

Subpart 5.1 - Dissemination of Information

Parent topic: [Part 5 - Publicizing Contract Actions](#)

5.101 Methods of disseminating information.

(a) As required by the Small Business Act ([15 U.S.C.637\(e\)](#)) and the Office of Federal *Procurement* Policy Act ([41 U.S.C.1708](#)), *contracting officers must* disseminate information on proposed *contract actions* as follows:

(1) For proposed *contract actions* expected to exceed \$25,000, by synopsis in the GPE (see [5.201](#)).

(2) For proposed *contract actions* expected to exceed \$15,000, but not expected to exceed \$25,000, by displaying in a public place, or by any appropriate electronic means, an unclassified notice of the *solicitation* or a copy of the *solicitation* satisfying the requirements of [5.207\(c\)](#). The notice *must* include a statement that all responsible sources *may* submit a response which, if timely received, *must* be considered by the agency. The information *must* be posted not later than the date the *solicitation* is issued, and *must* remain posted for at least 10 days or until after quotations have been opened, whichever is later.

(i) If *solicitations* are posted instead of a notice, the *contracting officer may* employ various methods of satisfying the requirements of [5.207\(c\)](#). For example, the *contracting officer may* meet the requirements of [5.207\(c\)](#) by stamping the *solicitation*, by a cover sheet to the *solicitation*, or by placing a general statement in the display room.

(ii) The *contracting officer* need not comply with the display requirements of this section when the exemptions at [5.202\(a\)\(1\)](#), (a)(4) through (a)(9), or (a)(11) apply, when oral *solicitations* are used, or when providing access to a notice of proposed *contract action* and *solicitation* through the GPE and the notice permits the public to respond to the *solicitation* electronically.

(iii) *Contracting officers may* use electronic posting of requirements in a place accessible by the general public at the Government installation to satisfy the public display requirement. *Contracting offices* using electronic systems for public posting that are not accessible outside the installation *must* periodically publicize the methods for accessing the information.

(b) In addition, one or more of the following methods *may* be used:

(1) Preparing periodic handouts listing proposed contracts, and displaying them as in [5.101\(a\)\(2\)](#).

(2) Assisting local trade associations in disseminating information to their members.

(3) Making brief announcements of proposed contracts to newspapers, trade journals, magazines, or other mass communication media for publication without cost to the Government.

(4) Placing paid advertisements in newspapers or other communications media, subject to the following limitations:

(i) *Contracting officers shall* place paid advertisements of proposed contracts only when it is anticipated that effective competition cannot be obtained otherwise (see [5.205\(d\)](#)).

(ii) *Contracting officers shall* not place advertisements of proposed contracts in a newspaper published and printed in the District of Columbia unless the *supplies* or services will be furnished, or the labor performed, in the District of Columbia or adjoining counties in Maryland or Virginia ([44 U.S.C.3701](#)).

(iii) Advertisements published in newspapers *must* be under proper written authority in accordance with [44 U.S.C.3702](#) (see [5.502\(a\)](#)).

5.102 Availability of solicitations.

(a)

(1) Except as provided in paragraph (a)(5) of this section, the *contracting officer must* make available through the GPE *solicitations* synopsisized through the GPE, including specifications, *technical data*, and other pertinent information determined necessary by the *contracting officer*. Transmissions to the GPE *must* be in accordance with the interface description available via the Internet at <https://www.sam.gov>.

(2) The *contracting officer* is encouraged, when practicable and cost-effective, to make accessible through the GPE additional information related to a *solicitation*.

(3) The *contracting officer must* ensure that *solicitations* transmitted using *electronic commerce* are forwarded to the GPE to satisfy the requirements of paragraph (a)(1) of this section.

(4) When an agency determines that a *solicitation* contains information that requires additional controls to monitor access and distribution (*e.g., technical data*, specifications, maps, building designs, schedules, etc.), the information *shall* be made available through the enhanced controls of the GPE, unless an exception in paragraph (a)(5) of this section applies. The GPE meets the synopsis and advertising requirements of this part.

(5) The *contracting officer* need not make a *solicitation* available through the GPE as required in paragraph (a)(4) of this section, when-

(i) Disclosure would compromise the national security (*e.g.,* would result in disclosure of *classified information*, or information subject to export controls) or create other security risks. The fact that access to classified matter *may* be necessary to submit a proposal or perform the contract does not, in itself, justify use of this exception;

(ii) The nature of the file (*e.g.,* size, format) does not make it cost-effective or practicable for *contracting officers* to provide access to the *solicitation* through the GPE; or

(iii) The agency's *senior procurement executive* makes a written determination that access through the GPE is not in the Government's interest.

(6) When an *acquisition* contains brand name specifications, the *contracting officer shall* include with the *solicitation* the justification or documentation required by [6.302-1\(c\)](#), [13.106-1\(b\)](#), or [13.501](#), redacted as necessary (see [6.305](#)).

(b) When the *contracting officer* does not make a *solicitation* available through the GPE pursuant to paragraph (a)(5) of this section, the *contracting officer-*

(1) *Should* employ other electronic means (*e.g.*, CD-ROM or electronic mail) whenever practicable and cost-effective. When *solicitations* are provided electronically on physical media (*e.g.*, disks) or in paper form, the *contracting officer must*-

(i) Maintain a reasonable number of copies of *solicitations*, including specifications and other pertinent information determined necessary by the *contracting officer* (upon request, potential sources not initially solicited *should* be mailed or provided copies of *solicitations*, if available);

(ii) Provide copies on a "first-come-first-served" basis, for pickup at the *contracting office*, to publishers, trade associations, information services, and other members of the public having a legitimate interest (for *construction*, see [36.211](#)); and

(iii) Retain a copy of the *solicitation* and other documents for review by and duplication for those requesting copies after the initial number of copies is exhausted; and

(2) *May* require payment of a fee, not exceeding the actual cost of duplication, for a copy of the *solicitation* document.

(c) In addition to the methods of disseminating proposed contract information in [5.101](#)(a) and (b), provide, upon request to small business concerns, as required by [15 U.S.C.637\(b\)](#)-

(1) A copy of the *solicitation* and specifications. In the case of *solicitations* disseminated by *electronic data interchange*, *solicitations* may be furnished directly to the electronic address of the small business concern;

(2) The name and telephone number of an employee of the *contracting office* who will answer questions on the *solicitation*; and

(3) Adequate citations to each applicable major Federal law or agency rule with which small business concerns *must* comply in performing the contract.

(d) When *electronic commerce* (see [subpart 4.5](#)) is used in the *solicitation* process, availability of the *solicitation* may be limited to the electronic medium.

(e) Provide copies of a *solicitation* issued under other than *full and open competition* to firms requesting copies that were not initially solicited, but only after advising the requester of the determination to limit the *solicitation* to a specified firm or firms as authorized under [part 6](#).

(f) This section [5.102](#) applies to *classified contracts* to the extent consistent with agency security requirements (see [5.202\(a\)\(1\)](#)).