



**DARPA Guide to
Broad Agency Announcements
and Research Announcements
December 2023**

Releasability: Cleared for Public Release. This DARPA Instruction has been reviewed pursuant to DARPA Instruction 65 and has been cleared for public release.

FOREWORD

The “DARPA Guide to Broad Agency Announcements and Research Announcements” is issued under the authority of DARPA Instruction (DI) 20, “Soliciting, Evaluating, and Selecting Proposals under Broad Agency Announcements and Research Announcements,” current version, and is effective immediately.

This Guide implements processes and procedures established under DI 20, including how to prepare and process a Broad Agency Announcement (BAA) or Research Announcement (RA) and how to evaluate and select for award proposals received in response to BAAs and RAs. All Government employees and support contractor personnel involved in acquisition at DARPA shall read and become familiar with procedures and responsibilities outlined by the Guide to prepare them to solicit and select proposals for award under a BAA or RA.

Please submit comments or suggestions for improvement of this Guide to the Contracts Management Office via e-mail at CMO_Policy_Team@darpa.mil. Copies of this document may be obtained electronically on the DARPA Portal.

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PURPOSE

The purpose of the “DARPA Guide to Broad Agency Announcements and Research Announcements,” hereafter referred to as “the Guide,” is to provide guidance and instructions to (1) prepare, route, and advertise Broad Agency Announcements (BAAs) and Research Announcements (RAs) and (2) evaluate and select proposals received in response to BAAs and RAs for negotiation for award. Chapter 1 describes the process leading up to issuance of a BAA or RA. Chapter 2 discusses the procedures for reviewing and selecting for award proposals received in response to BAAs and RAs and documenting the results of these reviews. Guidance regarding BAAs provided herein also applies to RAs unless specifically designated otherwise.

This Guide is intended to be a **living document**, subject to revision due to lessons learned and DoD best practices. All Government employees and support contractor personnel involved in acquisition at DARPA are **strongly encouraged** to be **creative** and **innovative** throughout this process. **Streamlined** and **expedited** processes are highly desired and should be embraced at every opportunity.

APPLICABILITY AND SCOPE

The Guide is applicable to DARPA employees and contractor support personnel (including Scientific Engineering and Technical Assistance (SETA) contractors) engaged in the acquisition of research and development through the use of BAAs. It also applies to DARPA contracting agents to the extent that they make awards resulting from proposals submitted in response to DARPA BAAs.

This Guide is intended to be consistent with Federal law, regulations, and policies. If there is any discrepancy between this Guide and Federal law, regulations, and policies, the Guide shall not be effective on the particular issue.

DEFINITIONS

Key terms used in the Guide are defined in Appendix 2, Glossary of Terms. For the purposes of this Guide, “DIRO” refers to the Director, DARPA and the Deputy Director, DARPA in cases where the Director has delegated their approval duties to the Deputy Director.

Chapter 1

Soliciting Proposals Under Broad Agency Announcements and Research Announcements

1. GENERAL OVERVIEW

This chapter provides guidance and instructions to prepare, route, and advertise BAAs based on Subpart 35.016 of the Federal Acquisition Regulation (FAR), Section 235.016 of the Defense Federal Acquisition Regulation Supplement (DFARS), and DARPA Instruction (DI) 20, “Soliciting, Evaluating, and Selecting Proposals under Broad Agency Announcements and Research Announcements.”

1.A. BAA Overview. DARPA’s authority to issue BAAs is derived from Subparts 6.102 and 35.016 of the FAR and Section 235.016 of the DFARS. Subpart 35.016 of the FAR prescribes procedures for the use of the BAA 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. BAAs may be used by agencies to fulfill their 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 BAA technique shall be used only when meaningful proposals with varying technical/scientific approaches can be reasonably anticipated.

The BAA should be general in nature. If the Government’s need is for the development of a specific system or hardware solution, proposals must be requested by a solicitation type other than BAA or RA (e.g., request for proposals). Further, a BAA will not be used if the Government’s need is for supplies or services (e.g., SETA support), even though research and development (R&D) funding may be used and the project may be in support of R&D.

DARPA may award procurement contracts, grants, cooperative agreements, or other transactions (OTs) (e.g., Prototype and Research OTs) as a result of proposals submitted in response to a BAA.

1.B. Research Announcement (RA) Overview. The term “RA” refers to “BAA-like” solicitations that may result in the award of assistance-type instruments only (i.e., grants, cooperative agreements, or Research OTs). RAs are not used for award of procurement contracts or Prototype OTs. RAs generally follow a similar structure to BAAs.

2. TYPES OF BAAs

A BAA should describe the Agency’s research interest, either for an individual program requirement, a **program-specific BAA**, or for broadly defined areas of interest covering the range of the Agency’s requirements, an **office-wide BAA**. While there may be minor procedural differences in how DARPA administers office-wide BAAs, all Federal, DoD, and DARPA regulations and policies applicable to program-specific BAAs are also applicable to office-wide BAAs (e.g., Subpart 35.016 of the FAR, Section 235.016 of the DFARS).

3. MODEL BAA

DARPA’s Contracts Management Office (CMO) maintains the DARPA Standard Model BAA (hereafter, model BAA), a copy of which can be obtained and downloaded from the

DARPA-approved BAA writing tool or from CMO. The model BAA was initially written to comply with the Federal Financial Assistance Management Improvement Act (Public Law 106-107), which intended to streamline and standardize the format for announcements of funding opportunities to result in grants or cooperative agreements under Federal programs. The Office of Management and Budget (OMB) published a policy letter in the Federal Register in June 2003 that prescribes a streamlined format that all Federal agencies must follow and updated the format in the Uniform Guidance prescribed in Section 200.203 of Title 2, Code of Federal Regulations (CFR). All BAAs posted to www.grants.gov must follow this prescribed format; DARPA mandates that all BAAs must comply with this format whether posted to grants.gov or not.

The model BAA has been streamlined and formatted to allow maximum flexibility for the Technical Offices to succinctly describe program goals, metrics, thresholds, and objectives. CMO Contracting Officers (COs) will work with their cognizant program office to ensure that the BAA reflects the requirements of Subpart 35.016 of the FAR and Section 235.016 of the DFARS. The model BAA will incorporate by reference supporting webpages that contain statutory and Federal regulatory language and/or mandatory DARPA policy.

4. SECTIONS OF A BAA

The model BAA contains four sections, as described below:

- **Section I: Funding Opportunity Description** – Details the technical areas of interest for the potential awards and gives a general outline of the purpose of the research resulting from the BAA. For program-specific BAAs, this section generally would include technical program goals, metrics, thresholds, and objectives. For office-wide BAAs, this section would detail Technical Office thrust areas of interest.
- **Section II: Evaluation Criteria** – Details the evaluation criteria and the relative importance of those criteria. DI 20 identifies the three criteria mandated by the FAR: overall scientific and technical merit, potential contribution and relevance to the DARPA mission, and cost realism. Program managers (PMs) may include additional evaluation criteria.
- **Section III: Submission Instructions** – Provides all information necessary to submit a response to the BAA and must include:
 - **Content/Format requirements** (e.g., page limits, classified/proprietary markings, font size, number of copies).
 - **Submission instructions** for all acceptable methods of transmission (electronically via DARPA-approved website and/or grants.gov, hard copy/direct mail, hand-carried, classified).
 - **Submission due date(s) and time(s)**. The BAA must specify the period of time during which proposals will be accepted. Program-specific BAAs that allow submissions beyond the initial due date must include a submission "cut-off" date that is within six (6) months of the date of issuance. Office-wide BAAs may be open indefinitely but must be re-advertised at least annually. Per Subpart 5.203(e) of the FAR, BAAs must allow a response time of at least 45 calendar days

between the date of the posting on the Government Point of Entry at the System for Award Management (SAM) (SAM.gov) and/or Grants.gov and receipt of proposals. There is no response time requirement for receipt of preproposal submissions (for definition, see Section 5.A.), but the submission date and time must be stated in the BAA. Additionally, if applicable, this section should address whether preproposal submissions are permitted and, if so, should include submission instructions and content/format requirements.

Section IV: Special Considerations – This section, if applicable, would detail special considerations of interest to proposers, such as fundamental versus non-fundamental research; DARPA Fundamental Research Risk-Based Security Review Process (formerly DARPA Countering Foreign Influence Policy); existence of any classified addendums; human subjects research; animal use; and Embedded Entrepreneur Initiative. This section would also include a statement incorporating any relevant websites by reference. This section would also contain information for those entities and organizations potentially interested in supporting a program-specific BAA as a Government team partner. Proposers Day information and teaming websites could also be included in this section. **This list is not all inclusive, and Technical Offices could add additional topics in this section that are integral to the specific effort that have not been included in other sections or would be referenced on the static website incorporated by reference.**

5. DISCRETIONARY COMPONENTS OF BAAs AND RAs

5.A. Preproposal Submissions. The Technical Office may allow proposers to submit preproposal submissions before submitting a full proposal. Preproposal submissions include abstracts, white papers, and executive summaries (see Appendix 2, Glossary of Terms); hereafter, the term “abstract” will be used to reference all preproposal submissions.

If the Technical Office will use abstracts for a particular BAA, the following instructions must be included in the BAA:

- The format required for the abstract.
- How to submit abstracts to DARPA (e.g., via hard copy, DARPA-approved web portal, and/or email).
- How the abstracts will be reviewed (i.e., only on their technical merits, all the evaluation criteria listed in the BAA for review of full proposals, or by another method approved by the Technical Office). Should the abstract process be a decision point to submitting a full proposal, this process should be clearly described.
- How abstracts will be handled if the abstract receipt and review process differs from the receipt and review process for full proposals. Further instructions regarding the review of abstracts are found in Chapter 2, Section 3.A. The BAA should also include any further

instructions for how abstracts will be handled if the abstract receipt and review process differs from the receipt and review process for full proposals.

5.B. Proposers Day. At DARPA, Proposers Day meetings, sometimes also referred to as Industry Days, are typically held in conjunction with a solicitation and allow PMs to outline challenges, concerns, and expectations to potential proposers within a technology area and to allow dialogue with respect to technical approaches for solving or addressing these issues. Proposers Day meetings may also be used as a forum for facilitating potential teaming arrangements or collaborative partnerships among participants; e.g., participants may provide presentations about their specific or unique technical capabilities.

Proposers Days may occur prior to the issuance of a BAA or shortly after a BAA has been publicized at SAM.gov/Grants.gov. Issuance of a draft BAA before Proposers Days can be beneficial in order to inform the proposer community in advance of a potential effort and to encourage feedback on the draft solicitation. Any qualified and responsible source may still respond to any solicitation, regardless of whether that particular entity attended any Proposers Day activities. It is incumbent upon the PM to ensure that all prospective proposers have access to the same information in order to maximize participation and uphold integrity in the procurement process. This includes making briefing materials available following the Proposers Day, e.g., by publishing them at www.darpa.mil or via appropriate channels.

If the PM wishes to hold a Proposers Day after the issuance of a solicitation, the Proposers Day serves as an opportunity to review the specific details of the BAA and hold additional dialogue with interested parties to clarify portions of the BAA. Please note that if the BAA has not been published prior to Proposers Day, the PM should discuss “anticipated program goals” instead of “firm” program goals. Please note that if there is any discrepancy between what is communicated at Proposers Day and the resultant BAA, the BAA shall take precedence. Section 6 of this chapter provides general guidelines for what information the PM should and should not provide when communicating with proposers prior to receipt of proposals. Proposers Day meetings typically include presentations by the PM and CO. Should a BAA contain considerations such as human subjects research, animal use, or DARPA Fundamental Research Risk-Based Security Review Process (formerly DARPA Countering Foreign Influence Policy), these topics and any other relevant subjects should be addressed at the Proposers Day. The CO is strongly encouraged to attend. Other Government personnel, to include General Counsel (GC), Mission Services Office (MSO)/Security and Intelligence Directorate (SID), and/or the Small Business Program Office (SBPO), may be invited to participate in or present information at the meeting, as appropriate.

If briefings will be provided in an open forum during Proposers Day, all charts must be approved for public release in advance of the forum. Refer to DI 65, “Clearance of DARPA Information for Public Release,” for further details regarding policies, responsibilities, and procedures for the clearance of DARPA information for public release.

6. COMMUNICATION WITH PROPOSERS PRIOR TO THE RECEIPT OF PROPOSALS (OPEN DISCOURSE)

The PM is encouraged to maintain an open dialogue with proposers after release of a BAA and prior to the receipt of proposals, including the receipt of any preproposal submissions to a BAA. See the DARPA Proposer Communication Plan, dated March 5, 2014, at <https://www.darpa.mil/work-with-us/contract-management>. General guidelines for discourse with potential proposers prior to receipt of proposals include the following:

- The PM cannot attempt to replace the proposer’s original ideas with their own.
- The PM cannot share ideas or technical solutions that were provided to them by a competing proposer.
- If a PM provides information concerning the objectives/goals/requirements of the BAA to one proposer, they must provide this information to all proposers, (e.g., via a Questions and Answers (Q&A) document). Similarly, if a proposer is provided information that expands on information contained in the published solicitation or is otherwise publicly available, it must also be made publicly available to all potential proposers, typically via the Q&A document. In some cases, this will also require an amendment to the BAA. For classified BAAs, information will not be publicly available; however, all potential proposers should have access to information such as Q&As.
- Responses to proposer questions must be coordinated with the CO. If a proposer is provided accurate information that contradicts or retracts information contained in the published solicitation, then an amendment to the BAA will likely be required in order to provide all potential proposers with the same information.
- When engaging with **Federally Funded Research and Development Centers** (FFRDCs), **Government Entities** (e.g., National laboratories, military educational institutions, etc.), and/or a **University-Affiliated Research Center** (UARC):
 - These organizations (please refer to the glossary for additional information):
 - Are important contributors to the DARPA Science and Technology (S&T) Research and Development (R&D) ecosystem.
 - Are subject to **competition limitations**.
 - **General Guidance:**
 - Due to their specialized expertise and areas of competencies, DARPA’s preferred model is for PMs to **first consider these organizations to serve as part of the Government team** for program specific efforts.
 - If a PM or BAA Coordinator receives a notice or becomes aware that an FFRDC, Government Entity, and/or a UARC is interested in proposing to a BAA, either as a prime or as a subcontractor, the PM should coordinate with the CO and GC.
 - In the event that any FFRDC, Government Entity, or UARC responds to a solicitation, interactions with these entities should be treated the same as communications with other potential proposers. However, during the course of the scientific review process, there may be circumstances that warrant

further communication with these organizations (e.g., verification of eligibility and clarifications).

In accordance with the DARPA Proposer Communications Plan, if a PM does not intend to have any interactions with proposers relative to their BAA, a waiver must be requested from the Deputy Director, DARPA. This request must be in writing and include the rationale supporting the PM's decision not to interact with proposer(s). The waiver must be received from the Deputy Director, DARPA prior to the release of the BAA.

7. CLASSIFIED BAAs (OR CLASSIFIED ADDENDUMS)

If the nature of the BAA effort is classified or is anticipated to involve access to or generation of classified information, a DD Form 254, "DoD Contract Security Classification Specification," will be required as an attachment to the BAA. Per the "DARPA Security Guide," found on the DARPA Portal, the Technical Offices, in conjunction with MSO/SID, are responsible for drafting the DD Form 254 and providing it to the CO.

Solicitation of proposals via classified BAAs is often limited to a small group of proposers for national security reasons. The PM, in consultation with the CO, must draft a justification and approval (J&A) document for other than full and open competition that describes the rationale for limiting competition to the selected source(s). In this context, the authority for limiting competition for classified BAAs is found at Subpart 6.302-6 of the FAR, National Security.

The DARPA PM should coordinate early in the process with MSO/SID and CMO if classified information will be included in the BAA package sent to proposers and/or if the PM anticipates proposer submissions will contain classified information.

8. FOREIGN PARTICIPATION

The potential for including/excluding international participation must be discussed with MSO/SID, and any necessary authorizations obtained from DoD and other departments or agencies of the U.S. Government prior to routing the BAA beyond the DARPA Assistant Director, Program Management (ADPM) level. The need for early contact with MSO/SID is vital to preclude the inadvertent exclusion of potential international proposers or exposure of export controlled or other sensitive information to foreign entities.

9. SMALL BUSINESS PARTICIPATION

As stated at Subpart 19.201 of the FAR, it is the policy of the Government to provide maximum practicable opportunities in its acquisitions to small business. Research conducted by small business has been integral in the advancement of U.S. technology. DARPA seeks and encourages small businesses to participate in its research programs. However, due to the broad nature of DARPA R&D programs and the fact that DARPA is seeking the best ideas available, it is generally not feasible to set aside all or some portion of a BAA for small business. Section 253.217-70 of the DFARS Procedures, Guidance, and Information details the required process

for documenting small business set-aside decisions on DD Form 2579, “Small Business Coordination Record.” The DD Form 2579 is prepared by the Technical Office and accompanies the BAA for review and coordination by the Program Director, SBPO and the CO.

10. PREPARATION AND ROUTING OF BAAs

The PM is responsible for drafting a BAA that complies with the model BAA. A copy of the current model BAA is in the DARPA-approved BAA drafting tool located at <https://webapps.darpa.mil/BAAM/Admin/TemplateManager.aspx>.

There are many issues and considerations to take into account prior to issuing a BAA, and addressing these issues early in the process with the right subject matter experts can avoid problems during proposal review and eventual award. Consultation with CMO, GC, and MSO/SID, as well as other pertinent stakeholders, is highly encouraged as early as “the ideas generation” stage through solicitation development to maximize probability of successful program execution. The following considerations (**not all inclusive**) should be carefully examined and addressed in the BAA in order to fully describe program objectives, goals, and outcomes:

- How many awards are anticipated?
- Are there security clearance requirements?
 - If so, what level will be required and when (at time of preproposal or proposal submission, time of award, later phase of the program)?
 - What does the cost volume need to request from proposers? (e.g., are there any compilation concerns?)
 - Will the security level and acceptable methods of transmission impact the overall timeline? (e.g., hard copy/direct mail, hand-carried, classified submissions may lengthen the Scientific Review Process).
- Are there any anticipated intellectual property issues (e.g., open source encouraged to facilitate transition)?
- Who are the possible transition partners? Has sustainment been discussed?
- Are assistance instruments (e.g., grants and cooperative agreements) appropriate for the research?
- Will any part (prime or subcontractor) of the research be considered fundamental¹? If so, are the corresponding type of funds available (i.e., basic research or, if the effort will be performed on campus, applied research)? Will the effort require publication restrictions?

¹ Per the National Security Decision Directive (NSDD) 189, “‘Fundamental research’ means basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the

- Will there be any issues involving export control (i.e., International Traffic in Arms Regulations (ITAR) or the Export Administration Regulations (EAR))?
- Will the program involve human subjects research (HSR) or animal use?
- Does DARPA anticipate the use of Government-furnished property, equipment, or information? If so, when will it be available, and how will it be provided?
- How will the program be structured? Are there multiple technical areas? And what does this mean for the acquisition strategy? If there are multiple phases, how will decisions be made to continue the program (e.g., down-selects)?
- Who will be on your Government team? PMs are highly encouraged to leverage FFRDCs, UARCs, or other Government entities for potential Independent Verification and Validation (IV&V) services.
- Are there any Ethical, Legal, or Societal Implications (ELSI) concerns?

Each Technical Office may establish its own internal review and approval process for BAAs. However, all BAAs must, at a minimum, be reviewed by the cognizant PM; ADPM; Technical Office Director (OD); MSO/SID; Public Affairs Office (PAO); GC; the Program Director, SBPO (for coordination on the accompanying DD Form 2579); the CO; and the Director, CMO. For classified BAAs, it is not necessary to have PAO or SBPO on the routing. Other stakeholders may be added at the discretion of each Technical Office, as needed. The Director, CMO or their designee approves all BAAs prior to their issuance.

11. PUBLISHING BAAs

After the BAA has been approved by the Director, CMO or their designee, it will be forwarded to the CO for posting. The CO will be responsible for posting the BAA and will retain confirmation of the BAA posting for the subsequent award files if DARPA is the contracting agent or for the contracting agent's award files.

11.A. Posting BAAs and RAs. The CO will post BAAs and RAs to www.SAM.gov. All RAs and BAAs for which it is anticipated that assistance instruments (e.g., grants, cooperative agreements) may be awarded must be posted to www.grants.gov. Program-specific BAAs will be posted for no longer than 180 calendar days from the date they are published at www.SAM.gov. Office-wide BAAs are reissued annually unless extenuating circumstances exist. In some cases, a Technical Office may extend the current office-wide BAA for a short duration to allow time for an updated BAA to be published.

scientific community, as distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for proprietary or national security reasons.”

Exceptions to the requirement to advertise BAAs are found at Subpart 5.202 of the FAR. Examples of situations when the CO need not post the BAA to www.SAM.gov include when:

- The posting cannot be worded to preclude disclosure of the Agency's needs, and such disclosure would compromise national security (e.g., would result in disclosure of classified information).
- The proposed contract action is made under the circumstances described in Subpart 6.302-2 of the FAR, and the Government would be seriously injured if the Agency complies with the required publication time periods.
- DIRO determines in writing, after consultation with the Administrator for Federal Procurement Policy and the Administrator for Small Business Administration, that advance notice is not appropriate or reasonable.

11.B. Unsolicited Proposals. In accordance with October 24, 2017 DARPA memorandum, "Designation of DARPA Point of Contact for Processing Unsolicited Proposals," the Technical Office or recipient of any unsolicited proposals must forward these proposals to SBPO for processing. Proposers are encouraged to submit their technical solutions and proposals against current open BAAs.

12. ASSISTANCE WITH THE BAA PROCESS

For assistance with the BAA process, PMs should consult with their office BAA coordinator, ADPM, and/or CO.

Chapter 2

Evaluating and Selecting Proposals for Negotiation of Award Under BAAs and RAs

1. GENERAL OVERVIEW

This chapter provides guidance and instructions for evaluating and selecting for award proposals submitted under BAAs based on Subpart 35.016 of the FAR, Section 235.016 of the DFARS, and DI 20. Guidance regarding BAAs provided herein also applies to RAs unless specifically designated otherwise.

2. PREPARING FOR REVIEW

Subpart 35.016(d) of the FAR requires that “proposals received as a result of the BAA shall be evaluated in accordance with evaluation criteria specified therein through a peer or scientific review process.” DARPA employs a Scientific Review Process to evaluate proposals received in response to BAAs. However, some preparatory work must be accomplished before anyone begins to review proposals.

2.A. Participants in the Scientific Review Process. The key individuals involved in the Scientific Review Process are the PM (and delegates, as necessary), Reviewers, subject matter experts (SMEs), and the Scientific Review Official (SRO) (and delegates, as necessary). Collectively, this group is referred to as the Review Team; individuals in the team are referred to as Review Team Members.

The PM is the leader of the Scientific Review Process. They document and communicate, in writing, to the Reviewers and the SMEs which proposals they will review and what their designated role is in the process. PMs select Reviewers with the requisite background and experience to readily grasp the scientific concepts discussed in the proposals and cogently analyze the proposal in accordance with the stated evaluation criteria. For program-specific BAAs, the PM must be a Reviewer and review all proposals submitted under their BAA unless the PM has a conflict of interest. For office-wide BAAs, there could be various PMs assigned to review proposals that are received on a rolling basis.

PMs must manage the review process for abstracts under BAAs. Similarly, the PM must manage processes involving white papers or executive summaries. While a PM may ask for guidance from a Reviewer or SME regarding an abstract, the PM will decide whether to encourage or discourage the proposer to subsequently submit a full proposal.

Finally, the PM determines which proposals to recommend for funding based on the Reviewers’ evaluations, technical information provided by SMEs, and the PM’s own independent judgment.

Reviewers must evaluate entire proposals in accordance with the evaluation criteria stated in the BAA and must sufficiently document their findings in written evaluation report(s) unless using the alternative Consolidated Evaluation Process found in Section 3.A.2. Reviewers may provide guidance on abstracts on request from the PM. (See Appendix 1, Exhibit 1, for the format). Reviewers must be Government personnel. The number of required Reviewers is discussed in Section 3.

SMEs may review only those sections of proposals within their area(s) of technical expertise, as assigned by the PM, and document their findings on the Subject Matter Expert Worksheet. (See Appendix 1, Exhibit 2, for the format.) SMEs are not required to be Government personnel. SMEs may provide guidance on abstracts on request from the PM. DARPA programmatic/technical support contractors are considered SMEs only if they are providing technical input to the PM and the Reviewers (as opposed to only the PM); such support contractors must act in accordance with all SME-related guidance outlined herein (e.g., be listed on the scientific review memorandum as SMEs, provide conflict of interest (COI) self-certifications).

The SRO is generally the Technical Office Director. The role of the SRO is to ensure the integrity of the Scientific Review Process. They review the PM's recommendations to ensure they adequately match DARPA's needs and mission requirements and that the review of abstracts and proposals was in accordance with DI 20. Under no circumstances shall the SRO on a BAA also serve as the PM, Delegate PM, Reviewer, or SME.

2.B. Scientific Review Memorandum (SRM). For program-specific BAAs, the PM drafts and identifies in the SRM all the Review Team Members by name (see Appendix 1, Exhibit 5). The Technical Office may also consider identifying a delegate PM and delegate SRO by name in the SRM to minimize delay should a COI be identified. Any named delegates should be documented in the SRM. Any changes to the membership of the team must be documented in an amendment to the SRM prior to that individual being permitted to review proposals. The SRM also includes the proposed schedule for the Scientific Review Process. The SRO and PM, in coordination with the CO, sign the SRM for program-specific BAAs. The SRO, after coordination with the CO, signs the SRM for office-wide BAAs. For office-wide BAAs, the SRM should reflect all Reviewers, to include any DARPA PM and/or Reviewers external to the Agency, as it applies to the review of that specific submission. The SRM should be routed in conjunction with the BAA review and must be completely signed prior to publication of the BAA.

2.C. Conflicts of Interest (COIs). Review Team Members with a COI related to proposals submitted against a BAA are generally prohibited, in regard to that BAA, from making any funding decisions, conducting review of any proposals with which they have a conflict, or participating in any meeting where a proposal with which they have a conflict is discussed. This prohibition does not apply to abstracts not directly tied to funding decisions; however, in certain circumstances and with the appropriate approvals (as detailed below in this section), Review Team Members may participate in the Scientific Review Process to a limited extent. Delegates will assume the duties for conflicted SROs or PMs for any conflicted proposals and resultant award negotiations and program management, as applicable.

2.C.1. Types of Conflicts

2.C.1.a. Intergovernmental Personnel Act (IPA). The IPA (Sections 3371-3375, Title 5, United States Code (U.S.C.), Part 334, Title 5, CFR, as amended) authorizes the temporary assignment of employees between the Federal Government and state, local, and Indian tribal governments; institutions of higher education; and other eligible organizations.

Personnel on assignment at DARPA under this law are generally referred to as “IPAs.” They are generally subject to the same ethics laws and regulations as appointed Federal employees. Pursuant to Section 208 of Title 18, U.S.C., IPAs have a financial COI and cannot participate in the Scientific Review Process with regard to any proposals from their sending institution. For example, an IPA at DARPA from Stanford University cannot participate in the review of proposals from Stanford or be involved in the day-to-day execution of the program involving Stanford once the award negotiations are complete. An IPA may have financial COIs unrelated to their IPA status (See Section 2.C.1.b.).

2.C.1.b. Financial Conflicts of Interest (Non-IPA). Pursuant to Section 208 of Title 18, U.S.C., Government personnel cannot participate personally or substantially in an official capacity in any matter in which they have a financial interest. A financial interest means the potential for gain or loss to the employee or other persons imputed to the employee (spouse, minor child, general partner, organization in which the employee has a relationship, or person with whom the employee is negotiating for or has an arrangement concerning prospective employment). For example, if a Review Team Member’s spouse works for a specific company, the Review Team Member cannot participate in the review of proposals from that company or be involved in the day-to-day execution of any awards to that company.

2.C.1.c. Appearance Issues. A Review Team member may have an appearance issue if there is no actual financial COI, but circumstances might lead a reasonable person to believe that the Review Team Member may be influenced and unable to make a completely unbiased judgment. For example, there might be an appearance issue if a Review Team Member’s adult (over 18) child is an unpaid intern for a specific company. If a Review Team Member knows or believes they have an appearance issue, they must immediately notify the CO and GC. In consultation with the CO and GC, the Agency Designee (e.g., PM for the program or OD) will determine, in writing, whether the appearance issue will preclude the Review Team Member from participating in activities involving the proposal or project with which there may be an issue.

2.C.2. Participation in the Scientific Review Process When a Review Team Member Has a Conflict

2.C.2.a. SRO. An SRO with a COI is not authorized to access a proposal that is the subject of the COI. Any such proposal must be reassigned to a delegate SRO who has no conflict, or an entirely new SRO could be named for a program-specific BAA.

2.C.2.a.(1). When Can a Conflicted SRO Participate?

Program-specific BAA: A conflicted SRO can review and make funding decisions for all but the conflicted proposal(s) after the delegate SRO conducts their reviews and performs all the assigned SRO duties for the conflicted proposal(s).

Office-wide BAA: Upon receipt of a proposal with which the SRO has a conflict, the SRO is disqualified from reviewing or making funding decisions regarding any other proposal

under the same office-wide BAA until the conflicted proposal is assigned to a delegate SRO (see Appendix 2 for definition of “assigned”). After the conflicted proposal is assigned to the delegate SRO, the SRO may resume their duties under that office-wide BAA.

2.C.2.a.(2). How is a Delegate SRO Selected? A Delegate SRO must be named in the SRM when the SRO is conflicted. A Delegate SRO must be an SES/SL-level employee outside the Technical Office Director’s chain of command (i.e., a Director or Deputy Director from another Technical Office) to avoid COI issues. A Deputy Director in the conflicted Office Director’s chain of command may serve as the Delegate SRO provided a written authorization is issued by DIRO. Consistent with Section 2635.502(d) of Title 5, (CFR), this authorization should include a determination that DARPA's interest in appointing the Deputy Director as a Delegate SRO outweighs any concerns that a reasonable person might question the integrity of DoD or DARPA programs and operations. DIRO will issue this authorization on a case-by-case basis in consultation with GC and, as necessary, CMO.

2.C.2.a.(3). What is the Delegate SRO’s Responsibility in the Scientific Review Process?

Program-specific BAAs: The Delegate SRO will be provided access to all information available to the conflicted SRO, including abstracts, proposals, the PM/delegate PM/Reviewer/SME evaluations, and PM briefings provided to the conflicted SRO, as well as the same information for the conflicted proposal(s) with the exception of any proposal information with which the delegate SRO has a COI. The Delegate SRO will conduct reviews and perform all the duties assigned to the SRO for the conflicted proposal(s). At no time during this process may the Delegate SRO communicate with the conflicted SRO about the conflicted proposal(s). After the Delegate SRO’s determination is complete regarding the conflicted proposal(s), the conflicted SRO can proceed with making funding approval decisions for the remaining proposals.

Office-wide BAA: Any SRO who has a financial COI or an appearance of impropriety with any proposal under an office-wide BAA is disqualified from reviewing any other proposal or making any funding approval decisions under the same office-wide BAA until the conflicted proposal is assigned to a Delegate SRO.

2.C.2.a.(4). What are the Delegate SRO’s Responsibilities After the Scientific Review Process? The Delegate SRO will assume all SRO duties related to the conflicted proposal and any potential resultant award. Office Directors (ODs) are prohibited from signing subsequent Purchase Requests (PRs)/Military Interdepartmental Purchase Requests (MIPRs) for actions where their COI is still in effect. The Delegate SRO will sign as “Office Director” on PRs/MIPRs for any proposals selected for negotiation of potential award for which they act as Delegate. If the Delegate SRO acts as the SRO for all proposals, the Delegate SRO will sign all PRs/MIPRs for that BAA, not just where the SRO has a conflict. If the Delegate SRO acts as the SRO only for the conflicted proposal, the SRO may approve the PRs/MIPRs for the proposals where there is no conflict.

In other rare circumstances where the Delegate is unable to sign the PR/MIPR as “Office Director,” the Comptroller, DARPA, or Deputy Comptroller, DARPA, or other Technical Office Directors are authorized to sign the PR/MIPR as “Office Director.” Should other Technical Office Directors need to sign the PR/MIPRs for the Delegate SRO, it is important that the Delegate fully brief that individual on the specific effort. If the COI is not in effect (e.g., the conflicted proposal was not funded), the SRO may sign subsequent PRs/MIPRs once the original (“New Start”) awards have been made.

2.C.2.b. PMs. A PM with a COI is not authorized to review a proposal that is the subject of the COI. Any such proposal must be reassigned to a Delegate PM with no conflict.

2.C.2.b.(1). When Can a Conflicted PM Participate?

Program-specific BAA: A conflicted PM can review all but the conflicted proposal(s) at any time.

A PM with a financial conflict and/or a conflict because of their status as an IPA will brief the SRO on the non-conflicted proposal(s) only after the Delegate PM briefs the SRO about the conflicted proposal(s) and the SRO has made their funding decision on the conflicted proposal(s). The SRO will then make their decision on all the non-conflicted proposal(s). The PM is recused from the briefings regarding the conflicted proposal(s) and the submission(s) from their sending institution.

Office-wide BAA: Since there is no singular PM assigned for office-wide BAAs, it will be incumbent for the BAA Coordinator/technical program front office (in coordination with GC and CMO) to ensure no conflicts of interest exist before proposals are assigned to PMs. Since proposals against an office-wide BAA are received on a rolling basis, COIs would be adjudicated on a case-by-case basis.

At no time during the Scientific Review Process may the Delegate PM communicate with the PM about the conflicted proposal.

2.C.2.b.(2). How is a Delegate PM Selected? A Delegate PM will usually be named in the SRM; the SRM may be amended, as necessary, to account for any subsequently identified conflicts. The Delegate PM must be, at a minimum, another PM; however, a Deputy OD may also serve as Delegate PM when appropriate. Under no circumstances may the SRO act as Delegate for the PM. In order to act as a Delegate, the individual must be determined to have no COIs or appearance issues with any of the proposals submitted against that BAA.

2.C.2.b.(3). What is the Delegate PM’s responsibility in the Scientific Review Process?

Program-specific BAAs: Delegate PMs must have access to all the information available to the conflicted PM, including all proposals, evaluation reports, and PM

briefings provided to the SRO, so the Delegate PM can determine if the conflicted proposal(s) meets the overall program objectives based on the results of the Scientific Review Process. The Delegate PM will review the conflicted proposal(s) and make recommendation decisions on any conflicted proposal(s).

Office-wide BAA: Because the Technical Offices typically appoint PMs on a rotating or ad hoc basis for office-wide BAAs and convene Review Teams as proposals come in, as necessary, the Technical Office will not necessarily have appointed a single PM or specific set of PMs (in the role of a Reviewer) to review all proposals received. Prior to review of any proposals, each Technical Office will be responsible for appointing a PM or pool of available PMs. Each Technical Office may also add other Reviewers from outside the agency. Prior to these appointments, the SRO will consult with GC and the CO and/or any approved list of identified conflicts so any COI issues or appearance issues are identified and addressed. While every effort will be made to assign proposal reviews to PMs without any conflicts, a PM that has a COI, including one that relates to their IPA status or an appearance of impropriety with any proposal, would be disqualified from reviewing any other proposal under the same office-wide BAA until the conflicted proposal is assigned to other individuals (see Appendix 2 for the definition of assigned).

2.C.2.b.(4). What are the Delegate PM's Responsibilities after the Scientific Review Process? If any award is made based on a conflicted proposal, the Delegate PM or another non-conflicted PM, as appropriate, will conduct the day-to-day program management of the resultant award, including signing all PRs/MIPRs associated with that award until such time as the conflict is removed.

2.C.2.c. Reviewers and SMEs: Reviewers and SMEs cannot review proposals with which they have a conflict.

2.C.2.c.(1). Program-specific BAAs: PMs select the Reviewers and SMEs for program-specific BAAs; PMs should consult with GC and CMO in cases where Reviewers and SMEs have conflicts of interest. Otherwise, for circumstances where Reviewers and SMEs have no conflicts, they are free to participate in the process to review those proposals, as assigned by the PM.

2.C.2.c.(2). Appointing Review Teams for Office-wide BAAs only. Because most individual Technical Offices appoint Reviewers and SMEs on a rotating or ad hoc basis for office-wide BAAs and convene Review Teams as proposals come in, as necessary, the Technical Office will not necessarily have appointed Reviewers or SMEs to review all proposals received. Prior to receipt of proposals or before review of proposals, each Technical Office will be responsible for appointing a pool of available Reviewers and SMEs, as necessary. Prior to these appointments, the PM will consult with GC and the CO so any COI issues or appearance issues are identified and addressed. Any Reviewer or SME who has a COI, including one that relates to their IPA status, or an appearance of impropriety with any proposal is disqualified from reviewing any other proposal under the same office-wide BAA until the conflicted proposal is assigned to other individuals.

2.D. Other Reasons to Appoint a Delegate SRO: If an SRO needs to name a Delegate for non-COI reasons (e.g., planned leave, travel, or other reasons), the SRO must submit a request to delegate the SRO function for the BAA to the Deputy Director, DARPA for approval.

2.E. Application of the Procurement Integrity Act One-Year Compensation Ban: The Procurement Integrity Act (Sections 2101-2107 of Title 41, U.S.C., implemented at Subpart 3.104-3 of the FAR) one-year compensation ban prohibits former Federal Government personnel from accepting compensation from a contractor as an employee, officer, director, or consultant of the contractor within one (1) year after they served as the procuring CO, the SRO, the PM, or a member of the procurement in which that contractor was selected for award of a contract or awarded a contract (including procurement contracts, grants, cooperative agreements, and other transactions) in excess of \$10 million.

Consistent with the definition of “Federal agency procurement” in Subpart 3.104-1 of the FAR, each proposal submitted in response to DARPA BAAs and Small Business Innovation Research (SBIR) programs shall constitute a separate procurement for purposes of applying the Procurement Integrity Act’s one-year compensation ban. This one-year compensation ban will apply only to those proposals that a Federal Government member of the Review Team reviews. For example, if a PM is a member of the Review Team for a BAA and reviews all proposals except the proposal from company X, the PM is not subject to the one-year compensation ban for company X but is subject to the one-year compensation ban for all proposals the PM reviews and that are selected for award of a procurement contract in excess of \$10 million.

2.F. Review Team Kick-off Meeting. This meeting is held once proposals are received in response to a program-specific BAA and prior to beginning any proposal review. Key aspects of this meeting are the GC standards of conduct briefing and Scientific Review Process training. In addition, the PM may discuss how the Scientific Review will proceed, including the schedule for completing the reviews and any electronic evaluation tool that will be used. For office-wide BAAs, the Technical Offices will ensure that all Review Team Members understand the standards of conduct and Scientific Review Process through ad hoc training, a kick-off meeting after the BAA is published, or another process deemed acceptable by the Technical Office, GC, and the CO.

2.F.1. Review Team Ethics Briefing and Self-Certification and CMO Scientific Review Process Briefing. Prior to beginning proposal reviews, all Reviewers, PMs, and SMEs shall receive a briefing prepared and conducted by GC regarding procurement integrity, financial COIs, and personal and business relationship laws (appearance) and regulations relevant to the Scientific Review Process, as well as a briefing from CMO regarding the Scientific Review Process. These briefings will generally be conducted as part of the review Team kick-off meeting for submissions received in response to program-specific BAAs, but Technical Offices may structure this process in whatever manner best achieves the goal of ensuring a proper briefing to all participants and minimizing administrative burdens for review of proposals submitted against an office-wide BAA. The GC briefing will include the relevant prohibited conduct under Section 208 of Title, 18, U.S.C., Sections 2101-2107 of Title 41, U.S.C., and Part 2635 of Title 5, CFR, organizational COIs under Subpart 9.5 of the FAR, and the information contained in the nondisclosure/self-certification agreement. GC and CMO should also alert the Technical Office ADPM when there have been material changes to the content of the briefing. If

a Review Team Member has received either the ethics briefing or the CMO Scientific Review Process briefing at least once in the calendar year (12 months) prior to the review Team kick-off meeting and the briefing content has not materially changed since they last received the briefing, they are not required to repeat the requisite training. However, copies of both presentations will be made available to all Review Team members. Review Team Members who either attended or did not attend the ethics or CMO briefing will be required to document and self-certify the date of their last ethics and CMO briefing on the COI self-certification form. The Technical Office may also choose to document these dates in another manner.

Prior to proposal review, all Review Team Members shall be required to complete and submit a written self-certification, for the record, to document any known or apparent COIs or stating that they have none relevant to reviewing BAA proposals, as well as any other requirements regarding information access during the Scientific Review Process. The Technical Office is responsible for retaining the self-certification forms as part of the required documentation and becomes part of the official award file. The briefing charts and the self-certification form are available on the DARPA portal on the GC home page.

The PM is responsible for ensuring that each Review Team Member has access to or receives a copy of both the briefing charts and the self-certification form. After verifying that each member of the Review Team has sufficiently completed the self-certification forms, the PM will review the forms with the CO and GC regarding potential COIs and appearance issues in the self-certifications, as necessary. After reviewing the self-certification form(s) for completeness, should a Review Team Member indicate “none” on the form, indicating no conflicts, the Technical Office should communicate those instances to GC, and no further review should be needed. In cases where there is a financial COI that cannot be waived and the Review Team Member is precluded from having access to or participating in meetings discussing that proposal, the Technical Office should communicate that the conflicted Review Team Member will not have access to or discuss the proposal. The Technical Office should forward self-certification forms for any potential COIs that are unclear and need review and adjudication. However, the Technical Office may choose to send all of the completed forms to GC should they desire. This Guide offers maximum flexibility for the Technical Offices to assign proposals to Review Team Members who have identified no conflicts.

In summary, in all cases, an email or other documentation should be sent to GC detailing Review Team Members with no conflict(s), Review Team Members with financial conflicts for which access will be prohibited, and Review Team Members who need review and adjudication of COIs. The PM will brief all support contractor personnel having access to the proposals and ensure that no support contractor personnel have any COIs. Support contractor personnel with COIs participating in the Scientific Review Process must discuss their participation in the process with GC, the CO, and the PM. The PM must also ensure that support contractor personnel have a signed nondisclosure agreement on file when they begin their duties with DARPA. The PM shall remind the support contractor personnel of the restrictions and requirements included in the agreement relating to the handling and review of proposal material. A sample nondisclosure agreement is available in DI 70, “Contractor Relationships: Inherently Governmental Functions, Prohibited Personal Services, and Organizational Conflicts of Interest,” Section 5.

2.F.2. Scientific Review Training. The CO will either attend the review Team kick-off meeting and provide training on how to sufficiently document proposal reviews in person or use other media, such as pre-recorded videos.

2.G. Protection of Sensitive Data. All participants in the Scientific Review Process (including SMEs and support contractors) are prohibited from, unless permitted by law, knowingly disclosing contractor bid, proposal information, or source selection information in accordance with Subpart 2.101 of the FAR, the Procurement Integrity Act, and Sections 2101-2107 of Title 41, U.S.C. (implemented in Subpart 3.104 of the FAR). Unauthorized disclosure of proprietary or confidential information, either before or after the award, is prohibited by the Trade Secrets Act, Section 1905 of Title 18, U.S.C., the Privacy Act, Section 552a of Title 5, U.S.C., and by other laws and regulations. Prior written authorization from DIRO or the CO must be obtained before releasing protected information outside the Review Team. The requirement for prior written authorization does not apply to the personnel associated with standard operational support activities such as preparing/processing/reviewing funding requests for selected proposals by Financial/Comptroller personnel or archiving solicitation documentation on the Agency server or SharePoint sites by information technology or SETA support contractors. Please refer to Appendix 4 for additional guidance.

The PM shall monitor and maintain all source selection information (as defined by Subpart 2.101 of the FAR) within a secured physical and network area. This includes ensuring that information stored/downloaded to the DARPA network (e.g., Filer 1) is in a location restricted to only those users who have been cleared to access such information. Source selection information includes proposer-produced or Reviewer-generated data, proposal information, working papers, and any other material relating to the Scientific Review Process. If, at any time during the Scientific Review Process, it is determined that there has been an unauthorized data disclosure, the matter will be brought to the immediate attention of the CO for investigation; the CO will consult with the PM, SRO, and GC to determine resolution. When reproducing or working with any documents pertaining to the scientific review process, precautions will be observed to safeguard the information in accordance with Subparts 2.101 and 3.104 of the FAR, the DARPA Security Guide, and other MSO/SID policy. To protect source selection sensitivity, any documentation containing source selection information that is being emailed should be encrypted and emailed with the password sent in a separate email. Alternatively, the unencrypted source selection information may be sent via encrypted email or forwarded via encrypted email or in a password-protected email, with the password sent in a separate email. These requirements are also applicable when the emails are being sent to internal addresses (i.e., darpa.mil). Questions concerning the protection of classified or ITAR/EAR information should be directed to the MSO/SID International Security Section.

The Review Team and any other individual with access to source selection information will ensure that all scientific review documentation as described above is marked, at a minimum, on every page with the following: “CUI - Source Selection Information – See FAR 2.101 and FAR 3.104.” In accordance with FAR 3.104-4, no person or other entity may disclose source selection information to any other person unless authorized by DIRO as defined in the Guide

(Appendix 4) or the CO. Technical Offices will adhere to any additional marking requirements, as needed (e.g., CUI and/or classified, etc.).

2.H. Conforming Submissions (Including Proposals and Abstracts). The CO, with assistance from the PM and GC, as necessary, will determine whether a submission is conforming, as defined in Appendix 2. Only conforming abstracts will be reviewed, and only conforming proposals will be reviewed and considered for award. The Program Office and CO should consider flexibilities when structuring the BAA to ensure maximum participation from the proposer base. When a submission is found to be nonconforming, a sufficiently detailed letter will be sent to the proposer explaining why the submission is nonconforming and that it will receive no further consideration (see Appendix 1 for template). Unless specifically stated otherwise, all references to abstracts and proposals in this Guide are referring to conforming submissions only.

2.I. Interactions After the Receipt of Proposals (Restricted Interactions). After receipt of proposals, all interactions with proposers must go through the CO regardless of communication method (email, in person, telephonic, etc.). Typically, interactions that occur following proposal receipt fall into two categories: a proposer will contact DARPA asking for a status on their proposal, or a PM or Reviewer will want clarification from a proposer on information contained in the proposal. Requests for clarification do not include giving a proposer a chance to provide substantive information that, per the BAA, should have been included in the proposal at the time of submission. It is important to note that the PM or CO cannot advise or direct a proposer on how to revise their proposal. All interactions must avoid “technical transfusion,” which is sharing one proposer’s technical solution with another, including unique technology, innovative and unique uses of commercial items, or any information that would compromise a proposer’s intellectual property. Interaction with a proposer must not reveal information that will give one proposer an unfair competitive advantage over another. Sometimes, the questions are more significant and require electronic, face-to-face, or telephonic communication sessions among the review team, CO, and proposer. The CO must be present during all electronic, face-to-face, and telephonic interactions. The PM must receive the CO’s prior written approval on all subject email interactions.

3. SCIENTIFIC REVIEW PROCESS

Once any COIs have been mitigated, participants have been briefed on standards of conduct by GC, and the PM has held the Scientific Review kick-off meeting, the scientific review may begin. The PM may assign proposals for scientific review to all Reviewers and SMEs or some subset thereof at their discretion, with a deadline for reviews to be completed. The time and documentation provided for scientific reviews can vary based on the complexity of the proposal(s), the number of proposal(s) received, acquisition strategy, and other factors. Generally, reviews should take no longer than two (2) weeks to complete.

For program-specific BAAs where it is anticipated there will be awards valued at more than \$2 million (inclusive of all options), each conforming proposal must be reviewed by a minimum of three Reviewers. In this case, all proposals must be reviewed by three Reviewers, even if some proposals submitted against that program-specific BAA are valued at less than \$2 million. With the SRO’s approval, for program-specific BAAs where it is anticipated that all

awards will be valued at \$2 million or less, each conforming proposal may be reviewed by one DARPA Reviewer. With the SRO's approval, proposals submitted against an office-wide BAA where it is anticipated that a resultant award will be valued at \$2 million or less, conforming proposals may be reviewed by one DARPA Reviewer. In the cases where only one Reviewer is permitted, the PM may be the sole Reviewer. For both office-wide and program-specific BAAs, the PM must document the SRO's approval, allowing only one Reviewer in the signed SRM (See Appendix 1, Exhibit 5). In all cases, reviews should be congruent with the evaluation criteria as stated in the underlying solicitation, and documentation should be substantive and commensurate to the effort. For example, should streamlined and innovative acquisition approaches be appropriate for a specific acquisition/program, documentation could be condensed from the samples provided within the Exhibits.

As stated in the purpose of this Guide, all Government employees and support contractor personnel involved in acquisition at DARPA are **strongly encouraged** to be **creative** and **innovative** throughout this process. **Streamlined** and **expedited** processes are highly desired and should be embraced at every opportunity.

3.A. Scientific Review.

3.A.1. Review of Abstracts. There is no prescribed way to review an abstract, but all conforming abstracts must receive consideration and a written response either encouraging or discouraging submission of a proposal. The PM or designated Reviewer must respond to abstracts in writing with a statement as to whether DARPA is interested in the idea. (See Appendix 1, Exhibit 6, Sample Letters #1 and #2.) The PM will respond to the technical and administrative points of contact listed on the abstract cover sheet. The PM should attempt to reply to the abstracts within a reasonable timeframe to allow feedback to be incorporated in a proposal submission, but no longer than 30 calendar days of receipt. If the PM indicates no interest in the idea, the PM's written response must include the rationale for this decision. Chapter 1, Section 6 of the Guide provides general guidelines for what information the PM should and should not provide when communicating with proposers prior to receipt of proposals. Even though a PM may indicate that DARPA has no interest in the proposer's ideas, the proposer is not subsequently precluded from submitting a proposal, and the PM should remind the proposer of this in the written response to the proposer. However, please note that should the abstract become a hard decision point that does preclude a proposer from submitting a proposal, the BAA should clearly describe this process.

3.A.2. Review of Proposals. All scientific reviews of proposals are based on the evaluation criteria detailed in the published BAA. Proposals need not be evaluated against one another since they are not submitted in accordance with a common work statement. Using the evaluation criteria detailed in the published BAA, the Reviewers will evaluate each assigned proposal in its entirety, assess the proposal's strengths and weaknesses, and make a selectability determination. The results of the Reviewer's scientific review must be documented in an evaluation report (see template at Appendix 1, Exhibit 1). Each evaluation report must contain a detailed, substantive narrative describing their identified strengths and weaknesses relative to each evaluation criterion and supporting their selectability determination. Each Reviewer must finalize and date their evaluation report upon completion of the review and prior to submitting

the report to the PM for review. (For definitions of terms, see Appendix 2). Guidance regarding appropriate narrative statements is included in Appendix 3.

Alternatively, evaluations may be compiled into a consolidated evaluation form (see Appendix 1, Exhibit 7). In a consolidated evaluation, Reviewers take notes in accordance with the BAA evaluation criteria as they evaluate conforming proposals. These notes serve as working papers for a group discussion led by the PM. The final product of this group discussion will be a consolidated evaluation form created for each proposal that will document all strengths and weaknesses relative to each evaluation criteria communicated by the Reviewers, which includes the PM, during the course of discussion. The consolidated evaluation form will provide space for Reviewers to sign, signifying whether they find the proposal selectable or not selectable. Once the consolidated evaluation forms are complete, all working papers will be destroyed (see Appendix 1, Exhibit 7). If evaluations are not part of a consolidated evaluation form, each Reviewer must complete a separate evaluation report for each proposal. SMEs shall review only those portions of proposals assigned to them by the PM based on their technical area(s) of expertise and document their findings on the SME worksheet (see template at Appendix 1, Exhibit 2).

3.B. PM Review and Recommendation for Award. Once complete, the evaluation reports and any applicable SME worksheets are forwarded to the PM (or the Delegate PM, as appropriate) for review. The PM will ensure the evaluation reports adequately document the review conducted. It is the PM's responsibility to ensure the Reviewers have provided sufficient, substantive rationale for their review findings. For example, adjectival descriptions such as "Good" or "Excellent" without further detailed narrative elaboration are not sufficient. The PM shall consult with the CO prior to making a formal recommendation of funding if there is any question about the sufficiency of the evaluation narratives (see also guidance in Appendix 3).

Should the PM disagree with the rationale or selectability determination provided on an evaluation report, they may discuss it with the Reviewer. If the Reviewer concurs with the PM's assessment, the Reviewer will modify the evaluation report and sign and date the edited version, noting the changes. The modifications to the evaluation report by the Reviewer must be preserved in the document file for the scientific review, either in electronic or hard copy. If the Reviewer does not concur, the PM may still conclude otherwise but must specifically document the rationale that overrides the Reviewer's evaluation report either within the consolidated evaluation form (for proposals recommended for funding), on the PM summary sheet, or on a PM Memorandum for Record (MFR) (for proposals selected, but not recommended for funding). The Technical Office has maximum flexibility in leveraging either individual or consolidated evaluation forms in conjunction with PM Summary Sheets and/or MFRs when documenting the PM's recommendations and when the PM overrides other Government evaluator's selectability determination(s). Further, Technical Offices are encouraged to modify the samples, as needed, to best fit their needs.

Once the PM is satisfied that all evaluation reports are complete and substantive, they shall consider these documents in determining which of the proposals best meets their program objectives. This determination must include consideration of available funding and appropriate levels of risk. The PM designates the proposal(s) they are recommending for funding either

within the consolidated evaluation form or if using individual evaluation form(s), in a PM summary sheet (see template at Appendix 1, Exhibit 3) attached as a cover sheet to all the associated evaluation reports and SME worksheets. For each recommended proposal, the PM must include a short statement describing the rationale for funding that particular proposal. Cutting and pasting the same rationale for every recommended proposal and just changing the performer name is insufficient (see sample language in the guidance in Appendix 3). If the PM is recommending partial funding, they must include sufficient rationale to support why only part of the work is recommended. For proposals determined to be selectable but not recommended for funding, the PM must include a substantive statement describing the rationale for this decision either within the consolidated evaluation form or on a separate PM Memorandum for Record. The PM must sign and date the PM Summary Sheet(s) and PM MFRs, both of which must pre-date the signed SRO memorandum. The resultant recommendation package and all proposals shall be made available to the SRO for their review and concurrence. In accordance with DI 66, "Protection of Human Subjects in Research," the PM must inform the SRO should any proposal(s) involving human subjects research be recommended.

3.C. FFRDCs, UARCs, and Government Labs. BAAs should include language in the Eligibility section requesting FFRDCs, UARCs, and Government Labs wishing to submit proposals for R&D awards first contact the DARPA PM prior to submitting a proposal. The PM should discuss the program with the entity and determine whether it is more appropriate for them to be on the Government team as opposed to being a performer; however, at no point can DARPA prevent them from submitting a proposal to be a performer. Should they decide to submit a proposal in response to the BAA, the PM should contact their CMO Contracting Officer and seek clarification on the entity's eligibility to propose to be a performer prior to evaluating the proposal. Once their eligibility is verified, the proposal must be reviewed. Should the PM determine that they are selectable and recommended for funding as a performer, they should then work with the Contracting Officer to determine the best method to fund the entity, which may require COI mitigation in accordance with DI 70. Alternatively, the PM may determine that the entity would best support the program in a Government Team capacity, in which case DARPA could fund them through an existing vehicle such as an Indefinite Delivery Indefinite Quantity (IDIQ) (for UARCs or FFRDCs) or direct MIPR (for DoD labs). Additionally, if it is determined that they should be funded as Government Team support, the PM should document the removal of the organization from the evaluation in the SRO memorandum and update the SRO brief.

3.D. SRO Review and Concurrence. The PM must prepare a briefing for the SRO and CO regarding the overall scientific review and their specific award recommendations. A read-ahead package of all the scientific review documentation must be provided to the SRO and CO (and others as determined by Technical Office) prior to the briefing with adequate time for its review. A pre-briefing with the CO and ADPM is encouraged. The SRO may choose to review the scientific review documentation without a briefing if they determine the briefing to be unnecessary. In that case, the SRO will document their rationale for this decision in the SRO independent review memorandum. For program-specific BAAs, the SRO must have a briefing for all proposal evaluations or none; i.e., the PM cannot brief some proposals and not others. For office-wide BAAs, the SRO briefings may be ad hoc as proposals come in.

The SRO will review the recommendation package to ensure the Scientific Review Process complies with DI 20 and the procedures in this Guide and that the PM has adequately

justified and documented the rationale for selecting proposals for award. The SRO may review any of the proposals and may request additional information necessary for them to make the funding decision. Should the SRO take exception to the documentation or recommendations included in the recommendation package, they will discuss these concerns with the PM.

As a result of this discussion, any of the following actions may occur:

- The SRO may withdraw their concerns and approve the recommended proposals for funding.
- The PM may modify the recommendation package in accordance with the SRO's concerns and resubmit it to the SRO for approval; however, the PM is not required to do so if the PM disagrees with the SRO.
- The SRO may direct the PM to cancel and reissue the BAA to clarify program objectives.
- The SRO may require the PM to re-evaluate one or more proposals.
- The SRO may withdraw approval and funding for the program.
- The SRO may substitute their funding selection decision for the PM's recommendations.

The SRO will document their findings in the SRO independent review memorandum. **If the SRO does not concur with the PM's recommendations, the SRO must include a substantive rationale supporting this decision (e.g., funding availability, appropriate level of risk, mitigation strategy, duplicative strategy, chance of success, or most likely technological advancement).** The SRO independent review memorandum will be attached to the review documents before the package is forwarded to the CO for negotiation and award. The signed SRO independent review memorandum indicates the SRO's final concurrence, indicating that funds are available for the effort.

4. POST-SELECTION ACTIVITIES

4.A. Adjudication of OCI Waivers. After the SRO decision, the CO, in coordination with the technical office, will coordinate any applicable waiver request packages in accordance with DI 70 in the event a selected performer is also performing support contractor work for DARPA. As stated in Chapter 1, Section 6, UARCs, FFRDCs, and Government entities are important members of the S&T R&D ecosystem. A PM should be aware of eligibility requirements of these entities and any applicable policies.

4.B. Adjudication of DARPA's Fundamental Research Risk-Based Security Review Process (formerly DARPA Countering Foreign Influence Policy). After the SRO decision, the CO, in coordination with MSO/SID and the Technical Office, will work to mitigate any

applicable risk assessments and mitigation plans for selected proposers in accordance with overarching department and agency guidance and policies.

4.C. Documentation for CO. Before the CO can begin negotiations, they must receive either electronic copies of the following documentation or notice where the following documentation (as applicable) can be found: the PR/MIPR and all associated scientific review documentation supporting the proposal selection, including all the selected proposals, individual or consolidated evaluation forms, scientific review decision supporting documentation, PM summary sheets, and SRO independent review memorandum. This information is necessary for the official contract award file. Since each Technical Office has maximum flexibility in determining the appropriate documentation (i.e., individual vice consolidated in coordination with PM summary sheets and/or Memorandums for Record), it will be incumbent upon each technical office to work with the respective contracting agent on documents required for the file. The contracting agent will need to only file copies of the proposals for the award they are negotiating. The required file documents, particularly the PM summary sheets (or equivalent) and SRO independent review memorandum, should be included in the PR/MIPR package and will be forwarded to the appropriate CO to facilitate negotiation and award on request from the CO to the Technical Office. To protect source selection sensitivity, all documentation sent outside the Defense Agencies Initiative containing source selection information should be encrypted and emailed. Alternatively, the unencrypted source selection information may be sent via encrypted email or forwarded via encrypted email or in a password-protected email, with the password sent in a separate email. The requirements are also applicable when the emails are being sent to internal addresses (i.e., darpa.mil). Unselected proposal locations may be retained elsewhere (e.g., Technical Office or a DARPA-approved proposal evaluation and retention website) as long as the location is documented in the contract file.

4.D. Notification to Proposers. Following the SRO's funding decision of the PM's recommendations, the PM shall send letters to the proposers notifying them of their selection/non-selection for award (see sample letters at Appendix 1, Exhibit 6). When the SRO has selected a proposal for partial funding, notice of this partial selection and a request for revised proposal must be signed by the DARPA/CMO Contracting Officer. In the case of a partial selection, where a proposer will have to update their cost proposal, the SRO should not sign the PR/MIPR prior to receiving an updated proposal.

4.E. Informal Feedback Sessions. DARPA prides itself on transparency with the performer community. While not considered formal debriefings as contemplated in Part 15 of the FAR, informal feedback sessions are highly valuable opportunities to offer constructive and informative feedback to both selected and non-selected proposers. These informal feedback sessions allow prospective offerors an opportunity to gain better insight as to the specific strengths and weaknesses of their submitted proposals. If requested, PMs will hold informal feedback sessions with prime proposers after the proposers have been notified that their proposal was either selected or not selected for funding. Subcontractors may attend the feedback session at the invitation of the prime proposer, but they may not initiate the meeting request or request a separate session. Prior to informal feedback sessions, the proposer must provide the PM a list of attendees for the session. If the proposer plans to include their legal counsel in the feedback session, DARPA GC and the CO must be present. The PM and CO will determine whether the

CO must be in attendance for all feedback sessions. If the CO will not be present, the PM should review the planned discussion with the CO prior to the feedback session. The CO shall provide advice on appropriate responses that may be given during an informal feedback session. In the feedback sessions, the PM and other Government representatives may discuss only the strengths and weaknesses of the proposal that is the subject of the feedback session. PMs and other Government representatives shall not disclose reviews or reveal information from other proposals submitted against the same BAA, nor shall they disclose specific content of the evaluation reports. The PM and other Government representatives shall not discuss how many proposals were received in response to the BAA, how many proposals were selected for funding, or who was on the Review Team. After the informal feedback session has concluded, the PM or CO will prepare a memorandum that documents the session (e.g., who attended, questions asked, and answers given). Ultimately, DARPA does not want to limit the pool of available performers. A well-executed informal feedback session can lead to greater quality as well as an increased number of future submissions.

4.F. Document Retention. All conforming preproposal submissions, conforming proposals, individual or consolidated evaluation forms, PM summary sheets, SRO independent review memoranda, COI certifications, and scientific review memoranda generated during the Scientific Review Process for both selected and non-selected submissions must be retained in accordance with DI 11, "DARPA Records Management Program." Records will not be destroyed without coordination with the DARPA Component Records Management Officer. Electronic copies of all documents are satisfactory for proper document retention. Hard copies are not required.

4.G. Quarterly Review. Once per quarter, CMO will coordinate with the Technical Offices and provide a randomly selected complete scientific review package (see definition in Appendix 2) to the Deputy Director, DARPA for their review. Review comments will be tracked by the CMO Senior Policy Advisor for trends and possible development of training opportunities. Additionally, findings will be provided to the Technical Office ADPM, CMO Division Director, and CO as appropriate.

Appendix 1

Exhibits

Exhibit 1: SAMPLE INDIVIDUAL EVALUATION REPORT
(Instructional note: Ensure each criterion from the BAA is included on the Evaluation Report.)

CUI

BAA/RA Number: _____
BAA/RA Title: _____
Reviewer Name: _____
Reviewer Signature: _____

Selectable <input type="checkbox"/>
Not Selectable <input type="checkbox"/>

Date: _____ Date of Modifications (if necessary) _____

Proposal Number: _____
Proposer: _____
Proposal Title: _____

Evaluation Criteria (Address strengths and weaknesses in each narrative. Use a continuation sheet as necessary for each criterion. Any additional pages must include the Proposal Number, Reviewer Name, and Source Selection Information marking.)

1. Overall Scientific and Technical Merit

Narrative Evaluation:

Strengths: _____

Weaknesses: _____

Controlled by: DARPA Controlled by: <i>[Name of Office]</i> CUI Category: <i>SSEL [List other CUI categories as applicable]</i> <i>[Distribution Statement or Limited Dissemination Control]</i> POC: <i>[Name and phone/email]</i>

CUI - Source Selection Information – See FAR 2.101 and 3.104

<p><u>Releasability:</u> Cleared for Public Release. This DARPA Instruction has been reviewed pursuant to DARPA Instruction 65 and has been cleared for public release.</p>

CUI

2. Potential Contribution and Relevance to DARPA’s Mission

Narrative Evaluation:

Strengths: _____

Weaknesses: _____

3. Cost Realism

Narrative Evaluation:

Strengths: _____

Weaknesses: _____

Reviewer Name: _____

Proposal #: _____

CUI - Source Selection Information – See FAR 2.101 and 3.104

Releasability: Cleared for Public Release. This DARPA Instruction has been reviewed pursuant to DARPA Instruction 65 and has been cleared for public release.

Exhibit 2: SAMPLE SUBJECT MATTER EXPERT (SME) WORKSHEET

CUI

BAA/RA Number: _____

BAA/RA Title: _____

SME Name: _____ Date: _____

SME Signature: _____

Proposer: _____

Proposal Title: _____

Proposal Number: _____

Technical Area: _____

Findings: _____

Controlled by: DARPA
Controlled by: *[Name of Office]*
CUI Category: *SSEL [List other CUI categories as applicable]*
[Distribution Statement or Limited Dissemination Control]
POC: *[Name and phone/email]*

CUI - Source Selection Information – See FAR 2.101 and 3.104

Releasability: Cleared for Public Release. This DARPA Instruction has been reviewed pursuant to DARPA Instruction 65 and has been cleared for public release.

Exhibit 3: SAMPLE PM SUMMARY SHEET*
***Use when completing individual evaluation forms**

CUI

BAA/RA Number: _____
BAA/RA Title: _____
PM Name: _____ Date: _____
Proposer: _____
Proposal Title: _____

I have reviewed the above referenced proposal and the associated evaluation materials and find that this proposal merits DARPA funding based on the evaluation criteria included in the BAA. Based on this review, I recommend full/partial funding.

Rationale for this decision is as follows: [If recommending partial funding, include an explanation in the below rationale.]

[For proposals determined to be selectable but not recommended for funding, the PM must include a substantive statement describing the rationale for this decision.]

PM Signature/Date

Controlled by: DARPA Controlled by: [Name of Office] CUI Category: SSEL [List other CUI categories as applicable] [Distribution Statement or Limited Dissemination Control] POC: [Name and phone/email]

CUI - Source Selection Information – See FAR 2.101 and 3.104

Exhibit 4: SAMPLE SRO INDEPENDENT REVIEW MEMORANDUM

CUI

BAA/RA Number: _____
BAA/RA Title: _____
PM Name: _____ Date: _____

I have reviewed the Program Manager’s (PM) analysis of the conforming proposals received in response to the subject BAA/RA, as well as conducted my own independent review of the Scientific Review documentation. The PM has recommended the following proposals for funding:

<LIST ALL PM-RECOMMENDED PROPOSALS BY IDENTIFYING NUMBER, PROPOSER NAME, AND PROPOSAL TITLE>

Based on my review of the PM’s analysis:

- I concur with the recommendation made by the PM and approve the above proposals for award negotiation.
- I do not concur with the recommendation made by the PM. Rationale for this decision is as follows: **(If the SRO does not concur with the PM’s recommendations, the SRO must include a substantive rationale supporting this decision (e.g., funding availability, appropriate level of risk, mitigation strategy, duplicative strategy, chance of success or most likely technological advancement, etc.).)**

- The Scientific Review Process complied with DI 20 and the DARPA Guide to BAAs and RAs.
- Funding is currently available.

SRO Signature/ Date
SRO Name
Director, Technical Office
DARPA-BAA-xx-xx Scientific Review Official

Controlled by: DARPA Controlled by: [Name of Office] CUI Category: SSEL [List other CUI categories as applicable] [Distribution Statement or Limited Dissemination Control] POC: [Name and phone/email]

CUI - Source Selection Information – See FAR 2.101 and 3.104

<p>Releasability: Cleared for Public Release. This DARPA Instruction has been reviewed pursuant to DARPA Instruction 65 and has been cleared for public release.</p>

Exhibit 5: SAMPLE SCIENTIFIC REVIEW MEMORANDUM

CUI

DARPA-BAA/RA-XX-XX

Program Manager (PM): _____

Scientific Review Official (SRO): _____

Delegate PM: _____

Delegate SRO: _____

(The PM is responsible for ensuring that each Review Team Member has access to or receives a copy of both the briefing charts and the self-certification form.)

The following individuals will act as Reviewers for the subject BAA/RA:

Name:	Organization:
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Include the following for office-wide BAAs:

Any responses or conforming proposals submitted against this BAA valued at \$2 million or less, inclusive of all options, may be evaluated by only one Reviewer in accordance with DARPA policy and procedure.

Include the following text for Program-specific BAAs where all anticipated awards are capped at \$2 million or less:

Any responses or conforming proposals submitted against this BAA/RA will be evaluated by only one Reviewer, in accordance with DARPA policy and procedure.

The following individuals will act as Subject Matter Experts (SMEs) for the subject BAA/RA:

Name:	Organization:
_____	_____
_____	_____

Controlled by: DARPA
 Controlled by: [Name of Office]
 CUI Category: SSEL [List other CUI categories as applicable]
 [Distribution Statement or Limited Dissemination Control]
 POC: [Name and phone/email]

CUI - Source Selection Information – See FAR 2.101 and 3.104

Releasability: Cleared for Public Release. This DARPA Instruction has been reviewed pursuant to DARPA Instruction 65 and has been cleared for public release.

CUI

Proposed Scientific Review Schedule [Edit dates to accurately reflect the actual dates]

Receipt of Proposals	X
Completion of Conflicts of Interest Review	X+3 days
Complete Individual Scientific Reviews	X+18 days
PM Recommendations	X+25 days
SRO Concurrence	X+28 days

PM Signature/Date

SRO Signature/Date

CUI - Source Selection Information – See FAR 2.101 and 3.104

Exhibit 6: SAMPLE FORMAT LETTERS 1-6

Sample Letter #1: Advises an organization to submit a full proposal based on the review of its abstract and gives advice to the organization to focus on certain items contained in the abstract. This letter must be signed by the Program Manager; in the absence of the PM, the ADPM may sign.

<Date>

<Inside Address>

Ref: <Identifying Number>, <Submission Title>

Dear <Proposer>:

This letter is in response to the above referenced abstract, submitted to the <Program Name> Broad Agency Announcement/Research Announcement, <BAA/RA number>, and posted on SAM.gov/Grants.gov on < XX date>.

Your abstract was reviewed in accordance with the criteria set forth in that announcement. We recommend you submit a full proposal according to the guidelines set forth in <BAA/RA number>. The following feedback is provided to assist in proposal development. The full proposal should focus on: <provide details >.

Thank you for your participation in this announcement. Your efforts in expressing the concepts and plans in your abstract are appreciated.

Sincerely,

<Name>

< Program Manager>

< Technical Office Name>

cc:

Contracting Officer, CMO

Sample Letter #2: Advises an organization *not* to submit a full proposal based on the review of its *abstract*. This letter must be signed by the Program Manager; in the absence of the PM, the ADPM may sign.

NOTE: All letters must provide feedback to the proposer as to the rationale behind not recommending submission of a full proposal.

<Date>

<Inside Address>

Ref: <Identifying Number>, <Submission Title>

Dear <Proposer>:

This letter is in response to the above referenced abstract, submitted to the <Program Name> Broad Agency Announcement /Research Announcement, <BAA/RA number>, and posted on SAM.gov/Grants.gov on <xx date>.

Your abstract was reviewed in accordance with the criteria set forth in that announcement. Based on careful review of the abstract, we cannot recommend that you submit a full proposal for the following reasons: <Provide feedback to the proposer regarding the rationale for the decision not to recommend a full proposal be submitted>.

If you decide to submit a full proposal, the proposal should be submitted according to the guidelines set forth in <BAA/RA number>.

Thank you for your participation in this announcement. Your efforts in expressing the concepts and plans in your abstract are appreciated. DARPA encourages your participation in future programs.

Sincerely,

<Name>

< Program Manager>

< Technical Office Name>

cc:

Contracting Officer, CMO

Sample Letter #3: Informs an organization its Proposal is *selected* for negotiations. This letter must be signed by the PM or SRO.

<Date>

<Inside Address>

Ref: <Identifying Number>, <Submission Title>

Dear <Proposer>:

This letter is in response to the above referenced proposal, submitted to the <Program Name> Broad Agency Announcement/Research Announcement, <BAA/RA number>, and posted on SAM.gov/Grants.gov on <xx date>.

Your proposal was reviewed in accordance with the criteria set forth in that announcement. I am pleased to inform you that your proposal has been selected for negotiation for a potential award. A Government agent will contact you in the near future to start the negotiation process. Should the negotiating parties not be able to come to terms, DARPA is not required to make an award. Should you have any questions, please feel free to call me at 703-696-xxxx, or contact me at xxxx@darpa.mil. This letter is not a notice of award or an authorization to incur costs.

Thank you for your participation in this announcement. I look forward to working with you on your exciting project.

Sincerely,

<Name>

< Job Title>

< Technical Office Name>

cc:

Contracting Officer, CMO

Sample Letter #4: Informs an organization that its Proposal is *selected in part*. This letter must be signed by the CO.

<Date>

<Inside Address>

Ref: <Identifying Number>, <Submission Title>

Dear <Proposer>:

This letter is in response to the above referenced proposal, submitted to the <Program Name> Broad Agency Announcement/Research Announcement, <BAA/RA number, posted on SAM.gov/Grants.gov on <xx date>.

Your proposal was reviewed in accordance with the criteria set forth in that announcement. I am pleased to inform you that your proposal has been selected for negotiation of a potential award based upon a proposed modification to your statement of work as follows: <details of partial funding>.

Please submit a revised proposal to recognize this reduced scope to the attention of the undersigned by <Insert date>. Should the negotiating parties not be able to come to terms, DARPA is not required to make an award.

Should you have any questions, please feel free to call me at (703) 696-xxxx, or contact me at xxx@darpa.mil. This letter is not a notice of award or an authorization to incur costs.

Sincerely,

<Name>

Contracting Officer

cc:

<Name>, Program Manager

**Sample Letter #5: Informs an organization that its Proposal *is not selected* for funding.
This letter must be signed by the PM or SRO.**

<Date>

<Inside Address>

Ref: <Identifying Number>, <Submission Title>

Dear <Proposer>:

This letter is in response to the above referenced proposal, submitted to the <Program Name> Broad Agency Announcement/Research Announcement, <BAA/RA number>, and posted on SAM.gov/Grants.gov on <xx date>.

Your proposal was reviewed in accordance with the criteria set forth in that announcement. We regret to inform you that your proposal was not recommended for funding.

Thank you for your participation in this announcement. Your efforts in expressing the concepts and plans in your proposal are appreciated. We look forward to your continued participation in future solicitations. Should you have any questions, please feel free to call me at 703-696-xxxx or contact me at xxxx@darpa.mil.

Sincerely,

<Name>

< Title>

cc:

Contracting Officer, CMO

Sample Letter #6: Informs an organization that its Proposal is *nonconforming*. This letter must be signed by the CO.

<Date>

<Inside Address>

Ref: <Identifying Number>, <Submission Title>

Dear <Proposer>:

This letter is in response to your proposal referenced above, submitted to the <Program Name> Broad Agency Announcement/Research Announcement, <BAA/RA Number>, posted on SAM.gov/Grants.gov on <xx date>.

We regret to inform you that your abstract/proposal was found to be nonconforming to the requirements in the Broad Agency Announcement/Research Announcement and, in accordance with the guidance in the announcement, will not be reviewed. <Provide reason why they are nonconforming>

Thank you for your participation in this announcement. Your efforts in expressing the concepts and plans in your proposal are appreciated. We look forward to your continued participation in future solicitations. Should you have any questions, please feel free to call me at 703-696-xxxx, or contact me by e-mail at xxxx@darpa.mil.

Sincerely,

<Name>
<Contracting Officer>

cc:
DARPA PM

Exhibit 7: SAMPLE CONSOLIDATED EVALUATION FORM
 (Instructional note: Ensure each criterion from the BAA is included on the form.)

CONSOLIDATED EVALUATION FORM

BAA Number:		Proposal Number:	
BAA Title:		Proposer:	
Date:		Proposal Title:	
TA:			

Evaluation Criteria #1: <i>Description of criteria here</i>	
Strengths:	
Weaknesses:	
Evaluation Criteria #2: <i>Description of criteria here</i>	
Strengths:	
Weaknesses:	
Evaluation Criteria #3: <i>Description of criteria here</i>	
Strengths:	
Weaknesses:	

SELECTABLE

 Reviewer Signature Print Reviewer Name Date

 Reviewer Signature Print Reviewer Name Date

 Reviewer Signature Print Reviewer Name Date

NOT SELECTABLE

 Reviewer Signature Print Reviewer Name Date

Releasability: Cleared for Public Release. This DARPA Instruction has been reviewed pursuant to DARPA Instruction 65 and has been cleared for public release.

Reviewer Signature

Print Reviewer Name

Date

Reviewer Signature

Print Reviewer Name

Date

**Exhibit 8: SAMPLE CONSOLIDATED EVALUATION FORM
AND PM RECOMMENDATION**

(Instructional note: Ensure each criterion from the BAA is included on the form.)

CUI

CONSOLIDATED EVALUATION FORM

BAA Number:		Proposal Number:	
BAA Title:		Proposer:	
Date:		Proposal Title:	
TA:			

Evaluation Criteria #1: <i>Description of criteria here</i>	
Strengths:	
Weaknesses:	
Evaluation Criteria #2: <i>Description of criteria here</i>	
Strengths:	
Weaknesses:	
Evaluation Criteria #3: <i>Description of criteria here</i>	
Strengths:	
Weaknesses:	

SELECTABLE

Reviewer Signature Print Reviewer Name Date

Reviewer Signature Print Reviewer Name Date

Reviewer Signature Print Reviewer Name Date

Controlled by: DARPA Controlled by: <i>[Name of Office]</i> CUI Category: <i>SSEL [List other CUI categories as applicable]</i> <i>[Distribution Statement or Limited Dissemination Control]</i> POC: <i>[Name and phone/email]</i>

CUI - Source Selection Information – See FAR 2.101 and 3.104

<p><u>Releasability:</u> Cleared for Public Release. This DARPA Instruction has been reviewed pursuant to DARPA Instruction 65 and has been cleared for public release.</p>

NOT SELECTABLE

Reviewer Signature Print Reviewer Name Date

Reviewer Signature Print Reviewer Name Date

Reviewer Signature Print Reviewer Name Date

PM Determination:

PM should describe overall selectability determination and funding recommendation with rationale for any PM override decisions (e.g., recommending for funding when other reviewers did not concur), full or partial selections, or selectable but not recommended for funding.

- Not-Selectable
- Selectable, Recommended for Full Funding
- Selectable, Recommended for Partial Funding
- Selectable, Not Recommended for Funding

CUI - Source Selection Information – See FAR 2.101 and 3.104

Appendix 2

Glossary of Terms

GLOSSARY OF TERMS

Assign: When a Scientific Review Official (SRO), Program Manager (PM), or other Government personnel involved in the Scientific Review Process makes an assignment, they communicate, in writing, that the Review Team Member will participate in their designated roles in the process as it relates to the specific proposal(s). A communication in writing can be an email, a memorandum, or other documented and dated communication.

Broad Agency Announcement (BAA): The BAA is a solicitation procedure used to obtain proposals for basic and applied research and that part of development not related to the development of a specific system or hardware procurement. Pursuant to Subpart 6.102 of the FAR, the BAA solicitation procedure is considered a competitive acquisition if the BAA is general in nature, identifies areas of research interest, includes criteria for selecting proposals, solicits all capable proposers, and is evaluated using a peer or scientific review. The BAA is described in Subparts 6.102 and 35.016 of the FAR. Under Subpart 35.016 of the FAR, BAAs, unlike requests for proposals (RFPs) as defined in Subpart 15.203 of the FAR, do not necessarily require a formal source selection plan. However, either the BAA or the BAA with supporting documentation must describe the Agency's research interest, the criteria for selecting the proposals, their relative importance, the method of evaluation, the period of time during which proposals will be accepted, and proposal submission instructions in accordance with Subpart 35.016(b) of the FAR. There are two types of BAAs at DARPA:

- **Program-specific BAAs** are issued to solicit proposals for a specific program. While there is no common statement of work for program-specific BAAs, the program-specific BAAs seek proposals that address a common problem or issue.
- **Office-wide BAAs** are issued by each Technical Office within the Agency or by the Agency itself and allow proposers to submit proposals that support the mission of the Technical Office or the broader Agency mission.

Conforming/Nonconforming Submissions: Abstracts and proposals that comply with the requirements of the BAA will be considered conforming and will be evaluated. Abstracts and proposals that do not comply may be determined nonconforming by the Contracting Officer (CO) after consulting with the PM and General Counsel (GC), as appropriate. The PM may solicit input from the Reviewers. If the CO determines a submission is nonconforming, the CO will provide written notice to the proposer. A sample letter is provided in Appendix 1, Exhibit 6, Sample Letter #6.

Consolidated Evaluation: In a Consolidated Evaluation, Reviewers take notes in accordance with the BAA/RA evaluation criteria as they evaluate conforming proposals. These notes serve as working papers for a group discussion led by the Program Manager (PM). The final product of this group discussion will be a consolidated evaluation form created for each proposal that will document all strengths and weaknesses relative to each evaluation criteria shared by the Reviewers, which includes the PM, during the course discussion.

Consolidated Evaluation Form: The consolidated evaluation form will provide space for Reviewers to sign, signifying whether they find the proposal selectable or not selectable. Once the consolidated evaluation forms are complete, all working papers are destroyed.

Contracting Officer (CO): The CO has the authority to enter into, administer, and/or terminate awards and make related determinations and findings. The DARPA Contracts Management Office (CMO) may be the contracting agent. Therefore, for purposes of DI 20 and this Guide, CO refers to a member of the CMO staff unless reference is expressly made to the CO being an external contracting agent. For grants and agreements, the CO will be referred to as the grants officer or agreements officer, respectively.

Cooperative Agreements: Cooperative agreements are assistance instruments governed by Section 200, Title 2, Code of Federal Regulations (CFR), and are used whenever the principal purpose of the relationship is the transfer of a thing of value to the recipient to accomplish a public purpose of support or stimulation authorized by Federal statute, and substantial involvement is expected between DARPA, acting for the Federal Government, and the recipient during performance of the contemplated activity.

Federally Funded Research and Development Center (FFRDC): An activity sponsored under a broad charter by the Government agency (or agencies) for the purpose of performing, analyzing, integrating, supporting, and/or managing basic or applied research and/or development, and that receives 70 percent or more of its financial support from the Government; and

1. A long-term relationship is contemplated;
2. Most or all of the facilities are owned or funded by the Government; and
3. The FFRDC has access to Government and supplier data, employees, and facilities beyond that common in a normal contractual relationship.

A complete listing of the FFRDCs can be found at: <https://www.nsf.gov/statistics/ffrdclist/#ffrdc>

Government Entities: Government entities include but are not limited to National Laboratories and military educational institutions. The Energy Department's 17 National Labs tackle the critical scientific challenges and address large-scale, complex research and development (R&D) challenges with a multidisciplinary approach that places an emphasis on translating basic science to innovation. To learn more about the national labs, please click here: <https://www.energy.gov/national-laboratories>. Military educational institutions include but are not limited to the U.S. Air Force Academy, the U.S. Coast Guard Academy, the U.S. Merchant Marine Academy, the U.S. Military Academy, and the U.S. Naval Academy.

Grants: Grants are a type of assistance instrument governed by Part 200, Title 2, CFR. Grants are used whenever the principal purpose of the relationship is the transfer of a thing of value to the recipient in order to accomplish a public purpose of support or stimulation authorized by a Federal statute, and no substantial involvement is expected between DARPA, acting for the Federal Government, and the recipient during performance of the contemplated activity.

Other Transactions (OTs): OTs are awards governed by Sections 4021 and 4022 of Title 10, United States Code (U.S.C.) and are not subject to the FAR or applicable grant and cooperative agreement regulations. The clauses in OT awards can be negotiated between the awardee and the Government. DARPA primarily awards two kinds of OTs:

- **Research OTs** are authorized under Section 4021 of Title 10, U.S.C., and are used for basic, applied, and advanced research projects. These OTs are intended to spur dual-use R&D, taking advantage of commercial economies of scale without burdening companies with Government regulatory overhead, which would make them non-competitive in the commercial (non-defense) sector. The flexibility offered by Research OTs is especially important when trying to attract performers who will not or do not do business with the Government but can also provide advantages to traditional defense contractors who are seeking to adopt commercial practices or standards, diversify into the commercial sector, or partner with non-traditional contractors.
- **Other Transactions (OTs) for Prototypes** are governed by Section 4022 of Title 10, U.S.C., and are used for prototype projects directly relevant to enhancing the mission effectiveness of military personnel and the supporting platforms, systems, components, or materials proposed to be acquired or developed by DoD; or to improvement of platforms, systems, components, or materials proposed to be acquired or developed by DoD; or to improvement of platforms, systems, components, or materials in used by the Armed Forces.

Preproposal Submissions: Under many of its BAA/RAs, DARPA will request preproposal submissions to screen topics for relevance. They include, but are not limited to, abstracts, executive summaries, and white papers. For convenience, the term “abstracts” as used in the Guide and its attachments will refer to all preproposal submissions. Submission of an abstract allows the proposer to receive feedback on the viability of the proposed concept and the likelihood that a proposal would be of interest to DARPA.

DARPA receives numerous proposals in response to BAAs and RAs. To keep the evaluation manageable and to spare proposers undue proposal expense, a BAA/RA may call for submission of abstracts prior to the submission of full proposals. These abstracts are reviewed, and proposers are either encouraged to submit full proposals or discouraged from further submissions. This phase neither guarantees nor rules out eventual award. The proposers who were discouraged from submitting full proposals after abstract submission are not precluded from subsequently submitting a proposal unless the Technical Office decides to have the abstract as a hard decision point to submitting full proposals. There is no minimum required response time for proposers to submit an abstract. Having an abstract phase does not change the requirement for a minimum response time of 45 calendar days for proposal submission. The abstract phase potentially saves time and money for the proposers by giving an early indication of the relevance and acceptability of the technical ideas. While an abstract phase may add to the overall timeline for the program, it may also save time for the PM and Reviewers by potentially decreasing the number of unacceptable proposals that would have to go through the Scientific Review Process.

Procurement Contracts: The principal purpose of this instrument is the acquisition by purchase, lease, or barter of property or services for the direct benefit or use of the Federal Government or

whenever DARPA determines in a specific instance that the use of a type of procurement contract is appropriate. Procurement contracts are authorized by the FAR and, for DARPA, as a DoD activity, any procurement contract awarded will contain the appropriate FAR and DFARS clauses, depending on the type of contract selected (e.g., cost plus fixed fee or cost reimbursement), the value of the contract award, and other considerations.

Recommendation Package: The recommendation package includes the following completed documentation: individual evaluation form(s) or consolidated evaluation form, subject matter expert worksheet (as applicable), PM Memorandum for Record, and/or PM summary sheet.

Research Announcement (RA): An RA is a competitive solicitation for research efforts when assistance instruments (i.e., grants, cooperative agreements) or Research Other Transactions are the contemplated award type. At DARPA, an RA is similar to a BAA and evaluated under the same procedures, as detailed in Chapter 1, “Guide to BAAs and RAs.”

Reviewers: Reviewers are Government employees who independently review every assigned conforming proposal received in response to a BAA or RA in accordance with the evaluation criteria. Reviewers may be DARPA Program Managers or qualified personnel from other DoD organizations and Government agencies who are deemed proficient in the pertinent technical area(s) of the solicitation.

Review Team: The Review Team comprises the PM (and delegates, as necessary), SRO (and delegates, as necessary), Reviewers, and any subject matter experts. Individuals on the Review Team are referred to as Review Team members.

Scientific Review Package: The scientific review package includes the following completed documentation: published BAA, proposals, individual evaluation form(s) or consolidated evaluation form, subject matter expert worksheet (as applicable), PM summary sheet, SRO briefing, SRO independent review memorandum, scientific review memorandum, and letters to successful and unsuccessful offerors.

Scientific Review Process: The process whereby abstracts and proposals submitted against DARPA BAAs or RAs are reviewed and, for proposals, determined to be selectable or not selectable for award negotiations.

Selectable/Not Selectable: A proposal is considered selectable if the positive aspects of the overall proposal outweigh its negative aspects and there are no deficiencies or accumulated weaknesses that require extensive negotiations and/or a resubmitted proposal. A proposal is considered not selectable if the positive aspects of the overall proposal *do not* outweigh its negative aspects or if there are deficiencies or accumulated weaknesses that require extensive negotiations and/or a resubmitted proposal.

Submissions: Submissions include abstracts (e.g., abstracts, white papers, and executive summaries), proposals, and any documents submitted by a proposer for review by the Review Team.

University Affiliated Research Center (UARC): A UARC is a strategic DoD research center associated with a university. UARCs were formally established in May 1996 to ensure that

essential engineering and technology capabilities of particular importance to the DoD are maintained. These not-for-profit organizations maintain essential research, development, and engineering “core” capabilities, maintain long-term strategic relationships with its DoD sponsors, and operate in the public interest, free from real or perceived conflicts of interest. Collaboration with the educational and research resources available at its university enhances each UARC’s ability to meet the needs of its sponsors. For a full listing: <https://defenseinnovationmarketplace.dtic.mil/ffrdcs-uarc/>.

Appendix 3

Scientific Review Narratives

SCIENTIFIC REVIEW NARRATIVES

Procedures for the Scientific Review Process are detailed in Chapter 2 of this Guide. All scientific reviews are based on the evaluation criteria as published in each individual BAA. According to DARPA Instruction 20, “Soliciting, Evaluating, and Selecting Proposals under Broad Agency Announcements and Research Announcements,” each DARPA BAA must contain, at a minimum, the following evaluation criteria: overall scientific and technical merit, potential contribution, and relevance to the DARPA mission, and cost realism. The Program Manager (PM), in consultation with the Contracting Officer (CO), may include other evaluation criteria in the BAA as necessary and appropriate.

As detailed in this Guide, each Reviewer must complete an evaluation report for each conforming proposal assigned unless using the alternative consolidated evaluation form process found in Section 3.A.2. The following guidance is for the standard Scientific Review Process but may be helpful for the alternative consolidated evaluation form process found in Section 3.A.2. Where the following guidance is relevant, applicable, and does not conflict with the alternative consolidated evaluation form process, substitute “Consolidated Evaluation Form” for “Evaluation Report(s)” and “Report(s).” For each evaluation criterion in the BAA, the report must contain a detailed and substantive narrative describing the Reviewer’s findings that will ultimately support their selectability determination. These findings should be stated in the form of “Strengths” and “Weaknesses” in relation to each criterion and should reflect the Reviewer’s expert judgment of the proposal. It is important that these findings reference specific details in the proposal to enable the PM to ultimately defend the recommendation to the Scientific Review Official (SRO) and explain the rationale in informal feedback sessions with unsuccessful proposers and potentially in response to audit or protest.

Every BAA is different, and there is no rule about how long or complex the evaluation reports’ narrative must be. A good rule of thumb, however, is that they should be written such that the reader is able to recognize and understand the opinion of the Reviewer without having to read the proposal in depth. While it is difficult to provide sample narratives or a template that works well for all BAAs, some examples of both good and bad narrative practices are provided as guidance.

- Each evaluation report requires the Reviewer to comment on the strengths and weaknesses of each proposal evaluated against the evaluation criterion. On occasion, a proposal will not have an identified strength or weakness for a particular criterion. This is an acceptable opinion; however, writing nothing in the applicable section of the criterion narrative on the evaluation report is not appropriate. Silence or lack of a statement suggests that the Reviewer ignored or skipped that section. Every criterion’s strengths and weaknesses section should contain a narrative, even if that narrative is as simple as “The proposal has no strengths in this area.”
- Certain words used without further explanation do not provide enough detail to support the review.
 - Use of adjectival descriptions such as “Good,” “Excellent,” “Fair,” or “Poor” is a good starting point but needs more detail to explain what specifically about the proposal justified this opinion. Reviewers should not substitute a scoring scale

(including an adjectival or numerical scale) in lieu of providing a narrative for each criterion that clearly calls out the strengths and weaknesses of the proposal.

- Some words are too generic or open to interpretation to stand alone. These terms include, but are not limited to, “(in)adequate,” “(un)reasonable,” “(ir)relevant,” “(un)satisfactory,” “(in)significant,” and “(un)realistic.” More detail referencing specific content within the proposal is necessary to explain why the Reviewer believes this was a positive or negative review point.
- It is not enough to restate the evaluation criteria as the narrative. For instance, if the evaluation criterion is the “Potential Contribution and Relevance to the DARPA Mission,” a narrative that states, “This effort is extremely relevant and will make a significant contribution to the DARPA mission,” is not detailed enough. How is it relevant, and to what mission objective? Why does the Reviewer believe not only would the proposer make a contribution to DARPA’s objectives but that the contribution would be significant? Significant in what way?
- Subjective opinions in a review are not only acceptable but encouraged. However, these opinions must be supported by specific details from the proposal. For instance, stating, “Proposers have plans and a proven track record that points to successful transition of the technology they are developing,” does not contain enough supporting information. What are the plans, and what gives the Reviewer confidence they will be successful? How is their track record proven? What information have they provided that will support that conclusion? Why does the Reviewer believe the transition efforts will be successful?
- Merely stating the proposal is strong in a certain area or weak in another is not sufficient. Point to specific details from the proposal that were relied on to form that opinion. Copying or restating language from the proposal itself is not enough. The narrative must include the value judgment of the Reviewer regarding the completeness, credibility, and feasibility of the proposed approach.
- For each strength and weakness comment, Reviewers should include the corresponding page from the proposal where the necessary supporting information is found. Not only will this make future discussions with other Reviewers, the PM, or the SRO easier if the review is questioned, but it will also facilitate the informal feedback sessions with unsuccessful proposers. Being able to point to specific language in their proposal often diffuses any challenges (or a potential protest) from an unsuccessful proposer, as well as shows that the Reviewers performed a fair and complete evaluation of the proposal.
- It is critical that each Reviewer complete a narrative for each evaluation criterion for each proposal. Reviewers can consider only the criteria published in the BAA when reviewing a proposal and can consider only the information contained in the proposal. Ignoring a criterion, evaluating a criterion that is not in the BAA, or considering information that is not contained in the proposal may result in a protest being sustained. For example, a Reviewer with knowledge of a proposer’s prior performance cannot comment on that in an evaluation unless the prior performance was referenced in the proposal.

- Each proposal should receive an individualized review tailored to the information contained in the proposal. It is not appropriate, for instance, to utilize the following language in reviewing one proposal: “[Proposer’s name] has proposed work that is of value to the DARPA mission. [Proposer’s name] has demonstrated they have the subject matter expertise and resources to successfully complete the work proposed” and then utilize the exact same language for the other proposals with just the contractor’s name changed. Not only is the language too vague and generic to support a selectability determination, but such a practice shows a detailed and tailored evaluation of each proposal was not completed.

While it is critical that each Reviewer provide the necessary detail on their evaluation reports, it is equally important that PMs consider the guidance above when crafting a detailed narrative to support their funding recommendations on the PM summary sheet. It is especially important that the PM provide a statement if they decide to override a reviewer’s rationale. When overriding a Reviewer’s rationale, the PM should include specific proposal information or an argument supported by their own opinion or expertise to justify the decision. Examples include statements such as “With limited funding, selections were limited to those proposals with the greatest chance of success or the most likely technological advancement. While this proposal was feasible, [the inherent risk factors made accomplishment of the objectives a concern] [the associated cost/benefit consideration did not make it a credible option] [it was a duplicative approach, and the chance of success was questionable].” While a Reviewer cannot compare proposals when evaluating, a PM can/should when making their funding recommendations. A PM must take all proposals into consideration when building an overall program portfolio. When a PM is acting as both PM and Reviewer on a BAA, they must follow the guidance/procedures outlined for each role. For example, a PM cannot make comparative statements on their evaluation report but may do so on the PM summary sheets.

There is no “right” way to craft these narratives, and each BAA has its own criteria and issues. The examples given above are intended to give Reviewers and PMs insight into the general concepts but are not intended to be used as form language or repeated verbatim. BAA evaluations are subjective and are intended to allow Reviewers to use their unique expertise and value judgment in creating opinions. Each BAA should be approached with a fresh eye, and the length and complexity of the narrative statements will vary accordingly. The length of the narrative is not nearly as important as the content. Being clear, concise, and brief is preferred as long as the argument is made with some specificity and clarity.

Appendix 4

Source Selection Information Guidance

SOURCE SELECTION INFORMATION GUIDANCE

Consistent with Subparts 2.101 and 3.104 of the FAR (Procurement Integrity Act, Section 2101-2107 of Title 41, United States Code (U.S.C.)) and as referenced in Chapter 2, paragraph 2.G. of the BAA Guide, all participants in the Scientific Review Process are prohibited from, unless permitted by law, knowingly disclosing contractor bid information, proposal information, or source selection information before the contract or agreement is awarded.

Please note that post-award contractor bid or proposal information must also be protected from unauthorized disclosure and always marked appropriately as contractor proprietary information.

The table below provides a summary of the relevant regulations. Compliance with these regulations is vital because the unlawful disclosure of source selection sensitive information may place the entire procurement at risk. For instance, it could result in the cancellation of the procurement and delay in program execution. The Agency may face litigation risk involving a bid protest or a lawsuit from the entity whose proprietary information was disclosed.

FAR 2.101	<p>Source selection information. Any of the following information that is prepared for use by an agency for the purpose of evaluating a bid or proposal to enter into an agency procurement contract if that information has not been previously made available to the public or disclosed publicly:</p> <ul style="list-style-type: none">(1) Bid prices submitted in response to an agency invitation for bids or lists of those bid prices before bid opening.(2) Proposed costs or prices submitted in response to an agency solicitation or lists of those proposed costs or prices.(3) Source selection plans.(4) Technical evaluation plans.(5) Technical evaluations of proposals.(6) Cost or price evaluations of proposals.(7) Competitive range determinations that identify proposals that have a reasonable chance of being selected for award of a contract.(8) Rankings of bids, proposals, or competitors.(9) Reports and evaluations of source selection panels, boards, or advisory councils.(10) Other information marked as “Source Selection Information-See FAR 2.101 and 3.104” based on a case-by-case determination by the head of the agency or the contracting officer that its disclosure would jeopardize the integrity or successful completion of the Federal agency procurement to which the information relates.
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<p>41 U.S.C. § 423(f)(1)</p>	<p>Contractor bid or proposal information. Any of the following information submitted to a Federal agency as part of or in connection with a bid or proposal to enter into a Federal agency procurement contract if that information has not been previously made available to the public or disclosed publicly:</p> <p>(A) Cost or pricing data (as defined by section 2306a(h) of title 10, with respect to procurements subject to that section, and section 254b(h) of this title, with respect to procurements subject to that section).</p> <p>(B) Indirect costs and direct labor rates.</p> <p>(C) Proprietary information about manufacturing processes, operations, or techniques marked by the contractor in accordance with applicable law or regulation.</p> <p>(D) Information marked by the contractor as “contractor bid or proposal information” in accordance with applicable law or regulation.</p>
<p>FAR 3.104-4</p>	<p>Disclosure, protection, and marking of contractor bid or proposal information and source selection information.</p> <p>(a) Except as specifically provided for in this subsection, <u>no person or other entity may disclose contractor bid or proposal information or source selection information</u> to any person other than a person authorized, in accordance with applicable agency regulations or procedures, <u>by the agency head or the contracting officer to receive such information.</u></p> <p>(b) Contractor bid or proposal information and source selection information <u>must be protected</u> from unauthorized disclosure in accordance with FAR 14.401, FAR 15.207, applicable law, and agency regulations.</p>
<p>FAR 14.401</p>	<p>Receipt and safeguarding of bids: FAR 14.401(a) – Before bid opening, information concerning the identity and number of bids received shall be made available only to Government employees. Such disclosure shall be only on a “need to know” basis.</p>
<p>FAR 15.207</p>	<p>Handling proposals and information: FAR 15.207(b) – Proposals shall be safeguarded from unauthorized disclosure throughout the source selection process. (See FAR 3.104 regarding the disclosure of source selection information (41 U.S.C. chapter 21, Restrictions on Obtaining and Disclosing Certain Information). Information received in response to a Request for Information shall be safeguarded adequately from unauthorized disclosure.</p>

The source selection is ongoing until DARPA or the Contracting Agent awards the contract or agreement. Therefore, source selection sensitive information must be protected and not released outside the review Team without the expressed written authorization from the Director's Office

Releasability: Cleared for Public Release. This DARPA Instruction has been reviewed pursuant to DARPA Instruction 65 and has been cleared for public release.

(DIRO) or the Contracting Officer (CO). However, there may be instances where disclosure of such information or similar information may be necessary before award is made.

The scenarios provided below illustrate some but not all circumstances when disclosure of information may be necessary. Please ensure to discuss each situation you encounter with the appropriate CO before information is disclosed. The CO will determine the type of information that can be disclosed and if other protective measures are required, such as the execution of a non-disclosure agreement or the DARPA Acknowledgment of Non-Disclosure Obligations Under Federal Law by each recipient of the information.

For internal DARPA-related requests requiring the disclosure of source selection information, such as program updates to DIRO, Program Reviews, and Program Approval Document Amendments, that occur after the Scientific Review Official (SRO) makes the funding decision and prior to award, the following information may be disclosed without CO written authorization:

- The number and names of entities selected for funding
- The top-line proposed amount only (a break-down of the proposed amount should not be disclosed)
- Summary of proposed technical solution

Any presentation or briefing material that includes this information must be marked, at a minimum, on each page as “CUI - Source Selection Information-See FAR 2.101 and 3.104” and verbally emphasize during the briefing that the program is currently in source selection. If the program is classified, then adjust the markings. Remember that source selection information has to be protected at all times, and the information is still considered source selection sensitive until award is made.

Scenario 1 (disclosure to external entity)

I am a Program Manager working with a potential or actual transition partner post-SRO decision but prior to award. What information can I share with the potential/actual transition partner?

Answer: Engage with the CO as soon as possible to identify the recipients of the information (contractor and/or government personnel), the specific information requested, and the purpose for disclosing the information. The CO and DARPA General Counsel, if necessary, will assist with determining the appropriate information that can be disclosed. Any presentation or briefing material approved for disclosure must be marked, at a minimum, on each page as “CUI - Source Selection Information-See FAR 2.101 and 3.104.” In addition, contractor personnel receiving the information will be required to sign a non-disclosure agreement, and government personnel must sign the DARPA Acknowledgment of Non-Disclosure Obligations Under Federal Law.

Scenario 2 (disclosure to external entity)

I am a Program Manager, and a senior Government official from the Pentagon requested a status briefing on my program. The SRO issued a decision, but award is pending. What information may I disclose during the briefing?

Answer: You may disclose the number of proposers selected for award and negotiations or simply state that several selections have been made. You may not disclose the names of entities that submitted a proposal to the BAA or selected/not selected for funding. You should refrain from providing specifics on proposed technical solutions attributed to a specific proposer and limit the information to a top-level overview as it relates to the program (e.g., very confident in the proposed solutions, which included a variety of diverse technical approaches). You may not disclose the proposed costs associated with each proposer. Any presentation or briefing material approved for disclosure must be marked, at a minimum, on each page as “CUI - Source Selection Information-See FAR 2.101 and 3.104.” If the program is classified, then adjust the markings. Prior to the disclosure of information, you must coordinate with the CO to obtain authorization and determine if other protective measures are required. For instance, depending on the information to be disclosed, the senior Government official may need to sign the DARPA Acknowledgment of Non-Disclosure Obligations Under Federal Law. Remember that information has to be protected at all times, and the information is still considered source selection sensitive until award is made.

Scenario 3

If the Independent Verification and Validation (IV&V) partner has not been identified until after the SRO Independent Review Memorandum is signed and selection letters have been distributed, what can I release to the IV&V partner?

Answer: Prior to the disclosure of information, you must engage with the CO and DARPA General Counsel, who will assist with determining the appropriate information that can be disclosed. Any material approved for disclosure must include any applicable markings. In addition, contractor personnel receiving the information will be required to sign a non-disclosure agreement, and government personnel must sign the DARPA Acknowledgment of Non-Disclosure Obligations Under Federal Law.