

14.202-4 Bid samples.

(a) Policy.

(1) Bidders *shall* not be required to furnish bid samples unless there are characteristics of the product that cannot be described adequately in the specification or purchase description.

(2) Bid samples will be used only to determine the responsiveness of the bid and will not be used to determine a bidder's ability to produce the required items.

(3) Bid samples *may* be examined for any required characteristic, whether or not such characteristic is adequately described in the specification, if listed in accordance with paragraph (d)(1)(ii) of this section.

(4) Bids will be rejected as nonresponsive if the sample fails to conform to each of the characteristics listed in the invitation.

(b) *When to use.* The use of bid samples would be appropriate for *products* that *must* be suitable from the standpoint of balance, facility of use, general "feel," color, pattern, or other characteristics that cannot be described adequately in the specification. However, when more than a minor portion of the characteristics of the product cannot be adequately described in the specification, *products should* be acquired by two-step sealed bidding or negotiation, as appropriate.

(c) *Justification.* The reasons why acceptable *products* cannot be acquired without the submission of bid samples *shall* be set forth in the contract file, except where the submission is required by the formal specifications (Federal, Military, or other) applicable to the *acquisition*.

(d) Requirements for samples in invitations for bids.

(1) Invitations for bids *shall*-

(i) State the number and, if appropriate, the size of the samples to be submitted and otherwise fully describe the samples required; and

(ii) List all the characteristics for which the samples will be examined.

(2) If bid samples are required, see [14.201-6\(o\)](#).

(e) Waiver of requirement for bid samples.

(1) The requirement for furnishing bid samples *may* be waived when a bidder *offers* a product previously or currently being contracted for or tested by the Government and found to comply with specification requirements conforming in every material respect with those in the current invitation for bids. When the requirement *may* be waived, see [14.201-6\(o\)\(2\)](#).

(2) Where samples required by a Federal, Military, or other formal specification are not considered necessary and a waiver of the sample requirements of the specification has been authorized, a

statement *shall* be included in the invitation that notwithstanding the requirements of the specification, samples will not be required.

(f) *Unsolicited samples*. Bid samples furnished with a bid that are not required by the invitation generally will not be considered as qualifying the bid and will be disregarded. However, the bid sample will not be disregarded if it is clear from the bid or accompanying papers that the bidder's intention was to qualify the bid. (See 14.404-2(d) if the qualification does not conform to the *solicitation*.)

(g) Handling bid samples.

(1) Samples that are not destroyed in testing *shall* be returned to bidders at their request and expense, unless otherwise specified in the invitation.

(2) Disposition instructions *shall* be requested from bidders and samples disposed of accordingly.

(3) Samples ordinarily will be returned collect to the address from which received if disposition instructions are not received within 30 days. Small items *may* be returned by mail, postage prepaid.

(4) Samples that are to be retained for *inspection* purposes in connection with deliveries *shall* be transmitted to the inspecting activity concerned, with instructions to retain the sample until completion of the contract or until disposition instructions are furnished.

(5) Where samples are consumed or their usefulness is impaired by tests, they will be disposed of as *scrap* unless the bidder requests their return.

Parent topic: 14.202 General rules for solicitation of bids.