13.106-1 Soliciting competition.

(a) *Considerations.* In soliciting competition, the contracting officer shall consider the guidance in 13.104 and the following before requesting quotations or offers:

(1)

(i)The nature of the article or service to be purchased and whether it is highly competitive and readily available in several makes or brands, or is relatively noncompetitive.

(ii)An electronic commerce method that employs widespread electronic public notice is not available; and

(iii)The urgency of the proposed purchase.

(iv)The dollar value of the proposed purchase.

(v)Past experience concerning specific dealers' prices.

(2)

(i)When soliciting quotations or offers, the contracting officer shall notify potential quoters or offerors of the basis on which award will be made (price alone or price and other factors, *e.g.*, past performance and quality).

(ii)Contracting officers are encouraged to use best value.

(iii)Solicitations are not required to state the relative importance assigned to each evaluation factor and subfactor, nor are they required to include subfactors.

(iv)In accordance with 10 U.S.C. 2305(a)(3), for DoD, NASA, and the Coast Guard—

(A)The contracting officer may choose not to include price or cost as an evaluation factor for award when a solicitation—

(1)Has an estimated value above the simplified acquisition threshold;

(2)Will result in multiple-award contracts (see subpart 16.5) that are for the same or similar services; and

(3)States that the Government intends to make an award to each and all qualifying offerors (see 2.101).

(B)If the contracting officer chooses not to include price or cost as an evaluation factor for the contract award, in accordance with paragraph (a)(2)(iv)(A) of this section, the contracting officer shall consider price or cost as one of the factors in the selection decision for each order placed under the contract.

(C)The exception in paragraph (a)(2)(iv)(A) of this section shall not apply to solicitations for multiple-award contracts that provide for sole source orders pursuant to section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(b)Soliciting from a single source.

(1)For purchases not exceeding the simplified acquisition threshold.

(i)Contracting officers may solicit from one source if the contracting officer determines that the circumstances of the contract action deem only one source reasonably available (*e.g.*, urgency, exclusive licensing agreements, brand-name or industrial mobilization).

(ii)Where a single source is identified to provide a portion of a purchase because that portion of the purchase specifies a particular brand-name item, the documentation in paragraph (b)(1)(i) of this section only applies to the portion of the purchase requiring the brand-name item. The documentation should state it is covering only the portion of the acquisition which is brand-name.

(2) *For purchases exceeding the simplified acquisition threshold*. The requirements at 13.501(a) apply to sole-source (including brand-name) acquisitions of commercial items conducted pursuant to subpart 13.5.

(3)See 5.102(a)(6) for the requirement to post the brand-name justification or documentation.

(c)Soliciting orally.

(1)The contracting officer shall solicit quotations orally to the maximum extent practicable, if-

(i)The acquisition does not exceed the simplified acquisition threshold;

(ii)Oral solicitation is more efficient than soliciting through available electronic commerce alternatives; and

(iii)Notice is not required under 5.101.

(2)However, an oral solicitation may not be practicable for contract actions exceeding $25,000 unless covered by an exception in 5.202.

(d) *Written solicitations.* If obtaining electronic or oral quotations is uneconomical or impracticable, the contracting officer should issue paper solicitations for contract actions likely to exceed $25,000. The contracting officer shall issue a written solicitation for construction requirements exceeding $2,000.

(e) *Use of options.* Options may be included in solicitations, provided the requirements of subpart 17.2 are met and the aggregate value of the acquisition and all options does not exceed the dollar threshold for use of simplified acquisition procedures.

(f) *Inquiries.* An agency should respond to inquiries received through any medium (including electronic commerce) if doing so would not interfere with the efficient conduct of the acquisition.

Parent topic: 13.106 Soliciting competition, evaluation of quotations or offers, award and documentation.