



DARPA INSTRUCTION 20

SOLICITING, EVALUATING, AND SELECTING PROPOSALS UNDER BROAD AGENCY ANNOUNCEMENTS AND RESEARCH ANNOUNCEMENTS

Office of Primary Responsibility: Contracts Management Office

Releasability: Cleared for public release. This DARPA issuance has been reviewed pursuant to DARPA Instruction 65, “Clearance of DARPA Information for Public Release,” and has been cleared for public release.

Reissues and Cancels: DARPA Instruction 20, “Soliciting, Evaluating, and Selecting Proposals under Broad Agency Announcements and Research Announcements,” November 26, 2019

Purpose: This Instruction:

- Establishes DARPA policy regarding soliciting, evaluating, and selecting proposals under Broad Agency Announcements (BAAs) and Research Announcements (RAs).
- Authorizes the issuance of the “DARPA Guide to Broad Agency Announcements and Research Announcements” (hereafter “the Guide”).

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

a. The provisions of this DARPA Instruction (DI) apply to all DARPA government and contractor personnel (e.g., Scientific Engineering and Technical Assistance (SETA) contractors) and DARPA contracting agents to the extent that they negotiate and make awards based on proposals submitted under DARPA BAAs and RAs.

b. This Instruction does not address policy for soliciting, reviewing, and selecting proposals under Requests for Proposals or other solicitation methods.

c. This Instruction also does not address the solicitation for or review of proposals under the Small Business Innovation Research program or the Small Business Technology Transfer program.

1.2. POLICY.

a. It is the policy of DARPA to use BAAs to fulfill requirements for scientific study and experimentation directed towards advancing the state of the art or increasing knowledge and understanding of defined areas of interest.

b. In accordance with Subpart 35.016 of the Federal Acquisition Regulation (FAR) and Section 235.016 of the Defense Federal Acquisition Regulation Supplement (DFARS), DARPA must use the Scientific Review Process described herein and in the Guide to evaluate and select proposals submitted for funding in response to a BAA. When evaluating and selecting proposals submitted for funding in response to an RA, DARPA will follow the same Scientific Review Process; however, additional tailoring within each RA and Scientific Review Process is expected given different requirements and flexibilities associated with awarding assistance-type instruments with grants and cooperative agreements subject to Part 200 of Title 2, Code of Federal Regulations, and Research Other Transactions (OTs) subject to Section 4021 of Title 10, United States Code. Alternative solicitation, evaluation, and selection procedures can be used for awarding Research OTs.

(1) Subpart 35.016 of the FAR and Section 235.016 of the DFARS specifically call out requirements for BAAs only. DARPA, however, applies these same requirements to RAs, as modified for assistance-type instruments.

(2) The discussion of the Model BAA also applies to drafting RAs, and the Model BAA must be used as a starting point for drafting all RAs. From this point forward, all references to BAAs herein also refer to RAs.

SECTION 2: RESPONSIBILITIES

2.1. DIRECTOR, DARPA AND DEPUTY DIRECTOR, DARPA.

Director, DARPA and Deputy Director, DARPA review and approve any requests from conflicted Scientific Review Officials (SROs) and other Review Team Members, as necessary, to participate (except as concerning conflicted proposals) in the Scientific Review Process, as permitted.

2.2. TECHNICAL OFFICE DIRECTORS (ODS).

a. Technical ODs act as SROs for all BAAs except when a conflict of interest (COI) has been identified. If a COI is identified, a Delegate SRO must be assigned in accordance with the Guide.

b. Duties of the SRO (and/or Delegate SRO) are described in the Guide. When functioning as SROs, ODs will ensure the integrity of the Scientific Review Process by:

- (1) Reviewing all BAAs issued by their Technical Office.
- (2) Giving permission for a conflicted Program Manager (PM) to review all but the conflicted proposals.
- (3) Reviewing the PM's recommendations for funding.
- (4) Signing Procurement Requests (PRs)/Military Interdepartmental Purchase Requests (MIPRs).
- (5) Appointing Delegate PMs when necessary.

2.3. PROGRAM MANAGERS (PMS).

PMs (or Delegate PMs, as applicable):

- a. Manage the BAA process in accordance with this Instruction.
- b. Prepare BAAs in accordance with the procedures outlined herein and within the Guide using the Model BAA template current at the time the BAA is released.
- c. Coordinate with Mission Services Office/Security and Intelligence Directorate (MSO/SID) for all BAAs to ensure proper instructions are included in each BAA, specifically regarding but not limited to whether classified information is anticipated to be required during performance of the BAA effort or if the proposals resulting from the BAA will include international participants or export control issues, including International Traffic in Arms

Regulations (ITAR) or Export Administration Regulations (EAR) requirements. Further guidance is provided within the Guide.

- d. Recommend Reviewers and subject matter experts (SMEs) and document these recommendations in the Scientific Review Memorandum (SRM).
- e. Ensure the protection of source selection information and maintain the integrity of the procurement process. Further guidance is provided within the Guide.
- f. Review, in concert with the Contracting Officer (CO), any proposer questions and coordinate with the CO on answers to be sent to proposers. Further guidance is provided within the Guide.
- g. In concert with the CO, assist in identifying whether a proposal is deemed conforming.
- h. Review all conforming proposals submitted under a program-specific BAA for which he or she serves as the PM and any assigned proposals under an office-wide BAA.
- i. Recommend proposals for funding in accordance with the procedures within the Guide.
- j. Serve as a Reviewer or SME, if needed, on other DARPA BAAs. Duties of Reviewers and SMEs are described in the Guide.

2.4. DARPA GENERAL COUNSEL (GC).

DARPA GC:

- a. Reviews all DARPA BAAs.
- b. Serves as legal advisor for the Review Team and CO.
- c. Attends informal feedback sessions when a proposer's legal counsel is present and attends other sessions as requested.
- d. Prepares and/or delivers ethics briefing(s) to the Review Team regarding COIs and procurement integrity.
- e. Reviews all COI Self-Certification forms provided by Review Team Members and identifies any applicable conflicts.

2.5. DIRECTOR, CONTRACTS MANAGEMENT OFFICE (CMO).

Director, CMO:

- a. Approves all BAAs prior to their publication.

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b. Ensures DARPA compliance with the FAR and provides oversight of the process for scientific review of proposals.

2.6. DARPA CONTRACTING OFFICERS (COS).

DARPA COs:

- a. Review all assigned DARPA BAAs.
- b. Consult with GC and any potentially conflicted Review Team Member concerning potential COI issues and provide guidance concerning procurement integrity, as necessary, throughout the process.
- c. Coordinate communications with proposers, including approving Questions and Answers (Q&A) on BAAs.
- d. Determine whether each proposal is conforming and coordinate with the PM and GC, as necessary, before notifying proposers of nonconforming proposals.
- e. Prepare the PM for informal feedback sessions and attend sessions when necessary or upon request.
- f. Prepare and/or deliver briefing(s) to the Review Team regarding proper documentation of the Scientific Review Process.
- g. Review and sign, as applicable, the DD Form 2579, "Small Business Coordination Record," associated with routing unclassified BAAs.
- h. Prepare and/or deliver briefing(s) at the BAA's Proposers Day.

2.7. DIRECTOR, SMALL BUSINESS PROGRAMS OFFICE (SBPO).

Director, SBPO reviews all unclassified DARPA BAAs and approves any accompanying DD Form 2579 in support of unclassified BAAs.

2.8. DIRECTOR, MSO/SID.

Director, MSO/SID ensures the appropriate MSO/SID personnel complete the following tasks:

- a. Review all DARPA BAAs and assist PM with security classification requirements.
- b. Assist with issues that may arise when international participants are identified or anticipated to be included in the BAA.
- c. Review and assist when export control issues are identified in the BAA, to include ITAR and EAR requirements.

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- d. Conduct risk-based security reviews in accordance with DARPA Fundamental Research Risk-Based Security Review Process (formerly DARPA Countering Foreign Influence Policy).

SECTION 3: BROAD AGENCY ANNOUNCEMENTS

3.1. AUTHORITY TO ISSUE DARPA BAAS.

- a. All DARPA BAAs will be prepared and issued by DARPA.
- b. DARPA's contracting agents (except DARPA CMO) are not authorized to issue BAAs on behalf of DARPA. However, DARPA may accept and evaluate proposals submitted in response to other agencies' BAAs when such proposals meet DARPA program and mission requirements.

3.2. CONTENT OF DARPA BAAS.

- a. As early in the process as possible, the PM must determine the elements and content of a clear and comprehensive BAA. In accordance with the Guide, BAAs publicized by DARPA must, at a minimum:
 - (1) Describe DARPA's research interest;
 - (2) Describe criteria for selecting the proposals, their relative importance, and the method of evaluation;
 - (3) Specify the period of time during which proposals (and abstracts, if applicable) submitted in response to the BAA will be accepted; and
 - (4) Contain instructions for the preparation and submission of proposals and abstracts, as applicable.
- b. Chapter 1, Section 4 of the Guide discusses the sections of the BAA.
- c. 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 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.
- d. At a minimum, BAAs must include the following three evaluation criteria:
 - (1) Overall scientific and technical merit
 - (2) Potential contribution and relevance to DARPA mission
 - (3) Cost realism
- e. Other evaluation criteria may also be included should the PM believe they are helpful in determining which proposal(s) are selectable.

3.3. PUBLISHING DARPA BAAS.

- a. BAAs soliciting proposals where procurement contracts may be awarded must be publicized on the SAM.gov website unless an exception to Subpart 5.202 of the FAR, "Exceptions," applies.
- b. For BAAs where procurement contracts are not anticipated to be awarded, posting BAAs on SAM.gov is optional.
- c. Additionally, all BAAs that include opportunities for assistance awards (e.g., grants, cooperative agreements, and Other Transactions for Research) must also be publicized at www.Grants.gov.
- d. BAAs that will remain open for more than a year must be publicized no less frequently than annually unless an exception to Subpart 5.202 of the FAR applies.

3.4. REVIEW AND APPROVAL OF DARPA BAAS.

- a. Each DARPA Technical Office may establish its own internal review and approval process for BAAs.
- b. However, all BAAs must, at a minimum, be reviewed by the cognizant PM; Assistant Director, Program Management; 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.
- c. The Director, CMO, or his/her designee approves all BAAs prior to their posting to SAM.gov and/or Grants.gov.

SECTION 4: SCIENTIFIC REVIEW PROCESS

4.1. GENERAL PROVISIONS.

- a. A proposal or abstract received in response to a BAA that does not comply with its requirements may be rejected as nonconforming.
- b. All abstracts received and deemed conforming will be reviewed per Technical Office procedure and as outlined in the BAA. All proposals received and deemed conforming to solicitation requirements must be evaluated in accordance with the evaluation criteria specified therein through DARPA's Scientific Review Process.
- c. In accordance with Subpart 35.016 of the FAR, written evaluation reports must be prepared for each individual proposal. In addition, proposals need not be evaluated against one another, as per Subpart 35.016(d) of the FAR.

4.2. DISCLOSURE AND PROTECTION OF SOURCE SELECTION INFORMATION.

- a. Preproposal submissions (including abstracts, white papers, and executive summaries, hereafter referred to solely as abstracts), proposals, and scientific review documentation will be presumed to be source selection information in accordance with Subparts 2.101 and 3.104 of the FAR and must be protected as such by each individual having access to the proposals.
- b. All scientific review documentation (e.g., evaluation reports, PM summary sheets, SRO memorandums) will be 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 Subpart 3.104-4 of the FAR, no person or other entity may disclose source selection information to any other person unless authorized by the Director's Office (DIRO) as defined in the Guide (Appendix 4) or the CO.
- c. Technical Offices will adhere to any additional marking requirements, as needed (e.g., CUI and/or classified, etc.).

4.3. REVIEW TEAM COMPOSITION.

- a. The Review Team comprises the PM (and Delegates, as necessary), SRO (and Delegates, as necessary), Reviewers, and SMEs, as necessary. See the Guide, Chapter 2, Section 3, for guidance on the required number of Reviewers.
- b. The roles and responsibilities of the Review Team Members and how to document such are defined in Chapter 2, Sections 2A and 2B of the Guide.
- c. Individuals on the team are referred to as Review Team Members.

4.4. ABSTRACTS.

- a. At a minimum, one Review Team Member must review all abstracts.
- b. The PM will respond to abstracts in accordance with the procedures outlined in the Guide, Chapter 2, Section 3.A. If the PM does not recommend submission of a full proposal, their response must include feedback regarding the rationale for this decision.

4.5. FINANCIAL, PERSONAL, AND BUSINESS CONFLICTS OF INTEREST (COIS).

a. Review Team Members with a COI.

(1) Review Team Members with a COI are disqualified from participating in the Scientific Review Process. However, after consultation with the CO and GC and with appropriate approvals as detailed in Chapter 2, Section 2.C. of the Guide, Review Team Members may review all but the conflicted proposals and make scientific review determinations for all but the conflicted proposals.

(2) For PMs and SROs, an approved Delegate will review all conflicted proposals. Reviewers and SMEs will not have access to any conflicted proposals. See the Guide, Chapter 2, Section 2.C. for further guidance on obtaining approvals, selecting a Delegate PM or Delegate SRO, and determining the timing and extent of a conflicted party's participation.

b. Determining What Constitutes a COI.

(1) Review Team Members cannot participate in any matter that may have a direct and predictable effect on the member's financial interests or on financial interests imputed to the team member (e.g., reviewing proposals or any document where the reviewer makes a direct funding decision submitted under a BAA).

(2) Financial interests imputed to the team member include the financial interests of a spouse, minor child, general partners from outside businesses, and any organization in which the member is serving as an officer, director, trustee, general partner, or employee, or any person or organization with whom the team member is negotiating or has any arrangement concerning prospective employment.

(3) Review Team Members may have an appearance of a COI if a reasonable person with knowledge of the relevant circumstances would question the member's impartiality in participating in the Scientific Review Process.

(4) Review Team Members who know or believe they have an appearance of a COI will immediately notify the CO and GC. In consultation with the CO and GC, the PM or SRO may provide written authorization for Review Team Members to review the conflicted proposal.

4.6. REVIEW TEAM KICK-OFF MEETING.

a. Once proposals are received in response to a program-specific BAA and prior to the beginning of proposal review, the Review Team will hold a kick-off meeting, with GC and the CO in attendance, as necessary.

(1) For office-wide BAAs, the Technical Office may hold kick-off meetings ad hoc as proposals come in or through another process deemed acceptable by the Technical Office, GC, and CMO that best achieves the goal of ensuring a proper briefing to all participants and minimizing any administrative burdens.

(2) This meeting may be held in person or via telephone or video conference.

b. During the kick-off meeting, all Review Team Members will receive training from the CO on how to properly document proposal reviews.

c. The Review Team Members will also receive a briefing prepared and conducted by GC regarding procurement integrity, financial COIs, personal and business relationship laws (appearance), and regulations relevant to the Scientific Review Process.

(1) For program-specific BAAs, this meeting may involve the PM assigning proposal(s) for review following the self-certification and disclosure/identification of any potential COIs.

(2) All Review Team Members are required to review, sign, and submit a written self-certification regarding their known or believed COIs related to reviewing the submitted BAA proposals or otherwise participating on the Scientific Review Team. Please refer to the Guide for additional guidance regarding submission of COI forms.

(3) If a Review Team Member is uncertain whether he or she has a conflict, he or she should seek ethics advice from GC before signing and submitting their self-certification. For more information on the kick-off meeting, ethics briefing, and self-certification process, see the Guide, Chapter 2, Section 2.F.

4.7. EVALUATION OF ABSTRACTS AND PROPOSALS.

The Review Team Members will review all abstracts and proposals, as assigned, in accordance with Chapter 2, Section 3 of the Guide.

4.8. DESIGNATING RECOMMENDED PROPOSALS FOR FUNDING.

a. It is the PM's (and/or Delegate PM's) responsibility to designate proposals recommended for funding. The PM's recommendation will represent their independent judgment.

b. The PM will recommend funding the proposal(s) that best meet their program objectives based on assessment of the proposal(s) against the publicized evaluation criteria, the Reviewer's

evaluations and SME comments (if any), consideration of available funding, and program balance. The PM will provide their recommendations to the SRO.

4.9. DOCUMENTING THE PM'S RECOMMENDATION FOR FUNDING.

a. The PM (and/or Delegate PM, as appropriate) will document the rationale supporting their designation of proposals for funding. The rationale must address how each recommended proposal meets the publicized evaluation criteria.

b. In accordance with DI 66, "Protection of Human Subjects in Research," the PM must inform the SRO should there be any recommendations of proposals involving human subjects in research.

4.10. SRO SELECTION OF PROPOSALS FOR FUNDING.

a. The SRO (or Delegate SRO, as appropriate) has final proposal funding authority. The SRO reviews the Recommendation Package (evaluation report(s), SME worksheets (as applicable), and the PM summary sheet/Memorandum for Record (as applicable)) to ensure the PM has adequately justified and documented the rationale for selecting proposals for award.

b. The SRO may concur with the PM's recommendations, require additional effort by the PM, make a different selection, or withdraw funding for the program altogether.

c. Additional detail regarding the SRO review can be found in Chapter 2, Section 3.C of the Guide.

4.11. INFORMAL FEEDBACK SESSIONS.

a. DARPA provides informal feedback sessions upon request after proposers have been officially notified in writing of the funding decision for their proposal(s).

b. Such feedback sessions may be requested only by prime proposers, not their subcontractors. Subcontractors may attend the feedback session at the invitation of the prime proposer, but they may not initiate the meeting request.

c. In feedback sessions, the PM and other Government representatives may discuss only the strengths and weaknesses of the proposal that is the subject of that feedback session.

d. PMs must not disclose information from other proposals. Likewise, the PM must not discuss how many proposals were received in response to the BAA, how many proposals were selected for funding, or who was on the Scientific Review Team.

e. 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.

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f. If the proposer plans to include their legal counsel in the feedback session, DARPA GC and the CO must be present.

g. Additional detail regarding Informal Feedback Sessions can be found in Chapter 2, Section 4.E. of the Guide.

SECTION 5: SIGNATURE

DI 20, "Soliciting, Evaluating, and Selecting Proposals under Broad Agency Announcements and Research Announcements," will have a duration of 10 years from the date of publication and thereafter will be cancelled unless otherwise reissued or extended in accordance with DI 1, "DARPA Policy Issuances and Forms."

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REFERENCES

Code of Federal Regulations, Title 2, Part 200

DARPA Guide to Broad Agency Announcements and Research Announcements, current edition

DARPA Instruction 1, "DARPA Policy Issuances and Forms, July 30, 2019

DARPA Instruction 65, "Clearance of DARPA Information for Public Release," July 27, 2015

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Defense Federal Acquisition Regulation Supplement, current edition

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United States Code, Title 10, Section 4021