



National Aeronautics and
Space Administration
Washington, DC 20546

Procurement Notice

PN 18-05

March 9, 2018

Revision of NFS 1872, Acquisition of Flight Investigations (NFS Case 2017-N013)

PURPOSE: This Procurement Notice (PN) revises the NASA FAR Supplement (NFS) based on the scheduled quality review of NFS part 1872, Acquisition of Flight Investigations, conducted during the 3rd quarter of FY 2017.

BACKGROUND:

The NFS quality review is a systematic process used to periodically review and update NFS parts to ensure the accuracy, relevancy, and validity. For the review of NFS 1872, comments were received from the Standing Policy Review Team and the stakeholders and subject matter experts from the NASA Headquarters Science Mission Directorate (SMD). Due to the volume of revisions, a line-in-line-out version of the changes made as part of this review are not included in this PN, rather a clean version is provided as an enclosure to this PN.

The SMD requested that NFS 1872 be updated to align with how SMD currently manages the Announcement of Opportunity (AO) process. AOs are a form of Broad Agency Announcement (BAA) and are governed by NFS 1872.

It is NASA policy to allow NASA Centers, Government Organizations (e.g. Naval Research Laboratory), Federally Funded Research and Development Centers (FFRDCs), and University Affiliated Research Centers (UARCs) to propose on AOs. Thus, while SMD is currently the primary user of NFS part 1872, these NFS 1872 revisions are designed to make the guidance and procedures on the announcement of opportunities generic to allow other mission directorates' use of the AO process in the future.

ACQUISITIONS AFFECTED BY CHANGES: This requirement is applicable to all NASA Mission Directorates that choose to use the AO process.

PROVISION AND CLAUSE CHANGES: None.

PART AFFECTED: Part 1872.

PIC or PCD CHANGES: None.

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.

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Enclosure

PART 1872
ACQUISITION OF FLIGHT INVESTIGATIONS

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PART 1872 **ACQUISITION OF FLIGHT INVESTIGATIONS**

1872.000 Scope of Part.

This part prescribes policies and procedures for the acquisition of flight investigations.

1872.001 Definitions.

“An investigation,” means a goal-driven effort to obtain new scientific or technical knowledge that includes both acquiring and analyzing data and designing, developing or adapting, deploying, and operating flight instrumentation and necessary platform flight systems.

“Implementation merit and feasibility” means the capacity of a proposed investigation implementation, if successfully deployed and operated, to achieve its planned scientific or technical objectives.

Subpart 1872.1—The Flight Investigation Acquisition System

1872.101 General.

The investigation acquisition system depends on the participation of investigators in the definition and selection of investigations that contribute most effectively to the advancement of NASA's scientific and technological objectives. It is a system separate from the general Federal acquisition process for goods and services, but requires similar management and discipline to assure compliance with statutory requirements and considerations of equity and quality. Its primary application is the acquisition of science, exploration, or technology space flight investigations via complete flight instrumentation and, where required, platform flight systems.

1872.102 Key features of the system.

(a) Use of the system commences with the determination by the originating Mission Directorate Associate Administrator (MDAA) that the acquisition process is appropriate for a program (but see 1872.202). The Announcement of Opportunity (AO) is recognized as a type of full and open competition (10 U.S.C. 2302 (2)(B)). The AO is a form of Broad Agency Announcement (BAA) (see FAR 35.016 and 1835.016 for general BAA requirements) and supports an open, fair and transparent competitive evaluation and selection process that is based on review of proposals by peer scientists or other appropriate technical experts applying their communities' standards of merit. An AO does not specify the investigations to be proposed but solicits investigator ideas that can contribute to broad, publicly documented objectives. A formal competitive evaluation process is utilized to determine which submitted proposal(s) shall be selected. Evaluations for merit and feasibility are conducted by peer experts in the fields represented in the proposals. Care is taken to avoid personal and organizational conflicts of interest, both actual and perceived. Evaluators are chosen by NASA and may be from NASA, other Government agencies, universities, or the commercial sector, or other experts. In addition to the evaluation for intrinsic merit and implementation merit and feasibility, aspects of engineering, cost, schedule, management, and risk are reviewed by specialists in those areas.

The evaluation results are combined with considerations of relevance and affordability and other programmatic factors to determine investigation(s) to be selected.

(b) The AO acquisition system incorporates the following key elements (“phases”) and component sub-elements (“processes”):

- (1) The Announcement of Opportunity (see 1872.3)
- (2) Evaluation of Proposals (see 1872.4; processes defined in 1872.401)
- (3) Recommendation, Selection, and Debriefing (see 1872.5; processes defined in 1872.501).

(c) Some AO acquisitions are conducted using a two-step system, where a subset of submitted proposals are selected through the processes described in 1872.408(a).

1872.103 Management authorities and responsibilities.

(a) For simplicity, this policy assumes that an acquisition is sponsored by a division within a directorate that is responsible for its execution. The policy and its phases and processes can be mapped onto other organizational structures as needed. The authorities and responsibilities for the major phases and their component processes emanate from the MDAA and are exercised as follows:

(1) The MDAA retains the authority and responsibility for final approval of the AO and its release as well as for proposal evaluation and resulting selection(s).

(2) The sponsoring division of a solicitation is responsible for development of the AO (see 1872.3), management and oversight of the assessment (see 1872.403) and Accommodation (see 1872.406) processes of the Evaluation phase as well as the recommendation (see 1872.502), and award, notification of proposers, and debriefing (see 1872.504) processes of the Recommendation, Selection, and Debriefing phase. During AO preparation, the division is responsible for adapting (if necessary) the standard evaluation criteria (see 1872.402) and development of any optional specialty criteria required for the acquisition. Examples of a specialty criterion would be an additional criterion for evaluating proposed technology demonstrations or student investigations. The division designates a Division Program Acquisition Lead (AL) to carry out these functions.

(3) The management and oversight of the categorization (see 1872.404) and validation (see 1872.405) processes of the evaluation phase, and of the selection process (see 1872.503) of the recommendation and selection phase, are the responsibility of a senior directorate-level official appointed by the MDAA as Directorate AL. The Directorate designates a Technical, Management, and Cost (TMC) Acquisition Manager (TAM) to oversee the TMC assessments, including development of the TMC feasibility evaluation reports and to represent their results during subsequent acquisition phases. During the acquisition process, the TAM works closely with the Division Program AL.

(b) The MDAA, or other Selection Official if designated by the MDAA, selects the proposal(s) that are to be funded for execution.

(c) The Principal Investigator (PI) on each selected proposal is assigned responsibility and authority for success of the investigation through a contract between NASA and his or her institution. A contract is the preferred instrument for an AO award because the Agency’s investment in a flight investigation is large and only a contract provides sufficient enforcement and insight mechanisms to ensure that this investment is well managed. However, for awards to

a NASA Center or other Government entities, other appropriate instruments are used. Participation by foreign investigators, or by U.S. investigators in a foreign program, is defined and governed on a no-exchange of funds basis by a formal international Space Act Agreement between NASA and the foreign sponsoring governmental agency or responsible entity (per NPD 1360.2).

(d) The MDAA may delegate Program Management responsibility for overseeing execution of the selected investigation(s) to a Program Office.

1872.104 Procurement integrity and conflicts of interest.

(a) Every participant in the AO process shall be individually responsible for following applicable standards of conduct. Participants in the AO process are engaged in a Federal acquisition process, which is subject to overarching statutes and regulations, including the Federal Acquisition Regulation (FAR), which states: "Government business shall be conducted in a manner above reproach, except as authorized by statute or regulation, with complete impartiality and with preferential treatment for none." (see FAR 3.101-1) Government employees and non-government employees involved in the AO process are all obligated to conduct themselves in accordance with applicable ethical standards.

(1) Government employees, including Inter-governmental Personnel Act (IPA) appointees, are subject to and deemed to know their obligations under all applicable statutes and regulations governing the conduct of their official responsibilities. Participants' attention is directed, in particular, to the following statutes and regulations that are regularly applied in NASA acquisition matters:

(A) 18 U.S.C Section 208, which prohibits participation in a particular matter, such as an AO acquisition, while holding a personal financial interest in a party involved in the acquisition;

(B) The Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. part 2635 (note, in particular, those provisions defining parties with whom an employee has a covered relationship);

(C) FAR 3.101, Improper Business Practices and Personal Conflicts of Interest, and 1803.101; and

(D) The Procurement Integrity Act, 41 U.S.C. Chapter 21, as applicable.

(2) Non-government employee participants in the AO process are subject to—

(A) Applicable portions of FAR 3.101, Improper Business Practices and Personal Conflicts of Interest and corresponding provisions of 1803.1;

(B) Applicable provisions of Procurement Integrity Act, 41 U.S.C. Section 2102 et seq. (Prohibitions on disclosing and obtaining procurement information);

(C) NASA Agency and Mission Directorate policies governing actual and apparent conflicts of interest, to the extent those policies are incorporated into contracts, as well as all instructions in the NASA Solicitation and Proposal Integrated Review and Evaluation System (NSPIRES); and

(D) Clause(s) of any contract or agreement, between the government and the Participant or the Participant's employer, under which the participant supports an AO process and which prohibits, restricts or places conditions upon participation in any government acquisition.

(b) Participants are deemed to have knowledge of the parties (companies, universities, non-profit organizations, and governmental organizations) proposing to NASA under the AO

acquisition. The Division Program AL is responsible for compilation of a list of parties proposing under an AO as soon as possible after proposals are submitted and shall distribute the list to AO acquisition process participants before the proposal evaluation (or the individual participant's evaluation activity) begins. This list shall include proposing organizations, as well as every party named in a proposal as a co-proposing organization or funded participant in the proposed investigation.

(c) Each AO acquisition process participant shall review the list of parties involved in the acquisition and identify all parties with whom the participant has an interest or covered relationship. The participant shall report all such interests and relationships to the Directorate or Division Program AL and Office of the General Counsel (OGC) before commencing any participation in the acquisition, including attendance at any meeting pertaining to the acquisition. The Directorate or Division Program AL shall require acquisition meeting attendees to sign in on a meeting attendance sheet, which will remind the attendees of their obligation to ensure that any report of a conflicting interest or relationship be resolved with the assistance of agency counsel prior to the meeting. Any government employee who has filed either an OGE Form 278 or OGE 450 shall be aware that the assets and positions reported there may not include all interests that could give rise to a conflict, that filing a disclosure report does not, by itself, resolve a conflict, and that resolution of a conflict reported for a prior acquisition does not resolve the conflict for the present and subsequent acquisitions.

1872.105 Organizational conflicts of interest.

Organizational conflicts of interest can arise from a variety of circumstances in which a party competing in a government acquisition has a conflicting role potentially resulting in that party obtaining an unfair competitive advantage. Circumstances creating an actual or apparent organizational conflict of interest include, but are not limited to, an organization assisting or advising a government agency in its acquisition, having access to nonpublic information pertaining to the acquisition or a competing party, or having some role in defining Government requirements. Any AO process participant who becomes aware that a competing organization: supports the government in conducting the acquisition; has access to nonpublic information about the AO acquisition; contributes to preparation of the AO solicitation; or plays any role in the AO process affording that organization a competitive advantage; shall notify the Division Program AL and the OGC of these circumstances. A government employee whose organizational unit (at NASA, the organizational unit is the Center) is performing a role related to an AO (either in support of the government administration of the AO, or as a member of a team competing under the AO), shall seek instruction from the Division Program AL and the OGC before engaging as a participant in the AO.

1872.106 Confidentiality of proposal information and trade secrets.

(a) Participants in the AO process shall properly handle and maintain the confidentiality of proposal information, trade secrets and source selection information (as defined by FAR section 2.101) obtained through the AO process. The following statutes, regulations and standards apply to all participants in the AO process:

- (1) The Procurement Integrity Act, 41 U.S.C. 2102 et seq.;
- (2) FAR section 3.104-4 (Disclosure, protection and marking contractor bid or proposal information and source selection information); and
- (3) All instructions for proposal handling and non-disclosure agreements in NSPIRES.

(b) In addition to the statutes and regulations listed in paragraph (a) of this section, Government employees are subject to the Trade Secrets Act, 18 U.S.C. 1905, which imposes criminal sanctions for mishandling of trade secrets.

(c) Non-NASA employees are subject to clause(s) of any contract or agreement between the government and the participant or the participant's employer, under which the participant supports an AO process and which prohibits, restricts or places conditions upon receipt, handling and transfer of data.

(d) Participants shall immediately consult the Division Program AL or Directorate AL when they become aware of any mishandling of proposal information, trade secrets or source selection information. If needed, participants shall, in consultation with the Division Program AL or Directorate AL, obtain advice from the OGC concerning the handling of proposal information, trade secrets and source selection information.

Subpart 1872.2—Applicability

1872.201 General.

The AO system used for acquisition of science, technology, or exploration flight investigations is different and separate from the Agency procedures for acquisitions for prior known requirements. A decision to use the AO acquisition system is based on a determination that it is the most appropriate to meet program needs.

1872.202 Criteria for determining applicability.

The AO system can be used when in conditions in (a) are met and conditions in (b) are not met.

(a) A general distinction between normal acquisitions for goods or services and AO investigation acquisitions is that AO proposers define not only how they will accomplish investigation objectives but also the objectives themselves within the framework of broader articulated NASA goals. Unlike a proposal responding to a Request for Proposals, an AO proposal effectively defines a Statement of Work in addition to the approach (and cost) for how the proposer plans to carry it out. All of the following conditions shall exist for the AO acquisition system to be applicable:

(1) NASA has a general goal that can be furthered through novel experimental approaches. To develop such approaches, NASA wishes to draw upon the broadest possible reservoir of ideas;

(2) It benefits the Agency to be able to choose from among competing objectives advancing the general goals and their approach for doing so;

(3) Full responsibility and broad authorities for investigation success will be vested in the Principal Investigator(s) of selected proposal(s); and

(4) Execution of the selected investigation(s) will be subject to standard flight program management policies and procedures detailed in NPR 7120.5.

(b) The investigations acquisition process shall not be used when any of the following characteristics are present:

(1) The requiring office can characterize a requirement sufficiently to define in advance a common statement of work against which all proposals will be evaluated. This calls for a Request for Proposals;

(2) The investigation is conducted on collaborative basis that requires close and ongoing Agency participation in tactical management and decision-making. A proposer may also offer a partnership contribution to the joint effort. In this case, a Cooperative Agreement Notice would be appropriate;

(3) The investigation is of modest size and is to be conducted on a best-efforts basis and deliverables are limited to progress reporting and, if applicable, publication of final results. In this case a NASA Research Announcement (NRA) solicitation, usually but not always resulting in a grant (a financial assistance agreement), would be more suitable. Execution of such investigations may be subject to NPR 7120.8; or

(4) The program is so complex, costly, or risky, as to require specialized integration or coordination extending over a lengthy period where NASA's institutional capabilities may be required for successful execution. Such investigations may be directed to one of NASA's Centers. Even in such cases, however, it may be desirable for the reasons in paragraph (a) above to compete subordinate investigation elements (such as instrumentation) via one or more AOs.

(c) Typical examples where the use of AOs is most applicable are solicitation of complete small- and intermediate-size investigations (larger and more costly than suborbital-class research but smaller and less expensive than the largest and most expensive strategic flight investigations), of instrument investigations on larger investigations whose overall management is assigned to a NASA Center, or of space flight instrument investigations contributed to a non-NASA mission.

1872.203 Approval.

Generally, the MDAA determines whether or not to use the AO acquisition system. On the largest investigations, a decision whether to use the AO system may be made by the Agency Acquisition Strategy Process (NPD 1000.5), under the aegis of the NASA Associate Administrator or designee, based on Agency-level programmatic considerations.

Subpart 1872.3—The Announcement of Opportunity

1872.301 General.

The AO provides a clear statement of the requirements for acceptable proposals (including proposers' specification of objectives, technical approach to achieve these objectives, and management strategies and partnerships), as well as NASA's method of proposal evaluation and the format and content of submitted proposals. The purpose of the AO is to obtain from offerors sufficient information to correctly and equitably assess the relevance, merit, cost, and likelihood of success (risk) of proposed investigations. The solicitation shall be conducted in such a way as to ensure that all potentially capable and interested offerors are alerted to the AO's release enough in advance and are provided enough background information to enable them to submit proposals that are fully compliant with AO requirements and can be accurately evaluated.

1872.302 Preparatory effort.

(a) The originating directorate incorporates in AO planning and development the best available information on opportunities for advancement in the chosen area, including, where appropriate, results from preparatory studies and exploratory analyses.

(b) The Directorate will—

- (1) Forecast the approximate time frame for AO release on an appropriate NASA web site;
- (2) Synopsize the AO in Federal Business Opportunities (FedBizOpps) prior to release;
- (3) Concurrent with AO release, collect relevant technical and other information necessary for proposal preparation and post this information on the appropriate AO web site (i.e., AO solicitation library);
- (4) Define AO provisions, including the evaluation process for proposals, that express a clear exposition of the acquisition's unique objectives, constraints, and requirements; and
- (5) Post on the web an Evaluation Plan, specific to the AO, preferably concurrent with the AO release, but certainly well before receipt of proposals. This plan shall detail the steps in the overall process, including how the evaluations are conducted and their sequence, procedures for avoiding conflicts of interest, and any special features of the evaluation process.

(c) In some cases, the best source of the technical support needed to develop key elements of an AO resides at a NASA Center whose personnel will participate as proposer(s) to the AO. It is essential, out of concern for possible impairment of judgment or its appearance, to isolate these personnel and their efforts from individuals at their Center involved in any proposal development activity for the AO in question. In this case, special steps shall be taken to ensure process integrity.

(1) At a NASA Center, the line management of AO support personnel shall take responsibility for training and implementing firewall isolation of the individuals involved from persons at that Center with proposal participation. The Directorate AL will work with the Division Program AL and Center management to put the necessary documentation in place. Except for statutory financial conflicts of interest with non-Governmental participants in proposals (for which Center Chief Counsel shall be consulted), requirements for avoiding possible bias or impairment of judgment flow from the Directorate's widely recognized research community standards.

(2) At the Jet Propulsion Laboratory (JPL), a formal waiver for an organizational conflict of interest is also required, and shall be approved by the NASA Headquarters Office of Procurement (OP). This will involve the Directorate and Division, the JPL NASA Management Office (NMO), and the OGC.

(d) Additional means of publicizing the AO may also be used, such as press releases, newsletters, and announcements at professional meetings, as appropriate, consistent with the policies of equal treatment and maximizing the pool of qualified potential proposers.

1872.303 Responsibilities.

(a) The overall responsibility for issuing AOs resides with the MDAA. The cognizant MDAA may delegate, with coordination with the OP, responsibility for development of an AO to a Program Office (see 1872.302(c)(1)).

(b) The originating Directorate is responsible for the content of the AO and its coordination with other concerned Headquarters offices and, where Headquarters has retained the task of AO development, with the related Program Office. At Headquarters, development of the AO and subsequent acquisition steps are generally performed by the Division Program AL and TAM, under the oversight of the Directorate AL (see 1872.104 (a)(2) and (3)). All personnel involved in the evaluation of proposals are responsible for familiarizing themselves and complying with part 1872 and other applicable regulations, including those addressing ethics and procurement

integrity standards (see 1872.105, 106, and 107). To this end, they are expected to seek advice and guidance as needed from the OP, OGC, and Office of International and Interagency Relations (OIIR).

(c) The AO is released, with the concurrence of the OP, the OGC, and the Office of Interagency and International Relations, over the signature of the originating MDAA. (

1872.304 Proposal opportunity period.

(a) It is good practice to issue a draft AO in advance of the final AO, with a subsequent period for comments and questions, nominally 30 days. If a draft AO has not been released, at a minimum the key elements of a pending AO shall be described in a community announcement to the potential proposer community via the NSPIRES and the Government Point of Entry (GPE) FedBizOps no less than 30 days before the release of a final AO. (See FAR 5.201)

(b) Responses to questions about a draft AO judged to be material to preparation of a responsive proposal will be publicly promulgated via posting by the Division Program AL as soon as possible on the AO web site. The goal is to ensure that the same AO clarifications are made available simultaneously to all proposers.

(c) The standard time allocated for proposal submission after release of the final AO is at least 90 days. Other periods may be used with approval of the Directorate AL.

(d) In general, an AO is issued with a firm and definite proposal submission due date. Omnibus AOs are issued without specific proposal opportunities; specific proposal opportunities are added to omnibus AOs by amendment, and each specific proposal opportunity shall have a firm and definite proposal submission date. However, an AO may be amended with late clarifications or changes, or to extend the due date to ensure adequate time for development of quality proposals, for whatever reason. Proposers shall be promptly informed of departures from provisions in a released AO by the same means as its release NSPIRES.

1872.305 Guidelines for the announcement of opportunity.

(a) An AO shall be tailored to the particular needs of the contemplated investigations and be complete in itself. To assist AO development and promote consistency between solicitations, the baseline required format and minimum necessary contents of the AO may be defined in a template Standard AO. Tailoring may include addition of evaluation Criteria, deletion or modification of standard evaluation Factors, or incorporation of additional Factors specific to program requirements (see 1872.402(a)).

(b) An AO shall incorporate proposal instructions and provisions necessary to address any AO-unique aspects.

(c) Requirements and guidelines for foreign participation in AO-solicited programs shall be clearly articulated in the AO and be consistent with NPD 1360.2 and NPD 2190.1. Foreign proposals or U.S. proposals with foreign participation shall be treated in accordance with NFS 1835.016-70.

(d) Proposals shall be submitted electronically via NSPIRES.

- (e) Noncompliant (including late) proposals may be declined without review.

1872.306 Proposals submitted by NASA investigators.

(a) NASA accepts and evaluates proposals submitted by NASA Centers in response to an AO. A NASA investigator may team with one or more non-Government co-investigators.

(1) The competitive AO process serves as a means of selecting proposals that offer the best value for the government in accordance with the evaluation factors in the AO. During the proposal preparation phase, non-government sources are able to assemble their research teams and select hardware fabricators and service providers without being subject to procurement rules requiring full and open competition. Although NASA Centers have the same focus of putting together a winning team, they are bound by the competition requirements of the Competition in Contracting Act (CICA) and Government ethics standards.

(2) Where a non-government partner/team member is identified in a NASA Center's proposal to have substantial involvement in conducting the investigation, but is not also providing hardware, equipment or instrumentation, selection of the proposal for funding under the AO satisfies the regulatory competition requirements for any award(s) to the participating non-government partner/team member(s) named in the proposal. The Center may directly award a contract to such entity without additional competition or approval of a Justification of Other than Full and Open Competition (JOFOC). The AO constitutes a competition that encompasses proposals submitted by all team members of every offeror including NASA Centers.

(3) Acquisition by a NASA Center of supplies or services that do not constitute research, i.e., equipment, materials, software, facilities, or non-research services incidental to the proposed investigation, shall be treated differently. Examples of non-research services include program/project management assistance, supplies, and/or administrative support services. Procurement requirements for competition under an AO are not satisfied by the AO competition itself for acquisition of non-research supplies and services. Such items may be acquired under existing contract vehicles. Otherwise, they shall be acquired through a newly competed contract or acquired non-competitively with support of a Justification for Other than Full and Open Competition (JOFOC).

(b) In addition to complying with proposal preparation instructions contained in the AO, proposals submitted by NASA Centers shall address the following matters:

(1) *Co-investigators, Instrument Offerors, and Spacecraft Offerors.*

(A) The proposal shall describe the process that was used for selecting proposed team members, which includes both spacecraft and instrument providers. While a formal solicitation is not required, the process should include the following aspects: notice of the opportunity to participate to potential sources, submissions from and/or discussions with potential sources, and objective criteria for selecting team members among interested sources.

(B) The proposal shall also include a representation that NASA investigators and any other Government employees have examined their financial interests and have determined that no personal conflict of interest exists.

(2) *Supplies and support services.*

(A) The proposal shall indicate that the supplies or support services are available under an existing Government contract; or

(B) The proposal shall state that the supplies or support services will be acquired under a full and open competition; or

(C) The proposal shall explain the basis of a justification for acquiring the supplies or support services noncompetitively (FAR 6.3 and NFS 1806.3).

(c) A selection decision approving the non-Government research team members as selected co-investigators satisfies legal and regulatory requirements without other competition or justification.

Subpart 1872.4—Evaluation of Proposals

1872.401 General.

(a) The Evaluation phase comprises a series of processes that begin with the expert review of each proposal against standard criteria and ends before formulation of specific recommendations for selection by the Selection Official. These processes, founded on use of formal evaluation Criteria and Factors, constitute a series of distinct steps to consolidate and validate each proposal's characteristics that determine its eligibility for selection. These criteria and factors and the processes that shall be conducted in the evaluation of proposals received in response to any AO (Assessment, Categorization, Validation, and, only if required, Accommodation), are as follows:

(1) *Criteria and factors.* (see 1872.402) The Standard AO template provides a generally used set of three major evaluation criteria, each with its own set of subordinate Factors that are used by evaluation panels as the rubric for their reviews. These can be adjusted in an AO to suit the needs of its program goals.

(2) *Assessment.* (see 1872.403) The purpose of assessment is to determine the quality, relevance, and selectability of a proposed investigation in terms of science, exploration, or technology investigation intrinsic merit, implementation merit and feasibility, and TMC feasibility. The TMC feasibility includes a cost risk assessment that incorporates an analysis of cost threats such as schedule and performance risk.

(3) *Categorization.* (see 1872.404) The purpose of categorization is to assign to each proposed investigation, based on the assessment results, an integrated appraisal of its overall selectability;

(4) *Validation.* (see 1872.405) The Validation phase reviews the end-to-end acquisition activity to this point, from the AO through Categorization. The fundamental objective is to ensure that selection options that are presented to the Selection Official via the accommodation and recommendation phases have undergone a review that is expert, thorough, equitable, conflict-free, and defensible; and

(5) *Accommodation.* (see 1872.406 and 1872.407) In some acquisitions, such as instrumentation for flight on a shared platform, system and operational constraints of various kinds (e.g. mass, power, location on the platform, pointing and viewing geometry, and thermal factors) may determine which instrument combinations are ultimately implementable, and therefore, selectable, for flight. Accommodation analysis thus may impact downstream integrated payload Recommendation decisions.

(b) The assessment, categorization, and validation processes shall be accomplished in every investigation acquisition; the accommodation process shall be executed where applicable. An overriding principle is the separation of the inputs, processes and criteria, and outputs for each of the sequential steps from assessment through accommodation. Some latitude is afforded as long as this principle is maintained and the method employed clearly ensures the traits listed in paragraph (a)(4) of this section.

(c) In general, several components of the Assessment process are conducted in parallel (see 1872.403). Categorization follows when the assessment process is complete; Categorization shall be completed before proceeding to validation.

(d) Although the purposes of the validation and accommodation processes are distinct, they can be implemented in various combinations to suit a given acquisition's needs. For example, acquisitions for multiple instrumentation investigations for a tightly constrained legacy platform could have two Accommodation stages. After Assessment or Categorization, an initial individual accommodation analysis can be performed for each favorably assessed instrument. This could be followed by a second more comprehensive integrated accommodation analysis during the later recommendation process (see 1872.502) to identify implementable multi-instrument payload configurations. See 1872.407 for additional information.

(e) Persons not having an official role in AO evaluation meetings, which often deal with confidential and proprietary proposer material, may attend only with the explicit approval of the Directorate AL, subject to provisions of 1872.105 and 1872.106. They are not permitted to speak unless invited to do so by the meeting chair.

1872.402 Criteria and factors.

(a) Standards and adjustments.

(1) Each AO and its posted evaluation plan shall describe the criteria and their subordinate factors that evaluators will apply in evaluating proposals. This information will be used by proposers to focus their proposals' presentation of objectives and approaches. In most cases these criteria will be the set of core criteria and their standard factors. The three core criteria and their standard factors, are defined in (b) through (d) below; additional criteria may be added to these three per the AO's particular needs (e.g., for student collaboration plan evaluation; see 1872.305(a)). Alternatively, Factor C-3 may be deleted from solicitations for instrument-only investigations (i.e., where no platform is solicited);

(2) Criteria in the AO and evaluation plan may have deleted or modified Factors or additional Factors specific to the acquisition in question (see 1872.305(a));

(3) The assessment factors that support each criterion shall be explicitly provided in the AO and posted evaluation plan;

(4) The relative weighting of each Criterion shall be stated in the AO if they are unequal; and

(5) Any adjustments to the criteria or factors after the release of the AO shall be documented in a formal AO amendment and released via NSPIRES, generally with an extension of the due date for submitting proposals.

(b) *Core criteria and standard factors.*

(1) *Intrinsic Science, Technology, or Exploration Merit (Evaluation Criterion A).*

Factor A-1. Compelling nature and priority of the proposed investigation's science, exploration, or technology goals and objectives

Factor A-2. Programmatic value of the proposed investigation

Factor A-3. Likelihood of science, exploration, or technology success

Factor A-4. Science, exploration, or technology value of the threshold investigation

(2) *Science or Technology Implementation Merit and Feasibility of the Investigation (Evaluation Criterion B).*

Factor B-1. Merit of the instruments and investigation design for addressing the science, exploration, or technology goals and objectives

Factor B-2. Probability of technical success

Factor B-3. Merit of the data and/or sample analysis plan

Factor B-4. Science, exploration, or technology resiliency

Factor B-5. Probability of investigation team success

(3) *Technical, Management, and Cost (TMC) Feasibility of the Investigation*

Implementation, Including Cost Risk (Evaluation Criterion C).

Factor C-1. Adequacy and robustness of the instrument implementation plan

Factor C-2. Adequacy and robustness of the investigation design and plan for mission operations

Factor C-3. Adequacy and robustness of the flight systems

Factor C-4. Adequacy and robustness of the management approach and schedule, including the capability of the management team

Factor C-5. Adequacy and robustness of the cost plan, including cost feasibility and cost risk

(c) Note that Factors B and C at 1872.402(b)(2) and (b)(3) address proposed instrumentation but from different perspectives. In order to obtain a comprehensive evaluation against each of these Criteria, independent assessments are developed by reviewers with appropriate expertise in separate panels. The Division Program AL and the TAM will ensure that instrument weaknesses identified by either panel are shared with the other panels for consideration and also against the other panel's Factors. Any inconsistencies between the reports of the two panels will be considered during the categorization process.

1872.403 Assessment.

(a) One or more panels of community experts free from personal and organization conflicts of interest, evaluate proposals against the criteria. Criteria A and B are evaluated by the same science, exploration, or technology peer review panel. Criterion C is evaluated by a TMC peer review panel. Panel members will act in the capacity of individuals. For each Factor in each criterion, the panels will develop assessment findings or state that there are none. Panel chairs will prepare for each proposal a report Form on findings for each Criterion that captures the major points made during its consideration of the Criteria Factors. The findings for each Factor are expressed in short narratives for identified Major Strengths, Minor Strengths, Major Weaknesses, and Minor Weaknesses. The chair will also poll the members individually on their ratings for each of the Criteria on a standard scale and record them on its Criterion's Forms (Form A for Criterion A, Form B for Criterion B, and Form C for Criterion C). "Comments to the Proposer" and "Comments to NASA" may be added; the latter are not provided to the proposers.

(b) Use of any approach other than the one defined in (a) above shall conform to the principles and constraints in sections 1872.105 and 1872.106 and requires consultation with the OGC and the OP and the approval of the MDAA.

(c) *Products of the assessment process.* At the conclusion of this phase, the Forms A and B for each proposal are combined with the corresponding Forms C developed by the TMC panels, plus any additional Criterion Forms, into an integrated report for that proposal. The package of these reports for all proposals is the input for the next phase, Categorization.

1872.404 Categorization.

(a) Just as the assessment process distills the distinctive strengths and weaknesses of each proposal into the concise, critical representations in the Criterion Forms, the categorization process condenses the contents of these Forms into a summary of the selectability of each proposed investigation. In doing so, the categorization process continues to focus on the scientific and technical merits, implementation feasibility, management approach, cost realism, and comprehensive risk assessment of each proposal individually. The objective of the categorization process is to derive a portfolio of consolidated merit-risk characterizations that will be subjected during the recommendation and selection processes to additional programmatic criteria.

(b) The categorization process is a critical gateway to selection. A proposal that categorizes poorly has virtually no chance of selection; conversely, a proposal that emerges from this process with a category rating in the top range is considered highly eligible to be selected for implementation. The Agency will devote years and very substantial resources to achieve an investigation's represented results and to overcome any unforeseen technical or management problems. As a result, the Categorization process determining these ratings shall be conducted by a Headquarters committee of government employees that combines appropriate scientific, technical, and project management expertise with breadth and experience. Only government employees may be appointed to the Categorization Committee. IPA personnel may also be appointed provided they are free of both actual or perceived bias and statutory restrictions as provided in 1872.104 and 1872.105. The OGC shall be consulted in any areas of uncertainty.

(c) The authority to appoint the Categorization Committee is vested in the MDAA, who may delegate it to the Directorate AL (see 1872.104(a)(3)). These appointments shall be made well in advance of the committee's meeting in order to ensure availability and adequate preparation time. One committee member shall be appointed Chair by the MDAA or Directorate AL and shall have the authority and responsibility of conducting the categorization review.

(d) The sponsoring Division Program AL (see 1872.104(a)(2)) will brief the committee on the AO and Assessment phase and present the Assessment results for each proposal. The division program AL may be assisted by other division staff involved in the Assessment phase. The TAM shall be present in the categorization meeting to answer any questions about the TMC reviews.

(e) In a situation where the number of proposal Forms A, B, and C (plus any other special Forms) to be categorized exceeds what members of a single committee can reasonably be expected to absorb and retain, the Categorization Committee can be divided into two or more panels to spread the effort among more staff members. In these cases, like proposals shall be gathered in the same panel to ensure that the competitive outcome between them is not affected by any inter-panel standards inconsistencies. In addition, the potential for inconsistent standards in separate Categorization panels can be further mitigated by crosschecking in the subsequent Validation phase and possible leveling action. In what follows, Committee Chair shall be understood as the Panel Chair if there is more than one panel of the Committee.

(f) The appointed members shall be provided with the Criterion Forms, with a description of the solicitation and evaluation process to date, and with clear instructions about how the categorization process is to be conducted, no less than seven calendar days before their meeting. This shall include a list of all participating institutions for review by members for potential

conflicts of interest. It shall be clearly understood that all materials provided are competition-sensitive and shall be protected while in use and returned for dispositioning to the Directorate AL.

(g) Before the meeting begins, participants shall ensure compliance with ethics requirements (see 1872.105, 1872.106, and 1872.107); provisions regarding observers in 1872.401(e) also apply.

(h) The Categorization meeting shall include—

(1) A briefing, usually by the Division Program AL, on the course of solicitation and evaluation, beginning with characteristics of the solicitation, through a survey of the proposals received, and continuing with the conduct of the assessment process and an overview of its results;

(2) A presentation of each proposal's evaluation, given generally by the Division Program AL, followed by discussion moderated by the Committee Chair that results in a categorization (see 1872.403(d)) via a poll of members. A consensus is not required, but if a tie, or even a very close vote, persists after adequate discussion and several polls, the Chair may defer the decision for a proposal to a revisit at the end of the meeting. If a deadlock tie still persists after this reconsideration, the Chair may break the tie by assigning the Categorization; and

(3) After the reviews for all proposal evaluations (or for all of the ones allocated to that panel if there is more than one panel) have been considered, the Chair will lead the panel in a crosscutting review of its proposals to ensure consistent standards have been applied. Any departure from equitable treatment shall be corrected before adjournment of the Committee or panel.

(4) The report of the Categorization Committee Chair consists, at a minimum, of a table of the final categorizations for each of the proposals. When a strong majority is not achieved for a given categorization, the manner in which that categorization was assigned shall be documented. It is good practice to include a brief categorization rationale for each proposal; this shall be limited to the most influential points raised during the discussions, including especially how the Committee balanced strong conflicting strengths and weaknesses. This rationale shall not simply restate the documented assessment findings on the criterion forms.

(i) During this process, Categorization Committee members are not permitted access to any of the proposals. This is to eliminate any possibility of re-reviewing of the proposals, which could be perceived as inequitable. In rare circumstances involving confusion or contradictions in Assessment findings for a proposal, the Chair can recess the Categorization Committee while the Division Program AL (only) consults the underlying proposal to resolve the issue for the Committee.

(j) If the Committee encounters a serious inconsistency in the assessment record, or other flaw that prevents a clear and supportable categorization from being assigned based on that record, the Committee Chair can guide the Committee in documenting the issue needing resolution and require the Division Program AL to reconvene the Criterion A/B panel or Criterion C panel to respond with a formal clarification that will enable the categorization to be completed by the Committee.

(k) A meritorious investigation is defined as one that has high overall intrinsic scientific, exploration, and/or technology merit and acceptable risk per the Criteria and objectives of the AO; categorizations are assigned according to the following definitions:

Category I – Well conceived, meritorious, and feasible investigations pertinent to the goals of the program and the AO's objectives and offered by a competent investigator from an institution capable of supplying the necessary support to ensure that any essential flight hardware or other support can be delivered on time and that data can be properly reduced, analyzed, interpreted, and published in a reasonable time. Investigations in Category I are recommended for acceptance and normally will be displaced only by other Category I investigations.

Category II – Well conceived, meritorious, and feasible investigations that are recommended for acceptance, but at a lower priority than Category I, whatever the reason.

Category III – Meritorious investigations that require further development. *Category III* investigations may be funded for further development and may be reconsidered at a later time for the same or other opportunities.

Category IV – Proposed investigations which are recommended for rejection for the particular opportunity under consideration, whatever the reason.

(l) *Products of the Categorization process.*

The record of the meeting, which is input to the validation and accommodation phases, consists of the following elements:

- (1) Meeting sign-in sheet, with a list of participating institutions, serving as conflict of interest-free self-certification by participants;
- (2) Table of categorizations for each investigation, including results of the final and preceding (if any) poll results;
- (3) A brief narrative Categorization Rationale for each of the categorizations; and
- (4) Detailed minutes of the meeting, to be reviewed and approved by the Division Program AL and the Committee Chair.
- (5) Categorization Report (see 1872.404(h)(4))

1872.405 Validation.

(a) The Validation phase is a procedure review intended as an independent check on the quality, balance, and integrity of the evaluation process to this point, including its adherence to the criteria and procedures defined in the AO and evaluation plan.

(b) The fundamental goals of the validation phase are to—

- (1) Validate compliance of the processes followed, from solicitation through categorization, with applicable statutes and regulations and Agency procedures, and with their alignment with representations in the AO and Evaluation Plan;
- (2) Ascertain that all proposals received fair and competent review;
- (3) Ensure that the record of these processes is complete, including consistency of rationales for Assessment ratings and for Categorizations and adequacy of Forms A, B, and C (and others, if any); and
- (4) Certify to the Selection Official that any division recommendations for selection developed from the foregoing processes are free from scientific, technical, procedural, and ethical flaws. Based on this certification, the division will be able to make recommendations for

selection from the categorizations and the Selection Official will be able to confidently make selections without concerns about flaws in any of the foregoing evaluation steps.

(c) The validation phase is conducted by a Steering Committee chaired by the Directorate AL or other senior Directorate official designated by the MDAA.

(d) The Steering Committee is composed, like the Categorization Committee, of conflict-free government employees. Potential participation by IPAs and detailees are handled the same way as for Categorization (see 1872.404(b)). Since the validation process objective is a comprehensive review that includes an objective inter-comparison of the outcomes of individual categorizations with the records available to the Committee and with each other for balance, the emphasis on Committee appointments on detailed area expertise is reduced. It is good practice to include on the Steering Committee some qualified and experienced individuals with broad or different backgrounds who can provide a fresh perspective. OP and OGC shall participate in meetings of the Steering Committee.

(e) Steering Committee members are subject to the integrity provisions in sections 1872.104 and 1872.105; provisions regarding observers see 1872.401(e) also apply.

(f) The Steering Committee works from a comprehensive description of the AO and Evaluation plan provided by the Division Program AL, the Forms A, B, C, and any other Forms, and the report of the Categorization Committee.

(g) In the event that the Validation process goals stated in paragraphs (b)(1), (b)(2), and/or (b)(3) of this section are not achieved, the Steering chair shall notify the Division AL that the evaluation is not ready to go forward to Selection.

(h) The Steering Committee is not empowered to re-categorize proposals and does not have access to them. If it is unable based on the record available from the Categorization Committee proceedings to resolve an inconsistency or other inadequacy (see (b)(3) of this section), the Steering Committee Chair will lead the Steering Committee in documenting its concern. The Steering Committee Chair will then refer the issue to the Categorization Chair for that Committee to resolve the issue. The Categorization Chair has discretion on how to engage that Committee for this purpose, but it is good practice to reconvene the Committee in a meeting for significant or complex problems. The Categorization Committee shall respond to each identified concern in one of only three ways, in writing to the Steering Committee Chair:

- (1) It can respond to a concern with a clarification without making changes;
- (2) It can maintain its initial Categorization and provide a clarified rationale; or
- (3) It can provide a new Categorization with a new rationale.

Only one iteration is permitted. The Steering Committee Chair consults the Steering Committee, and if it accepts the Categorization Committee response, it updates its own record accordingly. If a disjoint persists, the Steering Chair will lead the Steering Committee in updating its record with reasons for disagreeing with the final position of the Categorization Committee and this will be incorporated with the Categorization Committee's original and final Categorization and rationale and clarification (if any) into the Steering Chair's summary memorandum to the Selection Official.

(i) The Categorization Committee reconsideration action is final; there is no negotiation between the Categorization and Steering Committees.

(j) The Steering Committee chair will document the outcome of the Categorization Committee's response to the Steering Committee's request(s) for reconsideration. The Steering Committee chair's memorandum to the Selection Official will present the Categorization Committee's original categorizations and rationales, the Steering Committee's request for reconsideration of categorizations and rationales and basis for its request, and the Categorization Committee's final categorizations and rationales, including any clarification that the Categorization Committee provides for its decisions. Use of this information will fall within the broad discretion of the Selection Official in making selections (see 1872.503)

(k) *Products of the Validation process.*

The record of the Validation phase, which is input to the Accommodation, Recommendation, and Selection processes, consists of the following elements:

- (1) Sign-in sheet, with a list of participating institutions, from the Steering Committee meeting serving as conflict of interest-free self-certification by participants;
- (2) Summary memorandum from the Steering Committee Chair to the Selection Official certifying the process's integrity and compliance with policies and procedures, from solicitation through categorization. Any unresolved problems or outstanding exceptions (see 1872.405(h), (i), and (j)) are to be clearly noted with explanations;
- (3) Final table of Categorizations and Categorization Rationales; and
- (4) Minutes, reviewed and approved by the Steering Committee Chair and Directorate AL (if not the same).

1872.406 Accommodation.

(a) Accommodation is the analysis of engineering and operational compatibility of one or more instruments on a spacecraft bus or other host platform. This includes, for example, physical parameters like available power, volume, surface mounting space, thermal management, communications and computational resources, and mass and mass distribution, viewing geometry and operational considerations like spacecraft pointing and lines-of-sight, and any other operational constraints imposed on the integrated payload by the platform.

(b) Accommodation analyses can be conducted any time but findings are kept separated from the Assessment and Categorization processes and results.

(c) Management oversight of the Accommodation analyses is the responsibility of the sponsoring Division. However, the system and subsystem engineering expertise required for the necessary analyses can exceed that available within the Directorate. In this case, assistance can be obtained from a NASA Center or JPL technical staff. These personnel shall be briefed on the provisions of 1872.105, 1872.106, 1872.107, and 1872.302(c) and their management shall ensure implementation of these provisions.

(d) The accommodation analyses yield one or more complete candidate payloads, composed of instrument investigations with fully validated merit and risk that can be successfully carried and operated on the investigation spacecraft bus if selected.

(e) The AO shall describe the constraints and criteria to be used during accommodation.

1872.407 Variations in validation and accommodation.

(a) In some cases, the primary driver in assessing alternative total instrument complements for a payload will be optimizing integrated payload performance against investigation scientific or technical objectives, rather than meeting spacecraft resource and operational limitations. In this case, the analysis of alternative configurations falls directly into the Recommendation phase (see 1872.502).

(b) In other cases, the interactions between these criteria can become very complex, e.g., in the case of a legacy platform design with unusually tight constraints. It may be necessary for Headquarters Division personnel to work together with firewalled Center staff to coordinate development of selection Recommendations with Accommodation analyses. The detailed process for these cases shall be tailored to the individual circumstances, in consultation with the OGC and the OP. The results of the Assessment and categorization processes, which are the principal gateways to potential selection for individual proposals, are not affected.

1872.408 Two-Step acquisitions.

(a) For some AO acquisitions, typically for medium and large complete flight investigations, a Two-step evaluation and recommendation/selection process is used. In these cases, NASA requires additional concept development to be carried out before deciding which of several investigations to continue beyond the Concept and Technology Development Phase (Phase A) into the Preliminary Design and Technology Completion Phase (Phase B) per NPR 7120.5. One or more proposed investigations are selected to begin formulation (see 1872.5); the AO acquisition process is considered Step-One. The Step-Two investigation concept studies are conducted on the same schedule for all selected investigations in order to support a final competitive continuation decisions (“down-selection”).

(b) Per NPR 7120.5, the Two-Step work constitutes the Concept and Technology Development Phase (Phase A) for the selected investigation. The product of each Phase A study is a Concept Study Report (CSR). The CSR shall present the technical implementation of its investigation in sufficient detail to enable a definitive TMC analysis that includes a higher fidelity cost and schedule assessment and updated risk assessment. The CSR shall also revalidate the original science objectives and investigation science requirements, or, if they require amendment based on the detailed Phase A studies, revise them.

(c) For an investigation whose CSR does not present any modifications to the original proposal’s science, exploration, or technology objectives and mission requirements, the Division Program AL will convene a Concept Study Review Panel with the scientific and technical expertise to assess both the Implementation Merit and Feasibility (Form B) and TMC Feasibility of each CSR, focusing on any deviations from findings of the Step-One Form B review and the results of the new, refined TMC analysis (Form C Factors). In this case, no review of intrinsic merit (Form A) is conducted.

(d) For an investigation whose CSR does present modifications to the science, exploration, or technology objectives or mission requirements, the Division Program AL shall in addition convene the original or other properly constituted science panel to reevaluate the proposal’s intrinsic merit (Form A); alternatively, the Division Program AL may elect to have the CSR Panel do so if it has sufficient subject matter breadth and depth. The CSR Panel’s review for Forms B and C is the same as for (c) of this section.

- (e) The results of the CSR reviews are used to validate or revise any Step-One Accommodation findings.
- (f) The information derived from the CSR reviews is used by the sponsoring division to formulate and defend its final continuation (down-selection) recommendations for the Selection Official.
- (g) A second Steering Committee action is not required; however, the Step-One Steering Committee or a repopulated Steering Committee may be convened to address specific concerns by the Directorate AL at his or her own discretion or at the request of either the sponsoring division or the Selection Official.

Subpart 1872.5—Recommendation, Selection, and Debriefing

1872.501 General.

(a) This phase encompasses the final steps leading to selection decisions and the subsequent debriefing of both unsuccessful proposers and those selected for awards, the latter handed off to the designated Program Office for implementation. At that point, the requirements of NPR 7120.5 go into effect for the duration of the investigation.

(b) The Division Program AL shall prepare, in advance of selection, a detailed timeline of the steps to be taken after the selection decisions are made.

1872.502 Recommendation.

(a) One or more options for selection shall be prepared by the sponsoring Division; these recommendations shall be based primarily on the categorizations, influenced by division programmatic considerations.

(b) The following are examples of programmatic factors that the sponsoring Division can apply in formulating specific recommendation(s) for consideration by the Selection Official:

- (1) Accommodation constraints—see 1872.406(a).
- (2) Budget—affordability, including the impact of alternatives on other Division objectives;
- (3) Scientific balance—avoiding duplication of other investigations or filling gaps in the Division program portfolio;
- (4) National policy—following stated Administration or Congressional guidance;
- (5) Advisory Committee guidance—including the National Academies;
- (6) Technology impact—benefits related to the impact of technology development or demonstration for future investigations;
- (7) Other Agency goals—relation of scientific or technical objectives to those of other Divisions or Directorates; and
- (8) International factors—opportunities for partnerships with foreign space programs, either existing commitments or prospective opportunities, and concomitant risks.

(c) *Product of the Recommendation Phase.*

The Division prepares a briefing to the Selection Official to be presented for his or her consideration. The briefing contains one or more highly recommended selections, complete with rationale for the recommendation(s) and outlining unique merits and any drawbacks for each recommended option. Any specific guidance or direction to proposers of recommended investigations, for use in the event of their selection, shall also be identified.

1872.503 Selection.

- (a) The goal of this process is to determine which proposals will receive awards.
- (b) The Selection Official may consult with other Agency officials, but retains sole authority for the selection. Results of the foregoing Evaluation and Validation phases shall be made available to the Selection Official prior to any selection decision.
- (c) The OP and OGC shall concur upon the selection statement.
- (d) In making a selection, the Selection Official shall clearly articulate in a written Selection Statement the following, for the record:
 - (1) Identify the investigations selected for implementation (one-step acquisitions) or further concept study (two-step acquisitions), including any partial selections or conditions to be levied on selected proposers;
 - (2) Identify the investigations not selected;
 - (3) Identify rationales for selections and non-selections, including especially rationales for any cases where more highly categorized investigations are displaced by lower ones;
 - (4) Where applicable, designate the Program Office to oversee the implementation;
 - (5) As applicable, a statement that no further competition is required (see 1872.306 for awards to NASA proposers); and
 - (6) Where applicable, state whether offered cooperative contributions are accepted.
- (e) Selection and non-selection letters shall be prepared by the Division Program AL for signature by the Selection Official. The letters shall be concurred upon by the OP and OGC. Letters of selection shall address the following:
 - (1) Any directed substantive changes from the investigation originally proposed;
 - (2) The nature of the selection, i.e., whether it should be considered final or provisional, contingent on additional hardware specification or cost definition or other conditions;
 - (3) Identification of the Program Office to assume oversight responsibility for execution of the investigation; and
 - (4) Where applicable, indication that a foreign partner's participation is accepted and that an agreement for the program will be arranged between the Office of International and Interagency Relations and the foreign partner organization that endorsed the proposal.
- (f) The Division Program AL shall provide a draft press release, coordinated with the Office of Communications, announcing the result of the solicitation and selection.
- (g) The Division Program AL is responsible for managing the timely completion of these products and other requirements of the integrated selection timeline (see 1872.501(b)).

1872.504 Award, notification of proposers, and debriefing.

- (a) It is the responsibility of the Division Program AL to prepare letters notifying proposers of their selection or non-selection, obtain the Selection Official's signatures, and issue them promptly in accordance with the selection timeline (see 1872.501(b)).
- (b) Subsequent to the selection decision(s) by the Selection Official, it is the responsibility of the Division Program AL to work with the OP to initiate an Administrator's Notification of Significant Contract Action (ANOSCA) or a public announcement, depending on the overall value of the proposed contract action(s), in accordance with 1805.303-71. It is the responsibility of the procurement organization at the Center Program Office responsible for the selected investigations to award contract(s). Further, for selected Government PIs, it is the responsibility of that PI's organization to award any resulting contracts.
- (c) Unsuccessful proposers shall be offered in their non-selection letter an oral debriefing on the evaluation and subsequent decision about their proposal. It is a good practice to offer debriefings also to successful proposers as the evaluations contain feedback that will be valuable in the implementation of the investigation.
 - (1) The primary purposes of the debriefing are to convey to the proposers the rationales for the decisions on their proposals and to demonstrate that the evaluation and selection processes were thorough, expert, and fair.
 - (2) A specific and sufficient time limit shall be set in advance for each debriefing.
 - (3) The Division Program AL is responsible for conducting the debriefings. It is a good practice to have the TAM in attendance to provide any clarifications required concerning the TMC reviews. Other NASA personnel who do not have any conflicts of interest, who can contribute materially to the debriefing can be invited by the Division Program AL to participate. Other observers, except the Directorate AL, are not permitted.
 - (4) The Division Program AL may prepare written debriefing materials for the debriefing. Such written debriefing materials will include (i) a brief description of the evaluation (assessment, categorization, validation, accommodation (if applicable)) and selection process with sufficient detail to convey that all proposals received a fair and competent review; (ii) the key findings from all evaluation forms that were used as the basis for the selection or non-selection decision, and (iii) the signed selection statement. Properties of other proposals or outcomes of their reviews shall not be briefed or discussed.
 - (5) A limit shall be set to the number of attendees from the proposal team.
 - (6) Other than a record of attendees, written records shall not be kept by NASA of the debriefing. The written debriefing materials are the notes for the debriefing, and the debriefing content shall follow closely these written materials. Materials provided to attendees shall be provided in advance (e.g., via NSPIRES, two days or more before the meeting).
 - (7) No recording shall be permitted. For telecon debriefings, a good practice is for the proposer to provide the dial-in line and access to it so the proposer is responsible for its security.
 - (8) Whether or not other written debriefing materials are provided, a hardcopy or electronic copy of the Selection Official's selection statement shall be given to the proposal Principal Investigator.
 - (9) Care shall be taken that all debriefings share the same structure and corresponding information for all proposals.