

Subpart 12.6 - Streamlined Procedures for Evaluation and Solicitation for Commercial Products and Commercial Services

Parent topic: Part 12 - Acquisition of Commercial Products and Commercial Services

12.601 General.

(a) This subpart provides optional procedures for—

(1) Streamlined evaluation of *offers* for *commercial products* or *commercial services*; and

(2) Streamlined *solicitation* of *offers* for *commercial products* or *commercial services* for use where appropriate.

(b) These procedures are intended to simplify the process of preparing and issuing *solicitations* and evaluating *offers* for *commercial products* or *commercial services* consistent with customary commercial practices.

12.602 Streamlined evaluation of offers.

(a) When evaluation factors are used, the *contracting officer* may insert a provision substantially the same as the provision at 52.212-2, Evaluation-*Commercial Products and Commercial Services*, in *solicitations* for *commercial products* or *commercial services* or comply with the procedures in 13.106 if the *acquisition* is being made using *simplified acquisition procedures*. When the provision at 52.212-2 is used, paragraph (a) of the provision shall be tailored to the specific *acquisition* to describe the evaluation factors and relative importance of those factors. However, when using the *simplified acquisition procedures* in part 13, *contracting officers* are not required to describe the relative importance of evaluation factors.

(b) *Offers* shall be evaluated in accordance with the criteria contained in the *solicitation*. For many *commercial products* or *commercial services*, the criteria need not be more detailed than technical (capability of the item offered to meet the agency need), price, and *past performance*. Technical capability may be evaluated by how well the proposed *products* or *services* meet the Government requirement instead of predetermined subfactors. *Solicitations* for *commercial products* or *commercial services* do not have to contain subfactors for technical capability when the *solicitation* adequately describes the intended use of the *commercial product* or *commercial service*. A technical evaluation would normally include examination of such things as product or service literature, product samples (if requested), technical features, and *warranty* provisions. *Past performance* shall be evaluated in accordance with the procedures in section 13.106 or subpart 15.3, as applicable. The *contracting officer* shall ensure the instructions provided in the provision at 52.212-1, Instructions to *Offerors—Commercial Products and Commercial Services*, and the evaluation criteria provided in the provision at 52.212-2, Evaluation—*Commercial Products and Commercial Services*, are in agreement.

(c) Select the *offer* that is most advantageous to the Government based on the factors contained in

the *solicitation*. Fully document the rationale for selection of the successful *offeror* including discussion of any trade-offs considered.

12.603 Streamlined solicitation for commercial products or commercial services.

(a) When a written *solicitation* will be issued, the *contracting officer* may use the following procedure to reduce the time required to solicit and award contracts for the *acquisition* of *commercial products* or *commercial services*. This procedure combines the synopsis required by [5.203](#) and the issuance of the *solicitation* into a single document.

(b) When using the combined synopsis/*solicitation* procedure, the [SF1449](#) is not used for issuing the *solicitation*.

(c) To use these procedures, the *contracting officer* shall-

(1) Prepare the synopsis as described at [5.207](#).

(2) In the Description, include the following additional information:

(i) The following statement:

This is a combined synopsis/*solicitation* for *commercial products* or *commercial services* prepared in accordance with the format in [subpart 12.6](#), as supplemented with additional information included in this notice. This announcement constitutes the only *solicitation*; proposals are being requested and a written *solicitation* will not be issued.

(ii) The *solicitation* number and a statement that the *solicitation* is issued as an invitation to bid (IFB), request for quotation (RFQ) or request for proposal (RFP).

(iii) A statement that the *solicitation* document and incorporated provisions and clauses are those in effect through Federal *Acquisition* Circular ____.

(iv) A notice regarding any set-aside and the associated NAICS code and small business size standard.

(v) A list of *line item number*(s) and items, quantities, and units of measure (including *option*(s), if applicable).

(vi) Description of requirements for the items to be acquired.

(vii) Date(s) and place(s) of delivery and acceptance and FOB point.

(viii) A statement that the provision at [52.212-1](#), Instructions to *Offerors-Commercial Products* and *Commercial Services*, applies to this *acquisition* and a statement regarding any addenda to the provision.

(ix) A statement regarding the applicability of the provision at [52.212-2](#), Evaluation-*Commercial Products* and *Commercial Services*, if used, and the specific evaluation criteria to be included in paragraph (a) of that provision. If this provision is not used, describe the evaluation procedures to be used.

- (x) A statement advising *offerors* to include a completed copy of the provision at 52.212-3, *Offeror Representations and Certifications-Commercial Products and Commercial Services*, with its *offer*.
- (xi) A statement that the clause at 52.212-4, *Contract Terms and Conditions-Commercial Products and Commercial Services*, applies to this *acquisition* and a statement regarding any addenda to the clause.
- (xii) A statement that the clause at 52.212-5, *Contract Terms and Conditions Required To Implement Statutes or Executive Orders-Commercial Products and Commercial Services*, applies to this *acquisition* and a statement regarding which, if any, of the additional FAR clauses cited in the clause are applicable to the *acquisition*.
- (xiii) A statement regarding any additional contract requirement(s) or terms and conditions (such as contract financing arrangements or *warranty* requirements) determined by the *contracting officer* to be necessary for this *acquisition* and consistent with customary commercial practices.
- (xiv) A statement regarding the Defense Priorities and Allocations System (DPAS) and assigned rating, if applicable.
- (xv) The date, time and place *offers* are due.
- (xvi) The name and telephone number of the individual to contact for information regarding the *solicitation*.
- (3) Allow response time for receipt of *offers* as follows:
- (i) Because the synopsis and *solicitation* are contained in a single document, it is not necessary to publicize a separate synopsis 15 days before the issuance of the *solicitation*.
- (ii) When using the combined synopsis and *solicitation*, *contracting officers* must establish a response time in accordance with 5.203(b) (but see 5.203(h)).
- (4) Publicize amendments to *solicitations* in the same manner as the initial synopsis and *solicitation*.