

July 2009

**COMMERCE ACQUISITION MANUAL
1305.303**

DEPARTMENT OF COMMERCE
ANNOUNCEMENT OF CONTRACT AWARDS

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LEGISLATIVE NOTIFICATION OF CONTRACT AWARDS

SECTION 1 – OVERVIEW

1.1 Background

Members of Congress and the Executive Office of the President share an interest in contracts awarded by the Department of Commerce (DOC, the Department). The Office of Legislative and Intergovernmental Affairs (OLIA) is primarily responsible for providing timely and appropriate information to members of Congress, and the White House Liaison (WHL) has a primary responsibility to provide timely and appropriate information to members of the Executive Office.

There is currently no standardized guidance within the Department for ensuring that appropriate notifications and information is provided to OLIA and/or WHL timely and consistently. While individual bureaus may have processes established for providing Legislative and/or Executive Office contract notifications, there is no consistent policy Department-wide.

1.2 Purpose

The purpose of this chapter is to provide policy and procedures designed to ensure consistency in providing contract award notifications to the Office of Legislative and Intergovernmental Affairs and the White House Liaison.

1.3 Applicability

This policy is applicable to all acquisition awards (including awards made pursuant to Parts 19 and 36 of the Federal Acquisition Regulation (FAR)) equal to or greater than \$3.5 million over the life of the contract. This \$3.5 million threshold is inclusive of options and/or the estimated total quantity for a requirements contract and/or guaranteed minimum quantity for an indefinite-quantity contract. This policy is also applicable to orders placed under Federal Supply Schedules (FSS), Government-Wide Acquisition Contracts (GWACs), Multi-Agency Contracts (MACs), and Blanket Purchase Agreements (BPAs) established by DOC acquisition offices or against FSS contracts.

1.4 Roles and Responsibilities

1.4.1 Contracting Officer (CO)

The Contracting Officer is responsible for the preparation and timely submission of award notifications in accordance with the guidance herein.

1.4.2 Bureau Procurement Official (BPO)

The Bureau Procurement Official is responsible for the review, approval and timely submission of the notification prepared by the Contracting Officer.

1.4.3 Bureau Offices of Legislative Affairs

The bureau-level Offices of Legislative Affairs is responsible for the dissemination of contract notifications submitted by the Bureau Procurement Official to the Office of Legislative and Intergovernmental Affairs and the White House Liaison.

1.4.4 Office of Legislative and Intergovernmental Affairs (OLIA)

Office of Legislative and Intergovernmental Affairs is responsible for providing timely notification to appropriate members of Congress.

1.4.5 White House Liaison (WHL)

The White House Liaison is responsible for providing timely notification to appropriate members of the Executive Office.

END OF SECTION 1

SECTION 2 – Legislative Award Notification Process

2.1 Notice of Planned Award

To enable Office of Legislative and Intergovernmental Affairs and the White House Liaison the opportunity to adequately prepare for legislative, executive and public inquiries regarding contract awards of interests, the Bureau Procurement Official shall provide advance notification of planned awards of acquisitions equal to or greater than \$3.5 million over the life of the contract (inclusive of options and/or the estimated total quantity for a requirements contract and/or guaranteed minimum quantity for an indefinite-quantity contract as well as orders placed under FSS contracts, GWACs, MACs, and BPAs established by DOC acquisition offices or against FSS contracts) to their respective bureau-level Office of Legislative Affairs one week prior to the anticipated award. This notice shall not release any acquisition-sensitive pre-award information and should be labeled “advance notice of planned award”. Appendix A provides a listing of the Office of Legislative Affairs Points of Contact.

The anticipated contract award notice to be provided to the bureau-level Office of Legislative Affairs must provide the following:

- (a) Limited description of the planned award;¹
- (b) Anticipated award date; and
- (c) Point of contact.

Within 24 hours of receipt of the anticipated contract award notice, the bureau-level Office of Legislative Affairs shall forward the notice to OLIA and WHL accordingly, and submit a copy to the Office of Acquisition Management (OAM).

OLIA and WHL will review the advance notice of the upcoming award and identify:

¹ The description of the planned contract award is for “informational purposes only” and should be limited in nature due to acquisition-sensitive pre-award information. The description should be a clear and concise depiction of the products/services being acquired without divulging any classified or confidential business information; contractor costs, pricing or proposal information, or source selection information as defined in FAR 3.104-3. Nor should the description contain any information prejudicial to a competitive acquisition. The narrative should be brief and written in plain language. For example, a contract for janitorial services would read “This contract is for janitorial services in the Herbert Hoover Building located in Washington, DC.” Supplies would similarly be descriptive: “This purchase order is for the acquisition of landscaping equipment (mowers, rakes, etc.) for the Regional Park in Santa Monica, CA to assist in wild fire prevention.”

- (a) The need for Congressional and/or White House Executive Office notification;
- (b) Any specific information in addition to that required under Subsection 2.2 of this guidance; and
- (c) Congressional and/or White House interest in participating in the announcement of the upcoming contract award. In the event such participation will cause a delay in the contract award, OLIA and/or WHL will discuss the impact of delaying award with the bureau-level Office of Legislative Affairs and the BPO.

2.2 Notice of Awards

2.2.1 Announcement of Awards

To the greatest extent possible, contracts should be awarded prior to 4:00 PM (Eastern Standard Time) to allow the bureau-level Office of Legislative Affairs the opportunity to receive the contract award notification by close of business on the actual date of award. If awarding the contract by 4:00 PM is not possible, schedule to have the notification delivered to the bureau-level Office of Legislative Affairs arriving no later than 9:00 AM (Eastern Standard Time) the next business morning.

Upon receipt of the contract award notification (as detailed under the following Subsection 2.2.2), the bureau-level Office of Legislative Affairs shall submit the notification to OLIA, WHL **and** OAM within 24 hours.

2.2.2 Documentation to Provide

The contract award notification shall be sent electronically to the bureau-level Office of Legislative Affairs and contain the following:

- (a) Page 1 of the award document;
- (b) Contractor's name, address, contract type, contract or task/delivery order or modification number, total contract value, period of performance and a plainly-written description of the supplies or services that is clear and unambiguous to the general public;
- (c) Unsuccessful Offeror(s);
- (d) Congressional District of Awardee;
- (e) Set-aside information;
- (f) Basis of award (i.e. full and open competition/sole source, etc.);

- (g) Details of the Congressional inquiry pertaining to the acquisition, if applicable;
- (h) Point of contact information for the representative from the bureau-level Office of Legislative Affairs;
- (i) Information on required award date and the impact of a delay in award (anticipated awards only); and;
- (j) Any other pertinent information specifically requested by OLIA and/or WHL.

END OF SECTION 2

SECTION 3 – REPORTING CONTRACT AWARDS

3.1 Reporting Notification of Awards to the Public

In addition to submitting notification of award to the bureau-level Office of Legislative Affairs as identified herein under Subsection 2.2, each Bureau's acquisition office must fully comply with the posting requirements identified in FAR Subparts 5.303(a), *Public Announcement* and 5.303(b), *Local Announcement* and ensure contract award notices are posted accurately on FedBizOpps (FBO) in accordance with FAR Part 5. The information posted on FBO regarding contracting type and extent of competition must match what is reported to the Federal Procurement Data System (FPDS) in accordance with FAR Subpart 4.6 and contain a clear and concise description of the supplies or services being procured, taking care not to use technical or industry-related jargon.

In the instance where the contractual action is a result of an interagency transfer for the Department of Defense or acquired on their behalf, refer to DOC's reporting requirements identified in Procurement Memorandum (PM) 2009-03 entitled, *Reporting Contract Actions Accomplished on Behalf of the Department of Defense* (January 12, 2009).

3.2 Reporting Notification of Awards with Recovery Act Funding

Notification of awards is also required for contractual actions funded in whole or in part by the Recovery and Reinvestment Act of 2009 (Recovery Act). For a detailed explanation of Recovery Act award reporting, refer to PM 2009-09 (Amendment 1), *Updated Guidance on Implementation of American Recovery and Reinvestment Act* (April 30, 2009); and PM 2009-10, *Funding Notification Reports for American Recovery and Reinvestment Act (Recovery Act) Acquisitions* (May 7, 2009).

Please note, "co-mingled funds" (Recovery Act and non-Recovery Act funding use on the same contract action) cannot be reported together. Two separate contract actions must be reported.

3.3 Reporting Notification of Awards to Senior Staff

Due to the vast differences within Commerce Bureaus, implementation of internal reporting/notification of awards to senior staff will remain at the Bureau level.

END OF SECTION 3

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APPENDIX A – BUREAU OFFICE OF LEGISLATIVE AFFAIRS POINTS OF CONTACT

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