



AIR FORCE CIVIL ENGINEER CENTER

GUIDE FOR THE SUBMISSION OF AN

UNSOLICITED ENHANCED USE LEASE PROPOSAL



The Real Estate Development Division (CIU) of the Air Force Civil Engineer Center (AFCEC) acts as the Air Force (AF) real property experts to effectively optimize the development of AF non-excess assets through the use of Value Based Transactions (VBT) tools, specifically the Enhanced Use Lease (EUL) Program. The goal of the program is to proactively leverage EULs to successfully meet broad AF asset management, energy, sustainability, and security goals.

It is the policy of the AF to encourage the submission of new and innovative ideas in response to an AFCEC initiated solicitation or program. When the new and innovative ideas do not fall under topic areas publicized under those programs or techniques, the ideas may be submitted as unsolicited proposals. All unsolicited proposals should be forwarded by e-mail to afcec.eul@us.af.mil. Please direct all unsolicited proposals and correspondence to:

AFCEC/CIUB
Air Force Civil Engineer Center
Real Estate Development
2261 Hughes Ave., Suite 155
JBSA Lackland, TX 78236-9853

Email: afcec.eul@us.af.mil

I. Definitions.

Enhanced Use Lease (EUL) – is a lease by the Air Force (AF), pursuant to United States Code (U.S.C.) Title 10, Section 2667, *Lease Non-Excess Property of Military Departments and Defense Agencies* of an exclusive, possessory interest, in real or personal property under the control of the Secretary of the AF to a public or private-sector lessee and is offered in exchange for consideration at least equal to the property's fair market value. Consideration for an EUL may be either cash or in-kind. Such a lease is limited to a 5 year term unless the Secretary of the AF determines that a lease for a longer period will promote the national defense or be in the public interest. In no event shall the term exceed a period of 50 years.

Excess Property – “excess property” means property under the control of a federal agency that the head of the agency determines is not required to meet the agency's needs or responsibilities (U.S.C. Title 40, Section 102). Any such property that is not required to meet the agency's needs or responsibilities and therefore to be retained by the agency is “non-excess”. The criteria for retaining and excessing real property is discussed in AFI 32-9002 (*Use of Real Property Facilities*), Chapter 1.

Fair Market Rental Value (FMRV) – is the amount that a well-informed and willing lessee would pay in a competitive market and that a well-informed lessor would accept for using and occupying real property for a particular term (AFI 32-9003, *Granting Temporary Use of AF Real Property*). FMRV shall be estimated in accordance with the Secretary of the Air Force, Environment, Safety and Infrastructure (SAF/IEE) policy memorandum of 21 May 12.

In-Kind Consideration – may include the following; 1) maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities, 2) construction of new facilities, 3) provision of facilities, 4) provision or payment of utility services,

5) provision of real property maintenance services, 6) provision of such other services relating to activities that will occur on the leased property. (10 U.S.C. §2667)

Lessee – One who has the right to occupy real property under a lease. (AFI 32-9003)

Lessor – One who holds title to and grants others the right to use and occupy real property under a lease. (AFI 32-9003)

Unsolicited EUL proposal – a written proposal for an innovative and unique idea that is submitted to the AF on the initiative of the Offeror for the purpose of obtaining an EUL with the AF, and that is not in response to a Request for Qualifications (RFQ), Request for Proposals (RFP), Broad Agency Announcement, Industry Day, or any other Air Force-initiated solicitation or program.

II. General.

Unsolicited EUL proposals allow innovative and unique ideas or approaches and have been developed outside the AF. Such a proposal is made available to AFCEC/CIU for use in accomplishment of its EUL mission and goals. Such a proposal is offered with the intent that the AF may enter into a lease with the Offeror and execute a real property transaction in the best interest of the AF in alignment with the mission of the subject installation(s), and in support of AFCEC's EUL mission. Such a proposal may represent a substantial investment of time and effort by the Offeror.

1. An unsolicited EUL proposal must;
 - A) Be innovative and unique;
 - B) Be independently originated and developed by the Offeror;
 - C) Be prepared without AF supervision, endorsement, direction, or direct involvement;
 - D) Include sufficient detail to permit a determination that AFCEC support could be worthwhile and the proposed EUL could benefit the AF's mission responsibilities;
 - E) Not be an advance proposal for a known AF requirement that can be achieved by competitive methods; and
 - F) Not address a previously published AF requirement.
2. Unsolicited EUL proposals in response to a publicized general statement of AF needs are not considered to be independently originated.

III. Air Force Points of Contact.

Preliminary contact with AF and/or AFCEC appropriate personnel before preparing a detailed unsolicited EUL proposal or submitting proprietary information to the AF may save considerable time and effort for both parties. The AF will make available to potential Offerors of unsolicited EUL proposals at least the following information:

1. This Guide for the Submission of an Unsolicited Enhanced Use Lease Proposal;
2. Visit <http://www.afcec.af.mil/eul> for information regarding solicitations, notifications, and other areas of potential interest.

IV. Content of Unsolicited EUL Proposals.

Unsolicited EUL proposals should contain the following minimum information to permit consideration in an objective manner:

1. Basic company information including:
 - A) Offeror's name, address, and type of organization; e.g., profit, nonprofit, educational, small business;
 - B) Names and telephone numbers of technical and business personnel to be contacted for evaluation or negotiation purposes;

- C) Identification of proprietary data to be used only for evaluation purposes;
 - D) Names of other Federal, State, or local agencies or parties receiving the proposal or funding the proposed effort;
 - E) Date of submission; and
 - F) Signature of a person authorized to represent and contractually obligate the Offeror.
2. Technical information including:
 - A) Concise title and abstract (approximately 300 words) of the proposed EUL;
 - B) A reasonably complete discussion stating the objectives of the EUL, the method of approach and extent of effort to be employed, the nature and extent of the anticipated results, and the manner in which the EUL will help to support accomplishment of the AF's and Installation's mission;
 - C) Names and biographical information on the Offeror's key personnel, major partners, subcontractors including alternates, who would be involved in negotiating and approving a possible EUL; and
 - D) Type of support needed from AFCEC or from an AF Installation; e.g., facilities, property delineation, environmental conditions, cultural/historical issues.
 3. Supporting information including:
 - A) Proposed net present value (NPV) for the EUL in sufficient detail for meaningful evaluation;
 - B) Letters of intent, memorandums of understanding, or permits/licenses if applicable to sub-lessees or energy off-takers;
 - C) Period of time for which the proposal is valid (a 6-month minimum is suggested);
 - D) Proposed duration of the EUL;
 - E) Brief description of the organization, previous experience, relevant past performance, and facilities, if any, to be used;
 - F) Other statements, if applicable, about organizational conflicts of interest, security clearances, and environmental impacts; and
 - G) The names and telephone numbers of possible AFCEC technical or other Government points of contact already contacted regarding the proposal.

V. AFCEC Procedures.

AFCEC/CIU shall control the receipt, evaluation, and timely disposition of unsolicited EUL proposals consistent with the requirements of this subpart.

1. Before initiating a comprehensive evaluation, AFCEC/CIU shall determine if the proposal:
 - A) Is a valid unsolicited EUL proposal, meeting the requirements of subparts II and IV.
 - B) Meets the definition of an EUL and is compliant with applicable statutory authorities and limits;
 - C) Complies with the marking requirements of subpart VIII.
2. If the proposal meets these requirements, the AFCEC/CIU contact point will acknowledge receipt and process the proposal.
3. If a proposal is rejected because the proposal does not meet the requirements of paragraph (1) of this subpart, AFCEC/CIU shall inform the Offeror of the reason(s) for rejection in writing.

VI. Evaluation.

Comprehensive evaluations shall be coordinated by AFCEC/CIU who shall attach or imprint on each unsolicited EUL proposal, circulated for evaluation, the legend required by subpart VIII(5). When performing a comprehensive evaluation of an unsolicited EUL proposal, the principal elements considered in evaluating a proposal are:

1. Unique and innovative methods, approaches, or concepts demonstrated by the proposal;
2. The qualifications, capabilities, and experience of the proposed principal(s), the management team, and the team leader who are critical in achieving the proposal objectives;
3. Potential value of the effort to the AF and an Installation's specific mission;
4. The Offeror's capabilities, related experience, financing capabilities, techniques, or unique combinations of these that are integral factors for achieving the proposed objectives;
5. The reasonableness of the proposed EUL value;
6. Whether the proposed EUL is physically possible/feasible and legally permissible; and
7. Whether the proposal provides the AF with a highest and best use solution.

VII. Criteria for acceptance and negotiation of an unsolicited EUL proposal and sole source consideration.

A favorable comprehensive evaluation of an unsolicited EUL proposal does not, in itself, require AFCEC to act or enter into an EUL without providing for full and open competition.

1. The AFCEC/CIU point of contact will return an unsolicited EUL proposal to the Offeror, citing reasons, when its substance:
 - A) Is available to the Air Force without restriction from another source;
 - B) Closely resembles a pending competitive solicitation requirement;
 - C) Does not comply with the definition of an EUL;
 - D) Does not relate to the AF's or Installation's mission; or
 - E) Does not demonstrate an innovative and unique method, approach, or concept, or is otherwise not deemed a meritorious proposal.
2. AFCEC/CIU may commence negotiations without use of full and open competition **only when**:
 - A) The proposal has been reviewed by and concurrence received by SAF/GCN-SA;
 - B) AFCEC has obtained the approval of SAF/IEE based on the proposed unsolicited EUL proposal being applicable to 10 U.S.C. §2667 (h)(2):
 "if the Secretary concerned determines that (A) a public interest will be served as a result of the lease; and (B) the use of competitive procedures for the selection of certain lessees is unobtainable or not compatible with the public benefit served under subparagraph (A)";
 - C) It is impossible to describe the proposed EUL without revealing proprietary information or disclosing the originality of thought or innovativeness of the proposal;
 - D) An unsolicited EUL proposal has received a favorable comprehensive evaluation;
 - E) The unique capability of the Offeror to provide the specific EUL concept is clearly undeniable;
 - F) Preliminary drawings, designs and integrated master plans and schedules describing the proposed technology, concepts, and schedules have been provided;
 - G) A risk management plan to include cost, schedule and performance is provided;
 - H) A comprehensive proforma that clearly illustrates the financial assumptions and calculations used to develop the proposed NPV and;
 - I) The proposed site agreement, agreement to lease, memorandums of agreement, term sheets, outlining the proposed plan of action and schedule to proceed are provided for review.
3. Except as provided above in paragraph 2 of this subpart, AFCEC/CIU may decide to enter into a competitive solicitation to obtain any or part of the proposed EUL incorporated in the unsolicited EUL proposal in compliance with the prohibition on the use of confidential information.

VIII. Prohibitions.

1. AF personnel shall not disclose restrictively marked information included in an unsolicited EUL proposal. The disclosure of such information concerning trade secrets, processes, operations, style of work, apparatus, and other matters, except as authorized by law, may result in criminal penalties under 18 U.S.C. 1905.
2. An unsolicited EUL proposal may include data that the Offeror does not want disclosed to the public for any purpose or used by the AF except for evaluation purposes. If the Offeror wishes to restrict the data, the title page must be marked with the following legend:

USE AND DISCLOSURE OF DATA

This proposal includes data that shall not be disclosed outside the Air Force and shall not be duplicated, used, or disclosed, in whole or in part, for any purpose other than to evaluate this proposal. However, if an enhanced use lease is awarded to this Offeror as a result of, or in connection with, the submission of these data, the Air Force shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting lease. This restriction does not limit the Air Force's right to use information contained in these data if they are obtained from another source without restriction. The data subject to this restriction are contained in Sheets [*insert numbers or other identification of sheets*].

3. The Offeror shall also mark each sheet of data it wishes to restrict with the following legend: *Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal.*
4. AFCEC shall return to the Offeror any unsolicited EUL proposal marked with a legend different from that provided in paragraph (2) of this section. The return letter will state that the proposal cannot be considered because it is impracticable for the Air Force to comply with the legend and AFCEC will consider the proposal if it is resubmitted with the proper legend.
5. AFCEC shall place a cover sheet on the proposal with the following paragraph:

UNSOLICITED EUL PROPOSAL - USE OF DATA LIMITED

All Air Force personnel must exercise extreme care to ensure that the information in this proposal is not disclosed to an individual who has not been authorized access to such data and is not duplicated, used, or disclosed in whole or in part for any purpose other than evaluation of the proposal, without the written permission of the Offeror. If a contract is awarded on the basis of this proposal, the terms of the contract shall control disclosure and use. This notice does not limit the Air Force's right to use information contained in the proposal if it is obtainable from another source without restriction. This is an Air Force notice, and shall not by itself be construed to impose any liability upon the Air Force or Air Force personnel for disclosure or use of data contained in this proposal.

6. Use the notice in paragraph (5) of this section solely as a manner of handling unsolicited proposals that will be compatible with this subpart. However, do not use this notice to justify withholding of a record, or to improperly deny the public access to a record, where an obligation is imposed by the Freedom of Information Act (5 U.S.C. 552). An Offeror should identify trade secrets, commercial or financial information, and privileged or confidential information to the Air Force (see paragraph (2) of this section).