5.203 Publicizing and response time.

Whenever agencies are required to publicize notice of proposed *contract actions* under 5.201, they *must* proceed as follows:

(a) An agency *must* transmit a notice of proposed *contract action* to the GPE (see 5.201). All publicizing and response times are calculated based on the date of publication. The publication date is the date the notice appears on the GPE. The notice *must* be published at least 15 days before issuance of a *solicitation*, or a proposed *contract action* the Government intends to solicit and negotiate with only one source under the authority of 6.302, except that, for *acquisitions* of *commercial products* or *commercial services*, the *contracting officer may*-

(1) Establish a shorter period for issuance of the *solicitation*; or

(2) Use the combined synopsis and *solicitation* procedure (see 12.603).

(b) The *contracting officer must* establish a *solicitation* response time that will afford potential *offerors* a reasonable opportunity to respond to each proposed *contract action*, (including actions where the notice of proposed *contract action* and *solicitation* information is accessible through the GPE), in an amount estimated to be greater than $25,000, but not greater than the *simplified acquisition threshold*; or each *contract action* for the *acquisition* of *commercial products* or *commercial services* in an amount estimated to be greater than $25,000. The *contracting officer should* consider the circumstances of the individual *acquisition*, such as the complexity, commerciality, availability, and urgency, when establishing the *solicitation* response time.

(c) Except for the *acquisition* of *commercial products* or *commercial services* (see 5.203(b)), agencies *shall* allow at least a 30-*day* response time for receipt of bids or proposals from the date of issuance of a *solicitation*, if the proposed *contract action* is expected to exceed the *simplified acquisition threshold*.

(d) Agencies *shall* allow at least a 30 *day* response time from the date of publication of a proper notice of intent to contract for *architect-engineer services* or before issuance of an order under a basic ordering agreement or similar arrangement if the proposed *contract action* is expected to exceed the *simplified acquisition threshold*.

(e) Agencies *must* allow at least a 45-*day* response time for receipt of bids or proposals from the date of publication of the notice required in 5.201 for proposed *contract actions* categorized as research and development if the proposed *contract action* is expected to exceed the *simplified acquisition threshold*.

(f) Nothing in this subpart prohibits officers or employees of agencies from responding to requests for information.

(g) *Contracting officers may*, unless they have evidence to the contrary, presume the notice was published oneday after transmission to the GPE. This presumption does not negate the mandatory waiting or response times specified in paragraphs (a) through (d) of this section. Upon learning that a particular notice has not in fact been published within the presumed timeframes, *contracting officers should* consider whether the date for receipt of *offers* can be extended or whether circumstances have become sufficiently compelling to justify proceeding with the proposed *contract action* under the authority of 5.202(a)(2).

(h) In addition to other requirements set forth in this section, for *acquisitions* covered by the World Trade Organization Government *Procurement* Agreement or a Free Trade Agreement (see subpart 25.4), the period of time between publication of the synopsis notice and receipt of *offers must* be no less than 40 days. However, if the *acquisition* falls within a general category identified in an annual forecast, the availability of which is published, the *contracting officer may* reduce this time period to as few as 10 days.

Parent topic: Subpart 5.2 - Synopses of Proposed Contract Actions