



USAID
FROM THE AMERICAN PEOPLE

CONGRESSIONAL AWARD NOTIFICATION PROCEDURES

A Mandatory Reference document for
ADS Chapters 302 & 303

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***I. NOTIFICATION PROCEDURES**

The congressional award notification procedures set forth in this mandatory reference are to be followed by all USAID Contracting Officers (Cos) and Agreement Officers (AOs).

- *a. After signing an award that meets the criteria in [ADS 302](#) or [303](#), send an e-mail directly to congressionalawards@usaid.gov. Insert "CONGRESSIONAL AWARD NOTICE" in the subject line.

COs and AOs MUST CERTIFY "**RETURN RECEIPT**" on the e-mail by checking the box under options which reads "**Request a delivery receipt for this message.**" You can also select the next box, "**Request a read receipt for this message.**" LPA is responsible for reading these messages in a timely manner and responding accordingly, so you are only required to retain a copy of the delivery receipt.

The award file must contain:

1. A copy of the transmitted e-mail,
 2. The e-mail system delivery confirmation message,
 3. The read receipt e-mail (if received), and
 4. The message from LPA acknowledging receipt of your notification e-mail.
- b. Include the following information in your Notification e-mail:
1. The type of award: contract, grant, cooperative agreement, order, or modification/amendment (indicate the type of instrument being modified or amended).
 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 (**this is the "embargo period," see c. and d. below**) from the time you send your e-mail to LPA, excluding USAID/Washington (USAID/W) weekends and Federal holidays. 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.

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5. The period of the award.
6. The Assistance 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 a general program purpose to which the award relates. You must provide an accurate, descriptive, but succinct summary of the purpose of the award. **Simply describing the overall purpose of the program, i.e. 'PEPFAR is...', is not sufficient. You should describe the kinds of activities that will be undertaken on this award, such as, "strengthen the lifeline of essential drugs and supplies for people living with AIDS in developing countries..."**

You may include the name of the Contracting or Agreement Officer's Technical Representative and authorize LPA to contact him or her directly for more information on the description. You may also choose to name yourself or the contract negotiator as the point-of-contact, LPA can 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 point-of-contact (name and telephone number) for the awardee.
10. Contracts Only - 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), the e-mail must also include:

- (A) The total dollar value of each subcontract,
- (B) The name and address of each subcontract,
- (C) Whether the subcontractor is a small business, and if so, the category of small business (small business, service-disabled veteran-owned small business small business (SDVOSB), HUBZone small business, small disadvantaged business (SDB),

8(a), and/or women-owned small business. Indicate all categories that apply,

(D) The name and 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 of the supplies or services to be provided, and

(G) The period of the subcontract.

Before making any notification on subcontracts, LPA will contact you 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 you believe that you 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. Monitor your e-mails to confirm the time LPA reads your 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, you 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:

Step 1 10:00 a.m. EST on Friday, September 6, 2002
A USAID/W CO or AO signs a contract or assistance instrument and then sends the e-mail to LPA.

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Step 2 10:00 a.m. on Friday, September 6, 2002
The e-mail system confirms delivery. This begins the embargo period.

Step 3 1:30 p.m. on September 6, 2002
LPA "reads" the message.

Step 4 1:33 p.m. on September 6, 2002
LPA sends an acknowledgement e-mail the same day.

Note: The embargo period ends at 10:00 a.m. on Tuesday September 10, unless LPA contacts the CO or AO before then to extend it. If LPA has not contacted you during the embargo period, you may release any public notices either required by regulation or determined to be appropriate by operating unit, except that any communications with Members of Congress or their staff must be through LPA.

LPA will notify you during the embargo period if they need more time to decide whether to notify a Member of Congress or to prepare a public announcement for either the Agency to release or for a Member of Congress to release. LPA may request your cooperation and assistance when preparing this announcement to ensure that it adequately addresses 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 p.m. or whenever USAID/W resumes regular hours). Emergency dismissals or closures are announced Agency-wide through the Notices system and overseas COs or AOs are responsible for monitoring these notices and adding the emergency dismissal or 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 you as soon as possible so that you can proceed to make public notification without further delay.

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II. OTHER CONSIDERATIONS

- a. COs or AOs should make every effort to sign the award without the successful offeror's knowledge. If you cannot sign the award without the successful offeror's knowledge, then ask the contractor/recipient to cooperate in not making a public announcement.
- b. COs or AOs must notify LPA only **after** the award has been 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 an award was made in this case, then that notification would have been inaccurate and this could be embarrassing to the Agency. If you have reasons to think that there may be a protest after award, you 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). Because these pre-award notifications are required by the **FAR**, you must comply. Unsuccessful offerors are unlikely to make a public announcement, but you should ask for their cooperation by not publicly discussing the pending award.
- d. LPA, often on the recommendation of the 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. LPA will coordinate the exchange of information regarding these types of activities. Typically, you 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 you are the designated operating unit representative or you 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 or AOs making awards for Afghanistan that any award over \$50,000, regardless of the type of award, must notify LPA before the public announcement of the award is 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 notified.

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