letter of acknowledgement from DOE to the proposer will be sent via the Congressman, by the Director, Office of Procurement, Assistance and Program Management. The letter will be transmitted through the Office of Executive Secretariat for Congressional and Intergovernmental Affairs (CP) concurrence and mailing.
  - b. The responsible program official will forward the response from DOE indicating possible support or nonsupport, or other action contemplated, to CP for concurrence and mailing to the member of Congress.

9. The information entered into SPIN, as provided by the reviewing offices, is used to generate the monthly reports on unsolicited proposals provided by the Unsolicited Proposals Coordinator. As the accuracy of the information in these reports is dependent upon status data received from the reviewing offices, it is essential that such input be both timely and correct. Information received by the Unsolicited Proposals Coordinator not later than the last working day of each month will be included in the next month's report.
10. The Unsolicited Proposals Coordinator will not respond directly to inquiries regarding the status of unsolicited proposals. Inquiries on proposals received by DOE will be referred for response to the office assigned the review function.

UNSOLICITED PROPOSAL  
USE OF DATA LIMITED

All Government and non-Government personnel must exercise extreme care to ensure that the information in this proposal is not disclosed to an individual who has not been authorized access to such data in accordance with Federal Acquisition Regulation 3.104, and is not duplicated, used or disclosed in whole or in part for any purpose other than evaluation of the proposal, without the written permission of the offeror. If a contract is awarded on the basis of this proposal, the terms of the contract shall control disclosure and use.

This notice does not limit the Government's right to use information contained in the proposal if it is obtainable from another source without restriction.

This is a Government notice, and shall not by itself be construed to impose any liability upon the Government or Government personnel for disclosure or use of data contained in this proposal.

NONDISCLOSURE OF DATA

DOE personnel shall not disclose restrictively marked information included in any unsolicited proposal. The disclosure of such information concerning trade secrets, processes, operations, style of work, apparatus, and other matters, except as authorized by law, may result in criminal penalties under 18 U.S.C. 1905.

GUIDELINES FOR EVALUATING UNSOLICITED PROPOSALS  
SUBMITTED TO DOE

1. ACQUISITION AND ASSISTANCE CRITERIA.

- a. The evaluation criteria used in reviewing unsolicited proposals are contingent upon whether the program for which the proposal is to be considered is principally one of acquisition or assistance.
  - (1) If the program is principally one of acquisition, the award instrument will be a contract. The evaluation criteria for contracts are set forth in FAR 15.506-2. Proposals for demonstration projects will be evaluated in accordance with the DOE policy on cost participation in DEAR 917.70, the Federal support criteria in DEAR 917.7201-3 and the evaluation criteria for proposals submitted in response to program opportunity notices in DEAR 917.7203 (C) ( 1 ) - ( 8 ) .
  - (2) If the program is principally one of assistance, the award instrument will be an assistance agreement, i.e., either a grant, or a cooperative agreement. The evaluation criteria for assistance agreements are set forth in the DOE Financial Assistance Rules, 10 CFR Sections 600.14 and 600.15.
- b. The determination of whether a specific proposal is to be principally one of acquisition or assistance will be made by the cognizant program manager. Heads of Departmental Elements will ensure that this determination is reviewed at the program policy level.
- c. A contract shall be used as the award instrument whenever (1) the principal purpose is the acquisition by purchase, lease, or barter of property, or services for the direct benefit or use of the Federal Government; or (2) whenever DOE determines, in a specific instance, that the use of a contract is appropriate.

- d. An assistance agreement will be used as the award instrument whenever the principal purpose is to accomplish a public purpose of support or stimulation authorized by Federal statute.
  - (1) A grant type of assistance agreement will be used whenever no substantial involvement is anticipated between DOE and the recipient during performance of the activity.
  - (2) A cooperative agreement will be used whenever substantial involvement is anticipated between DOE and the recipient during performance of the activity. Each cooperative agreement shall include an explicit statement of the nature, character, and extent of anticipated DOE involvement.

2. REVIEWERS.

- a. If the proposal is determined to be for an acquisition action, the responsible program official or designee shall designate generally at least three qualified Individuals (in addition to the official responsible for selection) to perform an objective merit review and evaluation of the proposal. The individuals may be any mixture of Federal or non-Federal experts, including individuals from within the assigned reviewing program office.
- b. If the proposal is determined to be for an assistance action, the responsible program official or designee shall designate generally at least three qualified individuals (in addition to the official responsible for selection) to perform an objective merit review and evaluation of the proposal. The individuals may be any mixture of Federal or non-Federal experts, including individuals from within the assigned reviewing program office, except that anyone (and their respective superiors) performing, on behalf of the Federal Government, the following duties is ineligible:
  - (1) Providing substantive technical assistance to the applicant;

- (2) Approving/disapproving or having any decision-making role regarding the application;
  - (3) Serving as the project officer or otherwise monitoring or evaluating the applicants's programmatic performance;
  - (4) Serving as the Contracting Officer or performing business management functions for the project;
  - (5) Auditing the applicant or the project; or
  - (6) Former employees of the cognizant program office who have left that office within the past year.
- c. All reviewers, whether Federal or non-Federal employees, shall execute an appropriate conflict of interest statement. Further, for acquisition actions, each evaluator shall complete the certification contained on page 6 of this attachment. The reviewing program office shall maintain a listing of all personnel authorized access by the reviewing program office to proprietary information, and shall attach the list to the unsolicited proposal.
3. DETERMINATIONS. A favorable comprehensive evaluation of an unsolicited proposal is not, in itself, sufficient justification for negotiating on a noncompetitive basis with the offeror. When a document qualifies as an unsolicited proposal, but the substance (a) is available to the Government without restriction from another source, or (b) closely resembles that of a recent, current or planned competitive solicitation or program opportunity notice, or (c) is otherwise not sufficiently unique to justify acceptance, the unsolicited proposal shall not be accepted.
4. EXTERNAL REVIEW.
- a. In some instances, particularly in basic research, the responsible program official may find it advantageous to submit the proposal to peer review by scientific and technical personnel external to the Federal Government (i.e. , non-Federal employees) . Use of such external

reviewers is particularly appropriate for the review and evaluation of the merit of the proposal, the competence of the proposer and the adequacy of support facilities.

(Internal program staff may choose to concentrate on program relevance and funding priorities. )

- b. If an unsolicited proposal is received without any restrictive legend and it is necessary or appropriate to obtain an evaluation of the proposal from personnel external to the Government, a cover sheet with the legend on page 5, Attachment 1, shall be placed on the proposal. Prior written permission shall be obtained from the proposer prior to release of the proposal for evaluation by reviewers external to the Government.
- c. If the proposal under consideration expressly indicates that only Government evaluation is authorized and evaluation by personnel external to the Government is nevertheless desired, the proposer should be advised that DOE may be unable to give full consideration to the proposal unless the proposer consents in writing to having the proposal evaluated outside the Government. Final decision on disposition of proposals submitted to DOE must be made only by DOE employees.

5. SELECTION OF EXTERNAL REVIEWERS.

- a. The selection of external reviewers is an important responsibility of the program office assigned to review the unsolicited proposal. Reviewers must be chosen carefully relative to their scientific and technical knowledge in the area of the proposed effort under consideration. The program office must ensure that the proposed reviewer has no real or apparent interests that are contrary to or in conflict with the proposer or proposing organization submitting the request for funding. When this is not possible, for example, where required expertise is extremely limited, mechanisms shall be established to mitigate the effects of such circumstances. When mitigating steps are determined to be necessary, the evaluation report should contain a description of such mitigating steps and an explanation which adequately demonstrates how such mitigating steps will be effective.

- b. Reviewers should be balanced, as warranted, among various institutional and demographic factors, such as geographic location, type of institution, and special interest groups. The DOE program office also should be conscious, in the selection of reviewers, of the need to avoid potential scientific/technical or personal biases of reviewers to assure that the proposal is accorded fair, equitable, and impartial review on its merits and relevance to program objectives.
6. AGREEMENT WITH EXTERNAL REVIEWERS. When it is determined to evaluate a proposal outside the Government, such as by consultants, grantees, and contractors, including those who operate or manage Government-owned facilities, the agreement on page 7 of this attachment, or an equivalent arrangement for the treatment of the proposal, shall be obtained from the outside evaluator before DOE furnishes a copy of the proposal. (In addition, the handling notice required on page 5, Attachment 1, should be affixed to the proposal before it is disclosed to the evaluator. )

PROCUREMENT INTEGRITY CERTIFICATION  
FOR PROCUREMENT OFFICIALS

As a condition of serving as a procurement official, I \_\_\_\_\_ hereby certify that I am familiar with the provisions of subsections 27(b), (c), and (e) of the Office of Federal Procurement Policy Act (41 U.S.C. 423) as amended by section 814 of Public Law 101-189. I further certify that I will not engage in any conduct prohibited by such subsections and will report immediately to the contracting officer any information concerning a violation or possible violation of subsections 27(a), (b), (d), or (f) of the Act and applicable implementing regulations. A written explanation of subsections 27(a) through (f) has been made available to me. I understand that, should I leave the Government during the conduct of a procurement for which I have served as a procurement official, I have a continuing obligation under section 27 not to disclose proprietary or source selection information relating to that procurement and a requirement to so certify.

\_\_\_\_\_  
SIGNATURE OF PROCUREMENT OFFICIAL

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DEPARTMENT OR AGENCY

\_\_\_\_\_  
OFFICE TELEPHONE NUMBER

\_\_\_\_\_  
OPTIONAL FORM 333

CONDITIONS FOR EVALUATING PROPOSALS

Whenever DOE furnishes a proposal for evaluation, I the recipient, agree to use the information contained in the proposal only for DOE evaluation purposes and to treat the information obtained in confidence. This requirement does not apply to information obtained from any source, including the proposer, without restriction. Any notice or restriction placed on the proposal shall be conspicuously affixed to any reproduction or abstract thereof and its provisions strictly complied with. Upon completion of the evaluation, I shall return all copies of the proposal and abstracts, if any, to the DOE office which initially furnished the proposal for evaluation. Unless authorized by the DOE initiating office, I shall not contact the originator of the proposal concerning any aspect of its contents.

\_\_\_\_\_  
Recipient

\_\_\_\_\_  
Date

