

Subpart 14.2 - Solicitation of Bids

Parent topic: [Part 14 - Sealed Bidding](#)

14.201 Preparation of invitations for bids.

14.201-1 Uniform contract format.

(a) *Contracting officers shall* prepare invitations for bids and contracts using the uniform contract format outlined in Table 14-1 to the maximum practicable extent. The use of the format facilitates preparation of the *solicitation* and contract as well as reference to, and use of, those documents by bidders and contractors. It need not be used for *acquisition* of the following:

(1) *Construction* (see [part 36](#)).

(2) Shipbuilding (including design, *construction*, and conversion), ship overhaul, and ship repair.

(3) Subsistence items.

(4) *Supplies* or services requiring special contract forms prescribed elsewhere in this regulation that are inconsistent with the uniform contract format.

(5) Firm-fixed-price or fixed-price with economic price adjustment *acquisitions* that use the simplified contract format (see [14.201-9](#)).

(b) Information suitable for inclusion in invitations for bids under the uniform contract format *shall* also be included in invitations for bids not subject to that format if applicable.

(c) *Solicitations* to which the uniform contract format applies *shall* include Parts I, II, III, and IV. If any section of the uniform contract format does not apply, the *contracting officer should* so mark that section in the *solicitation*. Upon award, the *contracting officer shall* not physically include Part IV in the resulting contract, but *shall* retain it in the contract file. (See [14.201\(c\)](#).) Award by acceptance of a bid on the award portion of [Standard Form 33, Solicitation, Offer and Award \(SF 33\)](#), [Standard Form 26, Award/Contract \(SF 26\)](#), or [Standard Form 1447, Solicitation/Contract \(SF 1447\)](#), incorporates Section K, Representations, certifications, and other statements of bidders, in the resultant contract even though not physically attached. The representations and certifications *shall* be incorporated by reference in the contract by using [52.204-19](#) (see [4.1202\(b\)](#)) or for *acquisitions of commercial products and commercial services* see [52.212-4\(v\)](#).

Table 14-1 - Uniform Contract Format

Section	Title
Part I-The Schedule	
A	<i>Solicitation/contract form</i>

Section	Title
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B	<i>Supplies</i> or services and prices
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C	Description/specifications
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D	Packaging and marking
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E	<i>Inspection</i> and acceptance
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F	Deliveries or performance
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G	Contract administration data
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H	Special contract requirements
---	-------------------------------

PartII-*Contract Clauses*

I	<i>Contract clauses</i>
---	-------------------------

PartIII-List of Documents, Exhibits, and OtherAttachments

J	List of documents, exhibits, and other attachments
---	--

PartIV-Representations and Instructions

K	Representations, certifications, and other statements of bidders
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L	Instructions, conditions, and notices to bidders
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M	Evaluation factors for award
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14.201-2 Part I—The Schedule.

The *contracting officer* shall prepare the Schedule as follows:

(a) Section A, *Solicitation/contract* form.

(1) Prepare the invitation for bids on SF 33, unless otherwise permitted by this regulation. The SF 33 is the first page of the *solicitation* and includes Section A of the uniform contract format. When the SF 1447 is used as the *solicitation* document, the information in subdivisions (a)(2)(i) and (a)(2)(iv)

of this subsection *shall* be inserted in block9 of the [SF 1447](#).

(2) When the [SF 33](#) or [SF 1447](#) is not used, include the following on the first page of the invitation for bids:

(i) Name, address, and location of issuing activity, including room and building where bids *must* be submitted.

(ii) Invitation for bids number.

(iii) Date of issuance.

(iv) Time specified for receipt of bids.

(v) Number of pages.

(vi) Requisition or other purchase authority.

(vii) Requirement for bidder to provide its name and complete address, including street, city, county, state, and ZIP code.

(viii) A statement that bidders *should* include in the bid the address to which payment *should* be mailed, if that address is different from that of the bidder.

(b) *Section B, Supplies or services and prices.* Include a brief description of the *supplies* or services; *e.g., line item number, national stock number/part number if applicable, title or name identifying the supplies or services, and quantities (see part 11)*. The [SF 33](#) and the [SF 1447](#) may be supplemented as necessary by the OptionalForm336 ([OF 336](#)), Continuation Sheet.

(c) *Section C, Description/specifications.* Include any description or specifications needed in addition to Section B to permit *full and open competition* (see [part 11](#)).

(d) *Section D, Packaging and marking.* Provide packaging, packing, preservation, and marking requirements, if any.

(e) *Section E, Inspection and acceptance.* Include *inspection, acceptance, quality assurance, and reliability requirements* (see [part 46](#), Quality Assurance).

(f) *Section F, Deliveries or performance.* Specify the requirements for time, place, and method of delivery or performance (see [subpart 11.4](#), Delivery or Performance Schedules).

(g) *Section G, Contract administration data.* Include any required accounting and appropriation data and any required contract administration information or instructions other than those on the *solicitation form*.

(h) *Section H, Special contract requirements.* Include a clear statement of any special contract requirements that are not included in Section I, *Contract clauses*, or in other sections of the uniform contract format.

14.201-3 PartII-Contract clauses.

Section I, Contract clauses. The *contracting officer shall* include in this section the clauses required

by law or by this regulation and any additional clauses expected to apply to any resulting contract, if these clauses are not required to be included in any other section of the uniform contract format.

14.201-4 PartIII-Documents, exhibits, and other attachments.

Section J, List of documents, exhibits, and other attachments. The contracting officer shall list the title, date, and number of pages for each attached document.

14.201-5 PartIV-Representations and instructions.

The contracting officer shall prepare the representations and instructions as follows:

(a) *Section K, Representations, certifications, and other statements of bidders.* Include in this section those *solicitation* provisions that require representations, certifications, or the submission of other information by bidders.

(b) *Section L, Instructions, conditions, and notices to bidders.* Insert in this section *solicitation* provisions and other information and instructions not required elsewhere to guide bidders. Invitations shall include the time and place for bid openings, and shall advise bidders that bids will be evaluated without discussions (see [52.214-10](#) and, for *construction* contracts, [52.214-19](#)).

(c) *Section M, Evaluation factors for award.* Identify the price related factors other than the bid price that will be considered in evaluating bids and awarding the contract. See [14.201-8](#).

14.201-6 Solicitation provisions.

(a) The provisions prescribed in this subsection apply to preparation and submission of bids in general. See other FAR parts for provisions and clauses related to specific *acquisition* requirements.

(b) Insert in all invitations for bids the provisions at-

(1) [52.214-3](#), Amendments to Invitations For Bids; and

(2) [52.214-4](#), False Statements in Bids.

(c) Insert the following provisions in invitations for bids:

(1) [52.214-5](#), Submission of Bids.

(2) [52.214-6](#), Explanation to Prospective Bidders.

(3) [52.214-7](#), Late Submissions, Modifications, and Withdrawals of Bids.

(d) [Reserved]

(e) Insert in all invitations for bids, except those for *construction*, the provisions at [52.214-10](#), Contract Award-Sealed Bidding.

(f) Insert in invitations for bids to which the uniform contract format applies, the provision at

52.214-12, Preparation of Bids.

(g) [Reserved]

(h) Insert the provision at 52.214-14, Place of Performance-Sealed Bidding, in invitations for bids except those in which the place of performance is specified by the government.

(i) Insert the provision at 52.214-15, Period for Acceptance of Bids, in invitations for bids (IFB's) that are not issued on SF 33 or SF 1447 except IFB's-

(1) For *construction* work; or

(2) In which the government specifies a minimum acceptance period.

(j) Insert the provision at 52.214-16, Minimum Bid Acceptance Period, in invitations for bids, except for *construction*, if the *contracting officer* determines that a minimum acceptance period *must* be specified.

(k) [Reserved]

(l) Insert the provision at 52.214-18, Preparation of Bids-*Construction*, in invitations for bids for *construction* work.

(m) Insert the provision at 52.214-19, Contract Award-Sealed Bidding-*Construction*, in all invitations for bids for *construction* work.

(n) [Reserved]

(o)

(1) Insert the provision at 52.214-20, Bid Samples, in invitations for bids if bid samples are required.

(2) If it appears that the conditions in 14.202-4(e)(1) will apply and the *contracting officer* anticipates granting waivers and-

(i) If the nature of the required product does not necessitate limiting the grant of a waiver to a product produced at the same plant in which the product previously acquired or tested was produced, use the provision with its *Alternate I*; or

(ii) If the nature of the required product necessitates limiting the grant of a waiver to a product produced at the same plant in which the product previously acquired or tested was produced, use the provision with its *Alternate II*.

(3) See 14.202-4(e)(2) regarding waiving the requirement for all bidders.

(p)

(1) Insert the provision at 52.214-21, *Descriptive Literature*, in invitations for bids if-

(i) *Descriptive literature* is required to evaluate the technical acceptability of an offered product; and

(ii) The required information will not be readily available unless it is submitted by bidders.

(2) Use the basic clause with its *Alternate I* if the possibility exists that the *contracting officer* may waive the requirement for furnishing *descriptive literature* for a bidder offering a previously supplied product that meets specification requirements of the current *solicitation*.

(3) See 14.202-5(d)(2) regarding waiving the requirement for all bidders.

(q) Insert the provision at 52.214-22, Evaluation of Bids for Multiple Awards, in invitations for bids if the *contracting officer* determines that multiple awards might be made if doing so is economically advantageous to the government.

(r) Insert the provision at 52.214-23, Late Submissions, Modifications, Revisions, and Withdrawals of Technical Proposals Under Two-Step Sealed Bidding, in *solicitations* for technical proposals in step one of two-step sealed bidding.

(s) Insert the provision at 52.214-24, Multiple Technical Proposals, in *solicitations* for technical proposals in step one of two-step sealed bidding if the *contracting officer* permits the submission of multiple technical proposals.

(t) Insert the provision at 52.214-25, Step Two of Two-Step Sealed Bidding, in invitations for bids issued under step two of two-step sealed bidding.

(u) [Reserved]

(v) Insert the provision at 52.214-31, Facsimile Bids, in *solicitations* if facsimile bids are authorized (see 14.202-7).

(w) Insert the provision at 52.214-34, Submission of *Offers* in the English Language, in *solicitations* that include any of the clauses prescribed in 25.1101 or 25.1102. It may be included in other *solicitations* when the *contracting officer* decides that it is necessary.

(x) Insert the provision at 52.214-35, Submission of *Offers* in U.S. Currency, in *solicitations* that include any of the clauses prescribed in 25.1101 or 25.1102, unless the *contracting officer* includes the clause at 52.225-17, Evaluation of Foreign Currency *Offers*, as prescribed in 25.1103(d). It may be included in other *solicitations* when the *contracting officer* decides that it is necessary.

14.201-7 Contract clauses.

(a) When *contracting* by sealed bidding, the *contracting officer* shall insert the clause at 52.214-26, Audit and Records-Sealed Bidding, in *solicitations* and contracts as follows:

(1) Use the basic clause if-

(i) The *acquisition* will not use funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5); and

(ii) The contract amount is expected to exceed the threshold at 15.403-4(a)(1) for submission of *certified cost or pricing data*.

(2)

(i) If the *acquisition* will use funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009, use the clause with its *Alternate I* in all *solicitations* and contracts.

(ii)

(A) In the case of a bilateral *contract modification* that will use funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009, the *contracting officer shall* specify applicability of *Alternate I* to that modification.

(B) In the case of a task- or delivery-order contract in which not all orders will use funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009, the *contracting officer shall* specify the task or *delivery orders* to which *Alternate I* applies.

(b)

(1) When *contracting* by sealed bidding, the *contracting officer shall* insert the clause at 52.214-27, Price Reduction for Defective *Certified Cost or Pricing Data*-Modifications-Sealed Bidding, in *solicitations* and contracts if the contract amount is expected to exceed the threshold for submission of *certified cost or pricing data* at 15.403-4(a)(1).

(2) In exceptional cases, the *head of the contracting activity may* waive the requirement for inclusion of the clause in a contract with a foreign government or agency of that government. The authorizations for the waiver and the reasons for granting it *shall be in writing*.

(c)

(1) When *contracting* by sealed bidding, the *contracting officer shall*—

(i) Insert the clause at 52.214-28, Subcontractor *Certified Cost or Pricing Data*—Modifications—Sealed Bidding, in *solicitations* and contracts if the contract amount is expected to exceed the threshold for submission of *certified cost or pricing data* at 15.403-4(a)(1); or

(ii) Upon request of a contractor in connection with a prime contract entered into before July 1, 2018, the *contracting officer shall* modify the contract without requiring consideration to replace clause 52.214-28, Subcontractor *Certified Cost or Pricing Data*—Modifications—Sealed Bidding, with its *Alternate I*.

(2) In exceptional cases, the *head of the contracting activity may* waive the requirement for inclusion of the clause in a contract with a foreign government or agency of that government. The authorizations for the waiver and the reasons for granting it *shall be in writing*.

(d) When *contracting* by sealed bidding the *contracting officer shall* insert the clause at 52.214-29, Order of Precedence-Sealed Bidding, in *solicitations* and contracts to which the uniform contract format applies.

14.201-8 Price related factors.

The factors set forth in paragraphs (a) through (e) of this subsection *may* be applicable in evaluation of bids for award and *shall* be included in the *solicitation* when applicable. (See [14.201-5\(c\)](#).)

(a) Foreseeable costs or delays to the Government resulting from such factors as differences in *inspection*, locations of *supplies*, and transportation. If bids are on an f.o.b. origin basis (see [47.303](#) and [47.305](#)), transportation costs to the designated points *shall* be considered in determining the lowest cost to the Government.

(b) Changes made, or requested by the bidder, in any of the provisions of the invitation for bids, if the change does not constitute a ground for rejection under [14.404](#).

(c) Advantages or disadvantages to the Government that might result from making more than one award (see [14.201-6\(q\)](#)). The *contracting officer shall* assume, for the purpose of making multiple awards, that \$500 would be the administrative cost to the Government for issuing and administering each contract awarded under a *solicitation*. Individual awards *shall* be for the items or combinations of items that result in the lowest aggregate cost to the Government, including the assumed administrative costs.

(d) Federal, state, and local taxes (see [part 29](#)).

(e) Origin of *supplies*, and, if foreign, the application of the Buy American statute or any other prohibition on foreign purchases (see [part 25](#)).

14.201-9 Simplified contract format.

Policy. For firm-fixed-price or fixed-price with economic price adjustment *acquisitions of supplies* and services, the *contracting officer may* use the simplified contract format in lieu of the uniform contract format (see [14.201-1](#)). The *contracting officer* has flexibility in preparation and organization of the simplified contract format. However, the following format *should* be used to the maximum practical extent:

(a) *Solicitation/contract form.* [Standard Form \(SF\) 1447, Solicitation/Contract](#), *shall* be used as the first page of the *solicitation*.

(b) *Contract schedule.* Include the following for each *line item*:

(1) *Line item number.*

(2) Description of *supplies* or services, or data sufficient to identify the requirement.

(3) Quantity and unit of issue.

(4) Unit price and amount.

(5) Packaging and marking requirements.

(6) *Inspection* and acceptance, quality assurance, and reliability requirements.

(7) Place of delivery, performance and delivery dates, period of performance, and f.o.b. point.

(8) Other item-peculiar information as necessary (*e.g.*, individual fund citations).

(c) *Clauses*. Include the clauses required by this regulation. Additional clauses *shall* be incorporated only when considered absolutely necessary to the particular *acquisition*.

(d) *List of documents and attachments*. Include if necessary.

(e) Representations and instructions-

(1) *Representations and certifications*. Insert those *solicitation* provisions that require representations, certifications, or the submission of other information by *offerors*.

(2) *Instructions, conditions, and notices*. Include the *solicitation* provisions required by 14.201-6. Include any other information/instructions necessary to guide *offerors*.

(3) *Evaluation factors for award*. Insert all evaluation factors and any significant subfactors for award.

(4) Upon award, the *contracting officer* need not physically include the provisions in paragraphs (e)(1), (2), and (3) of this subsection in the resulting contract, but *shall* retain them in the contract file. Award by acceptance of a bid on the award portion of SF 1447 incorporates the representations, certifications, and other statements of bidders in the resultant contract even though not physically attached.

14.202 General rules for solicitation of bids.

14.202-1 Bidding time.

(a) *Policy*. A reasonable time for prospective bidders to prepare and submit bids *shall* be allowed in all invitations, consistent with the needs of the Government. (For *construction* contracts, see 36.213-3(a).) A bidding time (*i.e.*, the time between issuance of the *solicitation* and opening of bids) of at least 30 calendar days *shall* be provided, when synopsis is required by subpart 5.2.

(b) *Factors to be considered*. Because of unduly limited bidding time, some potential sources *may* be precluded from bidding and others *may* be forced to include amounts for contingencies that, with additional time, could be eliminated. To avoid unduly restricting competition or paying higher-than-necessary prices, consideration *shall* be given to such factors as the following in establishing a reasonable bidding time:

(1) Degree of urgency;

(2) Complexity of requirement;

(3) Anticipated extent of subcontracting;

(4) Whether use was made of presolicitation notices;

(5) Geographic distribution of bidders; and

(6) Normal transmittal time for both invitations and bids.

14.202-2 [Reserved]

14.202-3 Bid envelopes.

(a) Postage or envelopes bearing "Postage and Fees Paid" indicia *shall* not be distributed with the invitation for bids or otherwise supplied to prospective bidders.

(b) To provide for ready identification and proper handling of bids, Optional Form 17, Offer Label, *may* be furnished with each bid set. The form *may* be obtained from the General Services Administration (see 53.107).

14.202-4 Bid samples.

(a) Policy.

(1) Bidders *shall* not be required to furnish bid samples unless there are characteristics of the product that cannot be described adequately in the specification or purchase description.

(2) Bid samples will be used only to determine the responsiveness of the bid and will not be used to determine a bidder's ability to produce the required items.

(3) Bid samples *may* be examined for any required characteristic, whether or not such characteristic is adequately described in the specification, if listed in accordance with paragraph (d)(1)(ii) of this section.

(4) Bids will be rejected as nonresponsive if the sample fails to conform to each of the characteristics listed in the invitation.

(b) *When to use.* The use of bid samples would be appropriate for *products* that *must* be suitable from the standpoint of balance, facility of use, general "feel," color, pattern, or other characteristics that cannot be described adequately in the specification. However, when more than a minor portion of the characteristics of the product cannot be adequately described in the specification, *products should* be acquired by two-step sealed bidding or negotiation, as appropriate.

(c) *Justification.* The reasons why acceptable *products* cannot be acquired without the submission of bid samples *shall* be set forth in the contract file, except where the submission is required by the formal specifications (Federal, Military, or other) applicable to the *acquisition*.

(d) Requirements for samples in invitations for bids.

(1) Invitations for bids *shall*-

(i) State the number and, if appropriate, the size of the samples to be submitted and otherwise fully describe the samples required; and

(ii) List all the characteristics for which the samples will be examined.

(2) If bid samples are required, see 14.201-6(o).

(e) Waiver of requirement for bid samples.

(1) The requirement for furnishing bid samples *may* be waived when a bidder *offers* a product previously or currently being contracted for or tested by the Government and found to comply with specification requirements conforming in every material respect with those in the current invitation for bids. When the requirement *may* be waived, see 14.201-6(o)(2).

(2) Where samples required by a Federal, Military, or other formal specification are not considered necessary and a waiver of the sample requirements of the specification has been authorized, a statement *shall* be included in the invitation that notwithstanding the requirements of the specification, samples will not be required.

(f) *Unsolicited samples*. Bid samples furnished with a bid that are not required by the invitation generally will not be considered as qualifying the bid and will be disregarded. However, the bid sample will not be disregarded if it is clear from the bid or accompanying papers that the bidder's intention was to qualify the bid. (See 14.404-2(d) if the qualification does not conform to the *solicitation*.)

(g) Handling bid samples.

(1) Samples that are not destroyed in testing *shall* be returned to bidders at their request and expense, unless otherwise specified in the invitation.

(2) Disposition instructions *shall* be requested from bidders and samples disposed of accordingly.

(3) Samples ordinarily will be returned collect to the address from which received if disposition instructions are not received within 30 days. Small items *may* be returned by mail, postage prepaid.

(4) Samples that are to be retained for *inspection* purposes in connection with deliveries *shall* be transmitted to the inspecting activity concerned, with instructions to retain the sample until completion of the contract or until disposition instructions are furnished.

(5) Where samples are consumed or their usefulness is impaired by tests, they will be disposed of as *scrap* unless the bidder requests their return.

14.202-5 Descriptive literature.

(a) *Policy*. Contracting officers must not require bidders to furnish *descriptive literature* unless it is needed before award to determine whether the *products* offered meet the specification and to establish exactly what the bidder proposes to furnish.

(b) *Justification*. The contracting officer must document in the contract file the reasons why product acceptability cannot be determined without the submission of *descriptive literature*, except when the contract specifications require submission.

(c) Requirements of invitation for bids.

(1) The invitation *must* clearly state-

(i) What *descriptive literature* the bidders *must* furnish;

(ii) The purpose for requiring the literature;

(iii) The extent of its consideration in the evaluation of bids; and

(iv) The rules that will apply if a bidder fails to furnish the literature before bid opening or if the literature provided does not comply with the requirements of the invitation.

(2) If bidders *must* furnish *descriptive literature*, see [14.201-6\(p\)](#).

(d) Waiver of requirement for *descriptive literature*.

(1) The *contracting officer* may waive the requirement for *descriptive literature* if-

(i) The bidder states in the bid that the product being offered is the same as a product previously or currently being furnished to the *contracting activity*; and

(ii) The *contracting officer* determines that the product offered by the bidder complies with the specification requirements of the current invitation for bids. When the *contracting officer* waives the requirement, see [14.201-6\(p\)\(2\)](#).

(2) When *descriptive literature* is not necessary and a waiver of literature requirements of a specification has been authorized, the *contracting officer* *must* include a statement in the invitation that, despite the requirements of the specifications, *descriptive literature* will not be required.

(3) If the *solicitation* provides for a waiver, a bidder *may* submit a bid on the basis of either the *descriptive literature* furnished with the bid or a previously furnished product. If the bid is submitted on one basis, the bidder *may* not have it considered on the other basis after bids are opened.

(e) *Unsolicited descriptive literature*. If *descriptive literature* is furnished when it is not required by the invitation for bids, the procedures set forth in [14.202-4\(f\)](#) *must* be followed.

14.202-6 Final review of invitations for bids.

Each invitation for bids *shall* be thoroughly reviewed before issuance to detect and correct discrepancies or ambiguities that could limit competition or result in the receipt of nonresponsive bids. *Contracting officers* are responsible for the reviews.

14.202-7 Facsimile bids.

(a) Unless prohibited or otherwise restricted by agency procedures, *contracting officers* may authorize facsimile bids (see [14.201-6\(v\)](#)). In determining whether or not to authorize facsimile bids, the *contracting officer* *shall* consider factors such as-

(1) Anticipated bid size and volume;

(2) Urgency of the requirement;

(3) Frequency of price changes;

(4) Availability, reliability, speed, and capacity of the receiving facsimile equipment; and

(5) Adequacy of administrative procedures and controls for receiving, identifying, recording, and safeguarding facsimile bids, and ensuring their timely delivery to the bids opening location.

(b) If facsimile bids are authorized, *contracting officers may*, after the date set for bid opening, request the apparently successful *offeror* to provide the complete, original signed bid.

14.202-8 Electronic bids.

In accordance with [subpart 4.5](#), *contracting officers may* authorize use of *electronic commerce* for submission of bids. If electronic bids are authorized, the *solicitation shall* specify the *electronic commerce* method(s) that bidders *may* use.

14.203 Methods of soliciting bids.

14.203-1 Transmittal to prospective bidders.

Invitations for bids or presolicitation notices *must* be provided in accordance with [5.102](#). When a *contracting office* is located in the *United States*, any *solicitation* sent to a prospective bidder located outside the *United States shall* be sent by *electronic data interchange* or air mail if security classification permits.

14.203-2 Dissemination of information concerning invitations for bids.

Procedures concerning display of invitations for bids in a public place, information releases to newspapers and trade journals, paid advertisements, and synopsis through the *Governmentwide point of entry (GPE)* are set forth in [5.101](#) and [subpart 5.2](#).

14.203-3 Master solicitation.

The *master solicitation* is provided to potential sources who are requested to retain it for continued and repetitive use. Individual *solicitations must* reference the date of the current *master solicitation* and identify any changes. The *contracting officer must-*

(a) Make available copies of the *master solicitation* on request; and

(b) Provide the cognizant contract administration activity a current copy of the *master solicitation*.

14.204 Records of invitations for bids and records of bids.

(a) Each *contracting office shall* retain a record of each invitation that it issues and each abstract or record of bids. *Contracting officers shall* review and utilize the information available in connection with subsequent *acquisitions* of the same or similar items.

(b) The file for each invitation *shall* show the distribution that was made and the date the invitation was issued. The names and addresses of prospective bidders who requested the invitation and were not included on the original *solicitation* list *shall* be added to the list and made a part of the record.

14.205 Presolicitation notices.

In lieu of initially forwarding complete bid sets, the *contracting officer may* send presolicitation notices to concerns. The notice *shall*-

(a) Specify the final date for receipt of requests for a complete bid set;

(b) Briefly describe the requirement and furnish other essential information to enable concerns to determine whether they have an interest in the invitation; and

(c) Normally not include drawings, plans, and specifications. The return date of the notice *must* be sufficiently in advance of the mailing date of the invitation for bids to permit an accurate estimate of the number of bid sets required. Bid sets *shall* be sent to concerns that request them in response to the notice.

14.206 [Reserved]

14.207 Pre-bid conference.

A pre-bid conference *may* be used, generally in a complex *acquisition*, as a means of briefing prospective bidders and explaining complicated specifications and requirements to them as early as possible after the invitation has been issued and before the bids are opened. It *shall* never be used as a substitute for amending a defective or ambiguous invitation. The conference *shall* be conducted in accordance with the procedure prescribed in [15.201](#).

14.208 Amendment of invitation for bids.

(a) If it becomes necessary to make changes in quantity, specifications, delivery schedules, opening dates, etc., or to correct a defective or ambiguous invitation, such changes *shall* be accomplished by amendment of the invitation for bids using [Standard Form 30](#), Amendment of *Solicitation/* Modification of Contract. The fact that a change was mentioned at a pre-bid conference does not relieve the necessity for issuing an amendment. Amendments *shall* be sent, before the time

for bid opening, to everyone to whom invitations have been furnished and *shall* be displayed in the bid room.

(b) Before amending an invitation for bids, the *contracting officer shall* consider the period of time remaining until bid opening and the need to extend this period.

(c) Any information given to a prospective bidder concerning an invitation for bids *shall* be furnished promptly to all other prospective bidders as an amendment to the invitation (1) if such information is necessary for bidders to submit bids or (2) if the lack of such information would be prejudicial to uninformed bidders. The information *shall* be furnished even though a pre-bid conference is held. No award *shall* be made on the invitation unless such amendment has been issued in sufficient time to permit all prospective bidders to consider such information in submitting or modifying their bids.

14.209 Cancellation of invitations before opening.

(a) The cancellation of an invitation for bids usually involves a loss of time, effort, and money spent by the Government and bidders. Invitations *should* not be cancelled unless cancellation is clearly in the public interest; *e.g.*,

(1) Where there is no longer a requirement for the *supplies* or services; or

(2) Where amendments to the invitation would be of such magnitude that a new invitation is desirable.

(b) When an invitation issued other than electronically is cancelled, bids that have been received *shall* be returned unopened to the bidders and notice of cancellation *shall* be sent to all prospective bidders to whom invitations were issued. When an invitation issued electronically is cancelled, a general notice of cancellation *shall* be posted electronically, the bids received *shall* not be viewed, and the bids *shall* be purged from primary and backup data storage systems.

(c) The notice of cancellation *shall*-(1) identify the invitation for bids by number and short title or subject matter, (2) briefly explain the reason the invitation is being cancelled, and (3) where appropriate, assure prospective bidders that they will be given an opportunity to bid on any resolicitation of bids or any future requirements for the type of *supplies* or services involved. Cancellations *shall* be recorded in accordance with [14.403\(d\)](#).

14.210 Qualified products.

(See [subpart 9.2.](#))

14.211 Release of acquisition information.

(a) *Before solicitation.* Information concerning proposed *acquisitions shall* not be released outside the Government before *solicitation* except for presolicitation notices in accordance with [14.205](#) or [36.213-2](#), or long-range *acquisition* estimates in accordance with [5.404](#), or synopses in

accordance with [5.201](#). Within the Government, such information *shall* be restricted to those having a legitimate interest. Releases of information *shall* be made (1)to all prospective bidders, and (2)as nearly as possible at the same time, so that one prospective bidder *shall* not be given unfair advantage over another. See [3.104](#) regarding requirements for proprietary and *source selection information* including access to and disclosure thereof.

(b) *After solicitation*. Discussions with prospective bidders regarding a *solicitation shall* be conducted and technical or other information *shall* be transmitted only by the *contracting officer* or superiors having contractual authority or by others specifically authorized. Such personnel *shall* not furnish any information to a prospective bidder that alone or together with other information *may* afford an advantage over others. However, general information that would not be prejudicial to other prospective bidders *may* be furnished upon request; *e.g.*, explanation of a particular *contract clause* or a particular condition of the schedule in the invitation for bids, and more specific information or clarifications *may* be furnished by amending the *solicitation* (see [14.208](#)).

14.212 Economic purchase quantities (supplies).

Contracting officers shall comply with the economic purchase quantity planning requirements for *supplies* in [subpart 7.2](#). See [7.203](#) for instructions regarding use of the provision at [52.207-4](#), Economic Purchase Quantity-Supplies, and [7.204](#) for guidance on handling responses to that provision.