

15.209 Solicitation provisions and contract clauses.

When *contracting* by negotiation-

(a) The *contracting officer shall* insert the provision at [52.215-1](#), Instructions to Offerors-Competitive Acquisition, in all competitive *solicitations* where the Government intends to award a contract without discussions.

(1) If the Government intends to make award after discussions with *offerors* within the competitive range, the *contracting officer shall* use the basic provision with its *Alternate I*.

(2) If the Government would be willing to accept *alternate* proposals, the *contracting officer shall* alter the basic clause to add a new paragraph (c)(9) substantially the same as *Alternate II*.

(b)

(1) Except as provided in paragraph (b)(2) of this section, the *contracting officer shall* insert the clause at [52.215-2](#), Audit and Records-Negotiation ([10 U.S.C. 3841](#), [41 U.S.C. 4706](#), and Audit Requirements in the OMB Uniform Guidance at 2 CFR part 200, subpart F), in *solicitations* and contracts except those for-

(i) *Acquisitions* not exceeding the *simplified acquisition threshold*;

(ii) The *acquisition* of utility services at rates not exceeding those established to apply uniformly to the general public, plus any applicable reasonable connection charge; or

(iii) The *acquisition* of *commercial products* or *commercial services* exempted under [15.403-1](#).

(2)

(i) When using funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5)-

(A) The exceptions in paragraphs (b)(1)(i) through (b)(1)(iii) are not applicable; and

(B) Use the clause with its *Alternate I*.

(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.

(3) For cost-reimbursement contracts with State and local Governments, educational institutions, and other nonprofit organizations, the *contracting officer shall* use the clause with its *Alternate II*.

(4) When the *head of the agency* has waived the examination of records by the Comptroller General in accordance with [25.1001](#), use the clause with its *Alternate III*.

(c) When issuing a *solicitation* for information or planning purposes, the *contracting officer shall* insert the provision at [52.215-3](#), Request for Information or *Solicitation* for Planning Purposes, and clearly mark on the face of the *solicitation* that it is for information or planning purposes.

(d) [Reserved]

(e) The *contracting officer shall* insert the provision at [52.215-5](#), Facsimile Proposals, in *solicitations* if facsimile proposals are authorized (see [15.203\(d\)](#)).

(f) The *contracting officer shall* insert the provision at [52.215-6](#), Place of Performance, in *solicitations* unless the place of performance is specified by the Government.

(g) [Reserved]

(h) The *contracting officer shall* insert the clause at [52.215-8](#), Order of Precedence-Uniform Contract Format, in *solicitations* and contracts using the format at [15.204](#).

Parent topic: [Subpart 15.2 - Solicitation and Receipt of Proposals and Information](#)