

11.401 General.

(a) The time of delivery or performance is an essential contract element and *shall* be clearly stated in *solicitations*. *Contracting officers shall* ensure that delivery or performance schedules are realistic and meet the requirements of the *acquisition*. Schedules that are unnecessarily short or difficult to attain-

(1) Tend to restrict competition,

(2) Are inconsistent with small business policies, and

(3) *May* result in higher contract prices.

(b) *Solicitations shall*, except when clearly unnecessary, inform bidders or *offerors* of the basis on which their bids or proposals will be evaluated with respect to time of delivery or performance.

(c) If timely delivery or performance is unusually important to the Government, liquidated damages clauses *may* be used (see [subpart 11.5](#)).

Parent topic: [Subpart 11.4 - Delivery or Performance Schedules](#)