

Unsolicited Proposals Policy and Procedures

An unsolicited proposal is a written proposal that is submitted to the Orange County Transportation Authority (AUTHORITY) for the purpose of developing a partnership and/or obtaining a contract that is not in response to a current, recent or anticipated request for proposals or bids. An unsolicited proposal should be for an innovative and unique concept, service or product. The unsolicited proposal should be prepared and submitted without supervision or direction by AUTHORITY personnel.

AUTHORITY may accept unsolicited proposals as written submissions, for the purpose of obtaining innovative and unique methods and procedures. Unsolicited proposals must contain the following information in order to be considered. Unsolicited proposals must be delivered to the following address:

Orange County Transportation Authority
Contracts Administration and Materials Management Department (CAMM)
550 South Main Street,
P.O. Box 14184
Orange, CA 92863-1584

Nothing in the policy or this procedure requires the AUTHORITY to act or enter into a contract based on an unsolicited proposal. The AUTHORITY, at its sole discretion, may return or reject the unsolicited proposal at any time during the review process.

Part I. Proposal Information

A. General Information

Proposers shall provide the following information for unsolicited proposals:

- a) Name, address, telephone number and/or email address of the firm, joint venture or organization
- b) Names of contact person(s), telephone numbers, and email addresses for the technical and financial aspects of the proposal
- c) Type of organization: profit, non-profit, educational institution, etc.
- d) Identification of any other parties/agencies to whom the proposal was also submitted
- e) Signature of binding authority

B. Technical Proposal

Proposers shall provide a technical proposal that includes the following:

- a) Introduction with background information about the proposer's relevant experience, capabilities and accomplishments
- b) A clear and concise overview of the proposed effort describing what makes the solution innovative or unique

- c) Problem statement identifying any related deficiencies or gaps the proposed effort is intended to support
- d) Proposed solutions or recommendation including supporting statistical data
- e) Identification of any impediments that may prevent your proposal from being implemented.
- f) Benefits and value to be derived from the proposed effort including how the proposal advances AUTHORITY's mission and goals
- g) Proposal objective which should be measurable and result oriented
- h) Proposal methodology, including:
 - 1. How and why the project activities were selected
 - 2. Timeframe and sequence of events
 - 3. Staffing plan
 - 4. Tasks to be accomplished over the period of performance
 - 5. Milestone chart

C. Financial Proposal

Proposers shall provide a financial proposal that includes the following:

- a) A detailed cost proposal that includes itemized prices for each line item or cost categories using a narrative format
- b) Total cost to implement, operate, maintain, and finance the project
- c) Expected return on investment for AUTHORITY
- d) Ability for project to generate revenue or increase cost efficiencies for AUTHORITY, if applicable
- e) Proposers' ability to finance the project, including identifying funding commitments from other sources and financial capabilities of the proposers

D. Confidential Information

All proposals submitted to the AUTHORITY whether they are unsolicited or submitted as part of a competitive procurement, are subject to the provisions of the California Public Records Act. (California Government Code section 6250 et. seq.). Proposers must clearly mark each page of the unsolicited proposal that contains confidential or proprietary information, and trade secrets. Financial records and documents must also be marked as confidential to be protected. Concepts and ideas are not considered proprietary to the proposer.

Part II. Proposal Review

A. Notification of Unsolicited Proposal

CAMM will provide a prompt notification to the proposer in writing that AUTHORITY has received the proposal and indicate an intent to review it for further consideration. This notice will be issued within ten (10) business days from receiving the unsolicited proposal.

B. Review Process – Initial Conceptual Review

Within sixty (60) days from receipt of the unsolicited proposal, CAMM will review the proposal and determine whether that proposal meets the following requirements of an unsolicited proposal:

- Is innovative and unique in what it offers
- Is independently developed and originated by proposer
- Prepared without AUTHORITY supervision, involvement or direction
- Includes the General Information, Technical Proposal and Financial Proposal described above
- Provides adequate detail to determine the value and benefit to AUTHORITY
- Not an advanced proposal for a known or planned AUTHORITY requirement or solicitation

If CAMM determines that the unsolicited proposal meets the requirements above, CAMM will review the unsolicited proposal with the appropriate department(s), division(s) and executive office to ensure there is sufficient interest in proceeding with the detailed review of the unsolicited proposal.

If the AUTHORITY determines, not to consider the unsolicited proposal beyond the initial review by CAMM, a written notification will be sent to the proposer.

If the proposal is considered a valid unsolicited proposal with value and benefit to the AUTHORITY, CAMM will work with the department and executive office and convene a multi-departmental review committee to assess the proposal in greater detail. Upon completion of the review, a recommendation will be made to the Chief Executive Officer. While CAMM may not be a member of the technical review committee, CAMM will serve as the meeting facilitator, attend all meetings to document the process and be the main contact for the proposer and for internal review committee members.

The AUTHORITY is not required to perform a comprehensive evaluation of an unsolicited proposal under the following conditions:

- It is unrelated to the AUTHORITY's mission;
- It does not offer a measurable benefit to the AUTHORITY;
- It does not include sufficient information to support a comprehensive evaluation; or
- It is not in the best interest of the AUTHORITY.

C. Review Process – Detailed Review

The review committee will examine the details of the proposal, by evaluating the technical and financial aspects of the proposal. The committee has the ability to request the following:

- Additional supporting documentation
- Proof of proposer's ability to finance the project i.e. detailed financial records or audited financial statements
- More specific data or detailed analysis or clarification
- Meeting(s) with the proposer to discuss proposal details
- Demonstration of the project being proposed, if applicable
- Any additional information or details necessary to answer questions raised by the review committee.

At the conclusion of the evaluation of the proposal, the review committee will make a determination of the proposal's merits, and recommend its approval. The decision will be sent to the Chief Executive Officer for review and concurrence..

D. Recommendation

The acceptance and review of an unsolicited proposal does not bind the AUTHORITY into awarding a contract to the proposer.

If the proposal offers a product or service that contains proprietary information, data, or concepts and is truly a unique one-of-a-kind item, then the AUTHORITY, following its existing policies and procedures may proceed with a sole source agreement. If it is impossible to describe the product, property or service offered without revealing proprietary information or disclosing the originality of thought or innovativeness of the product, property or services offered, the AUTHORITY may make a sole source award.

If the unsolicited proposal does not meet the criteria for a sole source contract award, the AUTHORITY will seek to obtain full and open competition by following the actions below before entering into a contract resulting from an unsolicited proposal:

1. Receipt of Unsolicited Proposals – the AUTHORITY will publicize receipt of the unsolicited proposal on the AUTHORITY's CAMM-NET website and also advertise for it in a publication of general circulation and, if appropriate, in any relevant trade publications.
2. Adequate Description – the AUTHORITY will publicize an adequate description of the product, property or service offered without improperly disclosing proprietary information or disclosing that originality of thought or innovativeness of the product, property or service.

3. Interest in the Product, Property or Service - the AUTHORITY will state in the publication, its interest in acquiring the product, property or service described in the unsolicited proposal
4. Opportunity to Compete – the AUTHORITY will provide an adequate opportunity (a minimum twenty-one (21) days) for interested proposers to comment or submit competing proposals or to request an opportunity to respond within a given timeframe.
5. Contract Award Based on Proposals Received - the AUTHORITY will publicize on its website, its intent to award a contract based on the unsolicited proposal or another proposal submitted in response to the publication.

E. Contract Resulting from an Unsolicited Proposal

Nothing in this policy or procedure requires the AUTHORITY to act or enter into a contract based on an unsolicited proposal or another proposal submitted in response to the publication using the same or similar methods provided above.

Contract negotiation may occur prior to final approval of the contract. Contract approval and award may require approval by the AUTHORITY's Board of Directors.