

PART 35

RESEARCH AND DEVELOPMENT CONTRACTING

TABLE OF CONTENTS

SUBPART 35.016 - BROAD AGENCY ANNOUNCEMENTS

35.016 General.

35.016 Broad agency announcement.

(a) General. Use of a BAA should be considered when the Government is seeking unique, creative solutions or advances in knowledge, understanding, technology, or the state -of-the-art, and is only able to state its requirements in terms of general areas of need or interest, rather than by means of a common statement of work with specific solutions or outcomes. Development of prototype hardware may be pursued under a BAA only if such development is directed at the demonstration of a particular approach or concept unrelated to a specific system or article of supply. If supply or service requirements can be adequately described to industry in a statement of work, proposals should be solicited by an invitation for bids or request for proposals.

(90) The use of a BAA does not eliminate the requirement to provide the maximum practicable opportunity for participation in the acquisition process by small business/small disadvantaged business concerns, historically black colleges and universities (HBCUs), and minority institutions (MIs). Normal set-aside policies and procedures apply. More specific guidance is provided at DFARS 205.207, 226.70, and 235.016.

(91) The BAA is recognized as a competitive procedure fulfilling the requirements for full and open competition only when it is used to contract for basic and applied research and development (R&D), a peer or scientific review is conducted, and all offerors capable of satisfying the Government's needs are allowed to participate (FAR 6.102(d)(2)). This does not preclude the use of other than full and open competition when using a BAA outside this Section. For example, competition may be restricted using a mobilization base rationale in order to maintain defense readiness. In such cases, the intent to limit competition must have been stated in the BAA, and must be supported by a J&A prepared in accordance with FAR 6.303 (see Subsection 6.302-3(90) for procedures for using the BAA in noncompetitive acquisitions for other than basic and applied research).

(d)(1) The BAA provides for submission of varying research and development ideas and approaches which do not lend themselves to comparative analysis, and the source selection evaluation procedures described in FAR Part 15.6 do not apply. There is no requirement to wait until the period for receipt of proposals has expired to review all offers simultaneously. Evaluation, including technical reviews, and award of proposals submitted may be accomplished at any time. Proposals need not be compared, but may be evaluated separately on their own merits. Establishment of a competitive range is not required.

(d)(2) Upon completion of evaluations, the contracting officer should promptly notify any offeror whose proposal clearly stands no chance of being selected for an award that its present submission will not be considered further. Elimination does not preclude an offeror from timely submitting another proposal for consideration under the immediate announcement or under a subsequent BAA. Offeror notification is not required if the contracting officer decides to delay an immediate award and consider the proposal at a later date. This may occur if proposals have been determined to have some technical merit, but need additional work, or funds are not available.