



National Aeronautics and  
Space Administration  
Washington, DC 20546-0001

# Procurement Notice

PN 20-04  
June 23, 2020

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## Revision to NASA FAR Supplement (NFS) Part 1805.3, Synopses of Contract Awards (NFS Case 2020-N007)

**PURPOSE:** To clarify NFS requirements related to the submission of a Public Announcement (PA) or Administrator Notification of a Significant Contract Action (ANOSCA).

**BACKGROUND:** The Federal Acquisition Regulation (FAR) 5.303, Announcement of Awards, requires the issuance of a public announcement (PA) for actions exceeding \$4M. However, per the FAR, actions awarded under Section 8(a) of the Small Business Act are exempt from this requirement. The Office of Procurement, in conjunction with the Office of Small Business Programs has made the decision to require a PA for actions awarded under Section 8(a) of the Small Business Act.

In addition, FAR 15.503(a)(2) requires, in instances of a small business set-aside or the utilization of HUBZone, service-disabled veteran-owned small business, or Women-Owned Small Business Program procedures, that a preaward notice be issued to each offeror in writing prior to award and upon completion of negotiations and determinations of responsibility. This preaward notice serves as the special notification from the contracting officer that identifies the apparently successful offeror and initiates the 5-day protest period of a small business representation in accordance with FAR 19.302-9(d). While centers have interpreted the requirements of the NFS differently, typically, the PA or ANOSCA has been provided to the HQs Procurement Analyst after expiration of the small business protest period. However, the requirement at NFS 1805.303-72, states that no one outside of NASA shall be notified until the procedures within NFS 1805.303-72, have been completed. Currently, issuance of the preaward notice occurs prior to the completion of the procedures at NFS 1805.303-72.

**ACQUISITIONS AFFECTED BY CHANGES:** This revised NFS policy is effective as of the date of this PN.

**ACTION REQUIRED BY CONTRACTING OFFICERS:** Ensure compliance with the revised NFS policy.

**PROVISION AND CLAUSE CHANGES:** None.

**PARTS AFFECTED:** Part 1805.3

**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.

**HEADQUARTERS CONTACT:** Geoffrey Sage, Headquarters, NFS Manager, 202-358-2420, email: [Geoffrey.S.Sage@nasa.gov](mailto:Geoffrey.S.Sage@nasa.gov).

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for Assistant Administrator for Procurement

Enclosures

NFS changes indicated in **[bold text]** for additions or by ~~strikethrough~~ for deletions.  
Text unchanged shown as asterisks \* \* \* or \* \* \* \* \*.

### Subpart 1805.3—Synopsis of Contract Awards

#### 1805.303 Announcement of contract awards.

(a) In lieu of the threshold cited in FAR 5.303(a), a NASA Headquarters public announcement is required for award of contract actions that have a total anticipated value, including unexercised options, of \$7 million or greater.

**[(1) Agency procedure is to make a public announcement of awards \$7 million or greater when the authority of section 8(a) of the Small Business Act is utilized.]**

#### 1805.303-70 Definitions.

“Anticipated values” as used in this subpart, means—

- (a) The estimated value of the contract (including unexercised options);
- (b) The expected definitized value of a letter contract or undefinitized contract action; or
- (c) The maximum value of an indefinite delivery, time and material, or labor hour contract.

"Contract actions" as used in this subpart, means **[in addition to the definition found in FAR 5.001,]** ~~new awards (including~~ letter contracts **[and undefinitized contract actions]**).

#### 1805.303-71 Actions requiring NASA Headquarters public announcement or Administrator Notification of a Significant Contract Action (ANOSCA)

(a) *NASA Headquarters public announcement.* Contracting officers shall submit a NASA Headquarters public announcement for the following:

- (1) Contract actions with anticipated values equal to or greater than \$7 million (including unexercised options), but less than \$30 million.
- (2) Exercise of option(s) with values equal to or greater than \$30 million.

(b) *ANOSCA and NASA Headquarters public announcement.* Contracting officers shall submit both an ANOSCA and a NASA Headquarters public announcement for contract actions with anticipated values equal to or greater than \$30 million.

(c) ~~For contract actions at any dollar amount or other potentially significant actions that may be of major interest to NASA Headquarters or have agency public information implications,~~ **[For other potentially significant contract actions at any dollar value that may be of major interest to NASA Headquarters or have public information implications,]** the contracting officer shall contact the **[cognizant procurement analyst within the NASA**

Headquarters Office of Procurement, ~~Program~~ **Strategic**] Operations Division to ~~discuss a possible~~ **[determine whether an]** ANOSCA ~~and~~ **and/or** NASA Headquarters public announcement **[is required.]** Examples of other potentially significant actions may include—

- (1) Terminations;
- (2) Contract modifications;
- (3) Issuance of stop work orders;
- (4) Classified actions;
- (5) Cost overrun modifications, or
- (6) Orders placed under single or multiple award contracts (including GSA)

### **1805.303-72 Procedures.**

(a)(1) ~~The contracting officer shall prepare a ANOSCA and/or NASA Headquarters public announcement using the template located in the Virtual Procurement Office at [https://prod.nais.nasa.gov/cgi-bin/vpo/vpo\\_matrix.cgi](https://prod.nais.nasa.gov/cgi-bin/vpo/vpo_matrix.cgi).~~ **[Contract actions requiring an ANOSCA or NASA Headquarters public announcement shall not be distributed nor shall any source outside NASA be notified of its status until the following procedures have been completed:]**

**[(2)]** The contracting officer shall prepare **[an]** ANOSCA ~~and~~ **[or]** NASA Headquarters public announcement using the ~~template located in the Virtual Procurement Office at [https://prod.nais.nasa.gov/cgi-bin/vpo/vpo\\_matrix.cgi](https://prod.nais.nasa.gov/cgi-bin/vpo/vpo_matrix.cgi).~~ **[NASA Notification of Contract Action Template.]**

**[3]** ~~The ANOSCA and/or NASA public announcement~~ **[NASA Notification of Contract Action]** shall be submitted **[electronically encrypted]** to the cognizant procurement analyst in the Headquarters Office of Procurement, ~~Program~~ **[Strategic]** Operations Division~~., via NASA's current encryption software, at least three (3) business days prior to the planned public announcement, except for actions to exercise an option that are handled in accordance with paragraph (b) of this section.~~

**[(i)]** For set aside actions under small business programs, the CO shall submit the NASA Notification of Contract Action three (3) business days prior to issuance of the preaward notice to offerors described in FAR 15.503(a)(2).

**[(ii)]** For actions to exercise an option, the CO shall submit the NASA Notification of Contract Action immediately after the issuance of the preliminary notice of intent to exercise an option, in accordance with FAR 52.217-9 for services, or when providing the written notice to the contractor to exercise an option as permitted by the option clause in the contract.

**[(iii)]** For all other actions, the NASA Notification of Contract Action shall be submitted at least three (3) business days prior to the planned public announcement.]

**[(4)]** The contracting officer shall **[confirm receipt of the NASA Notification of Contract Action from the cognizant Headquarters procurement analyst.]** ~~contact the cognizant procurement analyst and receive confirmation that the information was received.~~

~~(2) The Headquarters Office of Legislative and Intergovernmental Affairs will coordinate the date of public announcement with the Headquarters Office of Communications. The Headquarters Office of Communications will then coordinate with the installation's Public~~

**Affairs Office.**

~~(i)~~ ~~(5)~~ The [NASA] Headquarters Office of Legislative and Intergovernmental Affairs will coordinate the timing for notifying offerors with the contracting officer such that the offerors are notified prior to Congress, and Congress is notified prior to public announcement.

~~(ii)~~ ~~(b)~~ Installations may proceed with award and local release of the information after the [NASA] Headquarters Office of Communications makes the public announcement, which occurs at 5:00 PM ET on the agreed upon date, consistent with FAR 5.303.

~~(b) For actions to exercise an option that require a NASA HQ public announcement (see 1805.303-71(a)(2)), the contracting officer shall prepare the public announcement, using the ANOSCA template provided at the Virtual Procurement Office at [https://prod.nais.nasa.gov/cgi-bin/vpo/vpo\\_matrix.cgi](https://prod.nais.nasa.gov/cgi-bin/vpo/vpo_matrix.cgi), to the cognizant procurement analyst in the NASA Headquarters Office of Procurement, Program Operations Division, immediately after issuing the preliminary written notice of intent to exercise an option to the contractor required by FAR 52.217-9 for services or when providing the written notice to the contractor to exercise an option as permitted by the option clause included in a contract.~~

~~(c) Contract actions requiring an ANOSCA and/or Headquarters public announcement shall, not be distributed nor shall any source outside NASA be notified of its status until the procedures in 1805.303-72 are completed.~~