



**OFFICE OF THE UNDER SECRETARY OF DEFENSE
3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000**

MAR 13 2009

**ACQUISITION
TECHNOLOGY
AND LOGISTICS**

**MEMORANDUM FOR COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(POLICY AND PROCUREMENT), ASA (ALT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION & LOGISTICS MANAGEMENT),
ASN (RDA)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING), SAF/AQC
DIRECTORS, DEFENSE AGENCIES
DIRECTORS, DOD FIELD ACTIVITIES**

**SUBJECT: Posting Pre-Solicitation and Award Notices; Reporting Contract Actions;
and Reporting Performance Assessments for Actions Funded by the
American Recovery and Re-Investment Act of 2009**

This memorandum provides instructions for employing specific federal Integrated Acquisition Environment (IAE) and specific DoD capabilities that you must use to implement and comply with the transparency and accountability requirements associated with the supplemental appropriations provided by the American Recovery and Re-Investment Act of 2009 (Recovery Act), Pub.L. 111-5. These instructions are in addition to the initial implementation guidance published by the Office of Management and Budget (OMB) on February 18, 2009, (see http://www.whitehouse.gov/omb/recovery_default).

The IAE capabilities and processes impacted by the Recovery Act are new requirements for public posting of pre-solicitation and award notices to Federal Business Opportunities (FedBizOpps), as well as the reporting of awards into the Federal Procurement Data System (FPDS). New cases have been opened to incorporate appropriate revised procedures in the Federal Acquisition Regulations (FAR); and expect to issue Interim Rules in March 2009. In addition, OMB's initial implementation guidance identifies specific "how-to" instructions for FedBizOpps and FPDS, which will also be made available on those systems' websites. We have augmented these instructions for additional DoD requirements, and they are attached for immediate use by DoD contracting offices. This attachment will also be posted at the DPAP website at <http://www.acq.osd.mil/dpap/> in the Electronic Business section. These DoD instructions are mandatory for contract actions that use Recovery Act funds.

Special attention must be given to ensuring that Recovery Act funds can be tracked separately from other funds. As such, as much as your mission needs, acquisition



ENCLOSURE(1)

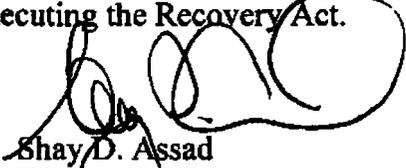
strategies, and workload permit, do not obligate Recovery Act funds and non-Recovery Act funds on the same contract action. Use separate contracts, orders, or modifications when possible. When not possible, contracting officers must ensure that discrete contract line items and sub-line items follow the numbering rules in the Defense FAR Supplement (DFARS) 204.71 and appropriately segregate the funding sources.

Additionally, when a DoD contracting office awards a contract instrument for other Federal Agencies using the other Federal Agency's Recovery Act funds, it is imperative that in addition to the attached instructions, contracting officers clearly identify the Program / Funding Agency and Office codes representing the Federal Agency customer in FPDS. Do not accept requirements packages from other Federal Agency customers to execute contract actions with Recovery Act funds if the customer does not provide the Program / Funding Agency and Office codes that the customer confirms are available for use in FPDS.

Please note that Section 1554 of the Recovery Act requires a summary of any contract awarded with Recovery Act funds that is neither fixed-price nor awarded using competitive procedures be posted to Recovery.gov. To accomplish this, the contracting officer shall include the rationale for this other-than-fixed-price, non-competitive acquisition approach in the award notice provided to FedBizOpps. No additional actions are required at this time.

Finally, please ensure that distribution of the electronic copy of the contract action to required recipients (including the Electronic Document Access (EDA) system) occurs immediately upon award; and that required performance assessment reports are provided to the Contractor Performance Assessment Reporting System (CPARS) in a timely fashion. Per the OMB Guidance, ensure your performance assessment reports for actions using Recovery Act funding address completion status of the program or activity, as well as program and economic outcomes, consistent with Recovery Act requirements. You are also reminded of the DFARS 232.7003 requirement to use Wide Area Workflow (WAWF), which will enable the consistent submission of Recovery Act-related electronic invoices.

Thank you for your special attention to these instructions in executing Recovery Act efforts. My action officer for these instructions is Lisa Romney, lisa.romney@osd.mil, 703-602-8007. Please be advised that grants and assistance actions using Recovery Act funding are also subject to specific instructions. Contact Mark Herbst, mark.herbst@osd.mil, 703-588-1377, in OUSD(AT&L)/DDR&E for further guidance on these actions. Please see <http://www.defenselink.mil/recovery/> for more information as to DoD's role in executing the Recovery Act.



Shay D. Assad
Director, Defense Procurement
and Acquisition Policy

Attachment:
As Stated

ATTACHMENT

INSTRUCTIONS POSTING PRE-SOLICITATION AND AWARD NOTICES AND REPORTING CONTRACT ACTIONS FOR ACTIONS FUNDED BY THE AMERICAN RECOVERY AND RE-INVESTMENT ACT OF 2009

Effective immediately, all Military Services and Defense Agency contracting offices shall implement the following instructions in reference to posting and reporting requirements for the American Recovery and Re-Investment Act of 2009 (Recovery Act).

1. **Posting Presolicitation Notices on Federal Business Opportunities (FedBizOpps).**

a. Presolicitation notices must be posted on FedBizOpps in accordance with FAR Part 5 applicable dollar thresholds. When posting a presolicitation notice for an action that will use Recovery Act funds, DoD contracting offices shall use the following special format:

- If directly posting on FedBizOpps using the website (www.fbo.gov):
 - All presolicitation notices must include the word RECOVERY as the first word in the *Title* field prior to the actual title of the presolicitation notice. The word RECOVERY must be spelled correctly.
 - Select the radio button on the screen that indicates the effort is for a Recovery Act effort.
- If using an electronic system to post to FedBizOpps, include the word RECOVERY as the first word in the <SUBJECT> tag on the Presolicitation template prior to the actual title of the presolicitation notice. For presolicitation notices not using Recovery Act funding, the classification code shall still remain in the first position of the Title field or <SUBJECT> tag. However for all Recovery Act funded notices, the word RECOVERY shall be placed before the classification code in the <SUBJECT> tag, followed by two dashes (as prescribed on the FedBizOpps website – under *Electronic Interfaces*). When submitted from an electronic system, FedBizOpps will allow the word RECOVERY to be placed before the classification code. The word RECOVERY must be spelled correctly.

b. Under the Recovery Act, presolicitation notices are also required for any order, meeting the FAR part 5 dollar thresholds, under a task or delivery order contract. This

includes orders under Federal Supply Schedules, Governmentwide Acquisition Contracts (GWACs), multi-agency contracts or any other Indefinite Delivery Contract authorized in FAR part 16.5. This requirement is also applicable to orders under Blanket Purchase Agreements (BPAs) or Basic Ordering Agreements (BOAs) that meet the FAR part 5 dollar thresholds. For these orders, the following special format requirements apply:

- If directly posting on FedBizOpps using the website (www.fbo.gov):
 - All presolicitation notices must include the word RECOVERY as the first word in the *Title* field prior to the actual title of the presolicitation notice. The word RECOVERY must be spelled correctly.
 - Select the radio button on the screen that indicates the effort is for a Recovery Act effort.
 - All presolicitation notices must include verbatim the phrase RECOVERY – THIS NOTICE IS PROVIDED FOR INFORMATION PURPOSES ONLY. THIS OPPORTUNITY IS AVAILABLE ONLY TO CONTRACTORS UNDER [contracting officer insert program name]. at the beginning of the *Description* field prior to the actual title of the presolicitation notice. The program name to be inserted should be the name of the Federal Supply Schedule, GWAC, or multi-agency contract; for example GSA Schedule 03FAC, COMMITS, or Navy's SEAPORT-E. If the contract has no name, insert the contract number.
- If using an electronic system to post to FedBizOpps:
 - Include the word RECOVERY as the first word in the <SUBJECT> tag on the Presolicitation template prior to the actual title of the presolicitation notice. For presolicitation notices not using Recovery Act funding, the classification code shall still remain in the first position of the Title field or <SUBJECT> tag. However for all Recovery Act funded notices, the word RECOVERY shall be placed before the classification code in the <SUBJECT> tag, followed by two dashes (as prescribed on the FedBizOpps website – under *Electronic Interfaces*). When submitted from an electronic system, FedBizOpps will allow the word RECOVERY to be placed before the classification code. The word RECOVERY must be spelled correctly.
 - Include verbatim the phrase RECOVERY – THIS NOTICE IS PROVIDED FOR INFORMATION PURPOSES ONLY. THIS OPPORTUNITY IS AVAILABLE ONLY TO CONTRACTORS UNDER [contracting officer insert program name]. at the beginning of the <DESC> tag on the Presolicitation template prior to the actual description of the procurement action. The program name to be inserted should be the name of the Federal Supply Schedule, GWAC, or multi-agency contract; for example GSA Schedule 03FAC, COMMITS, or Navy's SEAPORT-E. If the contract has no name, insert the contract number.

2. Announcing Awards of Contracts and Orders on FedBizOpps.

Award notices must also be posted on FedBizOpps in accordance with FAR Part 5 requirements. In addition, award notices for any order meeting FAR Part 5 thresholds are also required by the Recovery Act to be posted on FedBizOpps. To facilitate transparency and ensure consistency in tracking award announcements for Recovery Act funds, agencies shall use the following special format requirement:

- If directly posting on FedBizOpps using the website (www.fbo.gov):
 - All award notices must include the word RECOVERY as the first word in the *Title* field prior to the actual title of the award notice. The word RECOVERY must be spelled correctly.
 - Select the radio button on the screen that indicates the effort is for a Recovery Act effort.
- If using electronic systems to post to FedBizOpps, include the word RECOVERY as the first word in the <SUBJECT> tag on the Award template prior to the actual title of the award notice. For award notices not using Recovery Act funding, the classification code shall still remain in the first position of the *Title* field or <SUBJECT> tag. However for all Recovery Act funded notices, the word RECOVERY shall be placed before the classification code in the <SUBJECT> tag, followed by two dashes (as prescribed on the FedBizOpps website – under *Electronic Interfaces*). When submitted from an electronic system, FedBizOpps will allow the word RECOVERY to be placed before the classification code. The word RECOVERY must be spelled correctly.
- If the award notice references an action that is neither a fixed price contract type, nor was it competitively awarded, ensure the award notice includes a summary of the rationale used for this acquisition approach.

3. Reporting Recovery Act Actions to the Federal Procurement Data System (FPDS).

Agencies shall follow existing FAR Part 4 requirements for reporting contract actions to FPDS. With the exception of classified procurements and transactions under the micropurchase threshold both purchased and paid for using the governmentwide purchase card, each DoD contract action that uses Recovery Act funds is required to be reported individually to FPDS regardless of dollar value. This reporting requirement includes any order placed using electronic catalog tools (e.g., GSA Advantage!, DoD EMALL, AFWay) using the governmentwide purchase card as the method of payment. Additional instructions are expected for open market purchase card transactions made under the micropurchase threshold.

When entering contract action reports in FPDS to report contracting actions that were funded using Recovery Act funds, agencies shall enter the Treasury Account Symbol (TAS) at the beginning of the *Description of Requirement* field. NOTE: THIS ONLY APPLIES TO ACTIONS USING RECOVERY ACT FUNDS; DO NOT USE THIS FORMATTING FOR ACTIONS NOT USING RECOVERY ACT FUNDS.

The TAS is found in the line of accounting used to fund a contract action. The requiring / budget office should identify in the requirements package whether any of the lines of accounting to be used to fund the contract action use Recovery Act funds. When Recovery Act funds are then used on a contract action, the resulting line items must be clearly identified as using Recovery Act funds.

The TAS code shall be entered in the FPDS *Description of Requirement* field with TAS:: preceding the code and ::TAS following the code. The code itself is made up of three parts: (a) the Agency code (two or three characters), (b) the Account code (four characters), and (c) an optional Subaccount code (three characters). The fiscal year of the funds is not used in this format. At this time, Agency codes within DoD and other Federal Agencies are two characters. Although this may increase to three characters in the near future, FPDS can only accept two characters at this time. The Sub-account code is rarely used in DoD. When entering the TAS itself into FPDS, insert spaces between the segments. The entry would appear as follows:

- If a two-character Agency code and Subaccount is not used: TAS::XX XXXX::TAS
- Example: This should be the most common format encountered. The TAS for Operation and Maintenance, Navy - Recovery Act is 17-1805. This would be entered into the FPDS Description of Requirement field as TAS::17 1805::TAS.
- If a two-character Agency code and Subaccount is used: TAS::XX XXXX XXX::TAS
- As of the date of this memorandum, no DoD Recovery Act funds are anticipated to have TAS' in this format. However, it is provided for instruction in the case when DoD contracting offices award other Federal Agency provided Recovery Act funds.

The following is possible future formatting for three-character Agency codes for your planning purposes. This is not available at this time in FPDS; please do not use. It is provided for planning purposes only:

- If a three-character Agency code and Subaccount is not used: TAS::XXX XXXX::TAS
- If a three-character Agency code and Subaccount is used: TAS::XXX XXXX XXX::TAS

For contract actions that include both Recovery Act funds and other funds, the contracting officer shall use the *Multiple Reports* capability in FPDS available to DoD and shall report those actions separately by obligations of Recovery Act funds and other

funds. If your office needs additional information on using the *Multiple Reports* capability, contact your Agency System Administrator.

If the contract action included Recovery Act funding from more than one TAS, report only one contract action report and identify the TAS in the *Description of Requirement* field as described above using the TAS that represents the majority of the Recovery Act funding.

4. Awarding Contract Actions for Other Federal Agencies

DoD contracting offices may be requested by other Federal Agencies to award contract actions on their behalf. In these cases, contracting officers shall follow the same instructions as in Sections 1-3 above. In addition, contracting officers shall take special care to confirm with the other Federal Agency customer the correct TAS to report to FPDS. Federal Agencies must provide the DoD contracting office the appropriate TAS so the contracting officer can properly report it to FPDS using one of the two current formats identified in Section 3 above.

When reporting these actions to FPDS, DoD contracting officers shall also report the appropriate Program/Funding Agency and Office codes that represent the other Federal Agency on the contract action reports. Do not accept a purchase request package from another Federal Agency customer unless the customer provides both a Program/Funding Agency and Office code that the customer confirms are available for use in FPDS.

5. Data Accuracy.

Contracting officers must provide a meaningful description in the *Description of Requirement* field, in addition to the required Treasury Account Symbol (as specified in Section 3 above). It is important to remember that standard data verification and validation practices currently required by the Office of Federal Procurement Policy and Defense Procurement and Acquisition Policy are required to be maintained. It is imperative that Agencies place emphasis on the *Description of Requirement* field as part of your data validation efforts.

For Contracting Offices to monitor Recovery Actions reported in FPDS, contracting officials may use the FPDS Ad Hoc reporting capability setting the search criteria to the *Description of Requirement* IS SIMILAR TO: "TAS::". This will allow offices to query for all Recovery Act-related actions identified by the contracting official according to the above policy.

Static reports of all Recovery actions (governmentwide) will also be made available on the FPDS homepage (<https://fpds.gov>) and updated daily by the General Services Administration.