contracts, options are permitted not to exceed \$1,000,000 in total value (basic contract plus options). For supply contracts, four options of not more than \$1,000,000 each are permitted when not more than \$1,000,000 in funding is to be required in any fiscal year. The total amount of the basic award plus options may not exceed \$5,000,000 in either the case of supplies or services except as provided in paragraph (c) of this section. For commercial item contracts, options are permitted regardless of dollar value.

- (c) For other than commercial items, if the Government estimate for the basic award amount or any option amount, if any, exceeds the limits of 1871.103(b), the procurement will be processed under FAR and NFS procurement procedures applicable to large procurements (see FAR parts 14 and 15). When the estimate is within the range of 1871.103(b) and the procurement was started using these procedures but the offered prices/costs exceed the MidRange ceiling, the procurement may continue under MidRange procedures, provided that:
- (1) The price/cost can be determined to be fair and reasonable,
- (2) The successful offeror accepts incorporation of required FAR and NFS clauses applicable to large procurements, and
- (3) The procurement does not exceed \$1,500,000 for the basic requirement (and each option, if any) or \$7,500,000 for the total requirement.
- 5. Section 1871.104 is amended by revising paragraph (a) and adding paragraphs (g) and (h) to read as follows:

### 1871.104 Definitions.

\* \* \* \*

- (a) NASA Acquisition Internet Services or NAIS means a computer system through which users may access documents available in electronic format.
- (g) *Commercial item* is used as defined in FAR 2.101.
- (h) *Presolicitation notice* is used interchangeably with the term *synopsis*.
- 6. Section 1871.105 is amended by revising paragraphs (d), (e) and (f) to read as follows:

## 1871.105 Policy.

\* \* \*

- (d) Options may be included in the acquisition provided they conform to 1871.103(b) or do not exceed \$5,000,000 for the total requirement, options included.
- (e) The appropriate part 1871 postselection processes (negotiation, award, and publication of award) may be used

to the extent applicable for Small Business Innovation Research (SBIR), broad agency announcements, unsolicited proposals, and Small Business Administration 8(a) procurement actions within the applicability of 1871.103(b).

(f) The NAIS will be used to the maximum extent practicable to disseminate advance procurement information and conduct part 1871 procurements.

\* \* \* \* \*

# Subpart 1871.3—Publicizing of Solicitation

7. Section 1871.301 is amended by revising the last sentence to read as follows:

## 1871.301 Publicizing policy.

- \* \* As soon as practicable after a requirement has been finalized and before the RFO is ready for release, a presolicitation notice of the procurement action shall be published on the NAIS.
- 8. Section 1871.302 is revised to read as follows:

### 1871.302 Publicizing procedure.

- (a) Synopses are not to be sent to or published in the Commerce Business Daily except where the basic award is expected to exceed \$500,000, the total amount of the basic award plus options is expected to exceed \$2,500,000, or annual obligations are expected to exceed \$500,000 in any one year.
- (b) A separate pre-solicitation notice for each requirement shall be published on the NAIS. The pre-solicitation notice shall be published prior to the actual release of the solicitation, except as set forth in paragraph (d) of this section.
- (c) The presolicitation notice will comply with the requirements set forth in FAR 5.207(b).
- (1) Include a statement that the solicitation will be released via the NAIS, that potential offerors will be responsible for downloading their own copy of the solicitation, and that hard copies of the solicitation shall be made available on request, but the closing date will be the same as that required for the NAIS released solicitation; and
- (2) State the projected solicitation release date, provide notice that it is the offeror's responsibility to monitor the NAIS for solicitation release as the solicitation will be released as soon as practicable whether prior or subsequent to the projected date, and identify the name, telephone number, and e-mail address of a point of contact. The presolicitation notice shall be updated to reflect significant changes to the original notice.

(d) For commercial item purchases, the streamlined solicitation (combined presolicitation notice and solicitation described in FAR part 12) may be used.

## Subpart 1871.4—Request for offer (RFO)

9. Section 1871.401 is amended by revising the fourth sentence to read as follows:

## 1871.401 Types of RFO's.

- \* \* \* If the conditions FAR 6.401(a) are met, the RFO's described in 1871.401–1 and 1871.401–2 shall be used; otherwise, RFO's described in 1871.401–3, 1871.401–4, 1871.401–5, or 1871.401–6 may be used. \* \* \*
- 10. Section 1871.401–1 is amended by revising the fourth sentence in paragraph (b)(2) to read as follows:

### 1871.401-1 Sealed Offers.

\* \* \* \*

(b) \* \* \*

(2) \* \* \* For unclassified acquisitions, a summary abstract, containing offerors, prices and any essential information specific to that procurement shall be posted on the NAIS. \* \* \*

\* \* \* \* \*

11. Section 1871.401–5 is amended by revising paragraph (b)(1) to read as follows:

### 1871.401-5 Noncompetitive negotiations.

\* \* \* \* \*

- (b) \* \* \* (1) Within the dollar thresholds specified in 1871.302(a), posting a presolicitation notice on the NAIS meets the requirement of FAR 5.201 and complies with the notice required by the Competition in Contracting Act. A presolicitation notice is not required if one of the exceptions of FAR 5.202 is met.
- 12. Section 1871.401–6 is added to read as follows:

#### 1871.401-6 Commercial items.

- (a) *Policy.* (1) The RFO may be used as the solicitation method for commercial items.
- (2) MidRange Procedures may be used for commercial item procurements to the extent they are applicable.
- (b) *Procedures.* (1) Offerors shall be requested to provide both a technical and a price offer by the closing date specified.
- (2) The offers will be evaluated in accordance with applicable procedures.
- 13. Section 1871.406 is amended by revising the section heading to read as follows: