



POLICY FLASH 2013-36

DATE: March 7 , 2013

TO: Procurement Directors



FROM: Director
Contract and Financial Assistance Policy Division
Office of Policy
Office of Acquisition and Project Management

SUBJECT: Update to Congressional Notifications - Acquisition Guide Chapter 5.1
and Guide to Financial Assistance Chapter 2, Section 2.6.1

SUMMARY: Since we previously notified you in Policy Flash 2012-44 for Congressional notifications, there are changes to the process. On March 15, 2013, the automated system will be implemented via a phased approach. As your office transitions to the automated system, reporting for awards and modifications shall be through the automated system. For offices which will not begin using the automated system until later, these offices shall continue to do manual reporting for awards and modifications as described in the guide chapters listed above. The revised guide chapters are attached. The summary of the revisions follow.

For both contracts and financial assistance actions Congressional notifications reporting, in addition to the Section 311 notices and Section 301(b) reporting, are required for the following types of actions at certain dollar thresholds. Reporting and the timelines are stated below–

- For advance notification of award actions (3 calendar days);
- Before terminating an award (3 business days); or
- Before issuing a final request for proposal or funding opportunity announcement (3 business days).

For guidance on the processes and thresholds, there are two separate guide chapters for contract and financial assistance actions. For certain solicitation or

contract actions, Acquisition Guide Chapter 5.1 - Congressional Notifications is revised to provide guidance on the procedures for providing Congressional notice. For financial assistance, Guide to Financial Assistance: Chapter 2, Section 2.6.1 is revised to provide guidance on the procedures for providing Congressional notice of certain funding opportunity announcement or award actions.

Advance notification of award actions

- On March 15, 2013, the new Advanced Notification of Awards (ANA) System will be put into production. Please review the attached two guide chapters and the attached ANA users' guide for information concerning the system. Beginning March 13, 2013, the ANA system can be accessed directly at: <https://iportalwc.doe.gov/pls/apex/f?p=ANA>
- For award actions, there is now an automated reporting process and website. This process utilizes the existing data in the system of record – Strategic Integrated Procurement Enterprise System (STRIPES) and generates the data into the new ANA System which is part of the iPortal. This replaces the current ANA system.
- The thresholds are the major distinction between contract and financial assistance. For the advance notification of award actions the threshold for contract actions (award or modification) is changed to awards with total amounts of \$4 million or more; while the threshold for financial assistance actions (award or modification) is changed to awards with total amounts of \$2,000,000 or more for all types of recipients. (Recipient cost share is not included in the total amount.)

Before terminating an award

- The Congressional notification process is a manual process.
- Before issuing a contract termination with a total amount of \$4 million or more, regardless of termination type, the contracting activity will manually prepare and submit the DOE form 4220.10.
- Before issuing a termination to a financial assistance award with a total amount of \$2 million or more, regardless of termination type, the financial assistance activity will manually prepare and submit the DOE form 4220.10.

Before issuing a final request for proposal or funding opportunity announcement

The Congressional notification process is a manual process. The Contracting Officer/Contracting Specialist (CO/CS) must complete and e-mail a CI Solicitation Notification form to the applicable Program Office Representative with a copy to the CI Notification Mailbox (CI.Notification@hq.doe.gov) 72 hours (3 business days) prior to issuing the announcement. This new form, DOE Form 541, CI Solicitation Notification, is included in each guide chapter

and is also available at: <https://www.energy.gov/cio/downloads/doe-f-541-ci-solicitations-notification>.

- The Contracting Office will be available to coordinate and provide any necessary information to the Program Office.
- The dollar thresholds for notifying CI are:
 - Before issuing a final request for proposal with a proposed total amount of \$25 million or more; or
 - Before issuing a final funding opportunity announcement for a total estimated award value of the resulting awards, including the estimated recipient cost share, of \$50 million or more.

This flash and its attachments may be viewed at http://management.energy.gov/policy_guidance/policy_flashes.htm.

There are additional Congressional notification requirements for the pending award of actions in excess of \$1 million, for guidance see Section 311 Congressional Notifications Acquisition Letter/Financial Assistance Acquisition Letter (AL/FAL) AL 2012-07 / FAL 2012-01, dated revised February 6, 2012, or latest version (Policy Flash 2012-22).

There are additional Congressional Notifications for multi-year actions, for the reporting requirements see Section 301(b) Congressional Notifications of Multi-Year Awards, see Acquisition Letter/Financial Assistance Acquisition Letter (AL/FAL) AL 2012-08 / FAL 2012-02, dated April 23, 2012, or latest version (Policy Flash 2012-36).

Questions concerning this policy flash and the acquisition guide chapter should be directed to Barbara Binney at (202) 287-1340 or barbara.binney@hq.doe.gov.

Questions concerning this policy flash and the financial assistance guide chapter should be directed to Ellen Colligan at (202) 287-1776 or ellen.colligan@hq.doe.gov.

For STRIPES, ANA User Guide, ANA System, or iPortal questions, contact the Energy IT Services (EITS) Service Desk at (301) 903-2500 or email EITSServiceDesk@hq.doe.gov.

Attachments