



National Aeronautics and  
Space Administration  
Washington, DC 20546

# Procurement Notice

**PN 15-05**

**November 20, 2015**

## **NASA Acquisition Internet Service (NAIS) Electronic Posting System (EPS) Shutdown**

**PURPOSE:** To revise the NFS to remove references to NAIS EPS and to replace with, as applicable, a reference to Federal Business Opportunities (FBO) web page and to rendering the Source Selection Statement to be a document that should be regarded and handled as source selection sensitive during the pendency of the litigation.

**BACKGROUND:** The NAIS EPS was developed in mid-1990s when no other federal system was available. The General Services Administration requested use of the EPS custom code thus evolving Federal Business Opportunities (FBO or FedBizOpps). FBO was made available Federal-wide in October 2001. NASA continued to rely on EPS since it provided enhanced capabilities and satisfied initial gaps within FBO. The current EPS software code is based on dated technology which has required numerous significant code updates to resolve security vulnerabilities and to maintain Section 508 compliance. The FBO is planned for transition to the Integrated Acquisition Environment (IAE) Common Services Platform (CSP) as part of the System for Award Management (SAM) Phase 2 currently planned for Production at the end of FY 2016. All previously identified FBO functionally gaps have been resolved or will be resolved through the EPS shut down activity. Given the evolution of FBO and the planned transition to the IAE in FY 2016, it was decided by the Assistant Administrator for Procurement to direct the NAIS Team to perform a shutdown of EPS by December 31, 2015 and to utilize FBO.

In addition to the changes related to the EPS shutdown, and in coordination with the NASA Office of General Counsel (OGC), a change is being made to NFS 1815.308(3) to introduce into the NFS the practice OGC has adopted of deeming the source selection process to continue in the event a protest is filed, thus rendering the Source Selection Statement to be a document that should be regarded and handled as source selection sensitive during the pendency of the litigation. The purpose of this change is to preserve as a meaningful remedy any variety of corrective action measures that otherwise could be rendered meaningless if the Source Selection Statement were to be

disseminated widely before the selection process is finalized i.e., when the litigation has been resolved.

**ACQUISITIONS AFFECTED BY CHANGES:** This requirement is applicable to all actions that require posting to FBO after the date of this PN. EPS will be shutdown in phases with the current scheduled date for complete shutdown being January 29, 2016.

**ACTION REQUIRED BY CONTRACTING OFFICERS:** Ensure compliance with the revised NFS parts as set forth in this PN.

**CLAUSE CHANGES:** None.

**PART(S) AFFECTED:** Parts 1804, 1815, and 1872.

**TYPE OF RULE AND PUBLICATION DATE:** These changes do not have a significant effect beyond the internal operating procedures of NASA and do not have a significant cost or administrative impact on contractors or offerors, and therefore do not require codification in the Code of Federal Regulations (CFR) or publication for public comment. This PN is effective upon shutdown of EPS (currently scheduled on or after January 29, 2016).

**HEADQUARTERS CONTACT:** Andrew O'Rourke, Contract and Grant Policy Division; 202-358-4560, email: [andrew.orourke@nasa.gov](mailto:andrew.orourke@nasa.gov).

/s/

**William P. McNally**  
Assistant Administrator for Procurement

Enclosures

**DISTRIBUTION LIST:**  
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**PART 1804  
ADMINISTRATIVE MATTERS**

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**Subpart 1804.5--Electronic Commerce in Contracting**

**1804.570 NASA Acquisition Internet Service (NAIS).**

**1804.570-1 General.**

The NASA Acquisition Internet Service (NAIS) provides an electronic means for posting procurement synopses, solicitations, and associated information on the NAIS Internet site which in turn, automatically posts relevant information onto the Governmentwide point of entry (GPE) [is used to broadcast NASA's procurement regulations and associated information].

~~**1804.570-2 Electronic Posting System.**~~

~~—(a) The NAIS Electronic Posting System (EPS) enables the NASA procurement staff to—  
——(1) Electronically create and post synopses on the NAIS Internet site and the GPE;  
and~~

~~——(2) Post solicitation documents, including solicitation amendments or cancellations, source selection statements, and other procurement information on the NAIS Internet site with linked references on the GPE.~~

~~—(b) The EPS maintains an on-line index linking the posted synopses and solicitations for viewing and downloading.~~

~~—(c) The EPS shall be used to—~~

~~——(1) Create and post all synopses in accordance with [FAR Part 5](#) and [NFS 1805](#); and~~

~~——(2) Post all competitive solicitation files, excluding large construction and other drawings, for acquisitions exceeding \$25,000; and~~

~~——(3) Post source selection statements in accordance with 1815.308.~~

~~—(d) The NAIS is the official site for solicitation postings which in turn, automatically posts relevant information onto the Government wide point of entry (GPE). In the event supporting materials, such as program libraries, cannot be reasonably accommodated by the NAIS, Internet sites external to NAIS may be established after coordination with the contracting officer. Such sites must be linked from the NAIS business opportunities index where the solicitation resides. External sites should not duplicate any of the files residing on the NAIS.~~

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## PART 1815 CONTRACTING BY NEGOTIATION

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### 1815.308 Source selection decision.

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(3) Before award, the SSA shall sign a source selection statement that clearly and succinctly justifies the selection. The NASA Source Selection Statement Development Guide provides agency-wide guidance and is available at:

[https://prod.nais.nasa.gov/portals/pl/documents/Source\\_Selection\\_Guide\\_March\\_2012.pdf](https://prod.nais.nasa.gov/portals/pl/documents/Source_Selection_Guide_March_2012.pdf).

Source selection statements must describe: the acquisition, the evaluation procedures, the substance of the Mission Suitability evaluation, when used, and the evaluation of the Cost/Price and Past Performance factors. The statement must also address unacceptable proposals, the competitive range determination, late proposals, or any other considerations pertinent to the decision. The source selection statement shall include the successful offeror's overall proposed cost or price (contract award value) as well as the successful offeror's overall evaluated cost or price (probable). The source selection statement shall not disclose the proposed or overall evaluated cost or price for unsuccessful offerors. Instead, the source selection statement shall describe the overall proposed and probable cost or price of unsuccessful offerors in relative terms of comparison to the successful offeror's cost or price, e.g. offeror ABC's probable cost or price was minimally or substantially, higher or lower than the successful offeror's cost/price. The source selection statement shall not reveal any confidential business information, to include trade secrets and commercial or financial information prohibited from disclosure by FAR 24.202 or exempt from release under the Freedom of Information Act, 5 U.S.C. 552 and the Trade Secrets Act, 18 U.S.C. 1905. Questions about confidential business information, disclosure of such information, and contents of source selection statements shall be directed to the Office of General Counsel or Office of Chief Counsel. Except for certain major system acquisition competitions (see 1815.506-70), source selection statements shall be releasable to competing offerors and the general public upon request. The statement shall be available to the contracting officer or other Debriefing Official to use in postaward debriefings of unsuccessful offerors and shall be provided to debriefed offerors upon request. **[If the source selection and contract award are not protested or otherwise challenged,]** the contracting officer shall post the source selection statement on the ~~NASA Acquisition Internet Service (NAIS) Electronic Posting System (EPS)~~ **[Federal Business Opportunities web page <https://www.fbo.gov/>]** not later than ~~[10]~~ **[11]** calendar days after the final debriefing has been conducted. **[If the source selection or contract award is protested or otherwise challenged, the source selection statement shall not be posted and shall be controlled as sensitive source selection information until the protest or challenge has been resolved.]** The source selection statement shall be posted for a period of not less than 30 days.

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**PART 1872**  
**ACQUISITIONS OF INVESTIGATIONS**

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**Subpart 1872.3—The Announcement of Opportunity**

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**1872.302 Preparatory effort.**

(a) \* \* \*

(b) The program office shall:

(1) Synopsise the AO in ~~in~~ **[on]** the ~~Commerce Business Daily and on the NAIS~~ **[Federal Business Opportunities web page <https://www.fbo.gov/>]** prior to release;

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