



UNSOLICITED PROPOSAL POLICY PILOT

JULY 2025

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Unsolicited Proposal Policy Pilot

Identifying an Unsolicited Proposal

An unsolicited proposal is a written offer submitted to SCAG on the initiative of the proposer, not in response to any SCAG-issued solicitation. It presents a new or innovative idea aimed at securing a contract.

To qualify, the proposal must offer pragmatic, value-added solutions that support or accelerate SCAG's regional goals—distinct from projects already included in SCAG's budget or work plan.

It is not:

- A response to a SCAG published Request for Proposals, Broad Agency Announcement, Program Research and Development Announcement, or any other SCAG-initiated solicitation or program.
- A proposal for goods and services SCAG could acquire competitively.
- Or a replacement for an existing contract.

Unsolicited Proposal Policy Pilot and Procedures

Proposer Considerations Prior to Submission of Proposal

If you believe you have an unsolicited proposal that is related to SCAG's mission, please review requirements in the [Federal Acquisition Regulation \(FAR\) part 15.6](#) and the [General Services Administration Acquisition Manual \(GSAM\) part 515.6](#) for more information.

Once you have:

- Reviewed the requirements in the FAR and GSAM.
- Made the determination you have a valid unsolicited proposal for SCAG.
- Determined the proposal is related to SCAG's mission.

The unsolicited proposal must be prepared in accordance with the unsolicited proposal checklist (**Exhibit B**). Once complete, you may submit your proposal to unsolicitedproposal@scag.ca.gov.

Submitting Unsolicited Proposals

All unsolicited proposals shall be submitted electronically to unsolicitedproposal@scag.ca.gov for intake by the Contracts Administration Department and to be eligible for review. Upon receipt, the Manager of Contracts Administration will forward the unsolicited proposal to the Chief Planning Officer, who may then assign a staff lead to facilitate the establishment of an evaluation team. The evaluation team will evaluate the proposal using a two-phased approach. In Phase One, Conceptual Proposals are evaluated. If the evaluation team has an interest in a Conceptual Proposal, they may ask the proposer to submit a Detailed Proposal for evaluation in Phase Two. If the project proceeds beyond Phase Two or otherwise involves competitive procurement or sole source procurement, SCAG's procurement policy and procedures will apply. SCAG may, at any time, choose not to proceed further with any unsolicited proposal.

PHASE ONE: THE CONCEPTUAL PROPOSAL

The purpose of Phase One is for SCAG to receive a written, concept-level proposal to determine whether to request additional and detailed information for Phase Two.

1. Before initiating a Phase One evaluation, SCAG staff will determine if the Conceptual Proposal meets the threshold requirements outlined in **Exhibit A**.
2. Conceptual Proposals should include the information identified in **Exhibit B**, Unsolicited Proposal Checklist.
3. Conceptual Proposals will be evaluated within 90 days in accordance with the criteria set out in this section. SCAG reserves the right to not review a Conceptual Proposal. The evaluation process will include an evaluation team, which will be approved by the Chief Planning Officer. The proposer(s) will not initiate any interaction with the evaluation team.

The evaluation team will determine the evaluation criteria, as necessary, to address the specific proposal, but generally will consider the following factors:

- a. offers direct or anticipated benefits to SCAG, its partners, and the public;
- b. consistency with SCAG's planning and programming goals and objectives;
- c. whether it satisfies a need for SCAG that can be reasonably accommodated in SCAG's annual budget and work plan, or through grants, without significant change to planned expenditures, projects, or costs;
- d. whether it offers goods or services that SCAG may not have intended to procure or provide through the normal SCAG procurement process;
- e. whether it contains elements that are within SCAG's jurisdiction or control; and
- f. other factors appropriate to the proposal.

PHASE TWO: THE DETAILED PROPOSAL

The purpose of Phase Two is for SCAG to receive more detailed technical and financial information to fully understand and evaluate the proposal. If SCAG desires to proceed to Phase Two, SCAG will request a Detailed Proposal.

Once the Detailed Proposal is received, SCAG will retain a record of the persons on the evaluation team and record the final disposition of the proposal. Outside advisors may be consulted if the SCAG evaluation team deems it necessary and beneficial. In addition to the information provided in Phase One, a Detailed Proposal must, at a minimum, include the requirements outlined in **Exhibit A**.

Detailed Proposals will be evaluated within 90 days in accordance with the criteria set out in **Exhibit A** and any other evaluation criteria identified in the request for a Detailed Proposal. SCAG reserves the right to not review a Detailed Proposal.

SCAG's Executive Director or designee (the Chief Operating Officer or the Chief Planning Officer) will consider the proposal for review and approval.

1. If SCAG determines not to proceed to Phase Two of the unsolicited proposal process.
 - a. The proposer will be notified of SCAG's decision not to advance the proposal. The decision not to proceed is final and not subject to appeal.
2. If the unsolicited proposal is approved, SCAG's procurement policies and procedures will apply.
 - a. SCAG's receipt of an unsolicited proposal does not, by itself, justify a contract award without full and open competition.
 - b. The proposer may claim, or it may appear from a proposal, that no other entity could offer the same goods or services. These circumstances alone, however, will not justify a sole source contract. The proposal will be evaluated on its own merit. In most cases, the proposer will have competitors that could offer SCAG similar solutions, but with different options, functionality, costs, or risks. A competitive process should be used to select the consultant or contractor, unless SCAG staff determines that the proposed concept itself is proprietary. The essential consideration is whether the proposer is presenting a proprietary/trade secret concept that is itself essential to contract performance. If a proposer is merely presenting a rationale for doing certain work that could be done by others if given the chance to compete, then it is likely there is no basis for a sole source.

- a. If the unsolicited proposal does not meet the criteria of a sole source award, SCAG may proceed with a competitive procurement in compliance with its procurement policy and procedures. Most approved unsolicited proposals will result in competitive procurement.
 - b. Submitting an unsolicited proposal does not guarantee the submitter will be chosen as the vendor to provide the good or service; if the proposal does not result in a sole source award, a proposer will need to competitively bid for the project as part of SCAG's procurement process.
 - c. Nothing in this policy pilot or otherwise requires SCAG to act or enter a contract based on an unsolicited proposal. SCAG, at its sole discretion, may return and/or reject an unsolicited proposal at any time during the process.
3. The Manager of Contracts Administration or other duly authorized SCAG representative(s) may commence negotiations only after an unsolicited proposal has received a favorable comprehensive evaluation, including in comparison to any proposals received following publication as provided in this policy pilot and outlined in **Exhibit A**.
 4. If SCAG pursues a competitive procurement, SCAG personnel shall not use any data or any confidential patented, trademarked, or copyrighted part of an unsolicited proposal or confidential technical or financial proprietary information, if properly identified in accordance with Public Records Act #3 (below), as the basis or part of the basis for a solicitation or in negotiations with any other firm, unless the proposer is notified of and agrees to the intended use. Concepts or ideas are not considered proprietary by SCAG, but specific implementing methodologies that are unique to the proposer will be recognized if properly identified.

PUBLIC RECORDS ACT

1. Unsolicited Proposals are subject to the provisions of the California Public Records Act (California Government Code §7920.000 et seq.).
2. When submitting an unsolicited proposal, the proposer must state whether the unsolicited proposal contains proprietary information that constitutes a trade secret pursuant to California Civil Code Section 3426.1. Trade secrets may be marked as confidential only to the extent they meet the requirements of Section 3426.1.
3. If an unsolicited proposal includes trade secret data that the proposer does not want disclosed for any purpose other than evaluation of the proposal, the title page of the Conceptual Proposal and any Detailed Proposal must include the following language:

USE AND DISCLOSURE OF DATA

The trade secret information in this proposal shall not be duplicated, used, or disclosed in whole or in part for any purpose other than to evaluate the proposal; provided, that if a contract or partnership agreement is executed with proposer as a result of or in connection with submission of this data, SCAG shall have the right to duplicate, use, or disclose the data to the extent provided in the contract. This restriction does not limit SCAG's right to use information contained in the data if it is obtainable from another source without restriction. The data subjected to this restriction are contained in Page(s) [insert page numbers] of the proposal.

4. The proposer also shall mark each restricted page with the following:

Use or disclosure of data in sections or paragraphs [insert section or paragraph numbers] on this page is trade secret and is therefore subject to the restriction on the title page of this proposal.

5. An unsolicited proposal will be returned to the proposer if it is marked with a different disclaimer than that provided above. To the extent that an entire unsolicited proposal is marked as confidential or a trade secret, such a designation will not be effective, and the proposal will likely be rejected. The proposer will be informed that the proposal cannot be considered because it is impracticable for SCAG to comply with the proposer's requirements. The proposer shall all be informed, however, that the unsolicited proposal may be considered if it is resubmitted with the language provided above.
6. Documents protected by law from public disclosure will not be disclosed by SCAG if clearly marked as described in Public Records Act #3 (above). Only information claimed to be a trade secret at the time of submittal to SCAG and marked as required in this policy pilot will be treated as a trade secret. SCAG will use its best efforts to inform the proposer of any request for any financial records or documents marked "Trade Secret," "Confidential" or "Proprietary" provided by proposers to SCAG. SCAG will not advise as to the nature or content of documents entitled to protection from disclosure under the California Public Records Act.
7. To the extent that a proposer marks any information as either confidential or a trade secret, the proposer thereby agrees to defend and indemnify SCAG in the event that SCAG's non-disclosure is challenged in any legal action.
8. In the event of litigation concerning the disclosure of any records, SCAG's sole involvement will be as a stakeholder, retaining the records until otherwise ordered by a court. The proposer, at its sole expense and risk, shall be fully responsible for any and all fees for prosecuting or defending any action concerning the records and shall indemnify and hold SCAG harmless from all costs and expenses, including attorney's fees, in connection with, any such action.

Exhibit A

Conceptual Proposal Threshold Requirements:

Before initiating a Phase One evaluation, SCAG staff will determine if the Conceptual Proposal meets the following threshold requirements:

1. The unsolicited proposal includes all items noted in the Unsolicited Proposal Checklist (**Exhibit B**)
2. Satisfies the definition of an unsolicited proposal;
3. Includes all required content and attachments;
4. Contains sufficient detail to enable SCAG to perform an adequate evaluation;
5. Contains elements that are within SCAG's jurisdiction or control;
6. Has been approved by a responsible official or other representative authorized to contractually obligate the proposer; and
7. Complies with the requirements for use and disclosure of data.

Detailed Proposal Requirements:

The Detailed Proposal should include the following requirements:

1. Essential terms and conditions that could be part of a subsequent agreement between SCAG and the proposer;
2. A goal for participation of disadvantaged business enterprises (DBE);
3. Schedule and important deadlines for the proposer;
4. Evaluation criteria; and
5. Requests for specific modifications or clarifications to the scope of the original proposal.
6. Technical Information:
 - a. Names and professional information of the proposer's key personnel who would be committed to the project;
 - b. Type of support needed from SCAG; e.g., facilities, equipment, materials, or personnel resources;
 - c. Type of support being provided by the proposer;
 - d. A sufficiently detailed description of the scope of work being offered to allow SCAG to evaluate the value received for the price proposed;
 - e. Proposed price or total estimated cost for the effort and/or the revenue generated in sufficient detail for meaningful evaluation and cost analysis, including an annual cash flow for the project and annual or future costs to operate and maintain;
 - f. A schedule for the implementation, including specific details for any services to be provided by SCAG; and
 - g. Proposed duration of effort.

7. Supporting Information:
 - a. Description of the proposer's organization, previous experience in the field, and facilities to be used;
 - b. Required statements and disclosures, if applicable, about organizational conflicts of interest or other potential issues; and
 - c. Information demonstrating to SCAG that the proposer has the necessary financial resources to complete the project, as determined by SCAG staff. Such information may include (i) financial statements, including an Auditor's Report Letter or an Accountant's Review Letter, Balance Sheets, Statements of Income and Stockholder's Equity, and a Statement of Change in Financial Position; (ii) unaudited balance sheets; (iii) names of banks or other financial institutions with which the proposer conducts business; (iv) letter of credit commitments; and (v.) for what length of time the proposal is valid.

Detailed Proposal Evaluation Criteria:

In Phase Two, the SCAG evaluation team will confirm the proposal meets the same evaluation criteria set forth in Phase One, in addition to the following minimum factors and any additional criteria set out in the Request for Detailed Proposal:

1. The proposer's capabilities, related experience, facilities, techniques, or unique combinations of these, which are integral factors for achieving the proposal objectives;
2. The proposer's financial capacity to deliver the goods or services defined in the proposal;
3. Viability of the proposed schedule and SCAG's ability to meet activities required;
4. SCAG's capacity to enter a contract under its current budget authorization;
5. The qualifications, capabilities, and experience of key personnel who are critical in achieving the proposal objectives;
6. The relative costs and benefits of the proposal with respect to improving mobility, community, environment, and economy in the SCAG region;
7. The specific details of the cost/revenue generated; and
8. Any other factors appropriate for the proposal, including narratives, responses to SCAG's specific questions, and context demonstrating fit within SCAG's key policies, procedures, and parameters.

Detailed Proposal Competitive Solicitation Process:

If SCAG determines that the unsolicited proposal has merit and wishes to pursue it further, a competitive solicitation process will be initiated to ensure transparency, fairness, and compliance with procurement requirements. The following steps outline SCAG's approach to publicizing the proposal, inviting competition, and ensuring all interested parties have an opportunity to participate.

1. SCAG will publicize its receipt of the unsolicited proposal by posting on SCAG's e-procurement vendor system, PlanetBids.
2. SCAG's publication of its receipt of the unsolicited proposal will include an adequate description of the goods or services offered without improperly disclosing proprietary information or disclosing the originality of thought or innovation of the goods or services sought.

3. SCAG also will publicize its interest in acquiring the goods or services described in the proposal using the same or similar methods provided above.
4. SCAG will provide an adequate opportunity for interested parties to comment or submit competing proposals and/or requests for an opportunity to respond within a time frame (minimum of 14 days).
5. Finally, SCAG will publicize its intention to award a contract based on the unsolicited proposal or another proposal submitted in response to the publication using the same or similar methods provided above.

Exhibit B

Unsolicited Proposal Checklist:

1. Proposer's Name and Address
2. Type of Organization (e.g., profit, nonprofit, educational, small business)
3. Contact Name, Phone Number, and Email Address (i.e., person that can negotiate)
4. SCAG Area/Program Relevant for the Proposal (e.g., Good Movement, Air Quality, etc.)
5. Names of Other Federal, State, or Local Government Entities Receiving the Proposal
6. Unsolicited Proposal Information:
 - a. Title
 - b. Description of Product(s) or Services(s)
 - c. Period of Performance (Including Base Period and Options)
 - d. Place of Performance
 - e. Proposed Price or Total Estimated Cost for the Effort
 - f. Proposal Validity Period (6-month minimum suggested)
7. Proposal Includes the Following:
 - a. If the proposal identifies trade secret that the proposer does not want disclosed for any purpose other than evaluation of the proposal, the title page includes the required disclosure language, verbatim, and each restricted page includes the required disclosure language, verbatim
 - b. Identification of any organizational conflicts of interest, security clearances, or environmental impacts (if applicable)
 - c. Reasonably complete discussion stating objectives of the effort
 - d. Method of approach and extent of effort to be employed
 - e. Nature and extent of the anticipated results
 - f. Manner in which the work will help to support the accomplishment of the agency's mission
 - g. Key personnel information who would be involved, including alternates
 - h. Brief description of facilities to be used
 - i. Type of support needed from the agency (e.g., Government property or personnel resources)
 - j. Type of contract preferred (e.g., fixed price, cost plus)
 - k. Brief description of the organization, previous experience, relevant past performance
 - l. Sufficient detail for the proposed price or total estimated cost to allow meaningful evaluation
8. Name/Signature and Date of Authorized Proposer Representative



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REGIONAL OFFICES

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ORANGE COUNTY

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INLAND EMPIRE

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VENTURA COUNTY

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