

Issue Date: 04/22/2004

# CONGRESSIONAL NOTIFICATION OF CONTRACT AWARDS

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## I. Purpose

This directive establishes the Department of Homeland Security (DHS) policy for congressional notification of contract awards valued in excess of \$3 million.

## II. Scope

This directive applies to all DHS organizational elements. This directive does not apply to classified contracts.

## III. Authorities

- A. The Homeland Security Act of 2002, codified in Title 6, USC, Public Law 107-296
- B. Federal Acquisition Regulation (FAR) 5.303

## IV. Definitions

- A. **Contracting Officer**. The person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings.
- B. **Contract**. A mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them. It includes all types of commitments that obligate the Government to an expenditure of appropriated funds and that, except as otherwise authorized, are in writing. In addition to bilateral instruments, contracts include (but are not limited to) awards and notices of awards; job orders or task letters issued under basic ordering agreements; letter contracts; orders, such as purchase orders, under which the contract becomes effective by written acceptance or performance; and bilateral contract modifications. Contracts do not include grants and cooperative agreements covered by 31 U.S.C. 6301, et seq.

C. **Contract Award amount.** The award amount shall be calculated to include the full potential value of the award (base year plus options or award terms).

D. **Interested Members of Congress.** Members of the U.S. House of Representatives or Senate whose constituents will be awarded a contract, the House and Senate Authorization and Appropriations Committee and Subcommittee Chair and Ranking Members that request contract information.

## V. Responsibilities

A. The **Contracting Officer** shall complete the Contract Award Notification form, DHS Form 2140-01 attached, and provide it to the Office of Legislative Affairs at least three days prior to the planned public release of any contract award.

## VI. Policy & Procedures

A. **Policy.** It is the policy of Office of Legislative Affairs to provide timely notification to interested Members of Congress about contract awards valued in excess of \$3 million.

B. **Procedures.**

1. Working through the organization's Office of Legislative Affairs and Office of Public Affairs, the contracting officer shall provide a completed Congressional Award Notification form to the DHS Office of Legislative Affairs.

2. As necessary, DHS Office of Legislative Affairs will coordinate with the DHS Office of Public Affairs and the organizational Office of Legislative Affairs/Office of Public Affairs to develop a communications plan to draft an organization or DHS press release.

3. If there is no DHS press release, DHS Office of Legislative Affairs will use the Contract Award Notification form information to notify interested Members of Congress concurrent with public release of the information. DHS Office of Legislative Affairs may also elect to have the organizational Office of Legislative Affairs provide required information to Congress.

4. The DHS Office of Legislative Affairs will use a dedicated Electronic Mail Address (E-mail), [Contracts@dhs.gov](mailto:Contracts@dhs.gov), that will be used solely for receipt of Congressional Notifications.

5. Contracting Officers and organizational level Office of Legislative Affairs/Office of Public Affairs shall transmit Congressional Notifications on the dedicated E-mail address.

6. DHS Office of Legislative Affairs staff will review the E-mail address at least twice each day to assure that Congressional Notifications are processed within the timeframe established by this policy.

7. Unless directed otherwise, Contracting Officers may proceed with public release of contract awards after the elapse of three business days from transmission of the Congressional Award Notification form to DHS Office of Legislative Affairs.

8. When delay in award of the contract action would result in serious injury (financial or otherwise, such as environmental disaster), the contracting officer, in coordination with the organizational element's legislative affairs office, shall provide the information required by the form to DHS Legislative Affairs Office telephonically, concurrent with the award notice to the contractor. The telephonic approval shall be documented on the form and placed in the contract file.

C. **Questions or Concerns Regarding the Process.** Questions or concerns regarding this directive should be addressed to the Office of Legislative Affairs.