



National Aeronautics and
Space Administration
Washington, DC 20546

Procurement Notice

PN 22-02

March 25, 2022

Revision to NFS 1815.308 and 1815.370 for Source Selection Statement Preparation and Posting (NFS Case 2022-N004)

PURPOSE: Revise NASA FAR Supplement (NFS) 1815.308 (3) and 1815.370(i) to reflect the posting time frame for the source selection statement as 10 days after the protest expiration instead of 11 days after the final debriefing and to clarify that either the Office of General Counsel, Office of Procurement or both are responsible for the preparation of the source selection statement.

BACKGROUND: Currently, NFS 1815.308(3) requires the contracting officer to post the source selection statement on the SAM.gov Contract Opportunities web page not later than 11 calendar days after the final debriefing has been conducted. Since, the 10-day protest period begins as soon as the final debriefing has been conducted, as written the NFS policy requires the source selection statement to be posted immediately at the end of the period, which would be the 11th day. Therefore, leaving no consideration for unexpected delays such as a holiday, medical or weather-related emergencies that may impact the posting of the source selection statement so soon after expiration of the period. In consideration of possible delays, the Office of Procurement's Source Selection Capabilities Group (SSCG) proposed a change to NFS 1815.308 (3) to require the posting of the source selection statement no later than 10 days after the protest period ends. This will allow additional time to account for unexpected delays.

NFS 1815.370(i) requires the Office of General Counsel (OGC) or designee to prepare the source selection statement. This requirement does not completely align with current agency practice. At some Centers the Office of Procurement (OP) has taken the responsibility for the preparation of the source selection statement or it is considered a collaborative effort between OGC and OP. This change will remove ambiguous language from the NFS such as "For installation selections, the installation Chief Counsel or designee will prepare the source selection statement" and identify the two parties (OGC or OP) that may be responsible for the preparation of the source selection statement.

ACQUISITIONS AFFECTED BY CHANGES: This revised policy is applicable to all acquisitions using FAR Part 15 and NFS Part 15 source selection procedures.

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

PROVISION AND CLAUSE CHANGES: None.

NFS PART(S) AFFECTED: 1815

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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FOR

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Enclosure

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

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1815.308 Source selection decision.

(1) * * *

(2) * * *

(3) Before award, the SSA shall sign a source selection statement that clearly and succinctly justifies the SSD. The [NASA Source Selection Statement Development Guide](#) provides agency-wide guidance. 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 [SAM.gov Contract Opportunities web page](#) not later than ~~11~~ **[10]** calendar days after the ~~final debriefing has been conducted~~ **[protest period has expired]**. 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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1815.370 NASA source evaluation boards.

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(i) A source selection statement shall be prepared in accordance with 1815.308 **[by either the Office of Procurement, or Office of General Counsel, or as a collaborative effort.]** ~~For installation selections, the installation Chief Counsel or designee will prepare the source selection statement. For Headquarters selections, the Office of General Counsel or designee will prepare the statement.~~

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