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Appendix E—[Amended]

6. In Appendix E to part 1355, in Section A., subsection 3., paragraph b.(2) is amended by adding the following elements to the end of the table to read as follows:

3. Missing Data Standards
 * * * * *
 b. * * *
 (2) Less Than Ten Percent Missing Data
 * * *

Element No.	Element description
66	Amount of monthly foster care payment (regardless of source).

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 BILLING CODE 4184-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1801, 1803, 1804, 1805, 1808, 1809, 1810, 1812, 1814, 1815, 1819, 1822, 1825, 1827, 1829, 1831, 1833, 1835, 1837, 1839, 1846, 1849, 1850, 1852, 1853 and 1870

[NASA FAR Supplement Directive 89-19]
 RIN 2700-AB84

Acquisition Regulation; Miscellaneous Amendments to NASA FAR Supplement

AGENCY: Office of Procurement, Acquisition Liaison Division, National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This document amends the NASA Federal Acquisition Regulation Supplement (NFS) to reflect a number of miscellaneous changes dealing with NASA internal and administrative matters, such as the NASA FAR Supplement rewrite and reassignment of duties in the Office of Procurement.

EFFECTIVE DATE: July 31, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. David K. Beck, (202) 358-0482.

SUPPLEMENTARY INFORMATION:

Availability of NASA FAR Supplement

The NASA FAR Supplement, of which this rule is a part, is available in its entirety on a subscription basis from the Superintendent of Documents, Government Printing Office, Washington, DC 20402, telephone

number (202) 512-1800. Cite GPO Subscription Stock Number 933-003-00000-1. It is not distributed to the public, either in whole or in part, directly by NASA.

Rewrite of NASA FAR Supplement

NASA is reviewing and rewriting 48 CFR chapter 18, the NASA FAR Supplement, in its entirety in order to implement recommendations of the National Performance Review. During this review, NASA is eliminating reporting requirements and making other changes in order to reduce and simplify the regulation. This rule is part of the effort to simplify NASA's regulations.

Summary of Changes

Part 1801—Federal Acquisition Regulations System—Unnecessary words and sections in subparts 1801.1 to 1801.4 are eliminated. Section 1831.101 on deviations from cost principles is moved to 1804.471(c)

Part 1810—Specifications, Standards, and Other Purchase Descriptions—Unnecessary words and duplicative policy are removed.

Part 1814—Sealed Bidding—Unnecessary words, sentences and section are eliminated.

Subpart 1815.1—General Requirements for Negotiation—Subpart is eliminated because it is unnecessary guidance.

Subpart 1815.4—Solicitation and Receipt of Proposals and Quotations—Unnecessary paragraphs, sentence and words are eliminated.

Subpart 1815.5—Unsolicited Proposals—Section 1815.502 is revised to emphasize that NASA encourages unsolicited proposals that are unique and innovative. Sections 1815.503, 1815.504-70, and 1815.506 are revised to remove unnecessary words.

Subpart 1815.6—Source Selection—Unnecessary paragraphs, sentence and words are eliminated.

Subpart 1815.10—Preaward, Award, and Postaward Notifications, Protests, and Mistakes—Unnecessary words are eliminated.

Part 1827—Patents, Data, and Copyrights—Unnecessary words are removed.

Part 1833—Protests, Disputes, and Appeals—Paragraphs 1833.104(a) and (d) are revised in order to correct references to FAR sections.

Part 1835—Research and Development Contracting—Unnecessary words are removed. The following paragraphs and sections are removed because they are covered elsewhere: 1835.003(b) (covered by FAR 35.003(b)), 1835.003-70 (covered by 1835.070(a)

and 1852.235-70), 1835.003-71(a) (covered by 1827.373(b)), 1835.003-71(b) (covered by 1835.070(c)), and 1835.071 (covered by 1846.270(a)).

Part 1837—Service Contracting—Section 1837.000 is eliminated because it is unnecessary.

Part 1839—Acquisition of Information Resources—Unnecessary words are removed. Revises thresholds based on current delegations from GSA.

Part 1846—Quality Assurance—Unnecessary words are removed. Section 1846.670-2(a) and paragraph (a) of the clause at 1852.246-72 are revised to clarify that the clause applies only to deliveries to the Government.

Part 1849—Termination—Dollar thresholds in 1849.111-71 are revised in order to eliminate the requirement for a Board to review and approve a Termination Contracting Officer's actions involving amounts up to \$1 million and, under complete terminations, fee up to \$100,000. 1849.102-70, 1849.111-72, and 1849.111-74 are clarified. In order to conform to FAR 49.110(a), detailed instructions in 1849.603-70(d)(1) and (2) are replaced with references to FAR 15.808(a).

Part 1852—Solicitation Provisions and Contract Clauses—A clause is revised as discussed under part 1846.

Part 1853—Forms—Unnecessary words in 1853.101, 1853.103, 1853.104, and 1853.105 are eliminated. The requirement in 1853.105 to obtain approval from NASA Headquarters prior to using computer generated forms is eliminated. Sections 1853.204, 1853.216-70 and 1853.242-70 through 1853.242-72 are revised to eliminate redundant words. A reference in 1853.249(b) is corrected.

Subpart 1870.1—NASA Acquisition of Investigations System—Unnecessary words are removed.

Subpart 1870.2—NASA Research Announcement System—Unnecessary words are removed. In paragraph 16 about canceling NRA's, the reference to the Commerce Business Daily (CBD) is removed because the CBD does not publish cancellation notices.

Impact

NASA certifies that this regulation will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

List of Subjects in 48 CFR Parts 1801, 1803, 1804, 1805, 1808, 1809, 1810, 1812, 1814, 1815, 1819, 1822, 1825, 1827, 1829, 1831, 1833, 1835, 1837, 1839, 1846, 1849, 1850, 1852, 1853 and 1870

Government procurement.

Thomas S. Luedtke,
Deputy Associate Administrator for Procurement.

Accordingly, 48 CFR parts 1801, 1803, 1804, 1805, 1808, 1809, 1810, 1812, 1814, 1815, 1819, 1822, 1825, 1827, 1829, 1831, 1833, 1835, 1837, 1839, 1846, 1849, 1850, 1852, 1853 and 1870 are amended as follows.

1. The authority citation for 48 CFR parts 1801, 1803, 1804, 1805, 1808, 1809, 1810, 1812, 1814, 1815, 1819, 1822, 1825, 1827, 1829, 1831, 1833, 1835, 1837, 1839, 1846, 1849, 1850, 1852, 1853, and 1870 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1801—FEDERAL ACQUISITION REGULATIONS SYSTEM

2. Section 1801.000 is revised to read as follows:

1801.000 Scope of part.

This part sets forth general information about the National Aeronautics and Space Administration (NASA) Federal Acquisition Regulation (FAR) Supplement.

Subpart 1801.1—Purpose, Authority, Issuance

1801.101 [Removed]

3. Section 1801.101 is removed.

4. Paragraphs (a) and (b) of section 1801.102 are revised to read as follows:

1801.102 Authority.

* * * * *

(a) The National Aeronautics and Space Act of 1958 (Pub. L. 85-568; 42 U.S.C. 2451 et seq.).

(b) 10 U.S.C. chapter 137.

* * * * *

5. Paragraph (a)(3) of section 1801.104-1 is revised to read as follows:

1801.104-1 Publication and code arrangement.

(a) * * *

(3) A separate loose-leaf edition.

* * * * *

6. Section 1801.104-2 is revised to read as follows:

1801.104-2 Arrangement of regulations.

(a) Unless otherwise stated, cross references are to parts or subdivisions of the regulations in this chapter.

(b) The regulations in this chapter may be referred to as the NASA FAR Supplement or the NFS.

(c) A NFS "version" is the basic loose-leaf edition NFS with all NFS Directive (NFSD) change pages filed up to and including the NFSD number that corresponds to the "version" number. For example, for the 1989 edition of the NFS, Version 89.3 consists of pages from NFSD 89-0 (basic NFS), with change pages filed from NFSD's 89-1, 89-2, and 89-3.

7. Section 1801.104-3 is revised to read as follows:

1801.104-3 Copies.

Subscriptions to the following publications may be obtained by writing to Superintendent of Documents, U.S. Government Printing Office (GPO), Washington, DC 20402, or by calling (202) 512-1800. Telephone orders may be charged to Visa, Mastercard, or a GPO Deposit Account. A subscription consists of the basic edition, plus all changes issued for an indefinite period. The prices and periods of subscriptions are set by GPO.

NASA FAR SUPPLEMENT (NFS)

GPO Subscription (Subscript.) Stock No. 933-003-00000-1

FEDERAL ACQUISITION REGULATION (FAR)

GPO Subscript. Stock No. 922-006-00000-8 (Note: The FAR is not a NASA publication.)

Public libraries that possess title 48, Code of Federal Regulations (CFR) are also a source of information, but this source is updated only once each year.

8. Section 1801.104-370 is revised to read as follows:

1801.104-370 Internal dissemination.

The Office of Procurement, NASA Headquarters (Code HK), distributes the Federal Acquisition Regulation (FAR), Federal Acquisition Regulation Circulars (FAC), NASA FAR Supplement (NFS), NFS Directives (NFSD), Procurement Notices (PN), and Procurement Information Circulars (PIC) directly to NASA Headquarters offices and to installation distribution points. Mrs. Cynthia O'Bryant (202-358-1248) is the contact point for Headquarters personnel and the installation distribution points. NASA center personnel may be placed on the distribution list or may obtain extra copies by contacting the designated distribution point for their installation. (Do not order these documents on a NASA Form 2 from the Goddard Space Flight Center.)

9. Section 1801.105 is revised to read as follows:

1801.105 OMB approval under the Paperwork Reduction Act.

(a) *NASA FAR Supplement requirements.* The following OMB control numbers apply:

NASA FAR Supplement segment	OMB control No.
1815.406-70(b)(5)(iii)	2700-0082
1815.608-72	2700-0080
1819	2700-0073
1819.72	2700-0078
1827	2700-0052
1843	2700-0054
NF 533	2700-0003
NF 667	2700-0004
NF 1018	2700-0017

(b) *Solicitations and contracts.* Various requirements in a solicitation or contract, generally in the statement of work, are not tied to specific paragraphs cleared in paragraph (a) of this section, yet require information collection or recordkeeping. The following OMB control numbers apply to these requirements: 2700-0086 (small purchases), 2700-0087 (solicitations that may result in bids or proposals not exceeding \$500,000), 2700-0085 (solicitations that may result in bids or proposals exceeding \$500,000), 2700-0088 (contracts not exceeding \$500,000), and 2700-0089 (contracts not exceeding \$500,000). These OMB control numbers, as applicable, shall be displayed in the upper right hand corner of the cover page of each solicitation/contract. Overprinting is authorized by 1853.104.

10. Subpart 1801.2 is revised to read as follows:

Subpart	1801.2 Administration
1801.270	Amendment of regulation.
1801.270-1	Revisions.
1801.270-2	Procurement notices.
1801.270-3	Effective date.
1801.270-4	Numbering.
1801.271	NASA procedures for FAR and NFS changes.
1801.272	Procurement information circulars.

Subpart 1801.2—Administration

1801.270 Amendment of regulation.

1801.270-1 Revisions.

The regulations in this chapter are amended by publishing amendments in the Federal Register and by issuing NFSD's containing loose-leaf replacement pages revising various segments of it (also see 1801.270-2). Each replacement page bears the NFSD number and page number at the top. A vertical bar at the side of a line indicates that a change has been made within that line.

1801.270-2 Procurement notices.

(a) The regulations in this chapter are amended by publishing amendments in the Federal Register and by issuing Procurement Notices (PN's) when it is necessary or advisable to promulgate as rapidly as possible selected material revising this regulation in advance of an NFSD.

(b) Unless otherwise indicated, each PN remains in effect until the effective date of the subsequent NFSD incorporating the PN or until specifically canceled.

1801.270-3 Effective date.

(a) Compliance with a revision to the regulations in this chapter shall be in accordance with the NFSD or PN containing the revision. Procurements initiated after receipt of new or revised clauses should, to the maximum practicable extent, include such clauses.

(b) Unless otherwise stated, solicitations that have been issued, and bilateral agreements for which negotiations have been completed, before the receipt of new or revised contract clauses need not be amended to include the new or revised clauses if including them would unduly delay the procurement.

1801.270-4 Numbering.

NFSD's and PN's are numbered consecutively, prefixed by the last two digits of the calendar year of issuance of the current edition of the NASA FAR Supplement.

1801.271 NASA procedures for FAR and NFS changes.

(a) Informal suggestions for improving the regulations in this chapter, including correction of errors, should be directed to the Contract Management Division (Code HK).

(b)(1) Formal requests for changes to the FAR or the NFS should be written and contain,

(i) A description of the problem the suggested revision is designed to cure,

(ii) The revision in the form of a marked-up copy of the current FAR or NFS language or the text of any additional language,

(iii) The consequences of making no change and the benefits to be expected from a change, and

(iv) Any other information necessary for understanding the situation, such as relationship between FAR and NFS coverage, legal opinions, coordination with other offices, and existing agreements.

(2) Formal requests for FAR and NFS changes should be sent to the Associate Administrator for Procurement (Code HK). Requests from Headquarters offices

should originate at the division level or higher, while installation requests should be signed at the procurement officer or higher level.

1801.272 Procurement Information Circulars.

(a) The Procurement Information Circular (PIC) is used for internal dissemination of procurement-related information and directives not suitable for inclusion in the NFS. The Contract Management Division (Code HK) is responsible for issuing PIC's.

(b) PIC's are numbered on a calendar year basis, beginning with number 1, prefixed by the last two digits of the year. To ensure periodic review, PIC's normally will automatically expire on December 31 of the year of issuance.

Subpart 1801.3—Agency Acquisition Regulations

11. Paragraphs (b) introductory text, (b)(1) introductory text, and (b)(2)(i) of section 1801.301 are revised to read as follows:

1801.301 Policy.

* * * * *

(b) All procurement policies, regulations, procedures, and forms requiring publication for public comment in accordance with 41 U.S.C. 418b. This statute requires publication where there will be a significant effect beyond the internal operating procedures of the agency or a significant cost or administrative impact on contractors or offerors.

(1) The statute does not define "significant effect beyond the internal operating procedures" or "significant cost or administrative impact." Examples of policies or procedures that fall in either of these categories are given in paragraphs (b)(1) (i) through (iv) of this section.

* * * * *

(2) * * *

(i) Security procedures for identifying and badging contractor personnel to obtain access at a NASA installation.

* * * * *

12. Section 1801.303 is revised to read as follows:

1801.303 Publication and codification.

Part, subpart, and section numbers 70 through 89 are reserved for NASA FAR Supplement use.

Subpart 1801.4—Deviation from the FAR

13. Section 1801.400 is revised to read as follows:

1801.400 Scope of subpart.

This subpart prescribes the policies and procedures for authorizing deviations from the NASA FAR Supplement and the FAR.

1801.401, 1801.402, 1801.403, 1801.404, 1801.405, 1801.470 [Removed]

14. Sections 1801.401, 1801.402, 1801.403, 1801.404, 1801.405, and 1801.470 are removed.

1801.471 [Amended]

15. and 16. In section 1801.471, paragraphs (a) and (b)(2) are revised and paragraph (c) is added to read as follows:

1801.471 Procedure for requesting deviations.

(a) Requests for authority to deviate from the FAR or the regulations in this chapter shall be:

(1) Submitted to the Director, Program Operations Division, Office of Procurement, NASA Headquarters (Code HS); and

(2) Signed by the procurement officer.

(b) * * *
(2) A full description of the deviation, the circumstances in which it will be used, and the specific contract action(s) to which it applies;

* * * * *

(c) Requests for individual deviations from FAR cost principles under FAR 31.101 should provide the following information:

(1) The name and phone number of the contracting officer;

(2) A copy of the contractor's request for cost allowance;

(3) The rationale for granting the deviation and supporting information, including the benefit to the Government;

(4) The dollar amount involved; and

(5) Any other information considered relevant to the request.

PART 1803—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

1803.104-11 [Amended]

17. In paragraphs (b) and (c) of section 1803.104-11, "(Attn: Code HP)" is revised to read "(Attn: Code HS)".

1803.303 [Amended]

18. In paragraph (a) introductory text of section 1803.303, "(Code HP)" is revised to read "(Code HS)".

19. In paragraph (c) of section 1803.303, "(Code HP)" is revised to read "(Code HS)", and "(Code HP)" is revised to read "(Code HS)".

1803.806 [Amended]

20. In section 1803.806, "(Code HP)" is revised to read "(Code HK)".

PART 1808—REQUIRED SOURCES OF SUPPLIES AND SERVICES**Subpart 1808.6—Acquisition from Federal Prison Industries, Inc.****1808.605 [Amended]**

21. In paragraph (c) of section 1808.605, “(Code HP)” is revised to read “(Code HS)”.

PART 1809—CONTRACTOR QUALIFICATIONS**Subpart 1809.1—Responsible Prospective Contractors****1809.104-70 [Removed]**

22. Section 1809.104-70 is removed.

Subpart 1809.4—Debarment, Suspension, and Ineligibility**1809.404 [Amended]**

23. In paragraphs (a) and (c) of section 1809.404, “Code HP” is revised to read “Code HS” in each occurrence.

1809.405 [Amended]

24. In section 1809.405, “(Code HP)” is revised to read “(Code HS)”.

1809.405-1 [Amended]

25. In paragraph (b) of section 1809.405-1, “(Code HP)” is revised to read “(Code HS)”.

1809.405-2 [Amended]

26. In section 1809.405-2, “(Code HP)” is revised to read “(Code HS)”.

1809.406-3 [Amended]

27. In section 1809.406-3, “(Code HP)” is revised to read “(Code HS)”.

1809.407-3 [Amended]

28. In section 1809.407-3, “(Code HP)” is revised to read “(Code HS)”.

1809.408 [Amended]

29. In paragraph (d) of section 1809.408, “(Attn: Code HP)” is revised to read “(Attn: Code HS)”.

30. In paragraph (e) of section 1809.408, “(Code HP)” is revised to read “(Code HS)”.

1809.470-1 [Amended]

31. In the introductory text of section 1809.470-1, “(Code HP)” is revised to read “(Code HS)”.

1809.470-3 [Amended]

32. In section 1809.470-3, “(Code HP)” is revised to read “(Code HS)”.

33. Part 1810 is revised to read as follows:

PART 1810—SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS

Sec.

1810.001 Definitions.

1810.002 Policy.

1810.002-70 NASA policy.

1810.002-71 Performance-based contracting.

1810.004 Selecting specifications or descriptions for use.

1810.004-70 Additional requirements.

1810.004-71 Brand-name-or-equal purchase description.

1810.007 Deviations.

1810.008 Identification and availability of specifications.

1810.008-70 Brand-name-or-equal awards.

1810.011 Solicitation provisions and contract clauses.

1810.011-70 NASA solicitation provisions and contract clauses.

Authority: 42 U.S.C. 2473(c)(1).

1810.001 Definitions.

Brand-name product means a commercial product described by brand name and make or model number or other nomenclature by which it is offered for sale to the public by the manufacturer, producer, or distributor.

1810.002 Policy.

Implementation of the Metric Conversion Act of 1975, as amended, and FAR 10.002(c), shall be in accordance with the policy section of NMI 8010.2, Use of the Metric System of Measurements in NASA Programs.

1810.002-70 NASA policy.

Whenever a specification is deemed inadequate, the contracting officer shall initiate action to recommend that the activity responsible for the specification amend or revise it to obviate the necessity for repeated departures from the specification.

1810.002-71 Performance-based contracting.

Use of performance-based specifications, where feasible, is the preferred method for establishing contract requirements. Requiring activities shall, to the maximum extent practicable, use performance-based specifications, purchase descriptions and statements of work to give contractors freedom to innovate and economize, and to hold contractors accountable for the end results.

1810.004 Selecting specifications or descriptions for use.

(a) As required by FAR 10.004(e), contracts will include appropriate preservation, packaging, packing, and marking requirements. The services of packaging technicians shall be used to—

(1) Develop preservation, packaging, packing, and marking requirements; and
(2) Assist in evaluating contractors' packaging, packing, and marking cost estimates or charges.

(b) Unrealistic preservation, packaging, packing, and marking requirements should be reported and changes recommended to the activity originating the requirement and to the contracting officer.

1810.004-70 Additional requirements.

Many specifications cover several grades or types and provide for options in methods of inspection. When such specifications are used, the solicitation shall state specifically the grade, type, or method of inspection on which offers are to be based.

1810.004-71 Brand-name-or-equal purchase description.

(a) Purchase descriptions containing references to one or more brand-name products followed by “or equal” may be used only when authorized by FAR 10.004(b)(3) and in accordance with this part 1810 (see 1810.008-70, 1810.011, and 1852.210-70).

(b) “Or equal” should not be added if it is determined under paragraph (a) of this section that only a particular product meets the essential requirements of the Government (e.g., when the required supplies can be obtained only from one source (see FAR 6.302-1)).

(c) To the extent feasible, all acceptable brand-name products should be referenced. If “brand-name-or-equal” is used, offerors must be given the opportunity to offer products other than those referenced by brand name if those products will meet the needs of the Government in essentially the same manner.

(d) “Brand-name-or-equal” purchase descriptions should set forth the salient physical, functional, or other characteristics essential to the needs of the Government. Purchase descriptions should contain the following characteristics, in addition to those at FAR 10.004(b)(1), to the extent available, and include other information necessary to describe the item:

(1) Complete common generic identification of the item.

(2) Model, make, or catalog number for each brand-name product, and identity of the commercial catalog in which it appears.

(3) Name of manufacturer, producer, or distributor of each brand-name product referenced (and address if company is not well known).

(e) When it is needed to describe the item required, a commercial catalog

description, or pertinent extracts, may be used if the description is identified in the solicitation as being that of the manufacturer, producer, or distributor. The contracting officer shall ensure that a copy of any catalog referenced (except parts catalogs) is available on request for review by offerors at the contracting office.

(f) Offerors offering brand-name products shall not be required to furnish samples; however, solicitations may require the submission of samples from offerors proposing "or equal" products.

(g) Proposals offering products differing from brand-name products referenced in a "brand-name-or-equal" purchase description shall be considered for award if the contracting officer determines under the provision at 1852.210-70 that the offered products meet the salient characteristics required by the solicitation. Offers shall not be rejected because of minor differences in design, construction, or features that do not affect the suitability of the products for their intended use.

(h) Except as provided in paragraph (i)(1) of this section, when a "brand-name-or-equal" purchase description is included in a solicitation, the following shall be inserted after each item so described in the solicitation for completion by the offeror:

Offering:

Manufacturer's Name

Brand No.

(i)(1) Where components of an end item are described in the solicitation by a "brand-name-or-equal" purchase description and the contracting officer determines that applying the provision at 1852.210-70 to them would be impracticable, the requirements of paragraph (h) of this section shall not apply. In such cases, if the provision is included in the solicitation for other reasons, a statement substantially as follows shall be included:

The provision entitled Brand Name or Equal does not apply to the following components:

(List the components to which the provision does not apply.)

(2) If the contracting officer determines that the provision at 1852.210-70 should apply only to certain components, the requirements of paragraph (h) of this section shall apply to them, and a statement substantially as follows shall be included:

The provision entitled Brand Name or Equal applies to the following components:

(List the components to which the provision applies.)

(j) The policies and procedures prescribed in paragraphs (a) through (i) of this section apply to sealed-bid and negotiated procurements. If use of the provision is not practicable (as may be the case, for example, in exigency purchases), suppliers shall be informed that proposals offering products different from the products referenced by brand name will be considered if the contracting officer determines that they are equal in all significant and material respects to the products referenced.

1810.007 Deviations.

If an exception or deviation from a Federal or military specification is required—

(a) The contracting officer shall, before issuing the solicitation, submit a fully documented and justified request for the deviation to the procurement officer; and

(b) The procurement officer shall comply with FAR 10.007(a).

1810.008 Identification and availability of specifications.

Each solicitation shall include the applicable specifications, standards, plans, drawings, and other pertinent documents, or shall state where they can be obtained or examined.

1810.008-70 Brand-name-or-equal awards.

Award documents shall identify or incorporate by reference an identification of the specific products the contractor is to furnish. This identification shall include any brand name and make or model number, descriptive material, and any modifications of brand-name products specified in the solicitation. Included in this requirement are those instances in which (a) the description of the end item contains "brand-name-or-equal" purchase descriptions of components or of accessories related to the end item and (b) the solicitation includes the provision at 1852.210-70 as applicable to such components or accessories (see 1810.004-70(i)).

1810.011 Solicitation provisions and contract clauses.

1810.011-70 NASA solicitation provisions and contract clauses.

(a) When a "brand-name-or-equal" purchase description is used, the contracting officer shall insert in the solicitation the provision at 1852.210-70, Brand Name or Equal.

(b) The contracting officer shall insert the provision at 1852.210-71, Descriptive Literature for Used Material, in solicitations containing FAR provision 52.210-6, Listing of Used or Reconditioned Material, Residual

Inventory, and Former Government Surplus Property. Insert the information needed to make a determination that the items to be furnished can reasonably be expected to conform to the requirements of the solicitation.

(c) The contracting officer may insert a clause substantially as stated in 1852.210-72, Supplies and/or Services to be Furnished, in all solicitations and contracts to indicate the items to be delivered. Insert the item number, description of the supplies (see FAR 2.101 for definition) and/or services to be furnished, quantities to be furnished, unit and unit price (if applicable), and total dollar amount. The column headings may be modified for what is being acquired and the type of contract.

(d) The contracting officer shall insert a clause substantially as stated at 1852.210-75, Packaging and Marking, in solicitations and contracts where the packaging and marking requirements of NASA Handbook (NHB) 6000.1 and/or MIL-STD-2073-1 and MIL-STD-2073-2 are appropriate. Insert the applicable information for the particular procurement. Substitute Alternate I for paragraphs (a), (b), (c), and (d) of the basic clause if commercial packing and marking practices are to be used. Add Alternate II if space flight item(s) are to be delivered.

PART 1812—CONTRACT DELIVERY OR PERFORMANCE

Subpart 1812.3—Priorities and Allocations

1812.302 [Amended]

34. In section 1812.302(a), the phrase "Headquarters Acquisition Liaison Division, Code HP" is revised to read "Headquarters Program Operations Division, Code HS".

1812.303-70 [Amended]

35. In paragraph (e) of section 1812.303-70, the phrase "The Headquarters Acquisition Liaison Division (Code HP)" is revised to read "The Headquarters Program Operations Division (Code HS)", and at the end of the paragraph, "Code HP" is revised to read "Code HS".

PART 1814—SEALED BIDDING

Subpart 1814.2—Solicitation of Bids

1814.201-2 [Removed]

36. Section 1814.201-2 is removed.

37. and 38. In section 1814.201-5, paragraph (a) is revised, paragraph (b) is removed, and paragraph (c) is redesignated as paragraph (b) to read as follows:

1814.201-5 Part IV—Representations and instructions.

Section M—Evaluation factors for award.

(a) The contracting officer shall state if award is to be made in the aggregate (all-or-none basis) or by specified groups of items.

(b) * * *

1814.201-670 [Amended]

39. In section 1814.201-670, paragraph (b), a period is added after "1814.201-5(a)", and the phrase "and (b) and FAR 52.214-10 and 52.215-16." is removed.

40. In section 1814.201-670, paragraph (c), the last sentence is removed.

41. Paragraph (d) of section 1814.201-670 is revised to read as follows:

1814.201-670 NASA solicitation provisions.

* * * * *

(d) If a pre-bid conference is planned, the contracting officer shall insert the provision at 1852.215-77, Preproposal/Prebid Conference. See 1815.407-70(f).

Subpart 1814.4—Opening of Bids and Award of Contract

42. Section 1814.404-1 is revised to read as follows:

1814.404-1 Cancellation of invitations after opening.

(a) The authority to make the determination at FAR 14.404-1(c) is delegated to the contracting officer, except as provided in paragraph (b)(2) of this section.

(b) A determination under FAR 14.404-1(c)(6) or (7) that includes an authorization to complete the acquisition through negotiation (see FAR 14.404-1(e)(1)) shall be approved by the procurement officer, who shall obtain the advice of the Chief Counsel before making this determination.

1814.404-170 [Removed]

43. Section 1814.404-170 is removed.

44. Paragraph (a) of section 1814.406-3 is revised to read as follows:

1814.406-3 Other mistakes disclosed before award.

(a) The Associate Administrator for Procurement is authorized to permit the correction of bids under FAR 14.406-3(a) and (b) and the award of a contract under FAR 14.406-3(d). Procurement officers are authorized to permit withdrawal of bids when the conditions in FAR 14.406-3(c) are met.

* * * * *

45. In paragraph (b) of section 1814.406-3 the comma after the word

"and" is removed and the phrase "as an alternative," is removed.

1814.406-4 [Amended]

46. In the introductory text of section 1814.406-4, the phrase "installation's Office of" is removed and paragraph (c) of section 1814.406-4 is removed.

47. Paragraph (a) of section 1814.407-1 is revised to read as follows:

1814.407-1 General.

(a) A notice of award as a specific document is used when the contracting officer needs to inform a responsible bidder that its offer was determined to be the most advantageous to the Government (considering only price and price-related factors) and that the formal award will be made upon satisfaction of specified pre-performance conditions.

* * * * *

1814.407-1 [Amended]

48. In paragraph (b) of section 1814.407-1, in the first sentence, the phrase "in sealed bidding" is removed.

49. In paragraph (c) of section 1814.407-1, in the first sentence, the phrase "in sealed bidding" is removed, and in the third sentence, the phrase "for use in sealed bidding" is removed.

50. In paragraph (d) of section 1814.407-1, in the first sentence, the phrase "in sealed bidding" is removed.

51. In paragraph (e) of section 1814.407-1, in the second sentence, the phrase "a reasonable date certain," is removed.

52. In section 1814.407-1, paragraph (f) is revised to read as follows:

1814.407-1 General.

* * * * *

(f) The notice of award can be issued by any formal written means such as a letter, telegram or electronic means. The notice should be substantially the same as the following format.

FORMAT * * *

* * * * *

53. In section 1814.407-1, under NOTES at the end of FORMAT, in paragraph (g), the phrase "a reasonable date certain," is removed.

PART 1815—CONTRACTING BY NEGOTIATION

Subpart 1815.1 [Removed]

54. Subpart 1815.1 is removed.

Subpart 1815.4—Solicitation and Receipt of Proposals and Quotations

55. Section 1815.405-1 is revised to read as follows:

1815.405-1 General.

(a) Solicitations for information or planning purposes are particularly useful when a procurement can be properly negotiated only after potential offerors have had an opportunity to become familiar with a large quantity of data, or when it would be desirable to have industry participation in formulating and reviewing complex specifications or requirements.

(b) Solicitations for information or planning purposes may not be used as a means for prequalifying offerors.

(c) Requirements for automatic data processing equipment or support services to perform specified operations or achieve certain results may be suitable for advance review and comment by the private sector when diverse approaches to accomplishing mission objectives may be feasible. The material made available in advance may vary from a comprehensive draft of a proposed requirement to a partial draft; e.g., statement of work and/or specifications or reports.

1815.405-70 [Removed]

56. Section 1815.405-70 is removed.

1815.405-71 [Amended]

57. In section 1815.405-71, paragraph (b) introductory text, the first sentence is removed.

58. In section 1815.406, paragraph (b) is revised to read as follows:

1815.406 Preparing requests for proposals (RFP's) and requests for quotations (RFQ's).

(a) * * *

(b) When advisable, particularly in the case of research and development, proposals shall be requested in two parts:

(1) An unpriced technical proposal, and

(2) A cost proposal cross-referenced to the technical proposal (see 1815.406-70).

* * * * *

59. In section 1815.406-5, paragraph (b)(1) is removed, the existing paragraphs (b)(2) through (b)(8) are redesignated as paragraphs (b)(1) through (b)(7), and paragraph (b)(8) is added to read as follows:

1815.406-5 Part IV—Representations and instructions.

* * * * *

(b) * * *

(8) See 1846.470.

60. The introductory text of section 1815.412 is revised to read as follows:

1815.412 Late proposals and modifications.

For broad agency announcements listed in 1835.016 and SBIR Phase I and Phase II solicitations—

* * * * *

Subpart 1815.5—Unsolicited Proposals

1815.502 [Amended]

61. In section 1815.502, the phrase “of unsolicited proposals” is revised to read “of unique and innovative unsolicited proposals”.

1815.503 [Amended]

62. In section 1815.503, paragraph (a), the last sentence is removed.

63. In section 1815.503, paragraph (b), in the first sentence the phrase “to agencies in addition to NASA,” is revised to read “to other agencies or to JPL in addition to NASA,” and in the last sentence, the phrase “to another agency for action” is revised to read “to another agency or JPL for action”.

64. In paragraph (c) of section 1815.503, the first sentence is removed.

1815.504–70 [Amended]

65. In section 1815.504–70, “(Code HP)” is revised to read “(Code HK)”, the phrase “The Headquarters Office of Small and Disadvantaged Business Utilization (Code K)” is revised to read “The Headquarters Office of Procurement (Code HK)”, and the last sentence is removed.

1815.506 [Amended]

66. In section 1815.506, paragraph (a)(3) is removed.

Subpart 1815.6—Source selection

67. Section 1815.611 is revised to read as follows:

1815.611 Best and final offers.

For competitive procurements of \$25 million or more, approval of the Associate Administrator for Procurement (Code HS) is required before reopening discussions and requesting additional best and final offers. For competitive procurements with values less than \$25 million, approval of the Procurement Officer is required.

1815.613–71 [Amended]

68. In section 1815.613–71, paragraph (a) designation and heading is removed and paragraph (b) is removed.

Subpart 1815.10—Preaward, Award, and Postaward Notifications, Protests, and Matters

69. In section 1815.1003–2, paragraph (a) introductory text is revised to read as follows:

1815.1003–2 Policy.

(a) NASA shall debrief an unsuccessful competitor in accordance with FAR 15.1003. Debriefings shall be consistent with—

* * * * *

PART 1822—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Subpart 1822.4—Labor Standards for Contracts Involving Construction

1822.406–13 [Amended]

70. In section 1822.406–13, “(Attn: Code HP)” is revised to read “(Attn: Code HK)”, and the phrase “The Acquisition Liaison Division (Code HP)” is revised to read “The Contract Management Division (Code HK)”.

Subpart 1822.8—Equal Employment Opportunity

1822.804–2 [Amended]

71. In section 1822.804–2, “(Code HP)” is revised to read “(Code HK)”.

1822.807 [Amended]

72. In section 1822.807, the phrase “the Headquarters Acquisition Liaison Division (Code HP)” is revised to read “the Headquarters Contract Management Division (Code HK)”.

PART 1825—FOREIGN ACQUISITION

Subpart 1825.72—Limitation on Strategic Defense Initiative (SDI) Contracting

1825.7200 [Amended]

73. In section 1825.7200, the phrase “the Acquisition Liaison Division (HP)” is revised to read “the Program Operations Division (HS)”.

PART 1827—PATENTS, DATA, AND COPYRIGHTS

Subpart 1827.3—Patent Rights Under Government Contracts

1827.372 [Amended]

74. In paragraph (a)(2) of section 1827.372, the phrase “The objectives of NASA policy with” is revised to read “The objectives with” and the phrase “to provide their widest” is revised to read “to provide widest”.

75. In paragraph (a)(3) of section 1827.372, the phrase “the objectives of NASA policy with” is revised to read “the objectives with”, and the phrase “used in a manner to promote” is revised to read “used to promote”.

76. In paragraph (b)(1) of section 1827.372, the phrase “will be served by this action.” is revised to read “will be

served.” and the phrase “request for such waiver” is revised to read “request for waiver”.

77. In paragraph (i)(1) of section 1827.372, the phrase “structure of which the contractor is a part, and includes” is revised to read “structure, and includes”.

78. In paragraph (i)(2) of section 1827.372, the citation “14 CFR part 1245, subpart 2, Licensing of NASA Inventions” is revised to read “37 CFR part 404, Licensing Government Owned Inventions”, and the citation “14 CFR 1245.211” is revised to read “37 CFR 404.10”.

1827.373 [Amended]

79. In paragraph (a)(1) to section 1827.373, the phrase “exceptions set forth in paragraph” is revised to read “exceptions in paragraph”.

80. In paragraph (b) introductory text of section 1827.373, the phrase “in any NASA contract (and solicitation therefor) with” is revised to read “in all NASA solicitations and contracts with”.

81. In paragraph (c) introductory text of section 1827.373, the phrase “under the circumstances set forth in paragraphs (c)(1) through (3) of this section” is revised to read “under the following circumstances:”.

82. In paragraph (c)(1) of section 1827.373, the phrase “For the purpose of this paragraph (c)(1)” is revised to read “For this purpose”.

83. In paragraph (c)(2) of section 1827.373, the phrase “agency for which the contract is to be placed does” is revised to read “agency does”.

84. In paragraph (d) of section 1827.373, the phrase “to advise prospective contractors” is revised to read “to advise offerors”.

85. Paragraph (f) of section 1827.373 is removed and paragraph (g) is redesignated as paragraph (f) and amended by adding a period after the word “organization” and removing the phrase “but the matter is uncertain at the time of solicitation (e.g. the procurement is not a set-aside and is not sole source to a large business).”

1827.374–1 [Amended]

86. In paragraphs (a) and (b) of section 1827.374–1, the phrase “In any NASA contract” is revised to read “In any contract”.

87. In paragraph (c) of section 1827.374–1, the phrase “subpart 1, shall apply” is revised to read “subpart 1, apply” and the phrase “under any NASA contract” is revised to read “under any contract”.

88. In section 1827.374–1, paragraph (f) is revised to read as follows:

1827.374-1 General.

* * * * *

(f) *Revocation or modification of contractor's minimum rights.* Revocation or modification of the contractor's license rights (see 1827.372(i)(2)) shall be in accordance with 37 CFR 404.10, for subject inventions made and reported under any contract with other than a small business firm or a nonprofit organization, and in accordance with FAR 27.304-1(f) for subject inventions made and reported under any contract with a small business firm or a nonprofit organization. The contractor's right to appeal a determination to revoke or modify any such license shall be in accordance with 37 CFR part 404, Licensing of Government Owned Inventions.

* * * * *

89. In paragraph (g) to section 1827.374-1, the phrase "under any NASA contract" is revised to read "under any contract".

1827.374-3 [Amended]

90. In paragraph (a) of section 1827.374-3, the phrase "If a NASA contract" is revised to read "If a contract".

1827.375-1 [Amended]

91. In paragraph (b)(1) of section 1827.375-1, the phrase "for the NASA installation" is revised to read "for the installation" and the phrase "made by use of the clause" is revised to read "made in the clause".

92. In paragraph (b)(2)(ii) of section 1827.375-1, the word "NASA" is removed.

93. In paragraph (b)(4) of section 1827.375-1, the phrase "at the request of the contractor or on their own initiative," is removed.

1827.375-2 [Amended]

94. In paragraphs (a)(1) introductory text and (a)(2) of section 1827.375-2, the word "NASA" is removed.

1827.375-3 [Amended]

95. In paragraph (a) introductory text of section 1827.375-3, the phrase "review, as necessary, the" is revised to read "review the" and the word "their" is removed.

96. In paragraph (e)(3) of section 1827.375-3, the phrase "obligations imposed upon the contractor by" is removed.

97. In paragraph (f) of section 1827.375-3, the word "ordinarily" is removed.

Subpart 1827.4—Rights in Data and Copyrights**1827.404 [Amended]**

98. In paragraph (e)(1) of section 1827.404, the phrase "accordance with NASA policy" is revised to read "accordance with policy".

99. In paragraph (e)(3) of section 1827.404, the word "itself" is removed.

100. In paragraph (g) of section 1827.404, the phrase "correct, or adding or correcting, any" is revised to read "correct any".

1827.405 [Amended]

101. In paragraph (a)(1) of section 1827.405, the phrase "the NASA contracting officer or the NASA contract" is revised to read "the contracting officer or the contract".

102. In paragraph (a)(3) of section 1827.405, the word "NASA" is removed.

1827.406 [Amended]

103. In paragraph (a) of section 1827.406, the phrase "for most needs" is removed.

104. In paragraph (b)(1) introductory text of section 1827.406, the phrase "that may be" is removed, and the word "NASA" is removed.

105. In paragraph (b)(1)(i) of section 1827.406, the word "overall" is removed.

106. In paragraph (b)(1)(ii) of section 1827.406, the phrase "of the contract work" is revised to read "of the contract".

107. In paragraph (b)(1)(iii) of section 1827.406, the word "work" is removed.

108. In paragraph (b)(1)(v) of section 1827.406, the phrase "of the contract" is removed.

109. In paragraph (b)(2) of section 1827.406, the word "entire" is removed, the phrase "under the contract" is removed, and the phrase "ensure appropriate distribution of the required reports" is revised to read "ensure distribution of the reports".

1827.409 [Amended]

110. In paragraph (a) of section 1827.409, the last sentence is removed.

111. In paragraph (b) of section 1827.409, the phrase "in the notice" is removed, and the word "installation" is removed.

112. In paragraphs (e), (f), and (g) of section 1827.409, the word "as" is removed.

113. In paragraph (h) of section 1827.409, the phrase "the clause at" is removed.

114. In paragraph (i) of section 1827.409, the word "at" is removed.

Subpart 1827.6—Foreign License and Technical Assistance Agreements**1827.670-1 [Amended]**

115. In section 1827.670-1, the phrase "by the NASA contracting officer" is revised to read "by the contracting officer".

PART 1829—TAXES**Subpart 1829.2—Federal Excise Taxes****1829.203 [Amended]**

116. In paragraph (a) of section 1829.203, the phrase "the Acquisition Liaison Division (Code HP)" is revised to read "the Contract Management Division (Code HK)".

PART 1831—CONTRACT COST PRINCIPLES AND PROCEDURES**Subpart 1831.1—[Removed]**

117. Subpart 1831.1 is removed.

PART 1833—PROTESTS, DISPUTES, AND APPEALS**1833.103 [Amended]**

118. In paragraph (c) of section 1833.103, the phrase "the Acquisition Liaison Division (Code HP)" is revised to read "the Program Operations Division (Code HS)".

119. In section 1833.104 paragraph (a) is revised to read as follows:

1833.104 Protests to GAO.

(a) *General procedures.* (1) NASA personnel shall take no action to respond to or resolve any protest filed with GAO other than in accordance with this part.

(2) The notices required by FAR 33.104(a)(2) shall be made by the contracting officer.

(3) Upon receiving any communication from a protester or the GAO regarding a protest, the cognizant procurement officer shall immediately contact Code HS for guidance.

Conversely, upon Headquarters receipt of notice from GAO of the filing of a protest, Code HS shall immediately notify the cognizant procurement officer. This is usually done via telephone and constitutes the official notice to the installation that a protest has been filed.

(4) Within 3 work days of being notified, the contracting officer shall forward to Headquarters (Code HS) a copy of the procurement file including all documents referred to in FAR 33.104(a)(3)(ii) (A) through (G) and any others requested by Code HS. The contracting officer's statement (FAR 33.104(a)(3)(ii)(H)) shall be forwarded

no later than ten work days after the contracting officer has been notified. The contracting officer's statement shall receive the concurrence of the installation Chief Counsel. If more time is needed, requests for extension may be made by telephone to Headquarters, Code HS.

(5) When the GAO elects to use its express option procedure, the contracting officer's statement shall be forwarded to Code HS within six work days after the contracting officer has been notified. If that is not possible, a report to Code HS shall be made by telephone.

(6) In consultation with the Office of General Counsel, Headquarters (Code HS) shall provide the information required by FAR 33.104(a) to the GAO.

* * * * *

120. In paragraph (b)(1) of section 1833.104, "(Code HP)" is revised to read "(Code HS)" and "Code HP" is revised to read "Code HS".

121. In paragraphs (c) (1) and (2) of section 1833.104, "(Code HP)" is revised to read "(Code HS)" and "Code HP" is revised to read "Code HS".

122. In section 1833.104, the first sentence of paragraph (d) is revised to read as follows, and in the last sentence, "(Code HP)" is revised to read "(Code HS)":

"If the protester in its protest statement or later in the process requests documents, the contracting officer shall forward them to Code HS with the documents required by FAR 33.104(a)(3), within three work days of receipt of the request."

123. In paragraph (e) of section 1833.104, "Code HP" is revised to read "Code HS".

PART 1835—RESEARCH AND DEVELOPMENT CONTRACTING

1835.003 [Amended]

124. In section 1835.003, paragraph (b) is removed and the existing paragraph (c) is redesignated as paragraph (b), and in the newly designated paragraph (b), the phrase "for NASA policy" is revised to read "for policy".

1835.003-70, 1835.003-71 [Removed]

125. Sections 1835.003-70 and 1835.003-71 are removed.

1835.015 [Amended]

126. In section 1835.015, paragraph (b), the phrase "For NASA policy" is revised to read "For policy".

127. Section 1835.016-70 is revised to read as follows:

1835.016-70 NASA Research Announcements.

(a) *Scope.* This subsection 1835.016-70 prescribes regulations and procedures for the use of a NASA Research Announcement (NRA), a form of broad agency announcement (see FAR 6.102(d)(2)). An NRA is used to announce research interests and, after peer or scientific review using factors in the NRA, select proposals for funding. Unlike an RFP containing a statement of work or specification to which offerors are to respond, an NRA provides for the submission of competitive project ideas, conceived by the offerors, in one or more program areas of interest to NASA. The NRA is intended to be used for those research procurements for which it would be impossible to draft an adequate RFP in sufficient detail without restraining the technical response and thus hindering the competition of ideas. An NRA shall not be used in place of an RFP when the procurement requirement is narrowly defined and it is necessary to use a detailed description or specification.

(b) *Issuance.* (1) Each NRA shall be assigned a unique number in accordance with 1804.7102-1.

(2) NRAs may remain open for proposal submission for a maximum of one year. They may not be amended or modified once issued, but may be reissued by assigning a new number and resynopsizing. (See also paragraph (g) of this section.) NRAs should remain open for at least 90 days.

(3) Before issuance, each field-generated NRA shall be concurred in by the procurement officer and approved by the installation's director or a designee, who shall serve as or designate a selecting official. Before issuance, each Headquarters-generated NRA shall be concurred in by General Counsel (Code GK) and the Director, Headquarters Acquisition Division (Code HW) and approved by the cognizant Program Associate Administrator or a designee, who shall serve as or designate a selecting official. If a Headquarters-generated NRA may result in awards by a NASA field installation, the concurrence of that installation's procurement officer may be sought in place of or in addition to Code HW's concurrence.

(4) The contracting officer shall assure that the NRA is synopsisized in the Commerce Business Daily (CBD). The synopsis required by FAR 35.016(c) satisfies the synopsis requirement at FAR 5.201; the synopsis contemplated by FAR 5.205 is not required. The synopsis shall be brief and provide the address for obtaining a copy of the NRA. The technical part of the synopsis is to

describe an area of interest and should not exceed 50 words.

(5) The NRA shall be prepared, printed, and distributed by or under the direction of the selecting official. Distribution shall not begin until the concurrence of the procurement officer has been obtained and the contracting officer has confirmed that the synopsis requirements have been met. The NRA shall be distributed to each office responsible for receipt of unsolicited proposals and to the Office of Procurement (Code HS).

(c) *Content.* The NRA shall consist of the following items in the order shown. This entire package shall be provided in response to requests.

(1) *Cover.* The cover shall display:

(i) "OMB Approval Number 2700-0087" in the upper right corner.

(ii) Title (centered, in uppercase).

(iii) "NASA Research Announcement Soliciting Research Proposals for the Period Ending _____" (centered, on three lines, two inches below the title; insert closing date).

(iv) NRA number (centered, two inches below closing date).

(v) Official address for office issuing NRA (centered, at bottom of cover).

(2) Summary and Supplemental Information.

(i) The Summary and Supplemental Information shall not exceed two pages and shall include:

(A) Title (centered, in uppercase).

(B) Introductory paragraphs describing the purpose of the NRA and the period for receipt of proposals. When proposals received during this period may be grouped for evaluation at separate times, the introductory paragraphs shall indicate when evaluations are planned and shall include the following remark:

A proposal that is scientifically and programmatically meritorious, but that cannot be accepted during its initial review under an NRA because of funding uncertainties, may be included in subsequent reviews unless the offeror requests otherwise.

(C) NRA number.

(D) Address for submitting proposals, including "ATTN: NRA _____." (Insert NRA number.)

(E) Copies required.

(F) Selecting official's title.

(G) Name, address, and telephone number for additional technical information.

(H) Name and telephone number of contracting office point of contact for administrative and contractual information.

(I) Additional instructions supplementing the Instructions for Responding to NASA Research

Announcements for Solicited Research Proposals (see subpart 1870.2). Such information shall be kept to the minimum necessary and shall cite specific "Instructions" paragraphs supplemented.

(J) When awards will be chargeable to funds of the new fiscal year and the NRA is to be issued before funds are available, the NRA shall contain a statement as follows:

Funds are not presently available for awards under this NRA. The Government's obligation to make awards is contingent upon the availability of appropriated funds from which payment can be made and the receipt of proposals that NASA determines are acceptable for award under this NRA.

(ii) The Summary and Supplemental Information may include estimates of the amount of funds that will be available and the number of anticipated awards. A breakdown of the estimates by research area may also be shown.

(iii) The Summary and Supplemental Information may indicate that proposals submitted under an earlier NRA and held for subsequent reviews will be considered and need not be resubmitted. The earlier NRA shall be identified by number in the following statement:

Proposals for which no selection decision was made under NRA _____ and held for subsequent reviews will be considered under this NRA and need not be resubmitted. (Insert NRA number).

(3) *Technical Description.* The first page shall contain the NRA number and title at the top. A brief description not exceeding two pages is preferable, but it should be detailed enough to enable ready comprehension of the research areas of interest. Specifications containing detailed statements of work should be avoided. Any program management information included must be limited to matters that are essential for proposal preparation.

(4) *Instructions for Responding to NASA Research Announcements.* The NRA shall contain instructions in accordance with 1870.203.

(d) *Unsolicited proposals.* (1) Unsolicited proposals for new efforts that are within the scope of an open NRA shall be evaluated in accordance with 1815.506(b).

(2) Unsolicited proposals for renewal of ongoing efforts that are within the scope of an open NRA shall be evaluated in accordance with 1815.505-70.

(3) A broad agency announcement is not an "acquisition requirement" as the term is used in FAR 15.507(a)(2).

(e) *Receipt of proposals, evaluation, and selection.* (1) Proposals shall be

protected as provided in 1815.508-70 and 1815.509-70.

(2) Evaluation, selection, and award may occur during or after the period established for receipt of proposals. Late proposals and modifications shall be treated in accordance with 1815.412 (a) and (b).

(3) When more than one time is established in the NRA for evaluating proposals, proposals received prior to the time established will be considered as part of the initial group to be evaluated. Subsequent groups of proposals to be evaluated shall be formed from those proposals received after the time established for the earlier evaluation groups and prior to the time established for a subsequent group, along with those proposals, if any, held over under paragraph (e)(8) of this section.

(4) The selection decision shall be made following peer or scientific review of a proposal. Peer or scientific review shall involve (i) evaluation, outside NASA, by a discipline specialist in the area of the proposal, (ii) evaluation by an in-house specialist, or (iii) both. Evaluation by specialists outside NASA shall be conducted subject to the conditions in FAR 15.413-2(f) and NFS 1815.413 and 1815.413-2. In particular, the selecting official shall ensure compliance with FAR 15.413-2(f)(5) regarding the designation of outside evaluators and avoidance of conflicts of interest. After receipt of a proposal and before selection, scientific or engineering personnel shall communicate with an offeror, regarding the proposal, only for the purpose of clarification, as defined in FAR 15.601, or in order to understand the meaning of some aspect of the proposal that is not clear, or in order to obtain confirmation or substantiation of a proposed approach, solution, or cost estimate.

(5) Competitive range determinations shall not be made, and best and final offers shall not be requested.

(6) Part of a proposal may be selected unless the offeror requests otherwise. In addition, changes to a selected proposal may be sought if (i) the ideas or other aspects of the proposal on which selection is based are contained in the proposal as originally submitted, and are not introduced by the changes; and (ii) the changes sought would not involve a material alteration to the requirements stated in the NRA. Changes that would affect a proposal's selection shall not be sought. When changes are desired, they may be described to the contracting officer under paragraph (e)(10)(ii) of this section, or the selecting official may

request revisions from the offeror. The changes shall not transfer information from one offeror's proposal to another offeror (see FAR 15.610(d)(2)). When collaboration between offerors would improve proposed research programs, collaboration may be suggested to the offerors.

(7) The basis for selection of a proposal shall be documented in a selection statement applying the evaluation factors in the NRA. The selection statement represents the conclusions of the selecting official and must be self-contained. It shall not incorporate by reference the evaluations of the reviewers.

(8) A proposal that is scientifically and programmatically meritorious, but that is not selected during its initial review under an NRA, may be included in subsequent reviews unless the offeror requests otherwise. If the proposal is not to be held over for subsequent reviews, the offeror shall be notified that the proposal was not selected for award.

(9) The selecting official shall notify each offeror whose proposal was not selected for award and explain generally why the proposal was not selected. If requested, the selecting official shall arrange a debriefing under 1815.1003, with the participation of a contracting officer.

(10) The selecting official shall forward to the contracting officer—

(i) The results of the technical evaluation, including the total number of proposals received under the NRA by the time of selection, the selection statement, and the proposal(s) selected for funding;

(ii) A description of any changes desired in any offeror's statement of work, including the reasons for the changes and any effect on level of funding;

(iii) If a contract will be used to fund the proposal, a description of deliverables, including technical reports, and delivery dates, consistent with the requirements of the NRA;

(iv) A procurement request;

(v) Comments on the offeror's cost proposal (either the selecting official's comments, which may be based on the reviewers' comments, or copies of the reviewers' comments with any different conclusions of the selecting official); these comments shall address the need for and reasonableness of travel, computer time, materials, equipment, subcontracted items, publication costs, labor hours, labor mix, and other costs; and

(vi) A copy of the selected proposal as originally submitted, any revisions, and any correspondence from the successful offeror.

(11) The selecting official may provide to the contracting officer copies of the reviewers' evaluations. Reviewers' names and institutions may be omitted.

(12) The selecting official may notify each offeror whose proposal was selected for negotiation.

(i) The notification shall state that—

(A) The proposal has been selected for negotiation;

(B) The offeror's business office will be contacted by a contracting officer, who is the only official authorized to obligate the Government; and

(C) Any costs incurred by the offeror in anticipation of an award are at the offeror's risk.

(ii) The notification may identify which award instrument has been recommended.

(f) *Award.* If a contract is selected as the award instrument (see FAR 35.003(a) and 1835.003(a)), the contracting officer shall—

(1) Advise the offeror that the Government contemplates entering into negotiations; the type of contract contemplated; and the estimated award date, level of effort, and delivery schedule;

(2) Send the offeror a model contract, if necessary, including modifications contemplated in the offeror's statement of work, and request agreement or identification of any exceptions (the contract statement of work may summarize the proposed research, state that the research shall be conducted in accordance with certain technical sections of the proposal (which shall be identified by incorporating them into the contract by reference), and identify any changes to the proposed research);

(3) Request the offeror to complete and return certifications and representations and Standard Form 33, Solicitation, Offer, and Award, or other appropriate forms;

(4) Conduct negotiations in accordance with FAR subparts 15.8 and 15.9, as applicable;

(5) Award a contract by transmitting written notice of the award; and

(6) Comply with FAR subparts 4.6 and 5.3 on contract reporting and synopses of contract awards.

(g) *Cancellation of an NRA.* When program changes, program funding, or any other reasons require cancellation of an NRA, the office issuing the NRA shall notify potential offerors by using the mailing list for the NRA.

1835.070 [Amended]

128. In paragraph (b) to section 1835.070, the word "either" is removed.

1835.071 [Removed]

129. Section 1835.071 is removed.

PART 1837—SERVICE CONTRACTING

1837.000 [Removed]

130. Section 1837.000 is removed.

PART 1839—ACQUISITION OF FEDERAL INFORMATION PROCESSING RESOURCES

131. In section 1839.7001, in paragraph (a), "2410.1E" is revised to read "2410.1", and paragraph (b) is revised to read as follows:

1839.7001 Policy.

(a) * * *

(b) The Designated Senior Official (DSO), the Chief Information Officer (Code A), has responsibility and accountability for interpreting, applying, and overseeing the implementation of the Federal Information Resources Management Regulations (FIRMR) (41 CFR chapter 201) within NASA.

132. In section 1839.7003-1, paragraphs (a)(2) and (c) are revised to read as follows:

1839.7003-1 Responsibility.

* * * * *

(a) * * *

(2) Timely submission of APRs to Headquarters Code JTD in accordance with 1839.7003-5.

* * * * *

(c) The Senior Installation IRM Official (SIIO) is responsible for formally concurring on all APRs.

133. In section 1839.7003-2, paragraph (b) introductory text is revised to read as follows:

1839.7003-2 FIRMR applicability and procurement authority certification.

* * * * *

(a) * * *

(b) Determine if the agency has authority to acquire the FIP resources by virtue of a specific agency or regulatory delegation, or if a specific acquisition delegation must be obtained. This requires comparing the total estimated dollar value of all the FIP resources to be acquired to the criteria and thresholds specified in FIRMR 41 CFR 201-20.305. NASA may contract for FIP resources without obtaining a specific acquisition delegation when the total dollar value of FIP resources, including all optional quantities and periods over the life of the contract, does not exceed the authority delegated from GSA; except that the dollar value for a specific make and model specification or for requirements available from only one responsible source may not exceed the authority delegated from GSA.

* * * * *

134. In section 1839.7003-2, paragraphs (b)(1) through (b)(4) are removed and paragraphs (b)(5) through (b)(7) are redesignated as paragraphs (b)(1) through (b)(3).

135. In the certification format of the newly designated paragraph (b)(1) to section 1839.7003-2, "NHB 2410.1E" is revised to read "NHB 2410.1". 136. In section 1839.7003-3, paragraph (e) is revised to read as follows:

1839.7003-3 GSA nonmandatory MAS contracts.

* * * * *

(e) Use the competitive threshold authority delegated from GSA for obtaining a DPA when use of a GSA nonmandatory MAS contract is a competitive procedure relative to FAR part 6. Use the noncompetitive threshold authority delegated from GSA when use of a GSA nonmandatory MAS contract is a noncompetitive procedure relative to FAR part 6.

* * * * *

137. In section 1839.7003-4, paragraph (a) introductory text is revised to read as follows:

1839.7003-4 APR format.

(a) (FIRMR) 41 CFR 201-20.305-3 requires NASA to prepare APRs as indicated by instructions in the FIRMR Bulletin series. APRs under the Trail Boss Program will be submitted in the format provided in FIRMR Bulletin C-7, entitled "Trail Boss Program," as modified by Enclosure C-5B of NHB 2410.1. APRs for all other FIP resources, will be submitted in the format provided in FIRMR Bulletin C-5, entitled "Instructions for Preparing an Agency Procurement Request (APR)," as modified by Enclosure C-4B of NHB 2410.1.

* * * * *

138. In section 1839.7003-4, paragraphs (a)(1) through (a)(5) are removed, paragraph (b) is redesignated as paragraph (c), and paragraph (a)(6) is redesignated as paragraph (b).

139. Section 1839.7003-5 is revised to read as follows:

1839.7003-5 APR submission.

(a) The contracting officer shall forward the original of the APR submittal (the APR and all required documentation) to Headquarters Code JTD, with a transmittal letter (see NHB 2410.1, Enclosures C-4A and C-5A) signed by the procurement officer. Include a 5¼" or 3½" diskette, formatted for use on a DOS 3.3, or higher compatible, personal computer, that contains a WordPerfect 5.0 or 5.1 or ASCII format of the APR.

(b) APR's should be submitted as soon as, but not before, the FRDD and other documentation (waivers, JOFOCs, procurement plans, or ASM minutes, as appropriate) have been completed and approved in final form within the Agency.

140. In section 1839.7003-6, paragraphs (b) and (c) are revised to read as follows:

1839.7003-6 DPA amendments.

(a) * * *

(b) Amendments to a previously submitted or approved specific acquisition DPA should follow the same procedures and employ the same format as that required by the current FIRMR and (NFS) 48 CFR part 1839. For such an APR, see NHB 2410.1, Enclosure C-3, paragraph 2. The existing documentation supporting the acquisition should be reviewed and certified by the procurement officer as to its timeliness. If this documentation is either not current or affected by the amendment, the documentation shall be revised. If an original document was submitted or requested by Headquarters or GSA, its revision shall be resubmitted with the APR.

(c) The following are reasons for submitting an APR to seek an amended DPA:

(1) A substantive revision in the technical requirements.

(2) A change in acquisition strategy.

(3) Slippages in the planned contract award date that exceed 12 months. (Slippages less than 12 months should be identified to GSA during routine status reporting.)

(4) A change in contract life.

(5) A change in the position title or organizational identity of the official authorized to conduct the acquisition.

(6) An increase in anticipated contract costs.

* * * * *

1839.7004 [Amended]

141. In section 1839.7004, "NHB 2410.1E" is revised to read "NHB 2410.1".

142. In section 1839.7006, the last sentence in paragraph (a) is revised to read as follows:

1839.7006 DPA transmittal.

(a) * * * Delegation of regulatory and specific agency procurement authority will be handled as directed by the Chief Information Officer.

143. In paragraph (b) to section 1839.7006, "Code J" is revised to read "Code A".

144. In section 1839.7006, paragraph (d) is removed, paragraphs (e) through (g) are redesignated as paragraph (d)

through (f), and the newly designated paragraphs (d) and (e) are revised to read as follows:

1839.7006 DPA transmittal.

* * * * *

(d) Pre-award and post-award reports include 6-Month Status Reports and Contract Award Reports.

(1) GSA requires a 6-Month Status Report on all specific acquisition DPA's for which a contract or modification has not been awarded. The contracting officer shall submit status reports to Code JT not later than May 15 and November 15 of each year. The contents of these reports are specified in the DPA.

(2) GSA requires a Contract Award Report within 30 days after award of a contract or modification issued pursuant to a specific acquisition DPA. The contracting officer shall submit Contract Award Reports to Code JT not later than 25 days after the award of a contract or modification.

(e) Code JTD requires an Annual Status Report on all extant contracts with specific acquisition DPA's. The contracting officer shall submit an Annual Status Report to Code JT not later than November 15 of each year. The reports are in lieu of (and not in addition to) GSA's annual reporting requirement.

* * * * *

PART 1842—CONTRACT ADMINISTRATION

1842.101 [Amended]

145. In section 1842.101, "Acquisition Liaison Division (Code HP)" is revised to read "Analysis Division (Code HC)".

PART 1846—QUALITY ASSURANCE

146. In section 1846.470-1, the last sentence is revised to read as follows:

1846.470-1 Solicitation provision.

* * * Fee associated with a Q/PI plan shall not be considered an amount over the total fee negotiated for the contract and shall not, when combined with fee considerations, exceed the limitations prescribed in FAR 15.903(d)(1).

1846.470-2 [Amended]

147. In paragraph (b) to section 1846.470-2, the phrase "and in contracts resulting therefrom." is revised to read "and in resulting contracts."

148. In section 1846.670-1, paragraphs (a), (b)(1), and (c) are revised to read as follows:

1846.670-1 General.

(a) This subpart contains procedures and instructions for use of the Material Inspection and Receiving Report (MIRR) (DD Form 250 series) and suppliers' commercial shipping/packing lists used to evidence Government procurement quality assurance (PQA).

(b) * * *

(1) Shipments by subcontractors not made to the Government;

* * * * *

(c) To preclude delays in shipments or payments and avoid multiple corrections, contractors are encouraged to consult the Government representative regarding implementation of this subpart.

149. In section 1846.670-2, paragraph (a)(4) is removed, and paragraph (a)(3) is revised to read as follows:

1846.670-2 Applicability.

(a) * * *

(1) * * *

(2) * * *

(3) Contracts for which the end item is a technical or scientific report.

* * * * *

150. In section 1846.670-4, paragraph (c) is revised to read as follows:

1846.670-4 Application.

(a) ***

(b) ***

(c) The DD Form 250 may be used for imprest fund purchases, purchase orders, delivery orders placed against Federal Supply Schedule contracts, delivery orders placed against indefinite-delivery contracts, or delivery orders placed against blanket purchase agreements, or when the purchasing, requisitioning, or ordering document provides for inspection and/or acceptance.

151. Section 1846.670-5 is revised to read as follows:

1846.670-5 Forms.

(a) Contractors may obtain from the contracting office at no cost MIRR forms required on Government contracts.

(b) Contractors may print forms, provided

(1) Their format and dimensions are identical to the MIRR forms printed by the Government and

(2) The forms provide for 78 characters per printed image horizontally and 62 lines vertically border-to-border for the DD Form 250 and 61 lines vertically border-to-border for the DD Form 250c.

152. In section 1846.671, paragraph (a) is revised to read as follows:

1846.671 Procurement quality assurance on shipments between contractors.

(a) The supplier's commercial shipping document/packing list shall indicate performance of required PQA actions at subcontract level. The following entries shall be made on the document/packing list:

Required PQA of items has been performed.

Date: (Signature of Authorized Government Representative) (Typed Name and Office)

* * * * *

153. In paragraph (a)(1) to section 1846.672-1, the date "67AUG07" is removed, and paragraph (a)(4) is revised to read as follows:

1846.672-1 Preparation instructions.

* * * * *

(a) * * *
(4) Overflow data of the DD Form 250 shall be entered in Block 16 or in the body of the DD Form 250c with block cross reference. Additional DD Form 250c sheets solely for continuation of Block 23 data shall not be numbered or distributed as part of the MIRR.

* * * * *

154. In section 1846.672-1, paragraphs (b), (c), (d)(1) and (d)(1)(ii) are revised to read as follows:

(b) *Classified information.* Classified information shall not appear on the MIRR, nor shall the MIRR be classified.

(c) *Block 1—PROC. INSTRUMENT IDEN. (CONTRACT).*

(1) Enter the contract number as contained in the contractual document, including any call/order number.

(2) Enter the name of the contracting office immediately below the contract number. This requirement may be satisfied by including the prefix in the contract number to identify the contracting office.

(d) *Block 2—SHIPMENT NO.*

(1) The shipment number is a three-alpha-character prefix and a four-character numeric or alpha-numeric serial number.

(i) * * *

(ii) The first shipment under a prime contract from each "shipped from" address shall be numbered 0001; subsequent shipments under that prime contract shall be consecutively numbered.

* * * * *

1846.672-1 [Amended]

155. In section 1846.672-1, paragraphs (g)(1) and (h)(1) are revised to read as follows:

(g) *Block 5—DISCOUNT TERMS.*

* * *

(1) The contractor may enter the discount terms on all copies of the MIRR.

(2) * * *

(h) *Block 6—INVOICE.* * * *

(1) The contractor may enter the invoice number and date on all copies of the MIRR.

* * * * *

156. In paragraph (r)(1)(i) to section 1846.672-1, the phrase "or 'Vacuum Tube'" is removed.

157. In paragraph (r)(2) introductory text to section 1846.672-1, the phrase "enter such data only once," is revised to read "enter data only once,".

158. In paragraph (r)(2)(ii) to section 1846.672-1, the phrase "shipment may be made without it at the direction of the contracting officer." is revised to read "shipment may be made at the direction of the contracting officer."

159. In paragraph (w) introductory text to section 1846.672-1, the last sentence is revised to read as follows:

(w) *Block 21—PROCUREMENT QUALITY ASSURANCE.* * * * Notes taking exception shall be entered in Block 16 or on attached supporting documents with block cross reference.

* * * * *

160. The introductory text to section 1846.672-3 is revised to read as follows:

1846.672-3 Correction instructions.

When, because of errors or omissions, it is necessary to correct the MIRR after distribution, it shall be revised by correcting the original master and distributing the corrected form. The corrections shall be made as follows:

* * * * *

161. Section 1846.672-5 is revised to read as follows:

1846.672-5 Packing-list instructions.

Copies of the MIRR may be used as a packing list. The packing list copies shall be in addition to the copies of the MIRR required for distribution (see 1846.673) and shall be marked "PACKING LIST".

162. Paragraphs (b) and (c) to section 1846.703-70 are revised to read as follows:

1846.703-70 Additional criteria.

* * * * *

(a) * * *

(b) The warranty as a deterrent against the furnishing of defective or nonconforming supplies.

(c) Whether the contractor's quality program is reliable enough to provide adequate protection without a warranty, or, if not, whether a warranty would cause the contractor to institute an effective quality program.

* * * * *

PART 1849—TERMINATION OF CONTRACTS

163. In section 1849.102-70, paragraph (a) is revised to read as follows:

1849.102-70 Prior clearance of significant contract terminations.

(a) Any information on contract termination involving a reduction in employment of 100 or more contractor employees must have prior NASA Headquarters clearance before it is released. Release of information to Congress or the public is the responsibility of the NASA Headquarters Office of Legislative Affairs (Code LB). A reduction of fewer than 100 may be significant and, if so, should be similarly cleared.

164. In paragraph (b) introductory text to section 1849.102-70, the phrase "the Office of Legislative Affairs, NASA Headquarters (Code LB)" is revised to read "Code LB".

165. In paragraph (c) to section 1849.102-70, the phrase "the Office of Legislative Affairs, NASA Headquarters, (Code LB)" is revised to read "Code LB".

166. In paragraph (d) to section 1849.102-70, the phrase "The Office of Legislative Affairs, NASA Headquarters, (Code LB)" is revised to read "Code LB".

1849.111-71 [Amended]

167. In section 1849.111-71, paragraph (a)(1), the dollar amount "\$100,000" is revised to read "\$1,000,000" and in paragraph (a)(2)(i), the dollar amount "\$50,000" is revised to read "\$100,000".

1849.111-72 [Amended]

168. In section 1849.111-72, the word "judge" is revised to read "review".

1849.111-74 [Amended]

169. In section 1849.111-74, the phrase "of an upper-tier" is revised to read "of a lower tier", and in the last sentence, the phrase "may be used only for specified contracts and" is removed and the word "immediate" is revised to read "first tier".

170. In section 1849.603-70, paragraph (d) introductory text and paragraphs (d)(1) and (d)(2) are revised to read as follows:

1849.603-70 Termination contracting officer's settlement memorandum.

* * * * *

(d) *Settlement summary.* The TCO shall address the settlements reached on the following items:

(1) *Contractor's cost.* See FAR 15.808(a) for format.

(2) Profit/Fee. See FAR 15.808(a)(10).

* * * * *

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

1852.227-70 [Amended]

171. In section 1852.227-70, the date of the clause "APR 1988" is revised to read "(JULY 1995)".

172. In paragraph (d)(2) of the clause at section 1852.227-70, the citation "14 CFR part 1245, subpart 2, Licensing of NASA Inventions" is revised to read "37 CFR part 404, Licensing of Government Owned Inventions."

173. In paragraph (d)(3) of the clause at section 1852.227-70, remove the comma after the word "appeal" and the phrase "in accordance with 14 CFR 1245.211," is revised to read "to the Administrator".

174. In the clause heading to section 1852.246-72, the date "(OCT 1988)" is revised to read "(JUNE 1995)" and paragraph (a) to the clause is revised to read as follows:

1852.246-72 Material inspection and receiving report.

* * * * *

(a) At the time of each delivery to the Government under this contract, the Contractor shall furnish a Material Inspection and Receiving Report (DD Form 250 series) prepared in ____ [Insert number of copies, including original] copies, an original and ____ copies [Insert number of copies].

* * * * *

PART 1853—FORMS

175. In section 1853.101 the first sentence is revised to read as follows:

1853.101 Requirements for use of forms.

The requirements for use of the forms in this part are contained in parts 1801 through 1851 of this chapter, where the subject matter applicable to each form is addressed. * * *

176. In section 1853.103 the first sentence is revised to read as follows and "Acquisition Liaison Division, Code HP" is revised to read "Contract Management Division, Code HK".

1853.103 Exceptions.

Alteration of any form prescribed by the regulations in this chapter is prohibited unless prior approval has been obtained from the NASA Forms Officer (Code JTD) (through the Installation Forms Manager), who will coordinate the request with the Office of Procurement, Code H. * * *

177. In section 1853.104, the first sentence is revised to read as follows:

1853.104 Overprinting.

Forms may be overprinted with names, addresses, and other uniform entries that are consistent with the purpose of the form and that do not alter the form in any other way. * * *

178. Section 1853.105 is revised to read as follows:

1853.105 Computer generation.

Forms prescribed by the regulations in this chapter may be adapted for computer preparation providing there is no change to the name, content, or sequence of the data elements, and the form carries the form number and edition date.

1853.108 [Amended]

179. In section 1853.108, "the Acquisition Liaison Division, Code HP" is revised to read "the Contract Management Division, Code HK".

180. Section 1853.204-70 is revised to read as follows:

1853.204-70 General (NASA Forms 507, 507A, 507B, 507G, 507M, 531, 533M, 533P, 533Q, 667, 1098, 1356, 1611, 1612; DD Form 1593; FBI Form FD-258; and SF 85P).

(a) The following forms shall be used as prescribed at 1804.671-4:

(1) NASA Form 507, Individual Procurement Action Report (New Awards).

(2) NASA Form 507A, Individual Procurement Action Report (New Awards) Supplement A.

(3) NASA Form 507B, Individual Procurement Action Report Supplement B.

(4) NASA Form 507G, Individual Procurement Action Report (Grants/Orders).

(5) NASA Form 507M, Individual Procurement Action Report (Modifications).

(b) NASA Form 531, Name Check Request. NASA Form 531, prescribed in 1804.470 and 1852.204-76, shall be used for National Agency Check (NAC) investigations.

(c) The following forms shall be used as prescribed at 1804.675:

(1) NASA Form 533M, Monthly Contractor Financial Management Report.

(2) NASA Form 533P, Monthly Contractor Financial Management Performance Analysis Report.

(3) NASA Form 533Q, Quarterly Contractor Financial Management Report.

(d) NASA Form 667, Report on NASA Subcontracts. NASA Form 667, prescribed at 1804.672, shall be used by contractors to submit information to NASA on each subcontract or subcontract modification over \$25,000.

(e) NASA Form 1098, Checklist for Contract Award File Content. NASA Form 1098, prescribed at 1804.803-71, shall be used as a guide in compiling contract files and shall accompany contracts and supplemental agreements submitted to Headquarters for approval. In Item 19 (Jul 90 edition), line out the entry "D&F: Other Than Full and Open Competition in the Public Interest (FAR/NFS 6.302-7)," and write in "JOFOC (FAR/NFS 6.3)."

(f) NASA Form 1356, C.A.S.E. Report on College and University Projects. NASA Form 1356, prescribed at 1804.7202, shall be used to report information applicable to colleges and universities.

(g) NASA Form 1611, Contract Completion Statement. As prescribed at 1804.804-2 and 1804.804-5, NASA Form 1611 shall be used for closeout of all contracts above the small purchase threshold.

(h) The following forms shall be used as prescribed at 1804.804-5:

(1) NASA Form 1612, Contract Closeout Checklist.

(2) DOD Form 1593, Contract Administration Completion Record.

181. Section 1853.216-70 is revised to read as follows:

1853.216-70 Assignees under cost-reimbursement contracts (NASA Forms 778, 779, 780, 781).

The following forms shall be used as prescribed at 1816.370:

(a) NASA Form 778, Contractor's Release.

(b) NASA Form 779, Assignee's Release.

(c) NASA Form 780, Contractor's Assignment of Refunds, Rebates, Credits, and Other Amounts.

(d) NASA Form 781, Assignee's Assignment of Refunds, Rebates, Credits, and Other Amounts.

182. In section 1853.242-70, the section heading is revised and paragraph (g) is added to read as follows:

1853.242-70 Delegation (NASA Forms 1430, 1430A, 1431, 1432, 1433) and service request (NASA Form 1434).

* * * * *

(g) NASA Form 1434, Letter of Request for Pricing-Audit-Technical Evaluation Services. NASA Form 1434, prescribed at 1842.202-70(e)(1), shall be used to request contract administration and audit services incident to preaward of a contract but exclusive of preaward surveys.

1853.242-71 [Removed]

183. Section 1853.242-71 is removed.

1853.242-72 [Redesignated as Section 1853.242-71]

184. Section 1853.242-72 is redesignated as section 1853.242-71.

185. In section 1853.249, paragraph (b) is revised to read as follows:

1853.249 Termination of contracts (NASA Forms 1412, 1413).

* * * * *

(b) *NASA Form 1413, Termination Docket Checklist*. NASA Form 1413, prescribed at 1849.105-70, shall be used to ensure adequacy of termination records.

PART 1870—NASA SUPPLEMENTARY REGULATIONS

Subpart 1870.1—[Amended]

186. Section 1870.000 and subpart 1870.1 are revised to read as follows:

1870.000 Scope of part.

This part contains NASA-unique regulations which—

- (a) Constitute a system of regulations such that presentation in a unified format is essential;
- (b) Relate to numerous FAR subparts;
- (c) Have, as a whole, no clearly identifiable FAR counterpart; and
- (d) May include non-regulatory material necessary to complete coverage of the instant subject.

Subpart 1870.1—NASA Acquisition of Investigations System

1870.101 System content.

(a) The regulations governing the NASA Acquisition of Investigations set forth the system in a single document, covering the roles of individuals with procurement and programmatic responsibilities both within NASA and the private sector. Therefore, the regulation provides guidance to all NASA personnel engaged in the solicitation, evaluation and selection of investigations. It emphasizes the responsibilities of line management and, as appropriate, the selected investigators in the acquisition of equipment necessary for the investigation. It provides for uniform procedures and equitable treatment in the evaluation and selection of investigators and acquisition of investigative equipment consistent with the FAR and NFS.

(b) The system regulation contains policy and procedures applicable to the solicitation of investigations with "Announcements of Opportunity," a form of broad agency announcement authorized at FAR 6.102(d)(2)(i).

1870.102 NASA acquisition of investigations.

(a) The NASA Acquisition of Investigations System is prescribed by Appendix I to this section 1870.102.

(b) NASA may reprint this Appendix I as a separate Handbook for sale and/or distribution provided the following two conditions are met:

- (1) With the exception of availability and distribution information, any subsequent modification in the text shall be preceded by a change to the NASA FAR Supplement 1870.102.
- (2) The following information shall be included as a part of the prefatory material in the NASA Handbook:

Important Notice

This Handbook is a separately bound, verbatim version of NASA FAR Supplement (NFS) (48 CFR 1870.102) Section 1870.102, Appendix I. Reference to other parts of the Federal Acquisition Regulation (FAR) and the NFS will be required for complete coverage of all procurement aspects. NASA reserves the right to make changes to NFS 1870.102, Appendix I without issuing a new edition of this Handbook. Any such changes will be published in the **Federal Register**; however, it is anticipated that such changes will be rare, unless mandated by statute or unusual circumstances. In the event of apparent conflict between this Handbook and the NFS, the NFS shall govern.

APPENDIX I TO 1870.102—GUIDELINES FOR ACQUISITION OF INVESTIGATIONS

Preface

NASA has always provided opportunities for qualified people in NASA, other Government agencies, colleges and universities, private industry, and foreign countries to participate in developing and carrying out its responsibilities in aeronautical and space activities. NASA has treated itself as a part of the scientific and technical community and has encouraged this community to bring to bear its expertise in developing investigatory objectives, selecting the investigations to carry out, participating in the resulting missions, analyzing the data obtained, and publishing the results.

The acquisition of investigations process covered by this Handbook allows the continuation of our successful cooperative endeavors with the scientific, technological, and applications user communities and provides standards requiring greater attention to the planning and management of investigations. Also, this Handbook emphasizes the responsibilities of line management and, as appropriate, the selected investigators in the acquisition of equipment necessary for the investigation.

Guidelines for Acquisition of Investigations

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Chapter 1—The Investigation Acquisition System

100 General

The best space research results when space research investigators participate in the selection of investigations. The investigation acquisition system encourages the participation of investigators and the selection of investigations which contribute most effectively to the advancement of NASA's scientific and technological objectives. It is a system separate from the acquisition process, but requiring the same management and discipline to assure compliance with statutory requirements and considerations of equity. "NASA Acquisition of Investigations" is the name under which

this system is incorporated into the NASA FAR Supplement.

101 Key Features of the System

1. Use of the system commences with a Program Associate Administrator's determination that the investigation acquisition process is appropriate for a program. An Announcement of Opportunity (AO) is disseminated to the interested community. This solicitation does not specify the investigations to be proposed but solicits investigative ideas which contribute to broad objectives. In order to determine which of the proposals should be selected, a formal competitive evaluation process is utilized. The evaluation for merit is normally made by experts in the fields represented by the proposals. Care should be taken to avoid conflicts of interest. These evaluators may be from NASA, other Government agencies, universities, or the commercial sector. Along with or subsequent to the evaluation for merit, the other factors of the proposals, such as engineering, cost, and integration aspects, are reviewed by specialists in those areas. The evaluation conclusions as well as considerations of budget and other factors are used to formulate a complement of recommended investigations. A steering committee serving as staff to the Program Associate Administrator (Program AA) reviews the proposed payload or program of investigation, the iterative process, and the selection recommendations. The steering committee serves as a forum where different interests, such as flight program, discipline management, and administration, can be weighed.

The Program AA selects the proposals that will participate in the program. Once selected, an investigator is assigned appropriate responsibilities relating to the investigation through a contract with the institution. For foreign investigators, these responsibilities will usually be outlined in an agreement between NASA and the sponsoring governmental agency in the investigator's country.

2. The AO process provides a disciplined approach to investigation acquisition. The following major steps must be followed in each case:

a. The AO shall be signed by the Program AA and shall be widely distributed to the scientific, technological, and applications user communities, as appropriate.

b. An evaluation team shall be formed including recognized peers of the investigators.

c. A project office will be assigned to assess the engineering, cost, integration, and management aspects of the proposals.

d. A program office will be responsible to formulate a complement of investigations consistent with the objectives stated in the AO, cost, and schedule constraints.

e. A steering committee appointed by the appropriate Program AA shall review the proposed investigations for relevance and merit, will assure compliance with the system as described in this Handbook, and make selection recommendations.

f. Selections shall be made by the Program AA.

3. Payloads will be formulated consisting of investigations selected through the AO process and/or other authorized methods.

4. When the need is determined by the Program AA, payload specialists will be selected in accordance with NMI 7100.16, Payload Specialists for Space Transportation Systems (STS) Missions.

102 Management Responsibilities

1. Program AA are responsible for overseeing the process and for making key decisions essential to the process including:

a. Determination to use the investigation acquisition system.

b. Appointment of the steering committee members.

c. Designation of a staff to assure uniformity in the issuance of the AO and conformity with the required procedures in the evaluation and selection.

d. Reuse, to the maximum extent practicable, of space hardware and support equipment.

e. Determination to use advisory subcommittees, contractor, or full-time Government employees only in the evaluation process.

f. Issuance of the AO.

g. Selection of investigations and investigators, determination of need of a definition phase, determination of the role of the investigator with regard to providing essential investigation hardware and services, and determination of the need for payload specialists.

h. Assure consideration is given to minorities in the establishment of peer groups, distribution of the AO and in the selection of investigations.

i. Provide a framework for cooperative foreign participation in Space Shuttle, Spacelab, and Space Station missions.

2. The Program AA should call upon any required experts throughout the process. The remaining chapters of this Handbook will discuss the exercise of the foregoing responsibilities in greater detail.

Chapter 2—Applicability of the Process

200 General

The system used for acquisition of investigations is separate from the agency procedures for procurement of known requirements. A decision to use this special acquisition process will be based on a determination that it is the most suitable to meet program needs. The decision-making official will consider the criteria for use of the system. The project plan or other documentation should discuss the proposed mode of investigations selection.

201 Criteria for Determining Applicability

1. The decision to utilize the investigations acquisition process as an alternative to the normal planning and acquisition process can only be made after consideration of the conditions which are requisite to its use. All of the following conditions should exist before deciding that the system is applicable:

a. NASA has a general objective which can be furthered through novel experimental approaches. To develop such approaches, NASA wishes to draw upon the broadest reservoir of ideas that can be made available.

b. Choices must be made among competing ideas in expanding knowledge.

c. Individual participation of an investigator is essential to exploitation of the opportunity.

2. The investigations acquisition process shall not be used when any of the following characteristics are present:

a. The requiring office can define a requirement sufficiently to allow for normal procurement.

b. The program is extremely complex, requiring specialized integration, coordination, or other special handling, or extending over a lengthy period wherein individual participation is not essential.

c. It is not possible or considered essential to the program to follow the steps of the investigations acquisition process.

202 Programs and Activities Where Use May be Considered

1. General—The investigation acquisition process is most suitable for investigations aimed at exploration requiring several unique sensors or instruments, but it has been used successfully in several types of opportunity. A discussion of several types of programs, the opportunities they offer, and comment on the suitability of the special process follows.

2. Exploration and Space Research Flights

a. Examples—Space Transportation System (STS) flights with attached payloads, generally Spacelab payloads; and free-flying spacecraft, such as Explorers, Pioneers, Space Telescope, Landsats, and Long Duration Exposure Facilities.

b. Types of Opportunity

(1) A common and sought after opportunity is to participate as a Principal Investigator (PI) responsible for conceiving and conducting a space investigation. This may involve a major piece of instrumentation. In the case of a "facility" or "multiuser" payload, each PI's responsibilities would ordinarily involve a relatively minor portion of the total instrument.

(2) There may also be an opportunity to serve on a PI's team as a member or Co-Investigator.

(3) A type of opportunity that generally involves the use of data from another investigator's instrument is that of guest investigator or guest observer. Guest investigators usually participate after the primary objectives have been satisfied for the investigations involved.

(4) A team may be formed from selected investigators to assist in defining planned mission objectives and/or to determine, in a general manner, the most meaningful instruments to accomplish the mission objectives.

c. Selection and Acquisition Procedures—The investigation acquisition process may be applicable to all of these types of opportunities. The supposition common in these opportunities is that the best ideas and approaches are likely to result from the broadest possible involvement of the scientific, technological or applications user communities.

3. Minor Missions

a. Examples—Research aircraft, sounding rockets, balloons, and minor missions are

generally of short duration, small in size, often single purpose, and subject to repetition. Many investigations are follow-on to past-flight investigations.

b. Types of Opportunity

- (1) PIs responsible for investigation.
- (2) Data use or analysis.

c. Selection and Acquisition Process—Opportunities for participation on minor missions are generally suitable for normal procurement procedures. The use of a general announcement announcing the general nature and schedule of flights may be appropriate when considered necessary to broaden participation by requesting investigator-initiated research proposals. Procurement procedures as contained in NASA FAR Supplement shall be used for follow-on repeat flights. Although NASA seeks unique, innovative ideas for these missions, the prospect of reflight and the latitude in determining number and schedule of flights argue against the need for the use of the investigations acquisition process to force dissimilar proposals into an annual or periodic competitive structure. On the other hand, there are some minor missions addressed to specific limited opportunities; for example, a solar eclipse. When such limitations indicate that the special competitive structure is needed, it should be authorized.

4. Operational and Operational Prototype Spacecraft

- a. Examples—GOES, TIROS.

b. Selection and Acquisition Process—The user agency can be expected to specify performance parameters. Payload definition will be the responsibility of the user agency and NASA. Specifications sufficient for normal procedures can be produced. Use of data from the mission is the responsibility of the user agency. Thus, the special process is not required.

5. Reimbursable Missions

- a. Examples—INTELSAT, SATCOM, WESTAR, MARISAT.

b. Selection and Acquisition Process—Payload determination and delivery are the responsibility of the user organization. NASA's role is essentially to provide launch services. No special process is required.

6. Supporting Research and Technology (SR&T)

a. Examples—Studies, minor developments, instrument conceptualization, ground-based observations, laboratory and theoretical supporting research, and data reduction and analysis which is unconstrained by a specific opportunity.

b. Selection and Acquisition Process—Programs in these areas tend to go forward on a continuing basis, rather than exploiting unique opportunities. Normal procurement procedures should be utilized to satisfy these requirements. A general announcement of area of interest could be made when greater participation is deemed advisable. Proposals can be solicited or unsolicited and can be entertained within the context of the normal procurement procedure.

203 Specific Approval Required

The Program AA responsible for the program is responsible for determining whether or not to use the special investigations acquisition process. Normally on major projects, or when a project plan is required, use of the investigation acquisition system will be justified and recommended in the project planning documentation and will be coordinated with staff offices and discussed in the planning presentation to the Deputy Administrator or designee.

Chapter 3—The Announcement of Opportunity

300 General

The AO is characterized by its generality. However, it is essential that the AO contains sufficient data in order to obtain meaningful proposals. To a considerable extent, the detail and depth of the AO will depend on the objective. In all cases, judgment is of paramount importance, since the purpose is to get adequate information to assess the relevance, merit, cost, and management without overburdening the proposer.

301 Need for Preparatory Effort

1. When the use of the AO process is contemplated, there is need to consult with appropriate Headquarters offices and the Project Installation responsible for the project prior to release of the AO.

2. In addition, the need to meet legal requirements in the acquisition processes will require early external Program Office involvement to:

- a. Synthesize the AO in the Commerce Business Daily prior to the time of release.
 - b. Determine if there is instrumentation or support equipment available which may be appropriate to the AO with all necessary background data considered essential for use by a proposer.
 - c. Determine mailing lists, including the mailing list maintained by the International Affairs Division, Office of External Relations, for broad dissemination of the AO.
 - d. Assure mandatory provisions are contained in the AO.
3. Other methods of dissemination of the AO may also be used, such as the use of press releases, etc. When possible, the AO should be widely publicized through publications of appropriate professional societies; however, NASA policy does not allow payment for the placement of advertisements.

302 Responsibilities

1. The Program Office originator is responsible for the content of the AO and coordination with concerned Headquarters offices and field installations. All personnel involved in the evaluation of proposals are responsible for familiarizing themselves and complying with this Handbook and other applicable regulations. To this end, they are expected to seek the advice and guidance of appropriate Headquarters program and staff offices, and Project Installation management.

2. The Program Office is also responsible for coordinating the AO with the International Affairs, Educational Affairs, Management Support Divisions, Office of External Relations, Office of General Counsel, and Office of Procurement prior to issuance.

Attention is directed to NMI 1362.1, Initiation and Development of International Cooperation in Space and Aeronautical Programs.

3. Concurrence of the Office of Procurement is required before issuance of an AO.

303 Proposal Opportunity Period

1. The AO is considered the primary method of soliciting investigations. As such, it is necessary that the process accommodate the continuous opportunities afforded by the Shuttle/Spacelab flights. Thus, the following methods may be utilized, individually or in combination, to enable an AO and resultant proposals to be open for an extended period of time and/or to cover a series or range of flight possibilities or disciplines:

a. The AO may be issued establishing a number of proposal submission dates. Normally, no more than three proposal submission dates should be established. The submittal dates may be spread over the number of months most compatible with the possible flight opportunities and the availability of resources necessary to evaluate and fund the proposals.

b. The AO may be issued establishing a single proposal submission date. However, the AO could provide that NASA amend the AO to provide for subsequent dates for submission of proposals, if additional investigations are desired within the AO objectives.

c. The AO may provide for an initial submission date with the AO to remain open for submission of additional proposals up to a final cutoff date. This final date should be related to the availability of resources necessary to evaluate the continuous flow of proposals, the time remaining prior to the flight opportunity(s) contemplated by the AO, and payload funding and availability.

2. Generally, a core payload of investigations would be selected from the initial submission of proposals under the above methods of open-ended AOs. These selections could be final or tentative recognizing the need for further definition. Proposals received by subsequent submission dates would be considered in the scope of the original AO but would be subject to the opportunities and resources remaining available or the progress being made by prior selected investigations.

3. Any proposal, whether received on the initial submission or subsequent submission, requires notification to the investigator and the investigator's institution of the proposal disposition. Some of the proposals will be rejected completely and the investigators immediately notified. The remaining unselected proposals may, if agreeable with the proposers, be held for later consideration and funding and the investigator so notified. However, if an investigator's proposal is considered at a later date, the investigator must be given an opportunity to validate the proposal with the investigator's institution and for updating the cost and other data contained in the original submission prior to a final selection. In summary, NASA may retain proposals, receiving Category I, II, or III classifications (see paragraph 403), for possible later sponsorship until no longer

feasible to consider the proposal. When this final stage is reached, the investigator must be promptly notified.

4. If the intent is to hold proposals for possible later consideration, as discussed in subparagraph 3, the AO should specifically indicate this intent and the procedure to be used. Proposing investigators not desiring their proposals be held for later consideration should be given the opportunity to so indicate in their original submissions.

304 Guidelines for Announcement of Opportunity

1. The preparation of the AO should be a multi-functional effort. It involves program and project management and usually involves other offices of NASA.

2. The AO should be tailored to the particular needs of the contemplated investigations and be complete in itself. Each AO will be identified as (Program Office) originated and numbered consecutively each calendar year, e.g., OA-1-95, OA-2-95; OLMSA-1-95; OSS-1-95; etc. The required format and detailed instructions regarding the contents of the AO are contained in Appendix A.

3. The General Instructions and Provisions (Appendix B) are necessary to accommodate the unique aspects of the AO process. Therefore, they must be appended to each AO.

4. At the time of issuance, copies of the AO must be furnished to the Office of Procurement and to the Office of General Counsel.

5. Proposers should be informed of significant departures from scheduled dates for activities related in the AO.

305 Announcement of Opportunity Soliciting Foreign Participation

Proposals for participation by individuals outside the U.S. should be submitted in the same format (excluding cost plans) as U.S. proposals; they should be typewritten and be in English; the proposals should be reviewed and endorsed by the appropriate foreign governmental agency. If letters of "Notice of Intent" are required, the AO should indicate that they be sent to NASA's International Affairs Division, Office of External Relations. Should a foreign proposal be selected, NASA will arrange with the sponsoring foreign agency for the proposed participation on a no-exchange-of-funds basis, in which NASA and the sponsoring agency will each bear the cost of discharging its respective responsibilities. Note that additional guidelines applicable to foreign proposers are contained in the Management Plan Section of Appendix C (see Section II) and must be included in any Guidelines for Proposal Preparation or otherwise furnished to foreign proposers.

306 Guidelines for Proposal Preparation

While not all of the guidelines outlined in Appendix C will be applicable in response to every AO, the investigator should be informed of the relevant information required. The proposal may be submitted on a form supplied by the Program Office. However, the proposal should be submitted in at least two sections: (1) Investigation and

Technical Section; and (2) Management and Cost Section as described in Appendix C.

Chapter 4—Evaluation of Proposals

400 General

The evaluation process assures consideration of the aspects of each proposal and constitutes progressive sorting of the proposals. A review resulting in a categorization is performed by using one of the methods or combination of the methods outlined in paragraph 402. The purpose of this initial review is to determine the scientific and/or technological merit of the proposals in the context of the AO objectives. Those proposals which are considered to have the greatest scientific or technological merit are then reviewed in detail for the engineering, management, and cost aspects, usually by the Project Office at the installation responsible for the project. Final reviews are performed by the Program Office and the Steering Committee and are aimed at developing a group of investigations which represent an integrated payload or a well-balanced program of investigation which has the best possibility for meeting the announced objectives within programmatic constraints. The importance of considering the interrelationship of the several aspects of the proposals to be reviewed in the process and the need for carefully planning their treatment should not be overlooked. An evaluation plan has been found helpful to the evaluators, program management officials, and the selection official. The evaluation plan should be developed before issuance of the AO. It should cover the recommended staffing for any subcommittee or contractor support, review guidelines as well as the procedural flow and schedule of the evaluation. While not mandatory, such a plan should be considered for each AO. A fuller discussion of the evaluation and selection process is included in the following paragraphs.

401 Criteria for Evaluation

1. Each AO must indicate those criteria which the evaluators will apply in evaluating a proposal. The relative importance of each criterion must also be stated. This information will allow investigators to make informed judgments in formulating proposals that best meet the stated objectives.

2. Following is a list of general evaluation criteria appropriate for inclusion in most AOs:

- a. The scientific, applications, and/or technological merit of the investigation.
- b. The relevance of the proposed investigation to the AO's stated scientific, applications, and/or technological objectives.
- c. The competence and experience of the investigator and any investigative team.
- d. Adequacy of whatever apparatus may be proposed with particular regard to its ability to supply the data needed for the investigation.
- e. The reputation and interest of the investigator's institution, as measured by the willingness of the institution to provide the support necessary to ensure that the investigation can be completed satisfactorily.

In addition to or in lieu of the criteria listed herein, additional criteria may be

utilized. In all cases, the evaluation criteria must be germane to the accomplishment of the stated objectives.

3. Cost and management aspects will be considered in all selections.

4. Once the AO is issued, it is essential that the evaluation criteria be applied in a uniform manner. If it becomes apparent, before the date set for receipt of proposals, that the criteria or their relative importance should be changed, the AO will be amended, and all known recipients will be informed of the change and given an adequate opportunity to consider it in submission of their proposals. Evaluation criteria and/or their relative importance will not be changed after the date set for receipt of proposals.

402 Methods of Evaluation

Alternative methods are available to initiate the evaluation of proposals received in response to an AO. These are referred to as the Advisory Subcommittee Evaluation Process, the Contractor Evaluation Process, and the Government Evaluation Process. In all processes, a subcommittee of the appropriate Program Office Steering Committee will be formed to categorize the proposals. The various approaches, described in detail in paragraph 403. Following categorization, those proposals still in consideration will be processed to the selection official as prescribed hereafter.

403 Advisory Subcommittee Evaluation Process

1. Evaluation of scientific and/or technological merit of proposed investigations is the responsibility of an advisory subcommittee of the Steering Committee. It is of prime importance that the appointment of members to the subcommittee be weighed carefully as these individuals may exercise significant influence on the selection of investigations and hence achievement of program goals and objectives.

2. The subcommittee constitutes a peer group qualified to judge the scientific and technological aspects of all investigation proposals. One or more subcommittees may be established depending on the breadth of the technical or scientific disciplines inherent in the AO's objectives. Each subcommittee represents a discipline or grouping of closely related disciplines. To maximize the quality of the subcommittee evaluation and categorization, the following conditions of selection and appointment should be considered.

- a. The subcommittee normally should be established on an ad hoc basis.
- b. Qualifications and acknowledgment of the professional abilities of the subcommittee members are of primary importance. Institutional affiliations are not sufficient qualifications.
- c. The executive secretary of the subcommittee must be a full-time NASA employee.
- d. Subcommittee members should normally be appointed as early as possible and prior to receipt of proposals.
- e. Care must be taken to avoid conflicts of interest. These include financial interests, institutional affiliations, professional biases

and associations, as well as familiar relationships. Conflicts could further occur as a result of imbalance between Government and non-Government appointees or membership from institutions representing a singular school of thought in discipline areas involving competitive theories in approach to an investigation.

f. The subcommittee should convene as a group in closed sessions for proposal evaluation to protect the proposer's proprietary ideas and to allow frank discussion of the proposer's qualifications and the merit of the proposer's ideas. Lead review responsibility for each proposal may be assigned to members most qualified in the involved discipline. It is important that each proposal be considered by the entire subcommittee.

3. It may not be possible to select a subcommittee fully satisfying all of the conditions described in subparagraph 2. It is not the purpose of these guidelines to establish provisions for making trade-offs, where necessary, among the above criteria. This is properly the responsibility of the nominating and appointing officials. This latitude permits flexibility in making decisions in accord with circumstances of each application. In so doing, however, it is emphasized that recognized expertise in evaluating dissimilar proposals is essential to the continued workability of the investigation acquisition process.

4. Candidate subcommittee members should be nominated by the office having responsibility for the evaluation. Nominations should be approved in accordance with NMI 1150.2, "Establishment, Operation, and Duration of NASA Advisory Committees." The notification of appointment should specify the duration of assignment on the subcommittee, provisions concerning conflicts of interest, and arrangements regarding honoraria, per diem, and travel when actually employed.

5. It is important that members of the subcommittee be formally instructed as to their responsibilities with respect to the investigation acquisition process, even where several or all of the members have served previously. This briefing of subcommittee members should include:

a. Instruction of subcommittee members on agency policies and procedures pertinent to acquisition of investigations.

b. Review of the program goals, AO objectives, and evaluation criteria, including relative importance, which provide the basis for evaluation.

c. Instruction on the use of preliminary proposal evaluation data furnished by the Installation Project Office. The subcommittee should examine these data to gain a better understanding of the proposed investigations, any associated problems, and to consider cost in relation to the value of the investigations' objectives.

d. Definition of responsibility of the subcommittee for evaluation and categorization with respect to scientific and/or technical merit in accordance with the evaluation criteria.

e. Instruction for documentation of deliberations and categorizations of the subcommittee.

f. Inform the chairperson of the subcommittee and all members that they should familiarize themselves with the provisions of the current "Standards of Conduct for NASA Employees", NHB 1900.1, or "Standards of Conduct for NASA Special Government Employees", NHB 1900.2, as appropriate, regarding conflicts of interest. Members should inform the appointing authority if their participation presents a real or apparent conflict of interest situation. In addition, all participants should inform the selection official in the event they are subjected to pressure or improper contacts.

g. Inform members that prior to the selection and announcement of the successful investigators and investigations, subcommittee members and NASA personnel shall not reveal any information concerning the evaluation to anyone who is not also participating in the same evaluation proceedings, and then only to the extent that such information is required in connection with such proceedings. Also, inform members that subsequent to selection of an investigation and announcement of negotiations with the investigator's institution, information concerning the proceedings of the subcommittee and data developed by the subcommittee will be made available to others within NASA only when the requestor demonstrates a need to know for a NASA purpose. Such information will be made available to persons outside NASA including other Government agencies, only when such disclosure is concurred in by the Office of General Counsel. In this connection, reference is made to 18 U.S.C. 1905 which provides criminal sanctions if any officer or employee (including special employees) of the United States discloses or divulges certain kinds of business confidential and trade secret information unless authorized by law.

6. The product of an advisory subcommittee is the classification of proposals into four categories. The categories are:

a. Category I—Well conceived and scientifically and technically sound investigations pertinent to the goals of the program and the AO's objectives and offered by a competent investigator from an institution capable of supplying the necessary support to ensure that any essential flight hardware or other support can be delivered on time and that data can be properly reduced, analyzed, interpreted, and published in a reasonable time. Investigations in Category I are recommended for acceptance and normally will be displaced only by other Category I investigations.

b. Category II—Well conceived and scientifically or technically sound investigations which are recommended for acceptance, but at a lower priority than Category I.

c. Category III—Scientifically or technically sound investigations which require further development. Category III investigations may be funded for development and may be reconsidered at a later time for the same or other opportunities.

d. Category IV—Proposed investigations which are recommended for rejection for the

particular opportunity under consideration, whatever the reason.

7. A record of the deliberations of the subcommittee should be prepared by the assigned executive secretary and should be signed by the Chairperson. The minutes should contain the categorizations with basic rationale for such ratings and the significant strengths and weaknesses of the proposals evaluated.

404 Contractor Evaluation Process

1. The use of the contractor method for obtaining support for evaluation purposes of proposals received in response to an AO requires the approval of the Program AA. Prior to the use of this method, discussion should be held with the Office of Procurement.

2. It is NASA policy to avoid situations in the procurement process where, by virtue of the work or services performed for NASA, or as a result of data acquired from NASA or from other entities, a particular company:

a. Is given an unfair competitive advantage over other companies with respect to future NASA business;

b. Is placed in a position to affect Government actions under circumstances in which there is potential that the company's judgment may be biased; or

c. Otherwise finds that a conflict exists between the performance of work or services for the Government in an impartial manner and the company's own self-interest.

3. To reduce the possibility of an organizational conflict of interest problem arising, the following minimum restrictions will be incorporated into the contract:

a. No employee of the contractor will be permitted to propose in response to the AO;

b. The "Limitation on Future Contracting" clause contained in NASA FAR Supplement 1852.209-71 and the conditions set forth in NASA FAR Supplement 1815.413-2 Alternate II (c) and (d) will be included in all such contracts; and

c. Unless authorized by the NASA contracting officer, the contractor shall not contact the originator of any proposal concerning its contents.

4. The scope of work for the selected contractor will provide for an identification of strengths and weaknesses and a summary of the proposals. The contractor will not make selections nor recommend investigations.

5. The steps to be taken in establishing evaluation panels and the responsibilities of NASA and the contractor in relation to the panels will be as follows:

a. The contractor will be required to establish and provide support to panels of experts for review of proposals to evaluate their scientific and technical merit;

b. These panels will be composed of scientists and specialists qualified to evaluate the proposals;

c. The agency may provide to the contractor lists of scientist(s) and specialist(s) in the various disciplines it believes are qualified to serve on the panels;

d. The contractor will report each panel's membership to NASA for approval; and

e. The contractor must make all the necessary arrangements with the panel members.

6. The evaluation support by the contractor's panels of experts will be accomplished as follows:

a. The panels will review the scientific and technical merit of the proposals in accordance with the evaluation criteria in the AO and will record their strengths and weaknesses.

b. The contractor will make records of each panel's deliberations which will form the basis for a report summarizing the results of the evaluations. Upon request, the contractor shall provide all such records to NASA;

c. The chairperson of each panel shall certify that the evaluation report correctly represents the findings of the review panel; and

d. A final report will be submitted as provided in the contract.

7. A subcommittee of the Program Office Steering Committee will be established on an ad hoc basis. Utilizing furnished data, the subcommittee will classify the proposals into the four categories enumerated in paragraph 403, "Advisory Subcommittee Evaluation Process." A record of the deliberations of the subcommittee should be prepared by an assigned executive secretary and signed by the chairperson. The minutes should contain the categorizations with the basic rationale for such ratings and the significant strengths and weaknesses of the proposals evaluated.

405 Government Evaluation Process

1. The Program AA may, in accordance with NMI 1150.2, appoint one or more full-time Government employees as subcommittee members of the Program Office Steering Committee to evaluate and categorize the proposals.

2. Each subcommittee member should be qualified and competent to evaluate the proposals in accordance with the AO evaluation criteria. It is important that a subcommittee's evaluation not be influenced by others either within or outside of NASA.

3. The subcommittee members will not contact the proposers for additional information.

4. The subcommittee members will classify the proposals in accordance with the four categories indicated in paragraph 403. Each categorization will be supported by an appropriate rationale including a narrative of each proposal's strengths and weaknesses.

406 Engineering, Integration, and Management Evaluation

1. The subcommittee responsible for categorization of each proposal in terms of its scientific, applications, or technical merit should receive information on probable cost, technical status, developmental risk, integration and safety problems, and management arrangements in time for their deliberations.

2. This information should be provided at the discretion of the Headquarters Program Office by the Project Office at the installation. This information can be in general terms and should reflect what insights the Project Office can provide without requesting additional details from the proposers. This limited Project Office review will not normally give the subcommittees information of significant precision. The purpose is to give the

subcommittee sufficient information so it can review the proposals in conjunction with available cost, integration, and management considerations to gain an impression of each investigator's understanding of the problems of the experiment and to permit gross trade-offs of cost versus value of the investigation objective.

3. Following categorization, the Project Office shall evaluate proposals in contention, in depth, including a thorough review of each proposal's engineering, integration, management, and cost aspects. This review should be accomplished by qualified engineering, cost, and business analysts at the project center.

4. In assessing proposed costs, the evaluation must consider:

a. The investigation objective.

b. Comparable, similar or related investigations.

c. Whether NASA or the investigator should procure the necessary supporting instrumentation or services and the relative cost of each mode.

d. Total overall or probable costs to the Government including integration and data reduction and analysis. In the case of investigations proposed by Government investigators, this includes all associated direct and indirect cost. With respect to cooperative investigations, integration, and other applicable costs should be considered.

5. The Project Office, as part of the in-depth evaluation of proposals that require instrumentation or support equipment, will survey all potential sources for Government-owned instrumentation or support equipment that may be made available, with or without modifications, to the potential investigator. Such items contributed by foreign cooperating groups which are still available under cooperative project agreements will also be considered for use under the terms and conditions specified in the agreements. As part of the evaluation report to the Program Office, the availability or nonavailability of instrumentation or support equipment will be indicated.

6. Proposals which require instrumentation should be evaluated by project personnel. This evaluation should cover the interfaces and the assessment of development risks. This evaluation should furnish the selection official with sufficient data to contribute to the instrument determinations. Important among these are:

a. Whether the instrument requires further definition;

b. Whether studies and designs are necessary to provide a reasonably accurate appreciation of the cost;

c. Whether the investigation can be carried out without incurring undue cost, schedule, or risk of failure penalties; and

d. Whether integration of the instrument is feasible.

7. In reviewing an investigator's management plan, the Project Office should evaluate the investigator's approach for efficiently managing the work, the recognition of essential management functions, and the effective overall integration of these functions. Evaluation of the proposals under final consideration should include, but not be limited to:

workload—present and future related to capacity and capability; past experience; management approach and organization; e.g.:

a. With respect to workload and its relationship to capacity and capability, it is important to ascertain the extent to which the investigator is capable of providing facilities and personnel skills necessary to perform the required effort on a timely basis. This review should reveal the need for additional facilities or people, and provide some indication of the Government support the investigator will require.

b. A review should be made of the investigator, the investigator's institution, and any supporting contractor's performance on prior investigations. This should assist in arriving at an assessment of the investigator and the institution's ability to perform the effort within the proposed cost and time constraints.

c. The proposed investigator's management arrangements should be reviewed, including make or buy choices, support of any co-investigator, and preselected subcontractors or other instrument fabricators to determine whether such arrangements are justified. The review should determine if the proposed management arrangements enhance the investigator's ability to devote more time to the proposed experiment objectives and still effectively employ the technical and administrative support required for a successful investigation. In making these evaluations, the Project Office should draw on the installation's engineering, business, legal, and other staff resources, as necessary, as well as its scientific resources. If further information is needed from the proposers, it should be obtained through the proper contacts.

407 Program Office Evaluation

1. A Program Office responsible for the project or program at Headquarters will receive the evaluation of the proposals, and weigh the evaluative data to determine an optimum payload or program of investigation. This determination will involve recommendations concerning individual investigations; but, more importantly, should result in a payload or program which is judged to optimize total mission return within schedule, engineering, and budgetary constraints. The recommendations should facilitate sound selection decisions by the Program AA. Three sets of recommendations result from the Program Office evaluation:

a. Optimum payload or program of investigations, or options for alternative payloads or programs.

b. Recommendation for final or tentative selection based on a determination of the degree of uncertainty associated with individual investigations. A tentative selection may be considered step one of a two-step selection technique.

c. Upon consideration of the guidelines contained in paragraph 501-1c, recommending responsibility for instrument development.

2. The Installation Project Office evaluation is principally concerned with ensuring that the proposed investigation can be managed, developed, integrated, and executed with an

appropriate probability of technical success within the estimated probable cost. The Headquarters program Director, drawing upon these inputs, should be mainly concerned with determining a payload or program from the point of view of programmatic goals and budgetary constraints. Discipline and cost trade-offs are considered at this level. The Headquarters Program Office should focus on the potential contribution to program objectives that can be achieved under alternative feasible payload integration options.

3. It may be to NASA's advantage to consider certain investigations for tentative selection pending resolution of uncertainties in their development. Tentative selections should be reconsidered after a period of time for final selection in a payload or program of investigations. This two-step selection process should be considered when:

a. The potential return from the investigation is sufficient, relative to that of the other investigations under consideration, and that its further development appears to be warranted before final selection.

b. The investigation potential is of such high priority to the program that the investigation should be developed for flight if at all possible.

c. The investigative area is critical to the program and competitive approaches need to be developed further to allow selection of the optimum course.

4. Based on evaluation of these considerations associated with the investigations requiring further development of hardware, the following information should be provided to the Steering Committee and the Program AA responsible for selection:

a. The expected gain in potential return associated with the eventual incorporation of tentatively recommended investigations in the payload(s) or program.

b. The expected costs required to develop instrumentation to the point of "demonstrated capability."

c. The risk involved in added cost, probability of successfully developing the required instrument capability, and the possibility of schedule impact.

d. Identification of opportunities, if any, for inclusion of such investigations in later missions.

5. In those cases where investigations are tentatively selected, an explicit statement should be made of the process to be followed in determining the final payload or program of investigations and the proposers so informed. The two-phase selection approach provides the opportunity for additional assurance of development potential and probable cost prior to a final commitment to the investigation.

6. As instruments used in investigations become increasingly complex and costly, the need for greater control of their development by the responsible Headquarters Program Office also grows. Accordingly, as an integral part of the evaluation process, a deliberate decision should be made regarding the role of the Principal Investigator with respect to the provision of the major hardware associated with that person's investigation. The guidelines for the hardware acquisition

determination are discussed in paragraph 501-1c.

7. The range of options for responsibility for the instrumentation consists of:

a. Assignment of full responsibility to the Principal Investigator. The responsibility includes all in-house or contracted activity to provide the instrumentation for integration.

b. Retention of developmental responsibility by the Government with participation by the Principal Investigator in key events defined for the program. In all cases the right of the Principal Investigator to counsel and recommend is paramount. Such involvement of the Principal Investigator may include:

(1) Provision of instrument specifications.

(2) Approval of specifications.

(3) Independent monitorship of the development and advice to the Government on optimization of the instrumentation for the investigation.

(4) Participation in design reviews and other appropriate reviews.

(5) Review and concurrence in changes resulting from design reviews.

(6) Participation in configuration control board actions.

(7) Advice in definition of test program.

(8) Review and approval of test program and changes thereto.

(9) Participation in conduct of the test program.

(10) Participation in calibration of instrument.

(11) Participation in final inspection and acceptance of the instrument.

(12) Participation in subsequent test and evaluation processes incident to integration and flight preparation.

(13) Participation in the development and support of the operations plan.

(14) Analysis and interpretation of data.

8. The Principal Investigator should as a minimum:

a. Approve the instrument specification.

b. Advise the project manager in development and fabrication.

c. Participate in final calibration.

d. Develop and support the operations plan.

e. Analyze and interpret the data.

9. The Project Installation is responsible for implementing the program or project and should make recommendations concerning the role for the Principal Investigators. The Program AA will determine the role, acting upon the advice of the Headquarters Program Office and the Steering Committee. The Principal Investigator's desires will be respected in the negotiation of the person's role allowing an appeal to the Program AA and the right to withdraw from participation.

10. The Program Office should make a presentation to the Steering Committee with supporting documentation on the decisions to be made by the responsible Program AA.

408 Steering Committee Review

1. The most important role of the Steering Committee is to provide a substantive review of a potential payload or program of investigations and to recommend a selection to the Program AA. The Steering Committee applies the collective experience of representatives from the program and

discipline communities and offers a forum for discussing the selection from those points of view. In addition to this mission-specific evaluation function, the Steering Committee provides guidance to subcommittee chairpersons and serves as a clearinghouse for problems and complaints regarding the process. The Steering Committee is responsible for assuring adherence to required procedures. Lastly, it is the forum where discipline objectives are weighed against program objectives and constraints.

2. The Steering Committee represents the means for exercising three responsibilities in the process of selecting investigations to:

a. Review compliance with procedures governing application of the AO process.

b. Ensure that adequate documentation has been made of the steps in the evaluation process.

c. Review the results of the evaluation by the subcommittee, Project, and Program Offices and prepare an assessment or endorsement of a recommended payload or program of investigations to the Program AA.

3. The purpose in exercising the first of these responsibilities is to ensure equity and consistency in the application of the process. The Steering Committee is intended to provide the necessary reviews and coordination inherent in conventional acquisition practices.

4. The second and third responsibilities of the Steering Committee are technical. They require that the Steering Committee review the evaluations by subcommittee, the Project Office, and the Program Office for completeness and appropriateness before forwarding to the Program AA. Most important in this review are:

a. Degree to which results of evaluations and recommendations follow logically from the criteria in the AO.

b. Consistency with objectives and policies generally beyond the scope of Project/Program Offices.

c. Sufficiency of reasons stated for tentative recommendations of those investigations requiring further instrument research and development.

d. Sufficiency of reasons stated for determining responsibilities for instrument development.

e. Sufficiency of consideration of reusable space flight hardware and support equipment for the recommended investigations.

f. Sufficiency of reasons for classifying proposed investigations in their respective categories.

g. Fair treatment of all proposals.

5. The Steering Committee makes recommendations to the selection official on the payload or program of investigations and notes caveats or provisions important for consideration of the selection official.

409 Principles to Apply

1. Paragraph 408 contains a description of the evaluation function appropriate for a major payload or very significant program of investigation. The levels of review, evaluation, and refinement described should be applied in those selections where warranted but could be varied for less significant selection situations. It is essential to consider the principles of the several

evaluative steps, but it may not be essential to maintain strict adherence to the sequence and structure of the evaluation system described. The selection official is responsible for determining the evaluation process most appropriate for the selection situation using this Chapter as a guide.

2. Significant deviations from the provisions of this Handbook must be fully documented and be approved by the Program AA after concurrence by the Office of General Counsel and Office of Procurement.

Chapter 5—The Selection Process

500 General

The Program AA is responsible for selecting investigations for contract negotiation. This decision culminates the evaluations and processes that can be summarized as follows:

Evaluation stage	Principal emphasis	Results
Contractor (when authorized)	Summary evaluation (strengths and weaknesses).	Report to Subcommittee.
Subcommittee	Science and technological relevance, value, and feasibility.	Categorization of individual proposals.
Project Office	Engineering/cost/integration/management assessment.	Reports to Subcommittee and Program Office.
Program Office	Consistency with announcement and program objectives, and cost and schedule constraints.	Recommendations to Steering Committee of payload or program of investigations.
Steering Committee	Logic of proposed selections and compliance with proper procedures.	Recommendations to Program Associate Administrator.

501 Decisions To Be Made

1. The selection decisions by the Program AA constitute management judgments balancing individual and aggregate scientific or technological merit, the contribution of the recommended investigations to the AO's objectives, and their consonance with budget constraints. The selection official may develop additional data to make the following decisions:

a. Determination of the adequacy of scientific/technical analysis supporting the recommended selections. This supporting rationale should involve considerations including:

- (1) Assurance that the expected return contributes substantially to program objectives and is likely to be realized.
- (2) Assurance that the evaluation criteria were applied consistently to all proposed investigations.
- (3) Assurance that the set of recommended investigations constitutes the optimum program or payload considering potential value and constraints.
- (4) Assurance that only one investigator is assigned as the Principal Investigator to each investigation and that the Principal Investigator will assume the associated responsibilities and be the single point of contact and leader of any other investigators selected for the same investigation.

b. Determination as to whether available returned space hardware or support equipment, with or without modification, would be adequate to meet or support investigation objectives.

c. Determination as to whether the proposed instrument fabricator qualifies and should be accepted as a sole source or whether the requirement should be competitive procured. The following guidelines apply:

- (1) The hardware required should be subjected to competitive solicitation where it is clear that the capability is not sufficiently unique to justify sole source procurement.
- (2) The hardware requirement should be purchased from the fabricator proposed by the investigator, which may be the investigator's own institution, (a) when the fabricator's proposal contains technical data

that are not available from another source, and it is not feasible or practicable to define the fabrication requirement in such a way as to avoid the necessity of using the technical data contained in the proposal; (b) when the fabricator offers unique capabilities that are not available from another source; (c) when the selection official determines that the proposed hardware contributes so significantly to the value of the investigator's proposal as to be an integral part of it.

(3) If a producer other than the one proposed by the investigator offers unique capabilities to produce the hardware requirement, NASA may buy the hardware from the qualified fabricator.

(4) If a NASA employee submits a proposal as a principal investigator, any requirement for hardware necessary to perform the investigation must either be competed by the installation procurement office or a justification must be written, synopsised, and approved in accordance with the requirements of FAR and the NFS.

d. Determination of the desirability for tentative selection of investigations. This determination involves considerations including:

(1) Assessment of the state of development of the investigative hardware, the cost and schedule for development in relation to the gain in potential benefits at the time of final selection.

(2) Assurance that there is adequate definition of investigation hardware to allow parallel design of other project hardware.

(3) Assurance that appropriate management procedures are contained in the project plan for reevaluation and final selection (or rejection) on an appropriate time scale.

e. Determination of the acceptability of the proposer's management plan, including the proposed hardware development plan, and the necessity, if any, of negotiating modifications to that plan.

2. In the process of making the above determinations described in subparagraph 1, the Program AA may request additional information or evaluations. In most instances, this information can be provided by the Program Office responsible for the mission, project, or program. However, the

Program AA may reconvene the subcommittee or poll the members individually or provide for additional analysis or require additional data from evaluators or proposers as considered necessary to facilitate the Program AA's decision.

502 The Selection Statement

Upon completion of deliberations, the responsible Program AA shall issue a selection statement. Ordinarily this statement will, upon request, be releasable to the public. As a minimum, the selection statement should include:

- 1. The general and specific evaluation criteria and relative importance used for the selection.
- 2. The categorizations provided by the subcommittee and the rationale for accepting or not accepting each Category I proposal and a succinct statement concerning the nonacceptance of all other proposals.
- 3. A concise description of each investigation accepted including an indication as to whether the selection is a partial acceptance of a proposal and/or a joinder with other investigators.
- 4. The role of the Principal Investigator with regard to hardware essential to the investigation and whether the Principal Investigator will be responsible for hardware acquisition and the basis therefor.
- 5. An indication of the plan and acquisition using the regular procurement processes, if the Principal Investigator is not to acquire the hardware.
- 6. A statement indicating whether the selection is final or tentative, recognizing the need for better definition of the investigation and its cost.
- 7. A statement indicating use of Government-owned space flight hardware and/or support equipment.

503 Notification of Proposers

1. It is essential that investigators whose proposals have no reasonable chance for selection be so apprised as soon as practicable. The responsible Program Office will, upon such determination, notify investigators of that fact with the major reason(s) why the proposals were so

considered. The notification letter should also inform such investigators that they may obtain a detailed oral debriefing provided they request it in writing. The letter should point out that such a debriefing would be available only after completion of the selection process and would otherwise be conducted in accordance with the NASA FAR Supplement. (See paragraph 504.)

2. Letters of notification will be sent to those Principal Investigators selected to participate. This letter should not commit the agency to more than negotiations for the selected investigation, but it should indicate the decision made and contain:

a. A concise description of the Principal Investigator's investigation as selected, noting substantive changes, if any, from the investigation originally proposed by the Principal Investigator.

b. The nature of the selection, i.e., whether it should be considered final or tentative requiring additional hardware or cost definition.

c. A description of the role of the Principal Investigator including the responsibility for the provision of instruments for flight experiments.

d. Identification of the principal technical and management points to be treated in subsequent negotiations.

e. Any rights to be granted on use of data, publishing of data, and duration of use of the data.

f. Where applicable, indication that a foreign selectee's participation in the program will be arranged between the International Affairs Division, Office of External Relations, and the foreign government agency which endorsed the proposal.

3. In conjunction with the notification of successful foreign proposers, the Program Office shall forward a letter to the responsible International Affairs Division, Office of External Relations, addressing the following:

a. The scientific technological objective of the effort.

b. The period of time for the effort.

c. The responsibilities of NASA and of the sponsoring governmental agency; these may include:

(1) Provision and disposition of hardware and software.

(2) Responsibilities for reporting, reduction and dissemination of data.

(3) Responsibilities for transportation of hardware.

d. Any additional information pertinent to the conduct of the experiment.

4. Using the information provided above, the International Affairs Division, Office of External Relations will negotiate an agreement with the sponsoring foreign agency.

5. Notices shall also be sent to those proposers not notified pursuant to the preceding paragraphs, and, as applicable, a copy to the sponsoring foreign government agency. It is important that these remaining proposers be informed at the same time as those selected. Other agency notifications and press release procedures will apply, as appropriate.

504 Debriefing

It is the policy to debrief, if requested, unsuccessful proposers of investigations in accordance with NFS 1815.1003. The following considerations are offered in arranging and conducting debriefings:

1. Debriefing should be done by an official designated by the responsible Program AA. Any other personnel receiving requests for information concerning the rejection of a proposal should refer to the designated official.

2. Debriefing of unsuccessful offerors should be made at the earliest possible time; debriefing will generally be scheduled subsequent to selection but prior to award of contracts to the successful proposers.

3. Material discussed in debriefing should be factual and consonant with the documented findings of several stages of the evaluation process and the selection statement.

4. The debriefing official should advise of weak or deficient areas in the proposal, indicate whether those weaknesses were factors in the selection, and advise of the major considerations in selecting the competing successful proposer where appropriate.

5. The debriefing official should not discuss other unsuccessful proposals, ranking, votes of members, or attempt to make a point-by-point comparison with successful proposals.

6. A memorandum of record of the debriefing should be provided the Chairperson of the Steering Committee.

Chapter 6—Payload Formulation

600 Payload Formulation

1. Payload elements for Space Transportation System (STS) missions can come from many sources. These include those selected through AOs, those generated by in-house research, unsolicited proposals and those derived from agreements between NASA and external entities. However, it is anticipated that the primary source of NASA payload elements will be the AO process. Generally, proposals for payload elements submitted outside the AO process will not be selected if they would have been responsive to an AO objective.

2. Payload elements for STS flights fall into two major categories. "NASA or NASA-related" payload elements are those which are developed by a NASA Program Office or by another party with which NASA has a shared interest. "Non-NASA" payload elements are those which require only STS operation services from NASA and interface with NASA through the Office of Space Flight.

3. In general, a Program Office will be designated responsibility for formulating the "NASA or NASA-related" portion of an STS payload. The Office of Space Flight will be responsible for formulating the "non-NASA" portion of an STS payload. Flights may, of course, consist wholly of payload elements of either type. Resource allocation for mixed missions will be determined by the Program Office and the Office of Space Flight.

Chapter 7—Procurement and Other Considerations

700 Early Involvement Essential

1. The distinctive feature of the AO process is that it is both a program planning system and a procurement system in one procedure. The choice of what aeronautical and space phenomena to investigate is program planning. Procurement is involved with the purchase of property and services to carry out the selected investigations.

2. Because of both the programmatic and multi-functional aspects of the AO process, early involvement of external program office elements is essential. Success of the process requires that it proceed in a manner that meets program goals and complies with statutory requirements and procurement policy.

3. The planning, preparation and selection schedule for the investigation should commence early enough to meet statutory and regulatory requirements. Chief of these are the requirements for soliciting maximum feasible competition and for conducting discussions with offerors within the competitive range by the Project Office and/or any other evaluation group or office authorized by the selection official.

701 Negotiation, Discussions, and Contract Award

Indicated below are some of the major procurement procedures that need to be accomplished to assure uniformity and sufficiency in the acquisition of investigations. These areas are not exclusive and not intended to substitute for coordination and good judgment before issuance of the AO, during evaluation of proposals, and prior to contract award.

1. As negotiated procurements must be made by soliciting proposals from the maximum number of qualified sources consistent with the requirement, the AO must also be synopsisized in the Commerce Business Daily. Responses to the synopsis must be added to the AO mailing list. Every effort should be made to publish opportunities far enough in advance to encourage a broad response. (In no case less than 45 days before the date set for receipt of proposals).

2. Significant items for consideration after receipt of proposals:

a. Late Proposals—The policy on late proposals contained in the NFS 1815.412 is applicable. Potential investigators should be informed of this policy. In the AO context, the selection official or designee will determine whether a late proposal will be considered.

b. Competitive Considerations

(1) The proposals submitted in response to the AOs are not necessarily fully comparable. However, all proposals within the scope of an opportunity must be evaluated in accordance with the criteria in the AO.

(2) Cost must be considered in the evaluation if costs are involved in the investigation. General cost information should be given to the subcommittee by the Installation Project Office for use in determining the categories into which the subcommittee places proposals.

(3) Further information should be obtained, as necessary, by the Installation Project

Office and/or any other evaluation group authorized by the selection official and from the investigators whose proposals are being considered. This is similar to the procurement procedure for conducting written and oral discussions. A major consideration during discussions is to avoid unfairness and unequal treatment. Good judgment is required by in the extent and content of the discussions. There should be no reluctance in obtaining the advice and guidance of management and staff offices during the discussion phase. A summary should be prepared of the primary points covered in the written and oral discussions and show the effect of the discussions on the evaluation of proposals. This summary should also contain general information about the questions submitted to the investigators, the amount of time spent in oral discussion, and revisions in proposals, if any, resulting from the discussions.

(4) During the conduct of discussions, all proposers being considered shall be offered an equitable opportunity to submit cost, technical, or other revisions in their proposals as may result from the discussions. All proposers shall be informed that any revisions to their proposals must be submitted by a common cut-off date in order to be considered. The record should note compliance of the investigators with that cut-off date.

3. Significant items for consideration before award:

a. Issuance of a Request for Proposal (RFP)—A formal RFP should not be issued to obtain additional information on proposals accepted under the AO process. Additional technical, cost, or other data received should be considered as a supplement to the original proposal.

b. Selection of Investigator/Contractor—The selection decision of the Program AA approves the selected investigators and their institutions as the only satisfactory sources for the investigations. The selection of the investigator does not constitute the selection of that person's proposed supporting hardware fabricator unless the selection official specifically incorporates the fabricator in the selection decision.

702 Application of the Federal Acquisition Regulation (FAR) and the NASA FAR Supplement (NFS)

The AO process supplants normal procurement procedures only to the extent necessary to meet the distinctive features of the process. This process is not intended to conflict with any established statutory requirements. The FAR, the NFS, and related procurement directives should be used for guidance in those instances where instructions are not in this Handbook.

703 Other Administrative and Functional Requirements

After selection, all other applicable administrative and functional requirements will be complied with or incorporated in any resultant contract. These may include requirements contained in such publications as NHB 5300.4(1B), "Quality Program Provisions for Aeronautical and Space System Contractors," and NHB 9501.2,

"Procedures for Contractor Reporting of Correlated Cost and Performance Data."

Appendix A: Format of Announcement of Opportunity (AO)

OMB Approval Number 2700-0085

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Washington, DC 20546

ANNOUNCEMENT OF OPPORTUNITY

AO No. _____ (Issuance Date)

(Descriptive Heading)

I. Description of the Opportunity

This section should set forth the basic purpose of the AO and describe the opportunity in terms of NASA's desire to obtain proposals which will meet the stated scientific, applications and/or technological objectives. These objectives may be directed to the generation of proposals for investigations and/or they may pertain to the acquisition of dissimilar ideas leading to selection of investigators, guest observers, guest investigators, or theorists; and/or any other approved area as identified in NHB 8030.6. In those instances where proposals for investigations are sought, this section should describe the requirement, if any, for selected investigators to serve on advisory or working groups. In those instances where the project or program has not yet been approved, a qualifying statement should be included to indicate that this AO does not constitute an obligation for the Government to carry the effort to completion.

II. AO Objectives

This section will give a succinct statement of the specific scientific, applications, and/or technological objective(s) for the opportunity(s) for which proposals are sought.

III. Background

This section should provide an explanation of the context of the opportunity, i.e., information which will help the reader understand the relevance of the opportunity.

IV. Proposal Opportunity Period

This section should provide the proposal opportunity period(s). The following methods may be used individually or in conjunction for establishing the proposal opportunity period(s):

1. The AO may be issued establishing a single date by which proposals may be received. However, the AO could provide that the agency may amend the AO to provide for subsequent dates for submission of proposals, if additional investigations are desired.

2. The AO may be issued to provide for an initial submission date with the AO to remain open for submission of additional proposals up to a final cutoff date. This final date should be related to the availability of resources necessary to evaluate the continuous flow of proposals and the time remaining prior to the flight opportunities contemplated by the AO.

3. The AO may be issued establishing a number of dates by which proposals may be received. Normally no more than three proposal submission dates should be

established. The submittal dates may be spread over the number of months most compatible with the possible flight opportunities and the availability of resources necessary to evaluate and fund the proposal. If desired, this section should further inform the reader that if a proposal receives a Category I, II, or III rating but is not selected for immediate support, the proposal may, if desired by the proposer, be held by NASA for later consideration within the ground rules set forth in paragraphs 1 and 2. The section should inform the reader that if the person wishes the proposal to be so treated, it should be indicated in the proposal. This section should further indicate that offerors whose proposals are to be considered at a later time will be given the opportunity to revalidate their proposals with their institution and update cost data.

V. Requirements and Constraints

1. This section will include technical, programmatic, cost, and schedule requirements or constraints, as applicable, and will specify performance limits such as lifetime, flight environment, safety, reliability, and quality assurance provisions for flight-worthiness. It will specify the requirements and constraints related to the flight crew and the ground support. It will also include requirements for data analysis, estimated schedule of data shipment to user or observer, need for preliminary or raw data analysis and interim reports. It will specify planned period (time) for data analysis to be used for budgeting. It will provide any additional information necessary for a meaningful proposal.

2. When NASA determines that instrumentation, ground support equipment, or NASA supporting effort will be required or may be expected to be required by the contemplated investigations, the AO should indicate to the potential investigators that they must submit specific information regarding this requirement to allow an in-depth evaluation of the technical aspects, cost, management, and other factors by the Installation Project Office.

VI. Proposal Submission Information

1. Preproposal Activities—In this section, the AO will indicate requirements and activities such as the following:

a. Submittal of "Notice of Intent" to propose (if desired), date for submission, and any additional required data to be submitted. Indicate whether there are information packages which will only be sent to those who submit "Notice of Intent."

b. Attendance at the preproposal conference (if held). Information should be provided as to time, place, whether attendance will be restricted in number from each institution, and whether prior notice of intention to attend is required. If desired, a request may be included that questions be submitted in writing several days before the conference in order to prepare replies.

c. The name and address of the scientific or technical contact for questions or inquiries.

d. Any other preproposal data considered necessary.

2. Format of Proposals—This section should provide the investigator with the

information necessary to enable an effective evaluation of the proposal. The information is as follows:

a. Proposal—The AO should indicate how the proposal should be submitted to facilitate evaluation. The proposal should be submitted in at least two sections: (1) Investigation and Technical Section; and (2) Management and Cost Section.

b. Certification—The proposal must be signed by an institutional official authorized to certify institutional support, sponsorship of the investigation, management, and financial aspects of the proposal.

c. Quantity—The number of copies of the proposal should be specified. One copy should be clear black and white, and on white paper of quality suitable for reproduction.

d. Submittal Address—Proposals from domestic sources should be mailed to arrive not later than the time indicated for receipt of proposals to:

National Aeronautics and Space
Administration Office of (Program)
Code _____ AO No. _____
Washington, DC 20546

e. Format—To aid in proposal evaluation, and to facilitate comparative analysis, a uniform proposal format will be required for each AO. The number of pages, page size, and restriction on photo reduction, etc., may be included. The format contained in Appendix C can be used as a guide. Proposers may be requested to respond to all of the items or the AO may indicate that only selected items need be addressed. Using the Appendix format as a guide, specific guidelines may be prepared for the AO or an appropriate form developed.

3. Additional Information—This section may be used to request or furnish data necessary to obtain clear proposals that should not require further discussions with the proposer by the evaluators. Other pertinent data could also be included, such as significant milestones.

4. Foreign Proposals—The procedures for submission of proposals from outside the U.S. are contained in Appendix B, "General Instructions and Provisions." This section will describe any additional requirements, for example, if information copies of proposals are required to be furnished by the proposer to other organizations at the same time the proposal is submitted.

5. Cost Proposals (U.S. Investigators Only)—This section defines any special requirements regarding cost proposals of domestic investigators. Reference then should be made to the cost proposal certifications indicated in Appendix B, "General Instructions and Provisions."

VII. Proposal Evaluation, Selection, and Implementation

1. Evaluation and Selection Procedure

a. This section should notify the proposers of the evaluation process.

b. For example, a statement similar to the following should be included: "Proposals received in response to this AO will be reviewed by a subcommittee appointed by the (appropriate Program AA). The purpose of the review is to determine the scientific/

technical merit of the proposals in the context of this AO and so categorize the proposals. Those proposals which are considered to have the greatest scientific/technical merit are further reviewed for engineering, integration, management, and cost aspects by the Project Office at the installation responsible for the project. On the basis of these reviews, and the reviews of the responsible Program Office and the Steering Committee, the (appropriate Program Associate Administrator) will appoint/select the investigators/investigations."

2. Evaluation Criteria

a. This section should indicate that the selection of proposals which best meet the specific scientific, applications, and/or technological objectives, stated in the AO, is the aim of the solicitation. This section should list the criteria to be used in the evaluation of proposals and indicate their relative importance. See paragraph 401, NHB 8030.6, for a listing of criteria generally appropriate.

b. This section will also inform the proposers that cost and management factors, e.g., proposed small business participation in instrumentation fabrication or investigation support, will be separately considered.

VIII. Schedule

This section should include the following, as applicable:

1. Preproposal conference date.
2. Notice of Intent submittal date.
3. Proposal submittal date(s).
4. Target date for announcement of selections.

IX. Appendices

1. General Instructions and Provisions (must be attached to each AO).

2. Other Pertinent Data, e.g., Spacelab Accommodations Data.
/s/ Associate Administrator for (Program)

Appendix B: General

Instructions and Provisions

I. Instrumentation and/or Ground Equipment

By submitting a proposal, the investigator and institution agree that NASA has the option to accept all or part of the offeror's plan to provide the instrumentation or ground support equipment required for the investigation or NASA may furnish or obtain such instrumentation or equipment from any other source as determined by the selecting official. In addition, NASA reserves the right to require use, by the selected investigator, of Government instrumentation or property that becomes available, with or without modification, that will meet the investigative objectives.

II. Tentative Selections, Phased Development, Partial Selections, and Participation with Others

By submitting a proposal, the investigator and the organization agree that NASA has the option to make a tentative selection pending a successful feasibility or definition effort. NASA has the option to contract in phases for a proposed experiment, and to discontinue the investigative effort at the

completion of any phase. The investigator should also understand that NASA may desire to select only a portion of the proposed investigation and/or that NASA may desire the individual's participation with other investigators in a joint investigation, in which case the investigator will be given the opportunity to accept or decline such partial acceptance or participation with other investigators prior to a selection. Where participation with other investigators as a team is agreed to, one of the team members will normally be designated as its team leader or contact point.

III. Selection Without Discussion

The Government reserves the right to reject any or all proposals received in response to this AO when such action shall be considered in the best interest of the Government. Notice is also given of the possibility that any selection may be made without discussion (other than discussions conducted for the purpose of minor clarification). It is therefore emphasized that all proposals should be submitted initially on the most favorable terms that the offeror can submit.

IV. Foreign Proposals

See Appendix C, Section II, para. 3.

V. Treatment of Proposal Data

It is NASA policy to use information contained in proposals and quotations for evaluation purposes only. While this policy does not require that the proposal or quotation bear a restrictive notice, offerors or quoters should place the following notice on the title page of the proposal or quotation and specify the information, subject to the notice by inserting appropriate identification, such as page numbers, in the notice. Information (data) contained in proposals and quotations will be protected to the extent permitted by law, but NASA assumes no liability for use and disclosure of information not made subject to the notice.

Restriction on Use and Disclosure of Proposal and Quotation Information (Data)

The information (data) contained in [insert page numbers or other identification] of this proposal or quotation constitutes a trade secret and/or information that is commercial or financial and confidential or privileged. It is furnished to the Government in confidence with the understanding that it will not, without permission of the offeror, be used or disclosed for other than evaluation purposes; provided, however, that in the event a contract is awarded on the basis of this proposal or quotation the Government shall have the right to use and disclose this information (data) to the extent provided in the contract. This restriction does not limit the Government's right to use or disclose this information (data) if obtained from another source without restriction.

VI. Status of Cost Proposals (U.S. Proposals Only)

The investigator's institution agrees that the cost proposal is for proposal evaluation and selection purposes, and that following selection and during negotiations leading to a definitive contract, the institution will be required to resubmit or execute a Standard

Form (SF) Form 1411 "Contract Pricing Proposal Cover Sheet" and certifications and representations required by law and regulation.

VII. Late Proposals

The Government reserves the right to consider proposals or modifications thereof received after the date indicated, should such action be in the interest of the Government.

VIII. Source of Space Transportation System Investigations

Investigators are advised that candidate investigations for Space Transportation System (STS) missions can come from many sources.

IX. Disclosure of Proposals Outside Government

NASA may find it necessary to obtain proposal evaluation assistance outside the Government. Where NASA determines it is necessary to disclose a proposal outside the Government for evaluation purposes, arrangements will be made with the evaluator for appropriate handling of the proposal information. Therefore, by submitting a proposal the investigator and institution agree that NASA may have the proposal evaluated outside the Government. If the investigator or institution desire to preclude NASA from using an outside evaluation, the investigator or institution should so indicate on the cover. However, notice is given that if NASA is precluded from using outside evaluation, it may be unable to consider the proposal.

X. Equal Opportunity (U.S. Proposals Only)

By submitting a proposal, the investigator and institution agree to accept the following clause in any resulting contract:

Equal Opportunity

During the performance of this contract, the Contractor agrees as follows:

1. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.

2. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. This shall include, but not be limited to, (a) employment, (b) upgrading, (c) demotion, (d) transfer, (e) recruitment or recruitment advertising, (f) layoff or termination, (g) rates of pay or other forms of compensation, and (h) selection for training, including apprenticeship.

3. The Contractor shall post in conspicuous places available to employees and applicants for employment the notices to be provided by the Contracting Officer that explain this clause.

4. The Contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

5. The Contractor shall send to each labor union or representative of workers with which it has a collective bargaining

agreement or other contract or understanding the notice to be provided by the Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under this clause, and post copies of the notice in conspicuous places available to employees and applicants for employment.

6. The Contractor shall comply with Executive Order 11246, as amended, and the rules, regulations, and orders of the Secretary of Labor.

7. The Contractor shall furnish to the contracting agency all information required by Executive Order 11246, as amended, and by the rules, regulations, and orders of the Secretary of Labor. Standard Form 100 (EEO-1), or any successor form, is the prescribed form to be filed within 30 days following the award, unless filed within 12 months preceding the date of award.

8. The Contractor shall permit access to its books, records, and accounts by the contracting agency or the Office of Federal Contract Compliance Programs (OFCCP) for the purposes of investigation to ascertain the Contractor's compliance with the applicable rules, regulations, and orders.

9. If the OFCCP determines that the Contractor is not in compliance with this clause or any rule, regulation, or order of the Secretary of Labor, the contract may be canceled, terminated, or suspended in whole or in part, and the Contractor may be declared ineligible for further Government contracts, under the procedures authorized in Executive Order 11246, as amended. In addition, sanctions may be imposed and remedies invoked against the Contractor as provided in Executive Order 11246, as amended, the rules, regulations, and orders of the Secretary of Labor, or as otherwise provided by law.

10. The Contractor shall include the terms and conditions of subparagraph 1 through 9 of this clause in every subcontract or purchase order that is not exempted by the rules, regulations, or orders of the Secretary of Labor issued under Executive Order 11246, as amended, so that these terms and conditions will be binding upon each subcontractor or vendor.

11. The Contractor shall take such action with respect to any subcontract or purchase order as the contracting agency may direct as means of enforcing these terms and conditions, including sanctions for non-compliance; provided, that if the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of direction, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

XI. Patent Rights

1. For any contract resulting from this solicitation awarded to other than a small business firm or nonprofit organization, the clause at NFS 1852.227-70, "New Technology," shall apply. Such contractors may, in advance of contract, request waiver of rights as set forth in the provision at NFS 1852.227-71, "Requests for Waiver of Rights to Inventions."

2. For any contract resulting from this solicitation awarded to a small business firm

or nonprofit organization, the clause at FAR 52.227-11, "Patent Rights—Retention by the Contractor (Short Form)" (as modified by NFS 1852.227-11), shall apply.

Appendix C: Guidelines for Proposal Preparation

The following guidelines apply to the preparation of proposals in response to an AO. The material is a guide for the proposer and not intended to be encompassing or directly applicable to the various types of proposals which can be submitted. The proposer should provide information relative to those items applicable or as required by the AO.

I. Cover Letter

A letter or cover page should be forwarded with the proposal signed by the investigator and an official by title of the investigator's organization who is authorized to commit the organization responsible for the proposal.

II. Table of Contents

The proposal should contain a table of contents.

III. Identifying Information

The proposal should contain a short descriptive title for the investigation, the names of all investigators, the name of the organization or institution and the full name, address, and telephone number of the Principal Investigator.

SECTION I—INVESTIGATION AND TECHNICAL PLAN

1. Investigation and Technical Plan

The investigation and technical plan generally will contain the following:

a. Summary. A concise statement about the investigation, its conduct, and the anticipated results.

b. Objective and Significant Aspects. A brief definition of the objectives, their value, and their relationships to past, current, and future effort. The history and basis for the proposal and a demonstration of the need for such an investigation. A statement of present development in the discipline field.

c. Investigation Approach

(1) Fully describe the concept of the investigation.

(2) Detail the method and procedures for carrying out the investigation.

2. Instrumentation

This section should describe all information necessary to plan for experiment development, integration, ground operations, and flight operations. This section must be complete in itself without need to request additional data. Failure to furnish complete data may preclude evaluation of the proposal.

a. Instrument Description—This section should fully describe the instrumentation and indicate items which are proposed to be developed as well as any existing instrumentation. Performance characteristics should be related to the experiment objectives as stated in the proposal.

b. Instrument Integration—This section should describe all parameters of the instrument pertinent to the accommodation of the instrument in the spacecraft, Spacelab,

Shuttle Orbiter, Space Station, etc. These include, but are not limited to, volumetric envelope; weight; power requirements; thermal requirements; telemetry requirement; sensitivity to or generation of contamination (e.g., EMI gaseous effluent); data processing requirements.

c. Ground Operations—This section should identify requirements for pre-launch or post-launch ground operations support.

d. Flight Operations—This section should identify any requirements for flight operations support including mission planning. Operational constraints, viewing requirements, and pointing requirements should also be identified. Details of communications needs, tracking needs, and special techniques, such as extravehicular activity or restrictions in the use of control thrusters at stated times should be delineated. Special communications facilities that are needed must be described. Any special orbital requirements, such as time of month, of day, phase of moon, and lighting conditions are to be given in detail. Describe real-time ground support requirements and indicate any special equipment or skills required of ground personnel.

3. Data Reduction and Analysis

A discussion of the data reduction and analysis plan including the method and format. A section of the plan should include a schedule for the submission of reduced data to the receiving point. In the case of Space Science programs, the National Space Science Data Center, Greenbelt, MD, will be the repository for such data and the Department of the Interior, Sioux Falls, SD, for earth observations data.

4. Orbiter Crew and/or Payload Specialist Training Requirement

A description of the tasks required of each crew member (Commander, Pilot, Mission Specialist) or payload specialist should be provided, including the task duration and equipment involved. Indicate special training necessary to provide the crew members or payload specialist(s) with the capability for performing the aforementioned tasks.

SECTION II—MANAGEMENT PLAN AND COST PLAN

A. Management Plan

The management plan should summarize the management approach and the facilities and equipment required. Additional guidelines applicable to non-U.S. proposers are contained herein:

1. Management

a. The management plan sets forth the approach for managing the work, the recognition of essential management functions, and the overall integration of these functions.

b. The management plan gives insight into the organization proposed for the work, including the internal operations and lines of authority with delegations, together with internal interfaces and relationships with the NASA major subcontractors and associated investigators. Likewise, the management plan usually reflects various schedules necessary for the logical and timely pursuit of the work accompanied by a description of the

investigator's work plan and the responsibilities of the co-investigators.

c. The plan should describe the proposed method of instrument acquisition. It should include the following, as applicable.

(1) Rationale for the investigator to obtain the instrument through or by the investigator's institution.

(2) Method and basis for the selection of the instrument fabricator.

(3) Unique capabilities of the instrument fabricator that are not available from any other source.

(4) Characteristics of the proposed fabricator's instrument that make it an inseparable part of the investigation.

(5) Availability of personnel to administer the instrument contract and technically monitor the fabrication.

(6) Status of development of the instrument.

(7) Method by which the investigator proposes to:

- (a) Prepare instrument specifications.
- (b) Review development progress.
- (c) Review design and fabrication changes.
- (d) Participate in testing program.
- (e) Participate in final checkout and calibration.

(f) Provide for integration of instrument.

(g) Support the flight operations.

(h) Coordinate with co-investigators, other related investigations, and the payload integrator.

(i) Assure safety, reliability, and quality.

(j) Provide required support for Payload Specialist(s), if applicable.

(8) Planned participation by small and/or minority business in any subcontracting for instrument fabrication or investigative support functions.

2. Facilities and Equipment

All major facilities, laboratory equipment, and ground-support equipment (GSE) (including those of the investigator's proposed contractors and those of NASA and other U.S. Government agencies) essential to the experiment in terms of its system and subsystems are to be indicated, distinguishing insofar as possible between those already in existence and those that will be developed in order to execute the investigation. The outline of new facilities and equipment should also indicate the lead time involved and the planned schedule for construction, modification, and/or acquisition of the facilities.

3. Additional Guidelines Applicable to Non-U.S. Proposers Only

The following guidelines are established for foreign responses to NASA's AO. Unless otherwise indicated in a specific announcement, these guidelines indicate the appropriate measures to be taken by foreign proposers, prospective foreign sponsoring agencies, and NASA leading to the selection of a proposal and execution of appropriate arrangements. They include the following:

a. Where a "Notice of Intent" to propose is requested, prospective foreign proposers should write directly to the NASA official designated in the AO and send a copy of this letter to the International Relations Division, Office of External Relations, Code IR, NASA, Washington, DC 20546, U.S.A.

b. Unless otherwise indicated in the AO, proposals will be submitted in accordance with this Appendix excluding cost plans. Proposals should be typewritten and written in English.

c. Persons planning to submit a proposal should arrange with an appropriate foreign governmental agency for a review and endorsement of the proposed activity. Such endorsement by a foreign organization indicates that the proposal merits careful consideration by NASA and that, if the proposal is selected, sufficient funds will be available to undertake the activity envisioned.

d. Proposals including the requested number of copies and letters of endorsement from the foreign governmental agency must be forwarded to NASA in time to arrive before the deadline established for each AO. These documents should be sent to:

National Aeronautics and Space Administration
International Relations Division
Code IR
Office of External Relations
Washington, DC 20546
U.S.A.

e. Those proposals received after the closing date will be treated in accordance with NASA's provisions for late proposals. Sponsoring foreign government agencies may, in exceptional situations, forward a proposal directly to the above address if review and endorsement is not possible before the announced closing date. In such cases, NASA should be advised when a decision on endorsement can be expected.

f. Shortly after the deadline for each AO, NASA's International Relations Division will advise the appropriate sponsoring agency which proposals have been received and when the selection process should be completed. A copy of this acknowledgement will be provided to each proposer.

g. Successful and unsuccessful proposers will be contacted directly by the NASA Program Office coordinating the AO. Copies of these letters will be sent to the sponsoring Government agency.

h. NASA's International Relations Division will then begin making the arrangements to provide for the selectee's participation in the appropriate NASA program. Depending on the nature and extent of the proposed cooperation, these arrangements may entail:

- (1) A letter of notification by NASA.
- (2) An exchange of letters between NASA and the sponsoring foreign governmental agency.
- (3) An agreement or Memorandum of Understanding between NASA and the sponsoring foreign governmental agency.

B. Cost Plan (U.S. Investigations Only)

The cost plan should summarize the total investigation cost by major categories of cost as well as by function.

1. The categories of cost should include the following:

a. Direct Labor—List by labor category, with labor hours and rates for each. Provide actual salaries of all personnel and the percentage of time each individual will devote to the effort.

b. Overhead—Include indirect costs, which because of its incurrence for common or joint

objectives, is not readily subject to treatment as a direct cost. Usually this is in the form of a percentage of the direct labor costs.

c. **Materials**—This should give the total cost of the bill of materials including estimated cost of each major item. Include lead time of critical items.

d. **Subcontracts**—List those over \$25,000, specify the vendor and the basis for estimated costs. Include any baseline or supporting studies.

e. **Special Equipment**—Include a list of special equipment with lead and/or development time.

f. **Travel**—List estimated number of trips, destinations, duration, purpose, number of travelers, and anticipated dates.

g. **Other Costs**—Costs not covered elsewhere.

h. **General and Administrative Expense**—This includes the expenses of the institution's general and executive offices and other miscellaneous expenses related to the overall business.

i. **Fee (if applicable)**.

2. Separate schedules, in the above format, should be attached to show total cost allocable to the following:

a. **Principal Investigator and other Investigators' costs**.

b. **Instrument costs**.

c. **Integration costs**.

d. **Data reduction and analysis** including the amount and cost of computer time.

3. If the effort is sufficiently known and defined, a funding obligation plan should provide the proposed funding requirements of the investigations by quarter and/or annum keyed to the work schedule.

Appendix D: Glossary of Terms and Abbreviations Associated with Investigations

Advisory Committee Subcommittee—Any committee, board, commission, council, conference, panel, task force; or other similar group, or any subcommittee or other subgroup thereof, that is not wholly composed of full-time Federal Government employees, and that is established or utilized by NASA in the interest of obtaining advice or recommendations.

Announcement of Opportunity (AO)—A document used to announce opportunities to participate in NASA programs. AOs are published in accordance with this Handbook.

AO Process—A term used to describe the program planning and procurement procedure used to acquire investigative effort, initiated by an AO.

Categorization—The process whereby proposed investigations are classified into four categories: synopsisized here as Category I—recommended for immediate acceptance; Category II—recommended for acceptance but at a lower priority than Category I proposals; Category III—sound investigations requiring further development; Category IV—rejected.

Co-Investigator (Co-I)—Associate of a Principal Investigator, responsible to the Principal Investigator for discrete portions or tasks of the investigation. A NASA employee can participate as a Co-I on an investigation proposed by a private organization.

Data Users—Participants in NASA programs, selected to perform investigations

utilizing data from NASA payloads or facilities.

Experiments—Activities or effort aimed at the generation of data. NASA-sponsored experiments generally concern generation of data obtained through measurement of aeronautical and space phenomena or use of space to observe earth phenomena.

Federal Acquisition Regulation (FAR)—The regulations governing the conduct of procurement.

Flight—That portion of the mission encompassing the period from launch to landing or launch to termination of the active life of spacecraft. The term shuttle "flight" means a single shuttle round trip—its launch, orbital activity, and return; one flight might deliver more than one payload. More than one flight might be required to accomplish one mission.

Flight Investigation—Investigation conducted utilizing aeronautical or space instrumentation.

Flight Opportunity—A flight mission designed to accommodate one or more experiments or investigations.

Guest Investigators—Investigators selected to conduct observations and obtain data within the capability of a NASA mission, which are additional to the mission's primary objectives. Sometimes referred to as Guest Observers.

Investigation—Used interchangeably with "Experiments."

Investigation Team—A group of investigators collaborating on a single investigation.

Investigator—A participant in an investigation. May refer to the Principal Investigator, Co-Investigator, or member of an investigation team.

Mission—The performance of a coherent set of investigations or operations in space to achieve program goals. (Example: Measure detailed structure of Sun's chromosphere; survey mineral resources of North America.)

NASA FAR Supplement (NFS)—Procurement regulations promulgated by NASA in addition to the FAR.

NHB—NASA Handbook.

NMI—NASA Management Instruction.

Notice of Intent—A notice or letter submitted by a potential investigator indicating the intent to submit a proposal in response to an AO.

Payload—A specific complement of instruments, space equipment, and support hardware carried to space to accomplish a mission or discrete activity in space.

Peer Group—A gathering of experts in related disciplinary areas convened as a subcommittee of the Program Office Steering Committee to review proposals for flight investigations.

Peer Review—The process of proposal review utilizing a group of peers in accordance with the categorization criteria as outlined in this Handbook.

Principal Investigator (PI)—A person who conceives an investigation and is responsible for carrying it out and reporting its results. A NASA employee can participate as a PI only on a government-proposed investigation.

Program—An activity involving human resources, materials, funding, and scheduling necessary to achieve desired goals.

Project—Within a program, an undertaking with a scheduled beginning and ending, which normally involves the design, construction, and operation of one or more aeronautical or space vehicles and necessary ground support in order to accomplish a scientific or technical objective.

Project Office—An office generally established at a NASA field installation to manage a project.

Selection Official—The NASA official designated to determine the source for award of a contract or grant.

Space Facility—An instrument or series of instruments in space provided by NASA to satisfy a general objective or need.

Steering Committee—A standing NASA sponsored committee providing advice to the Program Associate Administrators and providing procedural review over the investigation selection process. Composed wholly of full-time Federal Government employees.

Study Office—An office established at a NASA field installation to manage a potential undertaking which has not yet developed into project status.

Subcommittee—An arm of the Program Office Steering Committee consisting of experts in relevant disciplines to review and categorize proposals for investigations submitted in response to an AO.

Supporting Research and Technology (SR&T)—The programs devoted to the conduct of research and development necessary to support and sustain NASA programs.

Team—A group of investigators responsible for carrying out and reporting the results of an investigation or group of investigations.

Team Leader—The person appointed to manage and be the point of contact for the team and who is responsible for assigning respective roles and privileges to the team members and reporting the results of the investigation.

Team Member—A person appointed to a team who is an associate of the other members of the team and is responsible to the team leader for assigned tasks or portions of the investigation.

1870.202 [Amended]

187. In section 1870.202, paragraph (b) is revised to read as follows:

1870.202 System Content.

(a) * * *

(b) The system contains instructions for proposers. These instructions shall be included in the NRA, a form of broad agency announcement authorized at 1835.016.

188. Section 1870.203 and Appendix I are revised to read as follows:

1870.203 Instructions for Responding to NRAs.

(a) The "Instructions for Responding to NASA Research Announcements" document (prescribed in 1835.016–70(c)(4)) is set forth as Appendix I to this section.

(b) This Appendix may be reproduced locally as part of the NRA provided:

(1) The issuing office shall verify that the current version of Appendix I is used.

(2) The text shall be reproduced verbatim; however, the issuing office may remove the NFS page headers and add the NRA number. Any other change shall be treated as a deviation in accordance with 1801.400.

Appendix I to 1870.203—Instructions for Responding to NASA Research Announcements Instructions for Responding to Nasa Research Announcements

(June 1995)

1. Foreword

a. These instructions apply to "NASA Research Announcements." The "NASA Research Announcement (NRA)" permits competitive selection of research projects in accordance with statute while preserving the traditional concepts and understandings associated with NASA sponsorship of research.

b. These instructions are Appendix I to 1870.203 of the NASA Federal Acquisition Regulation Supplement.

2. Policy

a. Proposals received in response to an NRA will be used only for evaluation purposes. NASA does not allow a proposal, the contents of which are not available without restriction from another source, or any unique ideas submitted in response to an NRA to be used as the basis of a solicitation or in negotiation with other organizations, nor is a pre-award synopsis published for individual proposals.

b. A solicited proposal that results in a NASA award becomes part of the record of that transaction and may be available to the public on specific request; however, information or material that NASA and the awardee mutually agree to be of a privileged nature will be held in confidence to the extent permitted by law, including the Freedom of Information Act.

3. Purpose

These instructions supplement documents identified as "NASA Research Announcements." The NRAs contain programmatic information and certain requirements which apply only to proposals prepared in response to that particular announcement. These instructions contain the general proposal preparation information which applies to responses to all NRAs.

4. Relationship to Award

a. A contract, grant, cooperative agreement, or other agreement may be used to accomplish an effort funded in response to an NRA. NASA will determine the appropriate instrument.

b. Grants are generally used to fund basic research in educational and nonprofit institutions, while research in other private sector organizations is accomplished under contract. Contracts resulting from NRAs are subject to the Federal Acquisition Regulation and the NASA FAR Supplement (NHB

5100.4). Any resultant grants or cooperative agreements will be awarded and administered in accordance with the NASA Grant and Cooperative Agreement Handbook (NHB 5800.1).

5. Conformance to Guidance

a. NASA does not have mandatory forms or formats for responses to NRAs; however, it is requested that proposals conform to the guidelines in these instructions. NASA may accept proposals without discussion; hence, proposals should initially be as complete as possible and be submitted on the proposers' most favorable terms.

b. To be considered responsive, a submission must, at a minimum, present a specific project within the areas delineated by the NRA; contain sufficient technical and cost information to permit a meaningful evaluation; be signed by an official authorized to legally bind the submitting organization; not merely offer to perform standard services or to just provide computer facilities or services; and not significantly duplicate a more specific current or pending NASA solicitation.

6. NRA-Specific Items

Several proposal submission items appear in the NRA itself: the unique NRA identifier; when to submit proposals; where to send proposals; number of copies required; and sources for more information. Items included in these instructions may be supplemented by the NRA.

7. Proposal Contents

a. The following information is needed to permit consideration in an objective manner. NRAs will generally specify topics for which additional information or greater detail is desirable. Each proposal copy shall contain all submitted material, including a copy of the transmittal letter if it contains substantive information.

b. Transmittal Letter or Prefatory Material. (1) The legal name and address of the organization and specific division or campus identification if part of a larger organization;

(2) A brief, scientifically valid project title intelligible to a scientifically literate reader and suitable for use in the public press;

(3) Type of organization: e.g., profit, nonprofit, educational, small business, minority, women-owned, etc.;

(4) Name and telephone number of the principal investigator and business personnel who may be contacted during evaluation or negotiation;

(5) Identification of other organizations that are currently evaluating a proposal for the same efforts;

(6) Identification of the NRA, by number and title, to which the proposal is responding;

(7) Dollar amount requested, desired starting date, and duration of project;

(8) Date of submission; and

(9) Signature of a responsible official or authorized representative of the organization, or any other person authorized to legally bind the organization (unless the signature appears on the proposal itself).

c. Restriction on Use and Disclosure of Proposal Information. Information contained in proposals is used for evaluation purposes

only. Offerors or quoters should, in order to maximize protection of trade secrets or other information that is confidential or privileged, place the following notice on the title page of the proposal and specify the information subject to the notice by inserting appropriate identification, such as page numbers, in the notice. In any event, information contained in proposals will be protected to the extent permitted by law, but NASA assumes no liability for use and disclosure of information not made subject to the notice.

Notice

Restriction on Use and Disclosure of Proposal Information.

The information (data) contained in [insert page numbers or other identification] of this proposal constitutes a trade secret and/or information that is commercial or financial and confidential or privileged. It is furnished to the Government in confidence with the understanding that it will not, without permission of the offeror, be used or disclosed other than for evaluation purposes; provided, however, that in the event a contract (or other agreement) is awarded on the basis of this proposal the Government shall have the right to use and disclose this information (data) to the extent provided in the contract (or other agreement). This restriction does not limit the Government's right to use or disclose this information (data) if obtained from another source without restriction.

d. Abstract. Include a concise (200–300 word if not otherwise specified in the NRA) abstract describing the objective and the method of approach.

e. Project Description. (1) The main body of the proposal shall be a detailed statement of the work to be undertaken and should include objectives and expected significance; relation to the present state of knowledge; and relation to previous work done on the project and to related work in progress elsewhere. The statement should outline the plan of work, including the broad design of experiments to be undertaken and a description of experimental methods and procedures. The project description should address the evaluation factors in these instructions and any specific factors in the NRA. Any substantial collaboration with individuals not referred to in the budget or use of consultants should be described. Subcontracting significant portions of a research project is discouraged.

(2) When it is expected that the effort will require more than one year, the proposal should cover the complete project to the extent that it can be reasonably anticipated. Principal emphasis should be on the first year of work, and the description should distinguish clearly between the first year's work and work planned for subsequent years.

f. Management Approach. For large or complex efforts involving interactions among numerous individuals or other organizations, plans for distribution of responsibilities and arrangements for ensuring a coordinated effort should be described. Intensive working relations with NASA field centers that are not logical inclusions elsewhere in the proposal should be described.

g. Personnel. The principal investigator is responsible for supervision of the work and participates in the conduct of the research regardless of whether or not compensated under the award. A short biographical sketch of the principal investigator, a list of principal publications and any exceptional qualifications should be included. Omit social security number and other personal items which do not merit consideration in evaluation of the proposal. Give similar biographical information on other senior professional personnel who will be directly associated with the project. Give the names and titles of any other scientists and technical personnel associated substantially with the project in an advisory capacity. Universities should list the approximate number of students or other assistants, together with information as to their level of academic attainment. Any special industry-university cooperative arrangements should be described.

h. Facilities and Equipment. (1) Describe available facilities and major items of equipment especially adapted or suited to the proposed project, and any additional major equipment that will be required. Identify any Government-owned facilities, industrial plant equipment, or special tooling that are proposed for use.

(2) Before requesting a major item of capital equipment, the proposer should determine if sharing or loan of equipment already within the organization is a feasible alternative. Where such arrangements cannot be made, the proposal should so state. The need for items that typically can be used for research and non-research purposes should be explained.

i. Proposed Costs. (1) Proposals should contain cost and technical parts in one volume: do not use separate "confidential" salary pages. As applicable, include separate cost estimates for salaries and wages; fringe benefits; equipment; expendable materials and supplies; services; domestic and foreign travel; ADP expenses; publication or page charges; consultants; subcontracts; other miscellaneous identifiable direct costs; and indirect costs. List salaries and wages in appropriate organizational categories (e.g., principal investigator, other scientific and engineering professionals, graduate students, research assistants, and technicians and other non-professional personnel). Estimate all manpower data in terms of man-months or fractions of full-time.

(2) Explanatory notes should accompany the cost proposal to provide identification and estimated cost of major capital equipment items to be acquired; purpose and estimated number and lengths of trips planned; basis for indirect cost computation (including date of most recent negotiation and cognizant agency); and clarification of other items in the cost proposal that are not self-evident. List estimated expenses as yearly requirements by major work phases. (Standard Form 1411 may be used).

(3) Allowable costs are governed by FAR Part 31 and the NASA FAR Supplement Part 1831 (and OMB Circulars A-21 for educational institutions and A-122 for nonprofit organizations).

j. Security. Proposals should not contain security classified material. If the research

requires access to or may generate security classified information, the submitter will be required to comply with Government security regulations.

k. Current Support. For other current projects being conducted by the principal investigator, provide title of project, sponsoring agency, and ending date.

l. Special Matters. (1) Include any required statements of environmental impact of the research, human subject or animal care provisions, conflict of interest, or on such other topics as may be required by the nature of the effort and current statutes, executive orders, or other current Government-wide guidelines.

(2) Proposers should include a brief description of the organization, its facilities, and previous work experience in the field of the proposal. Identify the cognizant Government audit agency, inspection agency, and administrative contracting officer, when applicable.

8. Renewal Proposals

a. Renewal proposals for existing awards will be considered in the same manner as proposals for new endeavors. A renewal proposal should not repeat all of the information that was in the original proposal. The renewal proposal should refer to its predecessor, update the parts that are no longer current, and indicate what elements of the research are expected to be covered during the period for which support is desired. A description of any significant findings since the most recent progress report should be included. The renewal proposal should treat, in reasonable detail, the plans for the next period, contain a cost estimate, and otherwise adhere to these instructions.

b. NASA may renew an effort either through amendment of an existing contract or by a new award.

9. Length

Unless otherwise specified in the NRA, effort should be made to keep proposals as brief as possible, concentrating on substantive material. Few proposals need exceed 15-20 pages. Necessary detailed information, such as reprints, should be included as attachments. A complete set of attachments is necessary for each copy of the proposal. As proposals are not returned, avoid use of "one-of-a-kind" attachments: their availability may be mentioned in the proposal.

10. Joint Proposals

a. Where multiple organizations are involved, the proposal may be submitted by only one of them. It should clearly describe the role to be played by the other organizations and indicate the legal and managerial arrangements contemplated. In other instances, simultaneous submission of related proposals from each organization might be appropriate, in which case parallel awards would be made.

b. Where a project of a cooperative nature with NASA is contemplated, describe the contributions expected from any participating NASA investigator and agency facilities or equipment which may be required. The proposal must be confined only to that which the proposing

organization can commit itself. "Joint" proposals which specify the internal arrangements NASA will actually make are not acceptable as a means of establishing an agency commitment.

11. Late Proposals

A proposal or modification received after the date or dates specified in an NRA may be considered if the selecting official deems it to offer NASA a significant technical advantage or cost reduction.

12. Withdrawal

Proposals may be withdrawn by the proposer at any time. Offerors are requested to notify NASA if the proposal is funded by another organization or of other changed circumstances which dictate termination of evaluation.

13. Evaluation Factors

a. Unless otherwise specified in the NRA, the principal elements (of approximately equal weight) considered in evaluating a proposal are its relevance to NASA's objectives, intrinsic merit, and cost.

b. Evaluation of a proposal's relevance to NASA's objectives includes the consideration of the potential contribution of the effort to NASA's mission.

c. Evaluation of its intrinsic merit includes the consideration of the following factors, none of which is more important than any other:

(1) Overall scientific or technical merit of the proposal or unique and innovative methods, approaches, or concepts demonstrated by the proposal.

(2) Offeror's capabilities, related experience, facilities, techniques, or unique combinations of these which are integral factors for achieving the proposal objectives.

(3) The qualifications, capabilities, and experience of the proposed principal investigator, team leader, or key personnel critical in achieving the proposal objectives.

(4) Overall standing among similar proposals and/or evaluation against the state-of-the-art.

d. Evaluation of the cost of a proposed effort includes the realism and reasonableness of the proposed cost and available funds.

14. Evaluation Techniques

Selection decisions will be made following peer and/or scientific review of the proposals. Several evaluation techniques are regularly used within NASA. In all cases proposals are subject to scientific review by discipline specialists in the area of the proposal. Some proposals are reviewed entirely in-house, others are evaluated by a combination of in-house and selected external reviewers, while yet others are subject to the full external peer review technique (with due regard for conflict-of-interest and protection of proposal information), such as by mail or through assembled panels. The final decisions are made by a NASA selecting official. A proposal which is scientifically and programmatically meritorious, but not selected for award during its initial review, may be included in subsequent reviews unless the proposer requests otherwise.

15. Selection for Award

a. When a proposal is not selected for award, and the proposer has indicated that the proposal is not to be held for subsequent reviews, the proposer will be notified. NASA will explain generally why the proposal was not selected. Proposers desiring additional information may contact the selecting official who will arrange a debriefing.

b. When a proposal is selected for award, negotiation and award will be handled by the procurement office in the funding installation. The proposal is used as the basis for negotiation. The contracting officer may request certain business data and may forward a model contract and other information which will be of use during the contract negotiation.

16. Cancellation of NRA

NASA reserves the right to make no awards under this NRA and to cancel this NRA. NASA assumes no liability for cancelling the NRA or for anyone's failure to receive actual notice of cancellation. Cancellation may be followed by issuance and synopsis of a revised NRA, since amendment of an NRA is normally not permitted.

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