

Science Mission Directorate

January 17, 2006

TO: Science Staff

FROM: Assistant Associate Administrator for Science

SUBJECT: Handling late proposals

The Science Mission Directorate (SMD) issues competitive solicitations for its research program because a fair and open competition ensures that NASA has the opportunity to select the best research investigations at an acceptable cost. It is in NASA's best interest that the competition in fact be fair. The community expects and deserves a fair competition. It is therefore also in NASA's best interest that the proposing community perceives the competition as open and fair.

Perhaps most importantly, treating all proposers equitably and following applicable process and policy guidelines avoids sustainable protests.

Proposal Due Date

A common proposal due date ensures that all proposers are treated fairly. The lengthy time that SMD solicitations are open (at least 90 days, sometimes over a year for certain ROSES program elements) ensures that all proposers have sufficient time to submit a proposal. Granting some proposers an extension gives them an unfair advantage over other proposers who might have been able to improve their proposal had they been given more time. A proposer who believes that another proposer received an unfair advantage from an extension to a proposal due date would likely have a sustainable protest.

All proposals submitted to SMD are required to be submitted no later than the date and time specified in the solicitation. Program officers shall not adopt policies, either formally or informally, that conflict with this requirement.

NASA Acquisition Regulations Governing Late Proposals

In general, the Federal government does not accept proposals that are submitted late in response to a competitive solicitation. The Federal Acquisition Regulations (FAR) prohibit Federal agencies including NASA from accepting late proposals for consideration (FAR §15.208(b)). However the NASA FAR Supplement (NFS) allows NASA to accept late proposals, under specific circumstances, submitted in response to Announcements of Opportunity (AOs), NASA Research Announcements (NRAs), and other solicitations (NFS §1815.208(b), NFS §1852.235-72(g), see also Appendix B of the *Guidebook for Proposers Responding to a NASA Research Announcement*).

The only circumstances under which a late proposal may be accepted for review is if “a significant reduction in cost to the Government is probable or if there are significant technical advantages, as compared with proposals previously received.” Program officers may not accept late proposals for review that do not satisfy this requirement. Since almost every solicitation receives many more high quality proposals than can be supported with the available funds, a determination that a late proposal is of distinct benefit over its competitors is likely to be rare.

Allowances for Technical Problems

Proposers are advised in every NASA solicitation that it is their responsibility to begin the proposal submission process early enough to account for ubiquitous technical problems with computer systems and with the internet (for electronic submission) or to allow for delivery of the proposal to the designated address (for hardcopy submission).

For hardcopy proposals, the signed original plus all required copies must be received by the deadline. For an electronically submitted proposal, the organization’s authorized representative must submit the complete proposal prior to the deadline. Note that a postmark or other evidence of submission in advance of the deadline does not satisfy the requirement for on-time submission. Similarly, starting a proposal in NSPIRES or Grants.gov, or even submitting the proposal to the authorized representative, does not satisfy the requirement for on-time submission.

If an emergency or unanticipated event interrupts normal Government processes so that proposals cannot be received at the Government office designated for receipt of proposals by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation closing date, the time specified for receipt of proposals will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume. An example might be an act of nature (e.g. hurricane or blizzard affecting NASA) or an act of man (e.g. NSPIRES is offline). The failure of the proposing team to pull their proposal together prior to the deadline, for whatever reason, does not constitute a technical problem. The failure of the proposal team to meet a knowable delivery deadline does not constitute a technical problem. Other circumstances that may constitute a technical problem will be reviewed on a case-by-case basis.

A program officer may declare a proposal “on time” if a proposal would have been received by NASA before the proposal deadline in the absence of the technical problem, if the technical problem cannot be reasonably anticipated and is beyond the reasonable control of the proposer, and if the proposer does not gain a competitive advantage through these circumstances.

Requests for Permission to be Late

NASA does not pre-approve the submission of a late proposal. The decision to submit a late proposal is solely that of the proposer, and it is then NASA’s decision whether to accept it or not. The program officer is not empowered to authorize the submission of a late proposal.

A program officer who receives a request for permission to submit a late proposal, for whatever reason, should reply, “NASA policy, as outlined in the ‘Guidebook for Proposers,’ prevents me

from giving you permission to submit a late proposal or prohibiting you from submitting a late proposal. The decision to submit a late proposal is yours to make. NASA will then decide whether to accept the late proposal for review or not depending on whether the proposal offers a significant technical advantage or cost savings to the Government as compared to proposals received on time.”

Handling Late Proposals

Only the Selecting Official or a designee may accept a late proposal for review.

For NRAs including ROSES, the Selecting Official is the Division Director or the delegated Research Program Director.

For AOs, the Selecting Official is the Associate Administrator. Only the Associate Administrator may accept for review a proposal submitted late to an AO.

When a late proposal is received, the program officer must conduct an initial determination as to whether “a significant reduction in cost to the Government is probable or if there are significant technical advantages, as compared with proposals previously received.” If the program officer determines that the proposal should be reviewed, then a request should be made in writing (e-mail is acceptable) to the Selecting Official. The request must identify the proposer and explicitly describe the advantages offered by the late proposal. The program officer must receive written approval (e-mail is acceptable) from the Selecting Official before the proposal is accepted for review.

Late proposals should only be considered for review if there is a practical way of reviewing the proposal along with the on-time proposals. If the late proposal would be handled in a manner different than the on-time proposals, then the plan for reviewing the late proposal must be an explicit part of the decision to accept the late proposal for review.

If any late proposals are accepted for review, the circumstances must be noted in the Selection Statement or Portfolio Plan that is signed by the Selecting Official. This notice may either be discussed in the body of the selection document, or the written approval to review the late proposal may be appended to the selection document.

Submitting Late Electronic Proposals

Electronic late proposals may only be submitted where the electronic proposal system allows it. Grants.gov does not permit the submission of proposals after the proposal deadline.

NSPIRES will allow proposals to be submitted for four weeks following the proposal deadline if the electronic cover page was created (begun) before the proposal deadline. Any proposal received within NSPIRES after the proposal deadline will be clearly marked as a late proposal.

Proposers who decide to submit a late proposal and have not begun an electronic cover page prior to the proposal deadline must submit the late proposal in a hardcopy form. Should NASA decide to accept the late hardcopy proposal for review, and should there be a requirement that all

proposals are submitted in electronic form, then the program officer and the support contractor will need to manually enter the late proposal into NSPIRES to enable peer review of the late proposal concurrently with the peer review of the on-time proposals.

References

NFS §1815.208(b)

The FAR late proposal criteria do not apply to Announcements of Opportunity, NASA Research Announcements (see NFS §1852.235-72), and Small Business Innovative Research (SBIR) Phase I and Phase II solicitations, and Small Business Technology Transfer (STTR) solicitations. For these solicitations, proposals or proposal modifications received from qualified firms after the latest date specified for receipt may be considered if a significant reduction in cost to the Government is probable or if there are significant technical advantages, as compared with proposals previously received. In such cases, the project office shall investigate the circumstances surrounding the late submission, evaluate its content, and submit written recommendations and findings to the selection official or a designee as to whether there is an advantage to the Government in considering it. The selection official or a designee shall determine whether to consider the late submission.

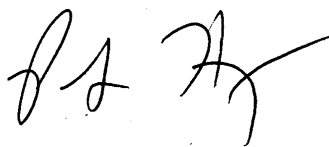
NFS §1852.235-72(g)

Proposals or proposal modifications received after the latest date specified for receipt may be considered if a significant reduction in cost to the Government is probable or if there are significant technical advantages, as compared with proposals previously received.

Special Relief for those affected by Hurricanes Katrina and Rita

On September 23, 2005, an announcement by NASA and other agencies entitled “Hurricane Relief for Federal Research Awards” authorized nine specific actions including flexibility with application deadlines. Specifically,

“Agencies are providing flexibility with regard to the submission of competing applications, both unsolicited, investigator-initiated applications as well as those in response to specific announcements. Investigators and institutions are advised to consult agency specific guidance on their hurricane relief web sites, and/or consult with individual agency program officers on future or more specific application deadlines.”



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