



National Aeronautics and
Space Administration
Washington, DC 20546

Grant Information Circular

GIC 23-04
February 6, 2023

GUIDANCE ON PROCESSING NASA COMMUNITY PROJECTS/NASA SPECIAL PROJECTS (EARMARKS¹) AWARDED AS GRANTS FOR FY 2023

PURPOSE: To provide guidance on processing NASA Community Projects/NASA Special Projects (earmarks) included in the Explanatory Statement accompanying the FY 2023 Consolidated Appropriations Act (P.L. 117-328), enacted on December 29, 2022.

BACKGROUND:

The Explanatory Statement accompanying the FY 2023 Consolidated Appropriations Act (P.L. 117-328) identifies a total of 15 NASA Community Projects/NASA Special Projects (earmarks), funded at a total of \$30.701M within the Safety, Security, and Mission Services (SSMS) appropriations account.

The FY 2023 Consolidated Appropriations Act, within the NASA SSMS appropriations account, specifies: “*Provided further*, That of the amounts appropriated under this heading, \$30,701,000 shall be used for the projects, and in the amounts, specified in the table under the heading “NASA Community Projects/NASA Special Projects” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That the amounts made available for the projects referenced in the preceding proviso may not be transferred for any other purpose.”

The Office of the General Counsel (OGC) has determined that this incorporation of earmarks, by reference, satisfies the requirements of E.O. 13457, and the FY 2023 earmarks are statutory, to the extent that they are specified in the Explanatory Statement. This is true only to the extent of matters expressly included in the Explanatory Statement.

Thus, where an intended recipient of an earmark is designated in the Explanatory Statement, and that Explanatory Statement is incorporated by reference into a statute, i.e., P.L. 117-328, then award may be made to the intended recipient pursuant to that statute. Where an intended recipient of an earmark is not designated in the Explanatory Statement, the recipient is not incorporated by reference into the Appropriations Act.

¹ The terms “earmark” and “NASA Community Projects/NASA Special Projects” are used interchangeably to refer to 15 projects listed in the Explanatory Statement accompanying the FY 2023 Consolidated Appropriations Act (P.L. 117-328) and incorporated by reference into the Act. These 15 projects are not “earmarks” for the purposes of the Statement of Federal Financial Accounting Standards 27: Identifying and Reporting Funds from Dedicated Collections.

GUIDANCE:

Guidance issued by House and Senate Committees on Appropriations regarding FY 2023 NASA Community Projects/NASA Special Projects (earmarks) stated that no FY 2023 NASA Community Projects/NASA Special Project may be designated for a for-profit company. As such, all FY 2023 earmark awards are expected to be issued to nonprofit organizations.

NASA civil servants are not permitted to charge NASA's "substantial involvement" to Federal awards, and earmark proposals shall not include NASA "substantial involvement." Therefore, all earmark proposals shall be awarded as grants and not cooperative agreements. "Substantial involvement" includes a high degree of cooperation between NASA and a cooperative agreement recipient; it may include collaboration, participation, or intervention in the activity being performed under the award. "Substantial involvement" does not include award administration, monitoring, or oversight activities.

For all earmarks, the NASA Shared Services Center (NSSC) is responsible for requesting the proposal; providing preliminary guidance, in coordination with the Technical Officer, to the recipient preparing the proposal; reviewing the proposal for completeness; and coordinating evaluation of the proposal with the relevant Technical Officer. Technical Officers should communicate with special project designees as early as possible to ensure maximum alignment with NASA's missions.

Following the evaluation, the Technical Officer will develop and submit a complete grants Technical Requirements Package, including all documents required by the Request for Proposal (RFP), to the NSSC in SAP. To ensure sufficient funds are committed and to enable tracking of the award in SAP, Technical Officers will prepare a Purchase Request (PR) in SAP for release to NSSC Grant Officers within 30 days of completing a proposal evaluation.

Technical Officers will utilize the Document of Readiness for Award (DORA) to document proposal evaluations. The following elements or factors, each approximately equal in weight, must be considered in evaluating any proposal for the non-discretionary award of a grant:

- (1) The proposal's relevance to NASA's mission;
- (2) The intrinsic scientific, engineering, or educational merit of the proposed effort; and
- (3) Cost allowability, allocability, and reasonability.

Examples of criteria that may be considered in evaluating the scientific, engineering, or educational merit of the proposed effort include: (a) the existence of unique or innovative methods or the quality of the approaches or concepts demonstrated by the proposal; (b) the qualifications, capabilities, and experience of the key personnel critical in achieving the proposed objectives; (c) the proposer's facilities, techniques, and past experience and performance relevant to the proposed objectives; and (d) for proposed research, advancement of the state-of-the-art.

In evaluating cost allowability, allocability, and reasonability, the cost principles in [2 CFR 200](#), Subpart E, will be utilized. During award processing, Grant Officers shall also confirm that the

intended award recipient is a nonprofit organization by checking their “profit status” in the [System for Award Management \(SAM.gov\)](https://www.sam.gov).

NASA evaluators may find that proposals for some earmarks are not directly relevant to NASA's missions. Moreover, in some cases NASA evaluators may question the intrinsic scientific, engineering, or educational merit of the proposed effort. In such cases, Grant and Technical Officers should work with prospective recipients to align their proposals as closely as possible with NASA's missions.

If evaluators find the proposal unacceptable for award or other legal or regulatory grounds exist that make issuing the award inappropriate, Grant Officers must refer the proposal to OGC and the Deputy Chief Financial Officer (DCFO) for Appropriations at NASA Headquarters for concurrence. Following such consultation, the Technical Officers will prepare the DORA and submit copies to the Office of the Chief Financial Officer (OCFO) at Headquarters.

OTHER GENERAL GUIDANCE:

Single Source and Unsolicited proposals: Proposals for earmarks shall not be considered single source or unsolicited proposals.

Solicitations: OCFO/Appropriations/Chris Flaherty and Ryan Sims shall be copied by e-mail on all Requests for Proposals (RFPs) issued to prospective recipients.

Construction: NASA will not permit the use of earmark funds for construction. Construction is the process of erection or modification of real property. Construction includes one or more systems (e.g., structure, roof, exterior, interior, finishes, heating ventilation and air conditioning, electrical, plumbing, conveyance, construction-related program support equipment, etc.) and involves the related skilled trades (e.g., carpenters, painters, steel erectors, brick masons, plumbers, electricians, concrete workers, telecommunication workers, etc.) to perform the work. Licensed designed professionals, architects and engineers, are required to design facilities/structures to be constructed and to oversee the construction. NASA is responsible for compliance with all laws, codes, and criteria relevant to any construction project. However, proposals may include earmark funds for non-collateral equipping, outfitting, or wiring.

Administrative Costs: NASA shall not charge administrative costs to FY 2023 earmarks.

NASA Charges: NASA employees shall not charge work or travel to earmark recipients.

Tracking:

- DORAs must be prepared and signed by the Technical Officer and concurred by DCFO for Appropriations before funds may be released for award.
- Earmarks were issued Work Breakdown Structure (WBS) numbers by OCFO and the Mission Support Directorate (MSD). Each WBS will be treated as a new award. Grant Officers may not add additional funds to the earmark projects to accomplish additional

work. If a Technical Officer would like for the recipient to perform additional tasks, a separate award must be authorized, and all relevant regulations in 2 CFR 200 and the [Grant and Cooperative Agreement Manual](#) (GCAM) policy must be followed.

- All awards must comply with the bona fide needs limitations on the period of performance of the work.
- OCFO/Appropriations/Chris Flaherty is responsible for maintaining a current status report and tracking the execution of FY 2023 earmark projects. OCFO will work closely with the NSSC and Technical Officers to maintain a current status.
- In addition to satisfying the requirements in GCAM section 7.7, Change of Principal Investigator or Recipient Institution, requests for transfer of the Principal Investigator or transfer of the Congressionally-directed NASA site-specific project shall be brought to the attention of DCFO/Appropriations for concurrence.

EFFECTIVE DATE: This GIC is effective as dated and shall remain in effect until canceled or superseded.

CANCELLATION: GIC 22-05, FY 2022 Earmark Guidance, dated March 29, 2022, is hereby canceled.

HEADQUARTERS CONTACT: Antanese Crank, Chief, Grants Policy and Compliance, Procurement Management and Policy Division, Office of Procurement, antanese.n.crank@nasa.gov.