

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. 3206\(c\)](#), 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)).

(v) Except for DoD, *contracting officers shall* ensure the criteria at 15.101-2(c)(1)-(5) are met when using the lowest price technically acceptable source selection process.

(vi) Except for DoD, avoid using the lowest price technically acceptable source selection process to acquire certain *supplies* and services in accordance with 15.101-2(d).

(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 products* and *commercial services* 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.