

## 14.408-6 Equal low bids.

(a) Contracts *shall* be awarded in the following order of priority when two or more low bids are equal in all respects:

(1) Small business concerns that are also *labor surplus area concerns*.

(2) Other small business concerns.

(3) Other business concerns.

(b) If two or more bidders still remain equally eligible after application of paragraph (a) of this section, award *shall* be made by a drawing by lot limited to those bidders. If time permits, the bidders involved *shall* be given an opportunity to attend the drawing. The drawing *shall* be witnessed by at least three persons, and the contract file *shall* contain the names and addresses of the witnesses and the person supervising the drawing.

(c) When an award is to be made by using the priorities under this 14.408-6, the *contracting officer* *shall* include a written agreement in the contract that the contractor will perform, or cause to be performed, the contract in accordance with the circumstances justifying the priority used to break the tie or select bids for a drawing by lot.

**Parent topic:** 14.408 Award.