

## Health and Human Services

Pt. 316

### UNSOLICITED PROPOSAL

#### CERTIFICATION BY OFFEROR

This is to certify, to the best of my knowledge and belief, that—

- (a) This proposal has not been prepared under Government supervision;
- (b) The methods and approaches stated in the proposal were developed by this offeror;
- (c) Any contact with Department of Health and Human Services (HHS) personnel has been within the limits of appropriate advance guidance set forth in *FAR 15.604*; and
- (d) No prior commitments were received from HHS personnel regarding acceptance of this proposal.

Date: \_\_\_\_\_  
Organization \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_

(This certification shall be signed by a responsible management official of the proposing organization or by a person authorized to contractually obligate the organization.)

#### **315.606 Agency procedures.**

- (a) The HCA is responsible for establishing procedures to comply with *FAR 15.606(a)*.
- (b) The HCA or designee shall be the point of contact for coordinating the receipt and processing of unsolicited proposals.

#### **315.606-1 Receipt and initial review.**

(d) OPDIVs shall not refuse consideration of an unsolicited proposal because an organization initially submitted it as a grant application. However, OPDIVs shall not award contracts based on unsolicited proposals that have been rejected for grant awards due to lack of scientific merit.

#### **315.609 Limited use of data.**

An offeror shall use the legend, Use and Disclosure of Data, prescribed in *FAR 15.609(a)*, to restrict the use of data for evaluation purposes only. However, data contained within the unsolicited proposal may need to be disclosed as a result of a request submitted pursuant to the Freedom of Information Act. Because of this possibility, the Contracting Officer shall provide the following notice to all prospective offerors of unsolicited proposals:

“The Government will attempt to comply with the “Use and Disclosure of Data” legend. However, the Government may not be able to withhold a record (data, document, etc.) or deny access to a record requested by an individual (the public) when an obligation is imposed on the Government under the Freedom of Information Act, 5 U.S.C. 552, as amended. The Government determination to withhold or disclose a record will be based upon the particular circumstances surrounding the record and on whether the record is exempt from disclosure under the Freedom of Information Act. Per *FAR 15.609(e)*, the offeror should identify any records that it considers to be trade secrets, commercial or financial information, and privileged or confidential information.”

### **Subpart 315.70—Acquisition of Electronic Information Technology**

#### **315.7000 Section 508 accessibility standards.**

EIT products and services, including EIT deliverables such as electronic documents and reports, acquired using negotiated procedures shall comply with Section 508 of the Rehabilitation Act of 1973, as amended. Consistent with paragraph 4.3.1 of the HHS Section 508 policy—see Section 508 policy on HHS Office on Disability Web site, if products and services, including commercially available items, meet some but not all of the applicable Section 508 accessibility standards, and no commercially available products or services meet all of the applicable Section 508 accessibility standards, an OPDIV/STAFFDIV shall acquire the products and services that best meet the applicable Section 508 accessibility standards. Commercial nonavailability exception determinations for EIT products and services that do not meet some or all of the applicable Section 508 accessibility standards shall be processed in accordance with 339.203.

## **PART 316—TYPES OF CONTRACTS**

### **Subpart 316.3—Cost-reimbursement Contracts**

Sec.  
316.307 Contract clauses.

### **Subpart 316.5—Indefinite-Delivery Contracts**

316.505 Ordering.