Subpart 14.1 - Use of Sealed Bidding

Parent topic: Part 14 - Sealed Bidding

14.101 Elements of sealed bidding.

Sealed bidding is a method of *contracting* that employs competitive bids, public opening of bids, and awards. The following steps are involved:

(a) *Preparation of invitations for bids*. Invitations *must* describe the requirements of the Government clearly, accurately, and completely. Unnecessarily restrictive specifications or requirements that might unduly limit the number of bidders are prohibited. The invitation includes all documents (whether attached or incorporated by reference) furnished prospective bidders for the purpose of bidding.

(b) *Publicizing the invitation for bids*. Invitations *must* be publicized through distribution to prospective bidders, posting in public places, and such other means as *may* be appropriate. Publicizing *must* occur a sufficient time before public opening of bids to enable prospective bidders to prepare and submit bids.

(c) *Submission of bids*. Bidders *must* submit sealed bids to be opened at the time and place stated in the *solicitation* for the public opening of bids.

(d) *Evaluation of bids*. Bids *shall* be evaluated without discussions.

(e) *Contract award*. After bids are publicly opened, an award will be made with reasonable promptness to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, considering only price and the price-related factors included in the invitation.

14.102 [Reserved]

14.103 Policy.

14.103-1 General.

(a) Sealed bidding *shall* be used whenever the conditions in 6.401(a) are met. This requirement applies to any proposed contract action under part 6.

(b) Sealed bidding *may* be used for *classified acquisitions* if its use does not violate agency security requirements.

(c) The policy for *pricing* modifications of sealed bid contract appears in 15.403-4(a)(1)(iii).

14.103-2 Limitations.

No awards *shall* be made as a result of sealed bidding unless-

(a) Bids have been solicited as required by subpart 14.2;

(b) Bids have been submitted as required by subpart 14.3;

(c) The requirements of 1.602-1(b) and part 6 have been met; and

(d) An award is made to the responsible bidder (see 9.1) whose bid is responsive to the terms of the invitation for bids and is most advantageous to the Government, considering only price and the price related factors included in the invitation, as provided in subpart 14.4.

14.104 Types of contracts.

Firm-fixed-price contracts *shall* be used when the method of *contracting* is sealed bidding, except that fixed-price contracts with economic price adjustment clauses *may* be used if authorized in accordance with 16.203 when some flexibility is necessary and feasible. Such clauses *must* afford all bidders an equal opportunity to bid.

14.105 Solicitations for informational or planning purposes.

(See 15.201(e).)