



USAID
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Guidance for Broad Agency Announcements

A Mandatory Reference for ADS Chapter 300, 302,
303

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1. General Overview

The purpose of this Mandatory Reference is to clarify the proper application of the Broad Agency Announcement (BAA) and to provide standard practices for its use.

The BAA is a solicitation method authorized under Federal Acquisition Regulation (FAR) Part 35 to acquire research and development. Awards resulting from a BAA may be contracts or assistance instruments. BAAs can be an effective means for USAID to spur innovation in the pursuit of development objectives. BAAs may also provide the opportunity to convene private-sector partners, including corporations, universities, and non-governmental organizations, through co-creation.

This document will first discuss the purpose of using a BAA and highlight requirements for its use. It will also examine discretionary practices that highlight the solicitation type's inherent flexibility.

A BAA is general in nature and does not contain a specific statement of work. Rather the solicitation provides the Agency's area(s) of research interest, generally by providing a problem statement and laying out the challenge. In addition, proposals (including expressions of interest and other pre-proposal submissions) that are submitted under the BAA are not competing against one another, but rather are attempting to demonstrate that the proposed research furthers the Agency's objectives, as determined by a peer or scientific review process described in FAR 35.016.

Note that throughout the majority of this document, acquisition terms (e.g., Contracting Officer (CO), contract, proposal) are used as BAAs are a solicitation method authorized by acquisition regulations. This document introduces assistance terminology in Section 4 when addressing awards resulting from BAAs.

2. Selecting the BAA

2.1. Research & Development Objectives

A BAA is a solicitation method by which Federal agencies can acquire basic research, applied research, and development (R&D), as defined by FAR Part 35, to fulfill their requirements for scientific study and experimentation directed toward advancing the state-of-the-art or increasing scientific and technical understanding.

Unlike awards to fulfill a specific Statement of Work or Program Description, R&D awards are directed toward objectives for which the work or methods cannot be precisely described in advance. As a deliverable, R&D contracts typically require contractors to furnish scientific and technical reports as a record of the work conducted under the award. Similarly, research grants require recipients to submit research performance progress reports.

R&D awards often pilot innovations that hold the potential to identify solutions to some of the Agency's greatest challenges. With an R&D award, it is difficult to judge the probabilities of success or required effort for technical approaches, some of which offer little or no early assurance of full success. A BAA must not be used if the Agency's need is to acquire specific goods or services. In such cases another form of solicitation must be used.

2.2. Authorized Use

BAAs meet the legal requirement for competition only when used "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" - FAR 35.016(a). The terms "basic research," "applied research," and "development" are defined in the FAR as follows:

"Basic research" means research directed toward increasing knowledge in science. The primary aim of basic research is a fuller knowledge or understanding of the subject under study, rather than any practical application of that knowledge.

"Applied research" means the effort that:

- a. Normally follows basic research, but may not be severable from the related basic research;
- b. Attempts to determine and exploit the potential of scientific discoveries or improvements in technology, materials, processes, methods, devices, or techniques; and
- c. Attempts to advance the state of the art. When being used by contractors in cost principle applications, this term does not include efforts whose principal aim is the design, development, or testing of specific items or services to be considered for sale; these efforts are within the definition of "development," given below.

"Development" means the systematic use of scientific and technical knowledge in the design, development, testing, or evaluation of a potential new product or service (or of an improvement in an existing product or service) to meet specific performance requirements or objectives. It includes the functions of design engineering, prototyping, and engineering testing; it excludes subcontracted technical effort that is for the sole purpose of developing an additional source for an existing product.

Note that the above FAR definition of "development" is narrowly defined and not synonymous with the broad concept of "international development" used to describe the Agency and its mission.

In accordance with FAR 35.016, the BAA solicitation method can “only be used when meaningful proposals with varying technical/scientific approaches can be reasonably anticipated.”

2.3. Framework for Selecting a BAA

As USAID gains access to cutting edge developmental technology or methods through BAAs, efforts should be taken to track this technology or method and use it towards achieving Agency objectives. When USAID funds R&D through BAAs, the Agency typically acquires rights in the resulting data or innovation, which may be used in future programs for USAID purposes. By including the appropriate language in awards, Contracting Officers (COs) and Planners ensure that USAID has acquired both the technology itself and the appropriate level of rights in order to prevent the Agency from paying multiple times for R&D in which it has already invested. Questions concerning intellectual property and data rights issues should be referred to the Office of the General Counsel (GC) or the cognizant Resident Legal Officer (RLO).

Prior to initiating a BAA, Planners should consider how the BAA complements existing programs and how resulting R&D outputs will be used. To the extent that USAID has existing rights in similar technology or data, Planners should consider whether it would be better to invest in such programs, as opposed to funding potentially duplicative R&D efforts.

R&D involving information technology (IT) proof-of-concept and prototypes must be for exploratory purposes only and not for Agency operations. Questions concerning development of IT solutions or software should be referred to the Office of the Chief Information Officer (CIO) at ITAuthorization@usaid.gov. Questions concerning data management should be referred to the Chief Data Officer at dataservices@usaid.gov.

2.4. Defining the R&D Objective

The CO and Planner must draft the BAA to articulate the R&D objective and to facilitate the submission of proposals meeting the FAR definition of “basic research,” “applied research,” or “development.” Examples of R&D objectives that fall within these definitions include:

- Conducting a research study and publishing a report directed towards increasing knowledge in a technical area.
- Deploying an untested delivery approach for the primary purpose of improving the service to meet specific performance objectives.
- Conducting a survey of available technologies and employing scientific knowledge to report on potential developmental impact.

- Deploying a new service delivery method, including providing technical assistance, if the primary purpose of the activity is to advance the state-of-the-art or increasing knowledge or understanding.

Problem statements that are not expected to result in proposals for R&D must be revised to reflect R&D requirements, or a different solicitation type must be used. Vague or overly broad problem statements, with little or no connection to R&D, should be avoided.

The primary purpose of R&D programs is to increase scientific and technical knowledge of a subject to the extent necessary to achieve USAID and national goals (FAR 35.002). A BAA is not the appropriate solicitation format to fulfill discrete requirements for goods and services -- particularly when these requirements can be described in advance based on known or past availability.

Because R&D proposals cannot be directly compared against each other, there are fewer competitive forces at play. In situations in which the Agency is primarily seeking to acquire a specific product or service deliverable, and not to conduct R&D, it must use another solicitation format that allows the Agency to obtain the benefits of competition. For example, awards resulting from BAAs should generally not be for the following activities:

- Collecting and synthesizing previously conducted research, which is not primarily directed toward increasing knowledge or understanding of the subject under study.
- Deploying a previously delivered technology or method in a new setting, unless the purpose is primarily to further develop that technology or method.
- Programming that primarily consists of providing technical assistance or other services to third parties, even if technical in nature and includes reporting requirements.

This list is not all inclusive and variations on these examples may be permissible. Questions concerning the appropriate use of BAAs should be referred to the CO and the cognizant RLO or GC attorney.

3. Requirements for BAAs

The CO should be actively involved in drafting the BAA solicitation. USAID staff must observe the following points when using BAAs:

3.1. Describing USAID's Research Interest

In accordance with FAR Part 35, the BAA must clearly establish USAID's research interest, either for an individual program requirement or for a broadly defined area of interest. A clear description concerning the area of exploration (for basic research) or the end objectives (for development and applied research) is essential to allowing offerors to provide meaningful proposals with varying technical/scientific approaches. The announcement should be as detailed as possible in describing the research goals but should otherwise be in general terms. It must not define specific research methods or procedures, as would be found in a statement of work in a request for proposals.

3.2. Award Information - Estimated Number and Value

In the BAA, COs are strongly encouraged to include an estimate of the number of awards to be issued, the approximate dollar value or dollar range for each award, the approximate performance period, and anticipated award types (contracts, agreements, etc.). For example, the BAA might state that USAID expects to award "five contracts of \$500,000" or "up to five awards of between \$500,000 and \$2,000,000." This information allows offerors to submit proposals that are more aligned with available funding, thereby resulting in more efficient evaluations and reduced proposal costs.

Estimates should be drafted to allow the CO to retain some flexibility to negotiate the performance period or budget to adapt the program for appropriate variations in scope and scale, or to award a demonstration project as appropriate for an R&D project. However, a CO may decide -- based on the nature of the R&D being sought or other factors -- not to provide an estimated award value on the basis that such estimates will deter offerors from proposing more innovative approaches.

If an estimate is provided, offerors should not be prohibited from proposing R&D projects that exceed the stated budget estimate, which may be advantageous if the offeror is able to contribute outside funding for the project. Nonetheless, a lack of available funding may be a basis for USAID to not select the proposal.

If the award type is unknown at the time of the announcement, the solicitation must state that the Contracting Officer/Agreement Officer (CO/AO) will select the appropriate acquisition or assistance instrument, in accordance with the Federal Grant and Cooperative Agreement Act and Agency policy, and negotiate the terms and conditions of the award, as appropriate for the selected instrument.

3.3. Evaluation Criteria

Although the CO and Planner may add additional evaluation criteria, consistent with FAR 35.016, the primary criteria for selecting proposals must be:

- Overall scientific and technical merit,

- Potential contribution and relevance to USAID's mission, and
- Funds availability.

Cost realism and reasonableness must also be considered to the extent appropriate, although the selection of proposals is primarily a technical decision.

BAAs should only be issued when there is an identified R&D objective and there is a reasonable expectation that funds will be available at the time of award (planned in the Agency budget). In accordance with FAR 35.106(c), the BAA must state that if funds are not available and an award is not made within a year of the closing date of the BAA, the solicitation will be closed and proposals will not be available for later award unless resubmitted in response to a subsequent funding opportunity. Allowing for further consideration of such proposals would be contrary to the concept of R&D that requires state-of-the-art solutions and limits competition for a future requirement.

3.4. Proposal Submission Information

The BAA must provide all information necessary for offerors to submit a response to the solicitation.

3.4.1. Instructions to Offerors

The BAA must provide instructions for submission of proposals, including content and format requirements.

If pre-proposal submissions, such as expressions of interest and concept notes are permitted under the BAA, instructions for their submission and content/format requirements must also be included (see **Section 3.7** for more information on pre-proposal submissions and evaluation phases).

3.4.2. Submission Deadlines

The BAA must specify the period during which proposals submitted in response to the solicitation will be accepted, either as a single deadline or allowing for rolling submissions. Per FAR 5.203(e), BAAs must allow at least a 45-day response time between the date of posting and receipt of proposals.

As noted above, USAID may issue a BAA containing a single or multiple research areas in which the Agency is interested. A single deadline may be appropriate for soliciting an individual program's R&D requirement, while periodic submissions are more appropriate if the BAA contains a list of research areas in which the Agency is interested.

If a single deadline is provided, only those proposals submitted by the deadline may be considered for award. Specific deadlines provide clarity to interested parties about timing but require the Agency to simultaneously review proposals. Submission deadlines must be provided if Planners intend to convene a multi-stakeholder or other form of co-creation workshop, as all offerors must be in the same point in the review process to be able to participate (see **Section 5** for more information on co-creation).

Alternatively, USAID may issue an open call for proposals that remains open for a set period, not to exceed one year. This format may be best for soliciting a broad range of R&D interests. Proposals are evaluated as they are received and may proceed to a one-on-one co-creation session. The use of rolling submission dates allows for more flexibility in proposal submission and evaluation timing, but caution should be taken to avoid unnecessary delays in the review process.

3.4.3. Proposal Review Information

The BAA must describe the proposal review process, including the applicable evaluation criteria and their relative importance. Proposals received in response to the BAA will be evaluated in accordance with the evaluation criteria specified in the solicitation and through a peer or scientific review process. This board may be composed of USAID staff and outside experts in the technical field. In accordance with [ADS 302, USAID Direct Contracting](#) and [ADS 303, Grants and Cooperative Agreements to Non-Governmental Organizations](#), USAID staff must make up the majority of voting members of the board. In order to appropriately protect proprietary information, the BAA must inform offerors if any external reviewers, including institutional contractors, will be involved in the evaluation. See also [USAID's Scientific Research Policy](#) for additional resources that may assist in conducting a peer or scientific review and selecting appropriate external reviewers.

The BAA should also briefly explain the steps in the evaluation process and provide realistic lead times for each step. An anticipated award date should be included in the BAA.

3.5. Publicizing BAAs

The CO is responsible for posting the BAA and retaining confirmation of the posting for the award file. The BAA must be posted on <https://beta.sam.gov/> or any subsequent government-wide point of entry (GPE). All BAAs that anticipate the possible award of a grant or cooperative agreement must also be posted on www.grants.gov or any subsequent GPE (see **Section 3.4.2** for appropriate response times).

3.6. Proposal Evaluation

As noted above, proposals received in response to the BAA will be evaluated through a peer or scientific review process. Reviewers should have the requisite background and experience to grasp scientific concepts discussed in the proposals and analyze the proposal in accordance with the stated evaluation criteria (see [USAID's Scientific Research Policy](#)). Reviewers with a conflict of interest related to a proposal submitted in response to a BAA are generally prohibited from participating in any review of that proposal.

3.6.1. Initial Screening

Prior to providing the review board with full proposals, the Board Chair, with assistance from the CO, must screen each proposal to ensure that it falls within one of the FAR Part 35 definitions of R&D. These definitions are included above in **Section 2.2**. Proposals that do not meet one of these definitions are not responsive to the solicitation, cannot be accepted under a BAA, and must be eliminated from consideration.

Additionally, any proposal that is not within the research category (or categories) set out in the BAA is ineligible for award under the BAA. An award in this case would not be competitive or fair, as others did not have the opportunity to submit proposals in the area.

3.6.2. Board Review

The scientific or peer review board should not evaluate proposals against each other since they are not submitted in accordance with a common work statement. However, the board must evaluate individual proposals in accordance with the stated evaluation criteria (see **Section 3.3**) and document findings in written evaluation reports. Evaluation reports should include a clear, succinct description of the evaluation findings, including strengths and weaknesses under each evaluation factor and the basis on which the proposal was recommended for award or rejected. All evaluation reports must be shared with the CO for inclusion in the official ASIST award file.

Proposals selected for award must be referred to the CO for negotiation. COs and Planners should use the procedures in FAR Subpart 15.5 to notify and debrief offerors that are excluded from further consideration. While not required, these procedures can provide useful information to unsuccessful offerors, as these parties may be interested in future USAID programs.

3.7 Pre-proposal Submissions and Evaluation Phases

Based on programmatic needs, the CO and Planner may structure the BAA to allow for submission of proposals and evaluation in phases. For example, the evaluation may include a pre-proposal submission phase, which occurs prior to an offeror's submission of a full proposal.

Pre-proposal submissions include abstracts, white papers, concept notes, expressions of interest, executive summaries, and other similar documents. A pre-proposal submission may help avoid the time and expense of preparing and evaluating a full proposal.

COs and Planners have broad discretion in structuring the requirements, parameters and review requirements for pre-proposal submissions. This includes using “go/no-go” evaluation criteria, or establishing a “green, yellow, red” color system or similar criteria to recommend that a concept paper be considered for, respectively, full proposal stage/award, further consideration, or elimination from consideration.

If the BAA contemplates pre-proposal submissions, the following must be included in the BAA:

- Content and format requirements of the pre-proposal submissions.
- Method of submission and any associated timelines.
- Method of review/evaluation. Address whether the submissions will be reviewed only on technical merit, on all the evaluation criteria included in the BAA for review of full proposals, or by another method. Include any “go/no-go” criteria.
- Any other information on how these submissions will be handled, including whether the receipt and review process will differ from the process for full proposals.

If an offeror is eliminated from further consideration for an award at the pre-proposal stage, the CO must notify the offeror in writing. This notification must include the reasoning for elimination based upon the criteria in the BAA.

The evaluation of each pre-proposal submission must be documented and shared with the CO for inclusion in the award file. The most highly-rated submissions will be selected to proceed to the second phase – often an invitation to co-create (see **Section 5**) or a request for a full proposal (or application for assistance). A request for a full proposal is appropriate if co-creation is not contemplated under the BAA solicitation or the highly-rated submission does not lend itself to the co-creation process.

Selected submissions will be recommended to the CO for the selection of instrument determination and negotiation (see **Section 4.1**). If selection of instrument determination is not clear at this stage, the CO/AO should identify the appropriate instrument as soon as practicable and document this determination in accordance with [ADS 304, Selecting the Appropriate Acquisition and Assistance \(A&A\) Instrument](#).

Once the appropriate instrument is selected, the CO/AO must request a full proposal or application in accordance with the requirements in **Section 4.2**. These proposals/applications will be reviewed through a peer or scientific review process and evaluated based on the BAA's proposal-phase evaluation criteria. See **Section 3.3** for mandatory evaluation criteria and **Section 3.6** for more information on evaluating proposals.

Alternatives to this approach are authorized. For example, COs and Planners may use a streamlined BAA process that has only one step and proceeds directly from proposal to award. In this streamlined model, submissions selected for funding based on technical strengths advance directly to negotiations and/or co-creation.

4. Awards Resulting from BAAs

This section describes the standard procedures for making awards resulting from BAAs. Planners and COs have a significant amount of discretion in designing awards resulting from BAAs and are encouraged to design the award in a way that meets programmatic needs, while keeping these requirements in mind.

4.1. Selection of Instrument

BAAs may lead to the award of a contract or an assistance award. CO/AOs are ultimately responsible for selecting the appropriate instrument. CO/AOs must select a contract when the principal purpose is the acquisition of R&D for the direct benefit or use of USAID. CO/AOs should select a grant or cooperative agreement when the principal purpose of the transaction is to stimulate or support R&D for another public purpose (FAR 35.003(a)). An assistance award can only be selected if the BAA is also advertised on grants.gov (see **Section 3.5**). After the CO/AO selects the appropriate instrument, the CO/AO must adhere to the statutory, regulatory, and policy requirements applicable to the selected type of instrument (see [ADS 304](#)).

4.2. Requirement for Full Proposal or Application

A valid contract requires an offeror to submit a proposal for the Agency's acceptance. If the offeror (or applicant for assistance) has only submitted a concept note or other pre-proposal submission, the CO (or AO) must request a proposal before an award can be made. This proposal (or application) must include the appropriate Standard Form – an SF-26 for a contract or an SF-424 for an assistance award. The full proposal/application must include a detailed description of the offeror's technical approach and costs, as well as all required pre-award certifications, assurances, and representations based on the award type. As part of this proposal/application request, the CO/AO should share the applicable contract clauses or assistance standard provisions to ensure that the offeror/applicant is able to review all award terms and conditions prior to award.

While offerors and applicants may form teaming arrangements as appropriate, the proposal/application may only be submitted by a single legal entity. If a consortium or group of organizations submits a proposal/application in response to a BAA, they must do so as partnership/joint venture or have one organization act as a potential prime contractor/recipient with the other organizations acting as subcontractors or subrecipients

4.3. Award Contents

The statement of work or program description included in the resulting award must clearly identify the research or development focus consistent with FAR Part 35 requirements, while also providing an environment in which the work can be pursued with reasonable flexibility and minimum administrative burden. Agency-specific requirements for contracts or assistance awards, as noted in [ADS 302](#) or [ADS 303](#), respectively, continue to apply to awards resulting from BAAs.

While other broad development objectives may be achieved, since the primary purpose of R&D contracts is the advancement of scientific knowledge, the primary deliverables are those scientific and technical reports and data that result from and document the R&D, including:

1. **Final Report:** A final report is the minimum required deliverable. Since R&D is often risky, and the research objective may not be achieved, a final report allows USAID to assess the R&D effort and capture valuable information about the project. Often a final report detailing the results of the R&D effort is the only manifestation of what USAID purchased and was achieved under the contract.
2. **Interim Reporting:** As the findings may take a different turn from what was expected, interim reports allow USAID to monitor ongoing progress and assess the direction of the R&D.
3. **Data:** Data is typically generated from R&D activities and should be explicitly identified as a deliverable under the award. The CO must specify any technical data to be delivered under the contract, since data clauses required by FAR Part 27 may not require the delivery of any such data. See [ADS 579](#), [USAID Development Data](#), and www.usaid.gov/data for more information related to the management and submission of data.
4. **Peer-reviewed manuscripts:** Any manuscripts of peer-reviewed articles produced under the award must be submitted in accordance with [USAID's Public Access Plan: Increasing Access to the Results of Federally Funded Scientific Research](#).
5. **Software:** Software is often generated in the course of conducting research. If the requirement is the generation of data, processing of data, or the

creation of any kind of process, software may be a requirement and must explicitly be identified as a deliverable (see [ADS 547maa, Limits on Custom-Developed Software](#)).

Assistance awards do not have contractual deliverables; however, the AO must include performance goals and a requirement to submit technical research performance reports, in accordance with 2 CFR 200.

For contracts, the nature of R&D work often requires a cost-reimbursement completion arrangement, however the CO may consider other payment arrangements. Similarly, the AO has the discretion to structure an assistance award's payment method as most appropriate for the specific grant or cooperative agreement.

As noted in **Section 2.3**, it is important that the Agency acquires both the technology itself and the appropriate level of rights under R&D awards. CO/AOs should review FAR Parts 27 and 35 and consult with the RLO or GC attorney to ensure that the relevant intellectual property and/or data rights clauses/provisions are incorporated into the resulting award. In the case of contracts, the CO must incorporate the applicable "R&D" provisions and clauses in the FAR Matrix (either cost-reimbursement or fixed-price). See [ADS 547maa](#) for guidance related to custom software or code.

The CO must synopsise all contract awards resulting from BAAs through the GPE, in accordance with FAR Subpart 5.3.

5. Co-Creation

There is no strict limitation on the timing or amount of communication that can occur between USAID and offerors during the evaluation of BAA proposals. While all offerors must be evaluated according to the BAA's evaluation criteria, the Agency has a substantial amount of discretion in permitting an offeror to alter its proposal in a way that meets USAID's objectives.

Although discussions/consultations are not required, COs and Planners may incorporate a co-creation into the BAA process. In this context, co-creation refers to collaboration between an offeror and USAID, and potentially other offerors and third parties, towards developing viable approaches to achieving an R&D objective. While the BAA is not the only solicitation format that allows for co-creation, co-creation can be particularly valuable in this context (see the Co-Creation Discussion Note in [ADS 201, Program Cycle Operational Policy](#) for a definition of "co-creation" and additional information on available approaches).

When co-creation is contemplated under a BAA, it should be explicitly addressed in the solicitation. Co-creation can occur after the receipt of a pre-proposal submission, including in the following formats:

1. **One-on-One Co-Creation:** In this format, USAID will consult with the offeror without the presence of other offerors. The purpose of such collaborative discussions is to improve the offeror's proposal to better meet USAID's R&D objectives. This format allows for the protection of the offeror's proprietary information during the full review process, which may encourage greater participation from industry-leading firms. Discussions may be conducted by telephone or video-conference to reduce costs. This format is recommended for BAAs that are likely to result in contracts, awards to small businesses, and BAAs involving technology with potential commercial application.
2. **Multi-stakeholder Workshop:** A second option is to hold a multi-party workshop that convenes USAID staff, multiple offerors, and, possibly, third parties. There is no set size expectation for this workshop and it can be as few as two offerors. The size of the workshop should be tailored to the research category and the Agency's expectation that the offeror's concepts will result in a meaningful proposal. While this approach can be more costly and time-consuming, it has the advantage of bringing together potential collaborators and allows for the formation of new partnerships. The multi-stakeholder workshop is designed to permit an open exchange of technical ideas between knowledgeable parties, which can lead to improved results. As technical approaches are potentially shared with other parties, this format may discourage some offerors from engaging. This approach should be reserved for situations in which such sharing is unlikely to be detrimental to achieving BAA objectives, such as for BAAs that are likely to result in assistance awards and situations when there is less concern over information protection.

COs and Planners may use variations on these approaches, as dictated by technical requirements and cost or timing considerations. If co-creation is anticipated, the BAA must state how the co-creation will be conducted and, as appropriate, include details concerning the date, format, location, expected participants, preferred seniority and role of participants, and objectives of the co-creation session. See also **Section 6** on protecting proprietary information below.

USAID staff who are invited to participate in multi-stakeholder workshops are encouraged to actively engage and share ideas with offerors based on their technical area of expertise. One-on-one co-creation can allow for more direct engagement on an offeror's proposal. Staff should consult the CO or RLO/GC attorney for additional guidance on rules of engagement as needed for each solicitation.

6. Protecting Proprietary Information

BAAs raise confidentiality concerns, including the proper treatment of proprietary information submitted to USAID with a pre-proposal submission or during co-creation events. USAID is sensitive to the need to balance partners' interest in protecting proprietary information with the programmatic objective of fostering collaboration.

The BAA process should encourage the best sources from industry and the scientific community to become involved in the program. The BAA must include FAR provision 52.215-1, allowing offerors to appropriately mark any submissions containing proprietary information. Unless expressly authorized by the offeror, an offeror's submission in response to a BAA is source selection information and must be protected by USAID in accordance with FAR requirements (FAR 3.104-4). However, an offeror is not prohibited from disclosing its own proposal (FAR 3.104-4(e)(1)), including in the context of a multi-stakeholder workshop. If USAID personnel wish to share an offeror's pre-proposal submission with other offerors or third parties, USAID must obtain written authorization from the offeror allowing for this dissemination.

The co-creation format may be tailored to afford varying levels of information sharing. As noted above, one-on-one co-creation allows for greater protection of proprietary information. By contrast, to be effective, a multi-stakeholder workshop necessitates the sharing of proprietary approaches between offerors. As appropriate, offerors participating in a multi-stakeholder workshop should be asked to execute an agreement consenting to the discussion of its pre-proposal submission by USAID staff and contractors during the workshop. The agreement should also address the participation of any third parties. Questions concerning this agreement or proposal protection must be referred to the cognizant RLO or GC attorney.

7. Additional Resources

- The [BAA Four-Stage Process](#) provides one example of how BAAs may be structured.
- [This animated video](#) provides a high-level introduction to BAAs.

Additional resources and examples are also available internally for Agency staff on [M/OAA's Professional Development and Training \(PDT\) webpage](#).

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