

9.206-1 General.

(a) Agencies *may* not enforce any QPL, QML, or QBL without first complying with the requirements of 9.202(a). However, *qualification requirements* themselves, whether or not previously embodied in a QPL, QML, or QBL, *may* be enforced without regard to 9.202(a) if they are in either of the following categories:

(1) Any *qualification requirement* established by statute prior to October 30, 1984, for civilian agencies (not including NASA); or

(2) Any *qualification requirement* established by statute or administrative action prior to October 19, 1984, for DoD or NASA. *Qualification requirements* established after the above dates *must* comply with 9.202(a) to be enforceable.

(b) Except when the *agency head* or designee determines that an *emergency* exists, whenever an agency elects, whether before or after award, not to enforce a *qualification requirement* which it established, the requirement *may* not thereafter be enforced unless the agency complies with 9.202(a).

(c) If a *qualification requirement* applies, the *contracting officer* need consider only those *offers* identified as meeting the requirement or included on the applicable QPL, QML, or QBL, unless an *offeror* can satisfactorily demonstrate to the *contracting officer* that it or its product or its subcontractor or its product can meet the standards established for qualification before the date specified for award.

(d) If a product subject to a *qualification requirement* is to be acquired as a *component* of an end item, the *contracting officer* *must* ensure that all such *components* and their *qualification requirements* are properly identified in the *solicitation* since the product or source *must* meet the standards specified for qualification before award.

(e) In *acquisitions* subject to *qualification requirements*, the *contracting officer* *shall* take the following steps:

(1) Use presolicitation notices in appropriate cases to advise potential suppliers before issuing *solicitations* involving *qualification requirements*. The notices *shall* identify the specification containing the *qualification requirement* and establish an allowable time period, consistent with delivery requirements, for prospective *offerors* to demonstrate their abilities to meet the standards specified for qualification. The notice *shall* be publicized in accordance with 5.204. Whether or not a presolicitation notice is used, the general synopsizing requirements of subpart 5.2 apply.

(2) Distribute *solicitations* to prospective contractors whether or not they have been identified as meeting applicable *qualification requirements*.

(3) When appropriate, request in accordance with agency procedures that a *qualification requirement* not be enforced in a particular *acquisition* and, if granted, so specify in the *solicitation* (see 9.206-1(b)).

(4) Forward requests from potential suppliers for information on a *qualification requirement* to the agency activity responsible for establishing the requirement.

(5) Allow the maximum time, consistent with delivery requirements, between issuing the *solicitation*

and the contract award. As a minimum, *contracting officers shall* comply with the time frames specified in 5.203 when applicable.

Parent topic: 9.206 Acquisitions subject to qualification requirements.