DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

Office of the Assistance Secretary

7 Sep 2001

MEMORANDUM FOR ALMAJCOM-FOA-DRU (CONTRACTING)

FROM: SAF/AQCP CONTRACT POLICY MEMO 01-C-06

SUBJECT: Interim Revision of AFFARS 5305.303-91

The Air Force FAR Supplement (AFFARS) 5305.303-91(b)(5) is being revised to require earlier notification to SAF/LLP of contract award recipients under source selection procedures. The due dates and dollar thresholds for DD Form 1279 reports remain the same. The 1279 reports are due to SAF/LLP by close of business three days before anticipated contract award announcement.

However, phoning in the winning contract/contractor information on source selections must be provided the day before contract award announcement. Effective immediately, the telephone notification to SAF/LLP of contract award on source selections is due no later than 1300 hours (Washington DC time) on the day before the anticipated award date. (Previously it had been 0900 the day of contract award.) Failure to notify SAF/LLP in a timely manner will delay contract announcement.

This change is being made to align Air Force processes with Defense FAR Supplement Part 205.303 and provide the Office of the Assistant Secretary of Defense (Public Affairs) enough time to coordinate and notify Congress, DoD acquisition principals, and the media.

This Contracting Policy Memo supersedes Contracting Policy Memo 01-C-04. It amends the AFFARS on an interim basis to reflect the above changes (see Attachment), and will remain in effect until formally incorporated into the AFFARS via an Air Force Acquisition Circular.

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Attachment:
Interim AFFARS Revision 5305.303-91

PART 5305—PUBLICIZING CONTRACT ACTIONS

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PART 5305—PUBLICIZING CONTRACT ACTIONS

SUBPART 5305.2—SYNOPSES OF PROPOSED CONTRACT ACTIONS

5305.202 Exceptions.

(b) The contracting officer shall submit requests for Secretarial approval to SAF/SB. Include documentation explaining the impact of issuing an advance notice stating why the notice is not appropriate or reasonable and identify alternative actions to optimize the opportunity for small business participation.

5305.204-90 Presolicitation Notices.

(a) Responses received as a result of a notice of proposed sole source contract action shall be handled in the following manner:

(1) The contracting officer shall transmit the respondent's information to the technical personnel and shall request a written technical assessment of the information submitted;

(2) The contracting officer shall use the technical assessment and other pertinent information to evaluate the response. The contracting officer's evaluation shall consider such factors as acquisitions history, availability of reprocurement data, contractor capabilities, and the technical assessment;

(3) The contracting officer shall consult with the local competition advocate; and

(4) Contractor responses to the synopsis, technical assessments, and the contracting officer's evaluation shall be included in the contract file.

(b) The contracting officer shall notify potential offerors that responded to a notice of proposed sole source contracting action of the contracting actions resulting from the notice. Announcements of contract awards (see FAR 5.303) or letters to the responding potential offerors may be used. The contracting officer shall send a letter to each responding potential offeror in all cases where the estimated contract value is $2 million or greater.

5305.207 Preparation and transmittal of synopses.

(c) General format for item 17, Description.

(2)(i) In the absence of an National Stock Number (NSN), include the service stock number, if assigned. If a large number of individual items are to be included in the solicitation, this synopsis may list only the six items of highest value as long as the synopsis includes the number and nature of all other items being acquired.

SUBPART 5305.3—SYNOPSES OF CONTRACT AWARDS

5305.303 Announcement of contract awards.

The procedures and policies established for Congressional notification and public announcement of contract awards shall be followed, as appropriate, for all awards to be made using Other Transaction, Grant and Cooperative Agreement Instruments that exceed $5 million.

5305.303-90 General.

(a) Use the estimated amount of the contract to determine if awards for indefinite-delivery/indefinite-quantity, requirements, time-and-materials, labor hour, and similar contracts meet the DOD threshold for public announcement. If multiple awards are being made, and one award meets the threshold, announce all the awards.

(b) For source selections, if the winner is being announced without a concurrent award, submit the report and add the following statement in item (1): "Report is for announcement of source selection winner only. No award is being made now." When award is to be made, submit a new report, with the following statement in item (1): "Report is for contract award. Source selection winner was previously announced on [*insert date*]."

(c) Information on awards shall not be released and awards shall not be made before the established release time of 1700 Washington, DC time on the award date specified in the DD-LA-(AR) 1279 report. This applies to all situations except for emergencies in accordance with 5305.303-91 (b)(4).

(d) Reports containing classified information shall not be sent.

5305.303-91 Procedures.

(a) *Report format.* Prepare the report using organizational letterhead and standard letter format. Address the report to SAF/LLP. The REPLY TO THE ATTENTION OF block should contain the office symbol of the contracting office submitting the report. The SUBJECT is "1279 Report." Mark the report "FOR OFFICIAL USE ONLY." Use the following format, with each numbered item starting on a new line:

(1) Proposed release date. If the actual release date is uncertain, submit the report, inserting "WILL ADVISE," and then call SAF/LLP when the date becomes known. Exclude Saturdays, Sundays, and holidays. For source selections in which the winner is announced without concurrent award, see 5305.303-90 (b);

(2) Name and location of proposed contractor. Include street address, zip code, and county. For source selections, indicate information for all potential awardees without identifying the winner. See 5305.303-91 (b)(5). If more than one award is planned as a result of a source selection, state the number of awards planned;

(3) Face value of the action. List only the total face value of the action. If the face value is a not-to-exceed (NTE) or estimated amount, so state. Do not list funds cites here. For source selections, see 5305.303-91 (b)(5);

(4) Dollars obligated;

(A) If item (3) is less than $50 million, list only the total dollars obligated for this action first and, of this amount, the total amount of money expiring at the end of the current fiscal year, second. Do not list fund cites.

(B) If item (3) is equal to or exceeds $50 million, list on the first line the total dollars obligated for this action followed by the total amount of funds expiring at the end of the current fiscal year. On subsequent lines, provide a breakout of the total dollars obligated for this action, using a separate line for each fund cite in the following format: "AMOUNT/FUND CITE/EXPIRATION DATE." If multiple fund cites are involved, cite the three with the most dollars and state the number of remaining fund cites.

(5) Aggregate dollars obligated under the contract before this action;

(6) Aggregate face value of the contract prior to this action;

(7) Type of contract as defined in FAR Part 16. Do do not use abbreviations. If more than one contract type, list the predominant contract type first;

(8) Item and quantity to be procured. Fully describe what is being bought in clear, nontechnical language. Abbreviations and acronyms should not be used. The weapon system, program, or project associated with the contract should be included in the description;

(9) Name and location of facility to perform the contract including street address, zip code, and county. Indicate whether the facility is a division, affiliate, or subcontractor of the proposed contractor specified in item (2) above. If the work will be done at more than one location, only list those locations, including subcontractors, where 25 percent or more of the work will be done. Indicate the percentage, rounded to the nearest whole percent, to be done at each of these locations;

(10) Number of firms solicited and the number of firms submitting bids/proposals. For modifications to previously reported contracts, enter "N/A;"

(11) Name and address of contracting activity;

(12) Name and telephone number of contracting officer most familiar with the contract action (provide both DSN and commercial numbers);

(13) Reserved;

(14) Foreign Military Sales (FMS) information, if applicable. Indicate whether the contract relates to classified or unclassified FMS and identify the country/countries concerned on unclassified sales;

(15) Contract number (and modification or order number, if applicable);

(16) Information on any proposed local press release or any previous Congressional interest;

(17) If formal source selection procedures are being used, state "Source Selection—Reporting Procedure Applies;"

(18) Scheduled contract delivery date;

(19) Solicitation issue date;

(20) For IFBs, list opening date. For RFPs, list negotiation completion date. For UCAs, list award date; and

(21) Identification of Program Element Monitor (PEM). If item (3) is less than $50 million, state "N/A." If item (3) equals or exceeds $50 million, list the name, phone number, and office symbol of the PEM, or equivalent office of primary responsibility, in the Pentagon. If none, so state.

(b) *Notification Procedures*. Submit the report in accordance with the following procedures: (Accuracy of all information is paramount.)

(1) Submit the report to arrive by close of business three work days before the date of contractual action (contract award, option exercise, etc.), except for those cases in (3) and (4) below. Earlier submission to SAF/LLP is encouraged. Do not delay submittal because award date is not firm (see (a)(1) above). Timeliness is essential because at least three days are required for Air Force coordination prior to announcement of award. Congress is not notified prior to public release of the information;

(2) After a report has been submitted, report any changes in plans promptly by telephone to SAF/LLP, (703) 697-7950 or DSN 227-7950, who will relay these changes to SAF/PAM;

(3) Except when (4) below applies, submit the report on letter contracts to arrive in SAF/LLP three days before mailing or delivery to the contractor for signature. Identify these reports as "Advance Notification." The contracting officer shall then advise the contractor of the earliest date approved for public announcement and shall notify SAF/LLP by telephone when the contractor signs the letter contract and of any changes in the report;

(4) In emergency situations, when it is clearly in the public interest to award a contract at the earliest possible date and the three-day coordination would prejudice that interest, request SAF/LLP permission to deviate from reporting requirements. Prepare the report as usual and send it to SAF/LLP. Include the justification for immediate award in item (1). If the Congressional and public announcement cannot be made the same day as the award, the contracting officer shall obtain the contractor's agreement to withhold public announcement of the award until 1700 hours (Washington, DC time) on the SAF/LLP approved day of Congressional and public announcement. Include in item (1) of the report a statement that this non-disclosure agreement has been made. The contracting officer will notify the contractor of the approved date of public announcement. The award may then be made without the three-day coordination. Emergency situations include supplies or services needed to protect lives or prevent destruction of property. Failure to provide for the three-day coordination in the contract lead-time is not adequate justification for waiver;

(5) Where source selection procedures are used, submit the report to arrive by close of business three workdays before the date of the award of the contract. Mark the report "Source Selection Information—See FAR 3.104" and include the information required by paragraph (a) above for each offeror under consideration by the Source Selection Authority (SSA). The report shall not indicate which of the offerors has been selected for award or the face values of potential awards to the offerors. Instead of face values, provide one approximate face value of award as either "$50 million or above" or "below $50 million." The identity of the successful offeror and face value of award shall be provided by telephone to SAF/LLP no later than ~~0900~~ **1300** hours (Washington, DC time) on the **day before the** anticipated award date. If SAF/LLP is not notified by ~~0900~~ **1300 hours the day before the anticipated award date**, announcement of award may not be possible on the **next** ~~same~~day. If reporting of dollars obligated would also identify the source selection winner, provide a single estimated amount and include the winner's amount during telephonic notifications to SAF/LLP; and

(6) FAX reports only to the Office of the Secretary of the Air Force/Legislative Liaison (SAF/LLP) at FAX number (703) 697-3520/(703) 693-9453 or DSN 227-3520/223-9453. After sending, call SAF/LLP at (703) 697-7950 or DSN

227-7950 to confirm receipt. SAF/LLP will provide a copy to the Office of the Secretary of the Air Force/Public Affairs (SAF/PAM) for public announcement. Do not actually mail the report.

SUBPART 5305.4—RELEASE OF INFORMATION

5305.404 Release of long-range acquisition estimates.

At least once each fiscal year, the head of the contracting activity or designee shall determine whether to release long-range acquisition estimates in accordance with FAR 5.404.

SUBPART 5305.5—PAID ADVERTISEMENTS

5305.502 Authority.

(a) *Newspapers.*

(1) Authority to approve the publication of paid advertisements in newspapers for proposed contracts has been delegated as follows:

(i) For AFMC, to the Senior Center Contracting Official; and

(ii) For other MAJCOMs and field operating agencies (FOAs), to the commander and vice commander with authority to redelegate expenditures of $2,500 or less to the senior commander principally responsible for installation support at each base (or an individual acting in those positions). This authority shall not be redelegated.

(2) Authority to approve the publication of paid advertisements for purposes of recruiting civilian employees has been delegated to the Director of Civilian Personnel, HQ USAF, the directors of civilian personnel at MAJCOMs, and separate operating agencies, and civilian personnel officers in charge of central civilian personnel offices. This authority shall not be redelegated.