



National Aeronautics and
Space Administration
Washington, DC 20546

Procurement Notice

PN 20-06
September 21, 2020

Revision to NASA FAR Supplement 1816.5 Indefinite Delivery Contracts (NFS Case 2020-N009)

PURPOSE: To revise the NASA FAR Supplement (NFS) to provide policy regarding the approval of a single award indefinite-quantity contract for advisory and assistance services.

BACKGROUND: When awarding an indefinite-quantity contract for advisory and assistance services that exceeds 3 years and \$13.5 million, including all options, the contracting officer must make multiple awards unless:

- the contracting officer or other official designated by the head of the agency determines in writing, as part of acquisition planning, that multiple awards are not practicable; the contracting officer or other official must determine that only one contractor can reasonably perform the work because either the scope of work is unique or highly specialized or the tasks so integrally related;
- the contracting officer or other official designated by the head of the agency determines in writing, after the evaluation of offers, that only one offeror is capable of providing the services required at the level of quality required; or
- or only one offer is received.

These requirements are implemented at Federal Acquisition Regulation (FAR) 16.504(c)(2)(i)(A)(B)(C). The requirements at FAR 16.504(c)(2)(i)(A)(B)(C) do not apply if the contracting officer or other official designated by the head of the agency determines that the advisory and assistance services are incidental and not a significant component of the contract. This policy is implemented at FAR 16.504(c)(2)(ii).

Currently, NFS 1816.504(c)(2) does not indicate the approving official for the FAR required determinations. NFS 1816.504(c)(2) is revised to make the head of the contracting activity (HCA) the designated official to approve the FAR required determinations.

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 1816.

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: Andrew O'Rourke, Headquarters, Office of Procurement, Procurement Management and Policy Division, 202-358-4560, email: andrew.orourke@nasa.gov.

for **Monica Y. Manning**
Assistant Administrator for Procurement

Enclosure

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

PART 1816 **TYPES OF CONTRACTS**

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Subpart 1816.5—Indefinite-Delivery Contracts

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1816.504 Indefinite quantity contracts.

(a) Description.

(4)(ii) IDIQ service contract values and task order values shall be expressed only in dollars.

(a)(4)(v) See 1815.7003.

(c) Multiple award preference—

(1)(ii)(D)(1) The authority to make the determination to award a task or delivery order contract ~~in an amount estimated to exceed \$112 million (including all options) to a single source~~, authorized at FAR 16.504(c)(1)(ii)(D)(1), is delegated to Senior Procurement Executive. Requests for approval of this determination shall be submitted through the cognizant Headquarters Office of Procurement, Procurement Strategic Operations Division analyst. The request for approval shall document that the contracting officer, with input from the requiring organization, considered establishing a defined core portion of the requirement in the single award IDIQ contract by following the procedures listed in paragraph (v) of this section.

~~(2) [(v)]~~ To reduce transactional costs, minimize the number of task orders for similar performance requirements, and reduce the administrative burden to the Government, NASA's policy is that single award IDIQ contracts, to the maximum extent possible, contain a core requirement, in addition to the task order(s) that specify discrete requirements. When considering inclusion of a core requirement—

~~(i) [(A)]~~ The requiring organization shall identify the known, defined, and recurring requirements anticipated to be awarded under the single award IDIQ contract. If available, the requiring organization shall review the predecessor contract information to identify any recurring requirements. If the identified recurring requirements will be needed for the duration of the contract, the contracting officer should include these requirements in the core portion of the single award IDIQ contract or justify, with input from the requiring organization, why those requirements cannot be part of the core portion of the IDIQ contract.

~~(ii) [(B)]~~ The contracting officer and the requiring organization shall analyze the historical staffing levels, labor hours and variations in annual cost of predecessor contract(s). If the staffing levels, labor hours and annual costs were relatively consistent over the previous contract and the requirements are recurring, the contracting officer shall include the recurring requirements in the core

portion of the single award IDIQ contract or justify, with input from the requiring organization, why those requirements cannot be part of the core portion of the IDIQ contract.

(2) [(i)(A) The authority to make the determination authorized at FAR 16.504(c)(2)(i)(A), is delegated to the head of the contracting activity (HCA).

(B) The authority to make the determination authorized at FAR 16.504(c)(2)(i)(B), is delegated to the HCA.

(ii) The authority to make the determination authorized at FAR 16.504(c)(2)(ii), is delegated to the HCA.]

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