

## GSA ORDER

Subject: GSAR Amendment 2010-02, GSAR Case 2008-G503, Publicizing Contract Actions (Change 45)

1. Purpose. This order transmits a revision to the General Services Administration Acquisition Manual (GSAM).
2. Background. The General Services Administration (GSA) issued a final rule to amend the General Services Administration Acquisition Regulation (GSAR) as part of the GSAM Rewrite Project. Some prior GSAR material is outdated and therefore is being deleted or revised by this amendment.

GSA published GSAR Case 2008-G503, Change 45, final rule, in the *Federal Register* at 75 FR 32860 on June 10, 2010.

3. Effective date. June 10, 2010.
4. Explanation of changes. The GSAM is amended by revising and updating language and deleting redundant supplementary material. Outdated material is deleted, and other material in this part is updated and clarified. Most of the material in GSAR Subpart 505.1, Dissemination of Information, and GSAR 505.203, Publicizing and response time, was deleted because the material was redundant to FAR 5.101. Material regarding the requirement to publicize certain requirements for real property appraisal services remains, however; and is considered policy; as a result it is converted from regulatory (shaded) material to non-regulatory (unshaded) material. For clarity, a note was added to GSAR 505.101 to direct the reader's attention to GSAR Part 570 for publicizing contract actions for leasehold interests of real property. GSAR 505.270 has been edited. GSAR Subpart 505.3, Synopses of Contract Awards, has been revised to increase the thresholds and to delete material that is now contained in the new Congressional Notification Form. GSAR Subpart 505.5, Paid Advertisements, is no longer considered regulatory material and is converted to non-regulatory material, and has been revised to update the authority to approve publications of paid advertisements.
5. Cancellations and Rescissions: None.

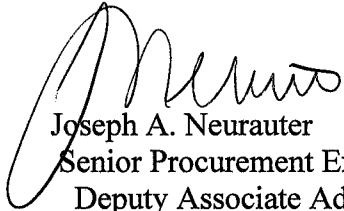
6. Filing instructions. Insert the following pages to the GSAM:

Remove Pages

505-1 thru 505-4

Insert Pages

505-1 and 505-2



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**PART 505—PUBLICIZING CONTRACT ACTIONS**

**Subpart 505.1—Dissemination of Information**

**505.101 Methods of disseminating information.**

If the acquisition is for real property appraisal services estimated to cost \$25,000 or more and is not exempt under FAR 5.202 or GSAR [505.202](#), then the contracting officer must publicize the proposed acquisition in FedBizOpps. (Note: See Part 570 for information regarding publicizing contracts actions for leasehold interests in real property.)

**Subpart 505.2—Synopsis of Proposed Contract Actions**

**505.202 Exceptions.**

The Administrator has determined under section 18(c)(3) of the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 416 (c)(3)) and Section 8(g)(3) of the Small Business Act, as amended (15 U.S.C. 644(g)(3)) that:

(a) Synopsizing in FedBizOpps is not always appropriate for acquisitions of real property appraisal services. The contracting officer must, publicize such contract actions following the procedures in [505.203](#).

(b) It is not appropriate or reasonable to publish an advance notice of acquisitions of works of art, including the design, execution and installation of the artwork, under the Art-in-Architecture Program.

**505.203 Publicizing and response time.**

If publicizing in newspapers, ensure that the notice appears at least three calendar days before issuance of the solicitation. Allow at least these minimum response times:

(1) For real property appraisal services valued at less than the applicable Trade Agreements Act (TAA) threshold (see FAR 25.401(b), 10 calendar days prior to receipt of initial offers.

(2) For real property appraisal services valued at or over the applicable TAA threshold, 40 calendar days prior to receipt of initial offers. If the acquisition falls in a general category identified in an annual forecast, the period may be reduced to as few as 10 days.

**505.270 Synopsis of amendments to solicitations.**

Synopsize in the CBD FedBizOpps any solicitation amendment when the amendment either:

(a) Increases the value of the contract action above the threshold requiring synopsis, or

(b) Makes other non-cardinal changes to the solicitation, such as a new time and date for receipt of offers, minor changes or clarifications to the statement of work.

**Subpart 505.3—Synopsis of Contract Awards**

**505.303 Announcement of contract awards.**

Compliance with [505.303-70](#) fulfills the reporting requirements of FAR 5.303(a).

**505.303-70 Notification of proposed substantial awards and awards involving congressional interest.**

(a) *Applicability.* This section applies to any proposed award exceeding or estimated to exceed:

(1) \$500,000 for a contract under the 8(a) program.

(2) \$1,000,000 for a supply contract unless it involves any of the following:

(i) Motor vehicles.

(ii) Supplies with not readily identifiable points of origin.

(iii) Supplies with foreign production points.

(3) \$3,500,000 for a design (Architect/Engineer) or construction contract.

(4) \$500,000 for any other contract, or class of contract, if a Member of Congress has specifically requested notification of award to a contractor in his/her district or State.

(b) *Notification Procedures.* (1) The Office of Congressional and Intergovernmental Affairs (OCIA) will provide in writing to the HCA the names of members of Congress (in whose district or State the contractor is located and the work is to be performed), who wish to be notified of any award under subparagraph (a)(4) of this subsection.

(2) Notify OCIA either by:

(i) Electronic mail to [OCIA\\_Contracts@gsa.gov](mailto:OCIA_Contracts@gsa.gov).

(ii) Facsimile to (202) 208-1300.

(iii) Hand delivery to 1800 F Street, NW, Room 6106, Washington, DC 20405.

(3) Except for awards under urgent and compelling circumstances, the contracting officer must provide the notice to OCIA on the day of award and 24 hours before telephonic or e-mail notice (if applicable) is provided to the contractor. If the contracting officer cannot meet this timeframe, the contracting director must notify OCIA by telephone or e-mail.

(4) For awards under subparagraph (a)(4) of this section, provide a copy of the notice to the Regional congressional liaison office.

(c) *Contents of notice.* (1) Provide the information in accordance with the format at <http://www.gsa.gov/forms>.

(2) The notification to OCIA may contain sensitive preaward information. The notification must be labeled accordingly. OCIA and regional congressional liaison offices are responsible for the security of such information and will establish procedures governing its release before official notification of award. Unless otherwise authorized by the con-

tracting officer, the release of such information before award is limited to members of Congress and their staff.

(d) *Release of awards.* (1) The Associate Administrator for OCIA will identify notifications which require priority processing. OCIA will release such notices at the time and date specified by the Associate Administrator.

(2) Unless notified to the contrary, the contracting officer may release awards described in paragraph (a) of this section, or information related to them, after two full work-days (48 hours) from the time and date of notification to OCIA. This is done to ensure that the notification has occurred and contract award has actually taken place. The date/time stamp on the e-mail, facsimile transmission, or hand delivery receipt establishes the time and date of notification.

**Subpart 505.4—Release of Information**

**505.403 Requests from Members of Congress.**

(a) The contracting officer shall consult with legal counsel if the response would disclose any of the following:

- (1) Classified material.
- (2) Confidential business information.
- (3) Contractor bid or proposal information or source selection information as defined in FAR 3.104-3.
- (4) Information prejudicial to a competitive acquisition.

(b) If the response involves proprietary or source selection information, the contracting officer shall use the GSA Form 3611 for clarity and visibility.

(c) Refer the proposed response to the HCA and inform the OCIA of the action taken.

**Subpart 505.5—Paid Advertisements**

**505.502 Authority.**

(a) *Newspapers.* The Senior Procurement Executive must approve publication of paid newspaper advertisements in

accordance with FAR 5.502(a). Approval is not required if FAR 5.101 or GSAR [505.101](#) requires publication. Document the contract file with the regulatory citation or written approval to support the use of paid newspaper advertisements.

(b) *Other media.* Advance approval is not required to advertise in other media.

**505.503 Procedures.**

(a) *Substitute form.* Unless the contracting officer makes an award or order via electronic commerce or by using the Governmentwide commercial purchase card, use GSA Form 300, Order for Supplies and Services.

(b) *Invoice receipt by contracting officer.* After receiving an invoice and proof of advertising from a publisher, radio or television station, or advertising agency, the contracting officer shall take the following actions:

- (1) Certify the invoice for payment.
- (2) Submit the invoice to Finance.
- (3) Retain the proof of advertising in the contract file.

(c) *Invoice receipt by receiving official.* If a receiving official receives an invoice from a publisher, radio or television station, or advertising agency, he or she takes all the following actions:

- (1) Prepares a receiving report.
- (2) Submits the invoice and receiving report to Finance for payment.
- (3) Gives the contracting officer a copy of the receiving report for retention in the contract file.

**505.504 Use of advertising agencies.**

The services of commercial advertising agencies may be used only if the contracting officer determines that the services rendered by those agencies can either:

- (a) Increase competition for contracts; or
- (b) Improve the effectiveness of GSA advertising and marketing programs.