

August 5, 1999

MEMORANDUM FOR ALL CONTRACTING OFFICERS AND NEGOTIATORS

To: Distribution List FAC  
From: M/OP, Rodney W. Johnson, Director  
Subject: Congressional Award Notification System

Contract Information Bulletin 99 - 14

This Contract Information Bulletin supersedes and cancels CIB 90-18, dated September 12, 1990.

The reporting threshold for the Congressional Award Notification System is hereby increased to \$1,000,000. The System was established by the Administrator in AID-wide cable, State 209214, dated July 28, 1982 (the text of this cable is attached), for the purpose of reporting awards of \$100,000 or more to U.S. organizations of contracts, grants, cooperative agreements, plus amendments thereto. CIB 90-18 increased the threshold from \$100,000 to \$250,000 and made certain clarifications.

These clarifications are still in effect and are as follows:

- Indefinite quantity or other ordering-type contracts will be reported if the Maximum Ordering Limitation exceeds the threshold amount;
- Amendments which increase the obligated funding, but not the total estimated cost or price, are not to be reported;
- Subawards, other than 8(a) contracts, are not to be reported until further notice; and
- Prime awards to the Small Business Administration under the 8(a) program which exceed the threshold amount are to be reported as awards to the performing subcontractor when the USAID Contracting Officer signs the prime contract, irrespective of the time of signature by SBA).

USAID Missions may continue to send these notices by facsimile transmission to LPA at (202) 216-3036 or they may e-mail them to Barbara Bennett, LPA.

Policies and essential procedures pertaining to the Congressional Award Notification System will be fully incorporated into the appropriate ADS 300 series chapters as soon as possible.

Attachment: UNCLASSIFIED DEPARTMENT OF STATE OUTGOING TELEGRAM

Drafted:M/OP/POL:DMH:dmh:p:\oppub\poldocs\cibs\LEG Notice draft  
CIB.doc:7/19/99

DRAFTED BY AA/M: J R SCALES  
APPROVED BY A/AID MP MCPHERSON

P 248024Z JUL 12 2EX  
FM SECSTATE WASHDC  
TO AID WORLDWIDE PRIORITY  
USMISSION GENEVA  
AMEMBASSY LAGOS  
AMEMBASSY PARIS  
AMEMBASSY ROME  
UNCLAS STATE 295214

AIDAC, FOR MISSION DIRECTORS AND AID REPRESENTATIVES

E.O. 12045: R/A  
TAGS:  
SUBJECT: CONGRESSIONAL AWARD NOTIFICATION

1. Background: Members of the Congress have a substantial interest in the domestic economic effects as well as the humanitarian and other benefits of our programs in the developing nations: as a part of their accountability to their constituents, members often like to be informed of and participate in the announcement of AID financed procurement and assistance awards to organizations based in their jurisdictions.

The most effective means of furthering congressional participation is to give members advance notice so they will have the opportunity to make the initial public announcement of an award. When members are notified of awards upon - or after the fact -- as is the case under the agency's current notification system -- they are less likely to be involved.

Accordingly, this cable establishes a new system under which members will be given the opportunity to announce direct awards, and wherever possible, most country awards, in advance of mission announcement or notification. Similar requirements apply to AID/Washington direct awards. In designing the system, suggestions made by the Procurement Policy Advisory Panel (PPAP) and the regional bureaus were incorporated. Every effort has been made to limit administrative burdens upon the missions and the additional responsibilities outlined are the minimum necessary to ensure that the Congress and the public are well informed in a timely way. Although the Agency's administration of programs is decentralized to a large extent, continued support for our activities depends upon the availability at and prompt dissemination of information from central points in AID/Washington.

2. Procedures:

a. Designation of an individual to serve as liaison from the mission to the Office of Legislative Affairs (LEG): within 14 calendar days, each Mission Director or AID Representative is required to transmit to LEG, by cable, the name and position of an individual who will act in liaison with LEG on matters of award notice. The individual should be involved generally in contracting processes, and available from day to

day. This will establish a clear channel for expression of the mission's political, legal, administrative or other concerns regarding particular awards, permit flexibility in dealing with host country contracts, special awards or problems, and provide a means of supplementing information quickly. Each regional bureau may also designate a representative to serve as liaison. Calls to LEG under this and other provisions of the award notification system should be made to the Office of Legislative Affairs with the caption "LEG - Award Notices". (Telephone 202-712-XXXX)

b. Direct mission contracts, grants, cooperative agreements, and orders awarded to U.S. organizations: whenever the mission awards to a U.S. organization a contract, grant, or cooperative agreement for services or commodities having an estimated cost or price of 100,000 dols. or more (or an amendment that increases the estimated cost or price by that amount), it must notify LEG by priority cable. In exceptional cases, notice may be telephoned, then confirmed by cable. (Interagency agreements and awards to individuals are not to be reported, but individual work orders of an estimated price of 100,000 dols. or more under IQC contracts should be reported.) Notice to LEG must be given 48 hours before the mission notifies the awardee that AID has signed the instrument (contract, grant, cooperative agreement or amendment), notifies any unsuccessful bidder or offerors, or otherwise makes the award public.

The following information is to be provided in the cable:

- (1) whether the award is a contract, grant, cooperative agreement, or order. Please indicate if it is an amendment, and if so, the type of instrument which is amended.
- (2) The award agreement number.
- (3) Date and time when the mission intends to notify the awardee or others. (This should be not less than 48 hours mission time) from the transmittal of the cable to LEG.)
- (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) Project/activity number and title.
- (7) Brief description of services or commodities to be provided under the award, and general program purpose to which the award relates.
- (8) The awardee's name and address (street, city, state, zip code). In the case of commodity awards, please indicate the place or places of U.S. production if known.
- (9) The awardee's contact name and telephone number.
- (10) The following subcontract information: (a) the total value of anticipated subcontracting included in the total estimated cost or price and (b) for each anticipated subcontract of 100,000 dols. or more to a U.S. organization, please provide: (1) the name and address of the

subcontractor, (2) the name and/or U.S. telephone number of the subcontractor contact, if known, (3) a brief description of the services or commodities to be provided, (4) the estimated cost or price, and (5) the period of the subcontract.

(11) Any advice regarding anticipated problems.

During the 48 hour period, the mission is required to refrain from notifying the awardee or others that the award has been made (AID has signed the instrument). Upon receipt of notice from the missions, LEG will notify Members of Congress in a manner that will permit public announcement at or toward the close of the 48 hour period. When the 48 hour period has ended, the mission should promptly advise the awardee and others. If LEG determines that it will not notify Members of the Congress or having done so, the Member of Congress indicates that he or she does not wish to announce it, LEG will advise the mission, or regional bureau immediately, so that it can proceed to notification and any announcement without further delay. If the mission believes that public announcement of an award by a Member of Congress may not be in the interest of the agency because of special circumstances, it should so advise in the cable. In that case, it is LEG's obligation to discuss the matter with the mission or the regional bureau before determining whether to notify Members of Congress.

C. Host country contract awards to U.S. organizations: Members of the Congress are also interested in the domestic benefits of host country contracts, and in announcing awards made to their constituents before or at about the same time as announcement by the host country. Of course, the Agency cannot insist on advance announcement in every case, since the making and timing of host country contract awards are basically prerogatives of the host country. However, where advance announcement is in the mutual interest of the host country, AID and Members of the Congress - as it will be in a substantial number of cases - it can be accomplished through coordination with the host country government. To that end, each Mission Director or AID Representative should discuss with officials of the host country government the Agency's goals and determine if any general arrangements may be made that would permit the mission to give 48 hour advance notice by priority cable (or in exceptional cases telephoned with confirmation by cable) to LEG in appropriate cases. Each mission liaison concerned with award notification may wish to discuss with LEG the prospects for such arrangements.

Notice to LEG is to be given only in the case of host country contract awards to U.S. organizations, having an estimated total cost or price of 100,000 dols. or more, (or any amendment that increases the estimated cost or price by that amount) for services or commodities. (Awards by public sector organizations to U.S. organizations under commodity import programs are also to be reported where the total estimated cost or price is 100,000 dols. or more)

Whenever 48 hour advance notice cannot be coordinated comfortably in terms of the relationship with the host country, notice must be given to LEG by priority cable (or in exceptional cases, telephoned with the confirmation by cable) within 48 hours from the host country contract award.

Whenever notice is given, missions should include in the cable the information required for direct awards where applicable and also the name of the governmental unit of the host country making the award. If AID approval is in doubt or some other potential complication is possible the mission should advise LEG in the cable of the nature of their concern and LEG must discuss the matter with the mission or the regional bureau before determining whether to proceed. Of course, if a problem arises after a notice to LEG, LEG should be advised immediately by telephone or cable.

Also, the missions should ask the procurement agents acting on behalf of host countries under existing contracts to notify the mission of purchase awards to U.S. contractors having a total estimated cost or price of 100,000 dols. or more; such notice should be given upon or promptly after award. Missions are asked to suggest that host countries stipulate such notice in future host country contracts with procurement agents.

Section 2.12 of Chapter 3 of Handbook 11 provides that where a contract is awarded under formal competitive procedures, regardless of amount the mission or procurement agent must send a telegram promptly to the Office of Small and Disadvantaged Business Utilization (PRE/SDB/SB), AID/Washington, listing the IFB number, the name and address of the successful bidder, and the contract amount. In the case of awards having an estimated total cost or price of 100,000 dols. or more under formal competitive procedures, missions may satisfy this requirement by directing a copy of the priority cable to PRE/SDB/SB as well.

D. Reporting: LEG is responsible for reporting to me and to the regional bureaus quarterly on the nature of awards covered by notices to LEG, follow-up actions taken by LEEG in each case and the benefits of these actions. After six months experience, and with your advice, we will evaluate the system and identify any changes that should be made in coverage, procedures or other aspects.

This is effective immediately and supersedes state 194020 and state 138965 dated July 31, 1981 and March 3, 1982 respectively. Shultz