

Department of Energy (DOE) ability to respond to solicitations

Department of Energy (DOE) Laboratory Proposals Submitted in Response to DARPA Solicitations

Can DOE Laboratories be evaluated under DARPA BAAs?

Current Problem

When DOE laboratories such as Sandia and Lawrence Livermore national Laboratories submit proposals in response to DARPA Broad Agency Announcements (BAAs) the treatment of these proposals is a source of confusion. The confusion centers on whether to evaluate proposals under BAAs or apart from the BAA process.

Past Practices at DARPA

DOE laboratory proposals were not directly evaluated under BAAs themselves. Instead, they were evaluated on their own merit, apart from the BAA process. *The exception to this evaluation process was when a laboratory responded as a subcontractor to an industry prime contractor and established through the prime contractor to the satisfaction of DARPA that it possessed a unique capability not otherwise available in industry.*

Recent Changes

The National Defense Authorization Act for Fiscal Year 1995, Public Law 103-337, SEC. 217, resulted in the authority for three DoD federally funded research and development centers (FFRDCs) to respond to DoD solicitations. These three FFRDCs are the C3I Laboratory operated by the Institute for Defense Analysis, Lincoln Laboratory operated by the Massachusetts Institute of Technology, and the Software Engineering Institute. DOE laboratories, if categorized as FFRDCs can now respond to DoD solicitations as authorized under the National Defense Authorization Act for Fiscal Year 1999, Public Law 105-261 dated October 17, 1998, SEC. 3136. DOE FFRDCs are required to obtain permission from DOE to respond to solicitations. Although these FFRDCs are evaluated under BAAs along with all other respondents, they are not “technically” considered to be engaging in a competitive procedure in responding to BAAs. See <http://www.nsf.gov/sbe/srs/ffrdc/> for a complete listing of all FFRDCs. No other DoD or federal entities can respond as “primes” to DARPA BAAs.

How to handle DOE Proposals:

Pursuant to DOE Order 481.1, dated September 30, 1996, DOE FFRDCs are not authorized to submit proposals that will place “DOE and its contractor in direct competition with the domestic private sector”. To ensure that DARPA solicitations remain ethically sound and to avoid direct competition, there is a need to ensure that FFRDCs provide unique capability statements along with their proposals or prior to selection. Also, given DOE FFRDC participation in DARPA BAA source selections and in workshops and Government-only meetings, there must be an awareness of the potential receipt of “inside information” by laboratory personnel. Appropriate “firewall” procedures are therefore necessary.