



USAID
FROM THE AMERICAN PEOPLE

Congressional Award Notice Procedures

A Mandatory Reference for ADS Chapter 302 &
303

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I. NOTICE PROCEDURES

All Contracting Officers (COs) and Agreement Officers (AOs) must follow the congressional award notice procedures specified in this mandatory reference.

- a. After signing an award that meets the criteria in [ADS 302](#) or [303](#), the CO/AO must send an email directly to congressionalawards@usaid.gov. For awards greater than or equal to \$40 million, the CO/AO must also send a notice to the cognizant Assistant Administrator, Executive Secretariat (ES) (aid.estaskermailistusaid@usaid.gov), and soar@usaid.gov. The CO/AO must insert "CONGRESSIONAL AWARD NOTICE" in the subject line.

The CO/AO must choose the option to "Request a read receipt" for the email message. However, as it is LPA's responsibility to read these messages in a timely manner and respond accordingly, there is no need for the CO/AO to wait for a confirmation that the message was read. The CO/AO must print the sent email message and place it in the award folder for the record.

The CO/AO must include the following in the award file:

1. A copy of the transmitted email, and
2. The "Read Receipt" email from LPA acknowledging receipt of your notice email (if received).

b. The CO/AO must include the following information in the Notice email:

1. The type of award: contract, grant, cooperative agreement, order, or modification/amendment (indicate the type of instrument being modified or amended).
2. The award number.
3. The date and time when the Operating Unit or Mission intends to notify the awardee or others. Allow at least 48 hours (**this is the "embargo period," see c. and d. below**) from the time the CO/AO sends the email to LPA, excluding USAID/Washington (USAID/W) weekends and Federal holidays. The CO/AO must wait 48 hours before releasing an announcement.

4. The total estimated cost or price of the award, identifying separately dollars and U.S. owned local currency components.
5. The period of the award.
6. The Development Objective number and title and the title of special appropriations, if appropriate.
7. A brief description of services or commodities to be provided under the award and a general program purpose to which the award relates. The CO/AO must provide an accurate, descriptive, but succinct summary of the purpose of the award. **Simply describing the overall purpose of the program, i.e. 'PEPFAR is...', is not sufficient. The CO/AO should describe the kinds of activities that will be undertaken on the award, such as, "strengthen the lifeline of essential drugs and supplies for people living with AIDS in developing countries..."**

The CO/AO may include the name of the Contracting or Agreement Officer's Representative and authorize LPA to contact the person directly for more information on the description. The CO/AO may also choose to name themselves or the contract negotiator as the point-of-contact who LPA can contact for additional information.

8. The name and address (street, city, state, and zip code+4; include the +4 to assist LPA in identifying the appropriate Congressional district) of the awardee.

In the case of commodity awards, the place or places of U.S. production must be indicated, if known.

9. A point-of-contact (name and telephone number) for the awardee.
10. Contracts Only - For any anticipated subcontract of \$500,000 or more to a U.S. organization for which the Contracting Officer has provided consent to the prime to subcontract per [Federal Acquisition Regulation \(FAR\) Subpart 44.2](#) (either in the prime contract itself or in a consent letter issued concurrently with the prime contract), the e-mail must also include:

- A. The total dollar value of each subcontract,

- B.** The name and address of each subcontract,
- C.** Whether the subcontractor is a small business, and if so, the category of small business (small business, service-disabled veteran-owned small business small business (SDVOSB), HUBZone small business, small disadvantaged business (SDB), 8(a), and/or women-owned small business. Indicate all categories that apply,
- D.** The name and U.S. telephone number of each subcontractor contact, if known,
- E.** A brief description of the services or commodities to be provided,
- F.** The estimated cost or price of the supplies or services to be provided, and
- G.** The period of the subcontract.

Before making any notice on subcontracts, LPA will contact the CO/AO to either clear the notice or verify that the subcontract can be announced.

11. Any advice regarding anticipated problems with the award.

This is important – an example of a potentially problematic situation would be if the CO/AO believes that they will receive a protest on the award.

- c.** The CO/AO must monitor their emails for any request from LPA to extend the embargo period.
- d.** The CO/AO must not make a public announcement of any award that meets the Notice criteria in [ADS 302](#) during the embargo period – that is, until 48 HOURS (EXCLUDING USAID/W WEEKENDS AND FEDERAL HOLIDAYS) AFTER THE DATE AND TIME THE NOTICE EMAIL WAS TRANSMITTED TO LPA.

For example:

A USAID/W CO or AO signs a contract or assistance instrument and then sends the email to LPA at 10:00 a.m. EST on Friday, September 6, 2017. The embargo period ends at 10:00 a.m. on

Tuesday September 10, unless LPA contacts the CO or AO before then to extend it.

If LPA does not contact the CO/AO during the embargo period, the CO/AO may release any public notices either required by regulation or determined to be appropriate by the operating unit, except that any communications with Members of Congress or their staff must be through LPA.

LPA will advise the CO/AO during the embargo period if they need more time to decide whether to provide notice to a Member of Congress or to prepare a public announcement for either the Agency to release or for a Member of Congress to release. LPA may request the CO's/AO's cooperation and assistance when preparing this announcement to ensure that it adequately addresses any procurement-sensitive considerations related to the award (per I.b.11 of this guidance).

EMERGENCY DISMISSAL OR CLOSURE IN USAID/W: If USAID/W experiences an emergency dismissal or closure for adverse weather conditions, power failures, or other emergency situations, the embargo period is automatically extended by the same amount of time as the period of the closure (a full day closure extends the embargo period by a full day; a partial closure extends the embargo period by the amount of time that lapses between the time of dismissal until 5:45 p.m. or whenever USAID/W resumes regular hours). Emergency dismissals or closures are announced Agency-wide through the Notices system and overseas COs or AOs are responsible for monitoring these notices and adding the emergency dismissal or closure time to the embargo period accordingly. If the amount of time to extend the embargo is unclear, contact LPA for instructions.

- e. If LPA determines that it will not provide notice to Members of the Congress or, if after LPA has done so, the Member of Congress indicates that he or she does not wish to announce it, then LPA will advise the CO/AO as soon as possible so that the CO/AO can proceed to make public notification without further delay.

II. OTHER CONSIDERATIONS

- a. The CO/AO should make every effort to sign the award without the successful offeror's knowledge. If the CO/AO cannot sign the award without the successful offeror's knowledge, then the CO/AO must ask the contractor/recipient to cooperate in not making a public announcement.

- b. The CO/AO must provide notice to LPA only **after** the award has been signed. An interested party may protest before a contract is awarded and the award could be delayed as a result. If LPA provided notice to Congress that an award was made in this case, then that notice would have been inaccurate and this could be embarrassing to the Agency. If the CO/AO has reasons to think that there may be a protest after award, the CO/AO must alert LPA in the e-mail or fax transmission (see I.b.11 above) and work with them to appropriately handle the notification.
- c. [FAR 15.503\(a\)\(2\)](#) requires that a CO make pre-award notifications to unsuccessful offerors when making a small business set-aside, when a small disadvantaged business concern receives a benefit based on its disadvantaged status and is the apparently successful offeror, or when using the HUBZone procedures (see [FAR 15.503](#) for more detailed instructions). Because these pre-award notifications are required by the **FAR**, the CO/AO must comply. Unsuccessful offerors are unlikely to make a public announcement, but the CO/AO should ask for their cooperation by not publicly discussing the pending award.
- d. LPA, often on the recommendation of the program office or operating unit representative, may determine that a particular program or geographic region is of “particular interest at a particular time” (see [ADS 302](#)) at some point during activity design or even during the source selection process. LPA will coordinate the exchange of information regarding these types of activities. Typically, the CO/AO may not be involved, except to provide the award notice information described in Section I above at the point of award.

Exceptions to this limited involvement would be if the CO/AO is the designated operating unit representative or the CO/AO must assist LPA in addressing any procurement-sensitive concerns in LPA's notice to Congress or in a public announcement.

For example, LPA could advise all COs or AOs making awards for Afghanistan that any award over \$50,000, regardless of the type of award, must notify LPA before the public announcement of the award is made. LPA may place other conditions on these sensitive actions, such as specifying a waiting period longer than 24 hours or that only awards to organizations located outside the Washington, DC area are notified.

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