



**USAID**  
FROM THE AMERICAN PEOPLE

## CONGRESSIONAL AWARD NOTIFICATION

A Mandatory Reference for ADS Chapter 302

New Reference: 06/14/2007  
Responsible Office: OAA/P  
File Name: 302man\_061407\_cd48

## I. NOTIFICATION PROCEDURES

- a. After signing an award meeting the criteria in ADS 302, send an e-mail directly to "CONGRESSIONAL AWARDS (LPA)@aidw". Insert "CONGRESSIONAL AWARD NOTICE" on the subject line. Send a cc copy to Joel Starr ([jstarr@usaid.gov](mailto:jstarr@usaid.gov)) and Stanley Sienkiewicz ([ssienkiewicz@usaid.gov](mailto:ssienkiewicz@usaid.gov)) in Bureau for Legislative and Public Affairs (LPA).

Contracting Officers (COs) MUST CERTIFY "RETURN RECEIPT" on the e-mail by checking the box under options which reads "Request a delivery receipt for this message." The CO can also select the next box, "Request a read receipt for this message", but must only be concerned about the delivery--LPA is responsible for reading these messages in a timely manner and responding accordingly.

Retain in the award file:

- A copy of the transmitted e-mail, the e-mail system delivery confirmation message, and the read receipt e-mail
- The message from LPA acknowledging receipt of the notification e-mail.

- b. Include the following information in the Notification e-mail:

1. The type of award: contract, order, or modification.
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 from the time the e-mail is sent to LPA, excluding USAID/W weekends and Federal holidays; **this is the "embargo period" (see c. and d. below)**. In case the e-mail system experiences a delay in delivery, you must wait 48 hours from the time the system certifies delivery to LPA 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 Strategic 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 general program purpose to which the award relates. Because this description is very important to the notification process, the CO must provide an accurate, descriptive, but succinct summary of the purpose of the award. The CO may include the name of the cognizant technical officer and authorize LPA to contact him or her directly for more

information on the description, or he/she may choose to name themselves or the contract negotiator as the 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, please indicate the place or places of U.S. production, if known.
9. A name and telephone number for a contact person with the awardee.
10. 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):
  - (A) The total value of each subcontract,
  - (B) The name and address of each,
  - (C) Whether or not the subcontractor is a small business, and if so, the category of small business (small business, veteran-owned small business, service-disabled small business, HUBZone small business, small disadvantaged business, and/or women-owned small business. Indicate all categories that apply),
  - (D) The name and/or 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, and
  - (G) The period of the subcontract.

Before making any notification on subcontracts, LPA will contact the CO 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 believes that he/she will receive a protest on the award.
- c. The return receipt e-mail message will show the date and time the message was delivered--this time begins the 48-hour embargo period. LPA will send a separate message acknowledging receipt in order to monitor the time of receipt for their records. The CO must monitor e-mails to confirm the time LPA reads the message and check for their acknowledgement message (again, retain copies of both in your file). If there is an unusual delay between the delivery confirmation message and either the "message read" or LPA's separate acknowledgement

message, the CO should either extend the embargo period to add on the additional time, or send an e-mail to LPA to ask for further instructions.

- d. Do not make a public announcement of any award that meets the Notification 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 E-MAIL SYSTEM CONFIRMS THAT YOUR MESSAGE WAS DELIVERED TO LPA.**

For example, an AID/W CO signs a contract and then sends the e-mail to LPA at 10 am EST on Friday, September 6, 2002. The e-mail system confirms delivery at 10 am on Friday, Sept. 6, 2002--this begins the embargo period. LPA "reads" the message at 1:30 PM on Sept. 6, 2002, and sends an acknowledgement e-mail at 1:33 PM, same day. The embargo period ends at 10 am on Tuesday Sept. 10, unless LPA contacts the CO before then to extend it. If LPA has not contacted the CO during the embargo period, the CO may then release any public notices either required by regulation or determined to be appropriate by the Strategic Objective Team (SOT) or operating unit, except that any communications with Members of Congress or their staff must be through LPA.

LPA will notify the CO during the embargo period if they need more time to decide whether or not to notify a Member of Congress or to prepare a public announcement for either the Agency to release or for a Member to release. LPA may request the CO's cooperation and assistance in preparing this announcement to ensure that it is worded to adequately address 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 PM or whenever USAID/W resumes regular hours). Such dismissals or closures are announced Agency-wide through the Notices system, and overseas COs are responsible for monitoring these notices and adding the dismissal/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 notify 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 as soon as possible so that he/she can proceed to make public notification without further delay.

## **II. OTHER CONSIDERATIONS**

- a. COs are to make every effort to sign the award without the successful offeror's knowledge. If the CO cannot sign the contract without the successful offeror's

knowledge, then the CO will ask the contractor to cooperate in not making a public announcement.

- b. COs must notify LPA only **after** the award is actually signed. An interested party may protest before a contract is awarded and the award could be delayed as a result. If LPA notified Congress that a contract was awarded in this case, then that notification would have been inaccurate and this could be embarrassing to the Agency. If the CO has reasons to think that there may be a protest after award, he/she must alert LPA in your 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). Since these pre-award notifications are required by the FAR, the CO must comply. Unsuccessful offerors are unlikely to make a public announcement, but the CO should ask for their cooperation by not publicly discussing the pending award.
- d. LPA, often on the recommendation of the SOT, 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. They will coordinate the exchange of information regarding these types of activities. Typically, the CO may not be involved, except to provide the award notification information described in Section I above, at the point of award. Exceptions to this limited involvement would be if the CO is the designated operating unit representative or the CO must assist LPA in addressing any procurement-sensitive concerns in LPA's notification to Congress or in a public announcement.

For example, LPA could advise all COs making awards for Afghanistan that any award over \$50,000, regardless of the type of award, must be notified to LPA before the public announcement of award may be 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 to be notified.

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