52.211-9 Desired and Required Time of Delivery.

As prescribed in 11.404(a)(3), insert the following clause:

Desired and Required Time of Delivery (June 1997)

(a) The Government desires delivery to be made according to the following schedule:

Desired Delivery Schedule

[*Contracting Officer insert specific details*]

Item No. Quantity Within Days After Date of Contract

If the *offeror* is unable to meet the desired delivery schedule, it *may*, without prejudicing evaluation of its *offer*, propose a delivery schedule below. However, the *offeror*'s proposed delivery schedule *must* not extend the delivery period beyond the time for delivery in the Government's required delivery schedule as follows:

Required Delivery Schedule

[*Contracting Officer insert specific details*]

Item No. Quantity Within Days After Date of Contract

Offers that propose delivery of a quantity under such terms or conditions that delivery will not clearly fall within the applicable required delivery period specified above, will be considered nonresponsive and rejected. If the *offeror* proposes no other delivery schedule, the desired delivery schedule above will apply.

Offeror's Proposed Delivery Schedule

Item No. Quantity Within Days After Date of Contract

(b) Attention is directed to the Contract Award provision of the *solicitation* that provides that a written award or acceptance of *offer* mailed or otherwise furnished to the successful *offeror* results in a binding contract. The Government will mail or otherwise furnish to the *offeror* an award or notice of award not later than the *day* the award is dated. Therefore, the *offeror shall* compute the time available for performance beginning with the actual date of award, rather than the date the written notice of award is received from the *Contracting Officer* through the ordinary mails. However, the Government will evaluate an *offer* that proposes delivery based on the Contractor's date of receipt of the contract or notice of award by adding (1) five calendar days for delivery of the award through the ordinary mails, or (2) one working *day* if the *solicitation* states that the contract or notice of award will be transmitted electronically. (The term "working *day*" excludes weekends and U.S. Federal holidays.) If, as so computed, the offered delivery date is later than the required delivery date, the *offer* will be considered nonresponsive and rejected.

(End of clause)

Alternate I (Apr 1984). If the delivery schedule is expressed in terms of specific calendar dates or specific periods and is based on an assumed date of award, the *contracting officer may* substitute the following paragraph (b) for paragraph (b) of the basic clause. The time *may* be expressed by substituting "on or before"; "during the months _____"; or "not sooner than _____, or later than _____" as headings for the third column of paragraph (a) of the basic clause.

(b) The delivery dates or specific periods above are based on the assumption that the Government will make award by _____ *[Contracting Officer insert date].* Each delivery date in the delivery schedule above will be extended by the number of calendar days after the above date that the contract is in fact awarded. Attention is directed to the Contract Award provision of the *solicitation* that provides that a written award or acceptance of *offer* mailed or otherwise furnished to the successful *offeror* results in a binding contract. Therefore, the *offeror shall* compute the time available for performance beginning with the actual date of award, rather than the date the written notice of award is received from the *Contracting Officer* through the ordinary mails.

Alternate II (Apr 1984). If the delivery schedule is expressed in terms of specific calendar dates or specific periods and is based on an assumed date the contractor receives notice of award, the *contracting officer may* substitute the following paragraph (b) for paragraph (b) of the basic clause. The time *may* be expressed by substituting "within days after the date of receipt of a written notice of award" as the heading of the third column of paragraph (a) of the basic clause.

(b) The delivery dates or specific periods above are based on the assumption that the successful *offeror* will receive notice of award by _____ *[Contracting Officer insert date].* Each delivery date in the delivery schedule above will be extended by the number of calendar days after the above date that the Contractor receives notice of award; provided, that the Contractor promptly acknowledges receipt of notice of award.

Alternate III (Apr 1984). If the delivery schedule is to be based on the actual date the contractor

receives a written notice of award, the *contracting officer may* delete paragraph (b) of the basic clause. The time *may* be expressed by substituting "within days after the date of receipt of a written notice of award" as the heading of the third column of paragraph (a) of the basic clause.

Parent topic: 52.211 [Reserved]