Subpart 5.5 - Paid Advertisements

Parent topic: Part 5 - Publicizing Contract Actions

5.501 Definitions.

As used in this subpart-

Advertisement means any single message prepared for placement in communication media, regardless of the number of placements.

Publication means–

(1) The placement of an *advertisement* in a newspaper, magazine, trade or professional journal, or any other printed medium; or

(2) The broadcasting of an *advertisement* over radio or television.

5.502 Authority.

(a) *Newspapers.* Authority to approve the *publication* of paid *advertisements* in newspapers is vested in the head of each agency (44 U.S.C. 3702). This approval authority *may* be delegated (5 U.S.C. 302(b)). *Contracting officers shall* obtain written authorization in accordance with policy procedures before advertising in newspapers.

(b) *Other media.* Unless the *agency head* determines otherwise, advance written authorization is not required to place *advertisements* in media other than newspapers.

5.503 Procedures.

(a) General.

(1) Orders for paid *advertisements may* be placed directly with the media or through an advertising agency. *Contracting officers shall* give small, small disadvantaged, women-owned, veteran-owned, *HUBZone*, and service-disabled veteran-owned small business concerns maximum opportunity to participate in these *acquisitions*.

(2) The *contracting officer shall* use the SF 1449 for paper *solicitations*. The SF 1449 *shall* be used to make awards or place orders unless the award/order is made by using *electronic commerce* or by using the Governmentwide commercial purchase card for micropurchases.

(b) *Rates. Advertisements may* be paid for at rates not over the commercial rates charged private individuals, with the usual discounts (44 U.S.C. 3703).

(c) *Proof of advertising.* Every *invoice* for advertising *shall* be accompanied by a copy of the *advertisement* or an affidavit of *publication* furnished by the publisher, radio or television station, or

advertising agency concerned (44 U.S.C. 3703). Paying offices *shall* retain the proof of advertising until the Government Accountability Office settles the paying office's account.

(d) *Payment.* Upon receipt of an *invoice* supported by proof of advertising, the *contracting officer shall* attach a copy of the written authority (see 5.502(a)) and submit the *invoice* for payment under agency procedures.

5.504 Use of advertising agencies.

(a) *General.* Basic ordering agreements *may* be placed with advertising agencies for assistance in producing and placing *advertisements* when a significant number will be placed in several *publications* and in national media. Services of advertising agencies include, but are not limited to, counseling as to selection of the media for placement of the *advertisement*, contacting the media in the interest of the Government, placing orders, selecting and ordering typography, copywriting, and preparing rough layouts.

(b) *Use of commission-paying media.* The services of advertising agencies in placing advertising with media often can be obtained at no cost to the Government, over and above the space cost, as many media give advertising agencies a commission or discount on the space cost that is not given to the Government.

(c) *Use of noncommission-paying media.* Some media do not grant advertising agencies a commission or discount, meaning the Government can obtain the same rate as the advertising agency. If the advertising agency agrees to place *advertisements* in noncommission-paying media as a no-cost service, the basic ordering agreement *shall* so provide. If the advertising agency will not agree to place *advertisements* at no cost, the agreement *shall*-

(1) Provide that the Government *may* place orders directly with the media; or

(2) Specify an amount that the Government will pay if the agency places the orders.

(d) *Art work, supplies, and incidentals.* The basic ordering agreement also *may* provide for the furnishing by the advertising agency of art work, *supplies*, and incidentals, including brochures and pamphlets, but not their printing. "Incidentals" *may* include telephone calls, and postage incurred by the advertising agency on behalf of the Government.