

5.102 Availability of solicitations.

(a)

(1) Except as provided in paragraph (a)(5) of this section, the *contracting officer must* make available through the GPE *solicitations* synopsized through the GPE, including specifications, *technical data*, and other pertinent information determined necessary by the *contracting officer*. Transmissions to the GPE *must* be in accordance with the interface description available via the Internet at <https://www.sam.gov>.

(2) The *contracting officer* is encouraged, when practicable and cost-effective, to make accessible through the GPE additional information related to a *solicitation*.

(3) The *contracting officer must* ensure that *solicitations* transmitted using *electronic commerce* are forwarded to the GPE to satisfy the requirements of paragraph (a)(1) of this section.

(4) When an agency determines that a *solicitation* contains information that requires additional controls to monitor access and distribution (*e.g.*, *technical data*, specifications, maps, building designs, schedules, etc.), the information *shall* be made available through the enhanced controls of the GPE, unless an exception in paragraph (a)(5) of this section applies. The GPE meets the synopsis and advertising requirements of this part.

(5) The *contracting officer* need not make a *solicitation* available through the GPE as required in paragraph (a)(4) of this section, when-

(i) Disclosure would compromise the national security (*e.g.*, would result in disclosure of *classified information*, or information subject to export controls) or create other security risks. The fact that access to classified matter *may* be necessary to submit a proposal or perform the contract does not, in itself, justify use of this exception;

(ii) The nature of the file (*e.g.*, size, format) does not make it cost-effective or practicable for *contracting officers* to provide access to the *solicitation* through the GPE; or

(iii) The agency's *senior procurement executive* makes a written determination that access through the GPE is not in the Government's interest.

(6) When an *acquisition* contains brand name specifications, the *contracting officer shall* include with the *solicitation* the justification or documentation required by [6.302-1\(c\)](#), [13.106-1\(b\)](#), or [13.501](#), redacted as necessary (see [6.305](#)).

(b) When the *contracting officer* does not make a *solicitation* available through the GPE pursuant to paragraph (a)(5) of this section, the *contracting officer*-

(1) *Should* employ other electronic means (*e.g.*, CD-ROM or electronic mail) whenever practicable and cost-effective. When *solicitations* are provided electronically on physical media (*e.g.*, disks) or in paper form, the *contracting officer must*-

(i) Maintain a reasonable number of copies of *solicitations*, including specifications and other pertinent information determined necessary by the *contracting officer* (upon request, potential sources not initially solicited *should* be mailed or provided copies of *solicitations*, if available);

(ii) Provide copies on a "first-come-first-served" basis, for pickup at the *contracting office*, to publishers, trade associations, information services, and other members of the public having a legitimate interest (for *construction*, see [36.211](#)); and

(iii) Retain a copy of the *solicitation* and other documents for review by and duplication for those requesting copies after the initial number of copies is exhausted; and

(2) *May* require payment of a fee, not exceeding the actual cost of duplication, for a copy of the *solicitation* document.

(c) In addition to the methods of disseminating proposed contract information in [5.101](#)(a) and (b), provide, upon request to small business concerns, as required by [15 U.S.C. 637\(b\)](#)-

(1) A copy of the *solicitation* and specifications. In the case of *solicitations* disseminated by *electronic data interchange*, *solicitations may* be furnished directly to the electronic address of the small business concern;

(2) The name and telephone number of an employee of the *contracting office* who will answer questions on the *solicitation*; and

(3) Adequate citations to each applicable major Federal law or agency rule with which small business concerns *must* comply in performing the contract.

(d) When *electronic commerce* (see [subpart 4.5](#)) is used in the *solicitation* process, availability of the *solicitation may* be limited to the electronic medium.

(e) Provide copies of a *solicitation* issued under other than *full and open competition* to firms requesting copies that were not initially solicited, but only after advising the requester of the determination to limit the *solicitation* to a specified firm or firms as authorized under [part 6](#).

(f) This section [5.102](#) applies to *classified contracts* to the extent consistent with agency security requirements (see [5.202\(a\)\(1\)](#)).

Parent topic: [Subpart 5.1 - Dissemination of Information](#)