

Subpart 15.2 - Solicitation and Receipt of Proposals and Information

Parent topic: [Part 15 - Contracting by Negotiation](#)

15.200 Scope of subpart.

This subpart prescribes policies and procedures for-

- (a) Exchanging information with industry prior to receipt of proposals;
- (b) Preparing and issuing requests for proposals (RFPs) and requests for information (RFIs); and
- (c) Receiving proposals and information.

15.201 Exchanges with industry before receipt of proposals.

(a) Exchanges of information among all interested parties, from the earliest identification of a requirement through receipt of proposals, are encouraged. Any exchange of information *must* be consistent with *procurement* integrity requirements (see [3.104](#)). Interested parties include potential *offerors*, end users, Government *acquisition* and supporting personnel, and others involved in the conduct or outcome of the *acquisition*.

(b) The purpose of exchanging information is to improve the understanding of Government requirements and industry capabilities, thereby allowing potential *offerors* to judge whether or how they can satisfy the Government's requirements, and enhancing the Government's ability to obtain quality *supplies* and services, including *construction*, at reasonable prices, and increase efficiency in proposal preparation, proposal evaluation, negotiation, and contract award.

(c) Agencies are encouraged to promote early exchanges of information about future *acquisitions*. An early exchange of information among industry and the program manager, *contracting officer*, and other participants in the *acquisition* process can identify and resolve concerns regarding the *acquisition* strategy, including proposed contract type, terms and conditions, and *acquisition planning* schedules; the feasibility of the requirement, including performance requirements, statements of work, and data requirements; the suitability of the proposal instructions and evaluation criteria, including the approach for assessing *past performance* information; the availability of reference documents; and any other industry concerns or questions. Some techniques to promote early exchanges of information are-

- (1) Industry or small business conferences;
- (2) Public hearings;
- (3) *Market research*, as described in [part 10](#);

(4) One-on-one meetings with potential *offerors* (any that are substantially involved with potential contract terms and conditions *should* include the *contracting officer*; also see paragraph (f) of this section regarding restrictions on disclosure of information);

(5) Presolicitation notices;

(6) Draft RFPs;

(7) RFIs;

(8) Presolicitation or preproposal conferences; and

(9) Site visits.

(d) The special notices of *procurement* matters at [5.205\(c\)](#), or electronic notices, *may* be used to publicize the Government's requirement or solicit information from industry.

(e) RFIs *may* be used when the Government does not presently intend to award a contract, but wants to obtain price, delivery, other market information, or capabilities for planning purposes. Responses to these notices are not *offers* and cannot be accepted by the Government to form a binding contract. There is no required format for RFIs.

(f) General information about agency mission needs and future requirements *may* be disclosed at any time. After release of the *solicitation*, the *contracting officer* *must* be the focal point of any exchange with potential *offerors*. When specific information about a proposed *acquisition* that would be necessary for the preparation of proposals is disclosed to one or more potential *offerors*, that information *must* be made available to the public as soon as practicable, but no later than the next general release of information, in order to avoid creating an unfair competitive advantage. Information provided to a potential *offeror* in response to its request *must* not be disclosed if doing so would reveal the potential *offeror's* confidential business strategy, and is protected under [3.104](#) or [subpart 24.2](#). When conducting a presolicitation or preproposal conference, materials distributed at the conference *should* be made available to all potential *offerors*, upon request.

15.202 Advisory multi-step process.

(a) The agency *may* publish a presolicitation notice (see [5.204](#)) that provides a general description of the scope or purpose of the *acquisition* and invites potential *offerors* to submit information that allows the Government to advise the *offerors* about their potential to be viable competitors. The presolicitation notice *should* identify the information that *must* be submitted and the criteria that will be used in making the initial evaluation. Information sought *may* be limited to a statement of qualifications and other appropriate information (*e.g.*, proposed technical concept, *past performance*, and limited *pricing* information). At a minimum, the notice *shall* contain sufficient information to permit a potential *offeror* to make an informed decision about whether to participate in the *acquisition*. This process *should* not be used for multi-step *acquisitions* where it would result in *offerors* being required to submit identical information in response to the notice and in response to the initial step of the *acquisition*.

(b) The agency *shall* evaluate all responses in accordance with the criteria stated in the notice, and *shall* advise each respondent *in writing* either that it will be invited to participate in the resultant *acquisition* or, based on the information submitted, that it is unlikely to be a viable competitor. The

agency *shall* advise respondents considered not to be viable competitors of the general basis for that opinion. The agency *shall* inform all respondents that, notwithstanding the advice provided by the Government in response to their submissions, they *may* participate in the resultant *acquisition*.

15.203 Requests for proposals.

(a) Requests for proposals (RFPs) are used in negotiated *acquisitions* to communicate Government requirements to prospective contractors and to solicit proposals. RFPs for competitive *acquisitions shall*, at a minimum, describe the-

(1) Government's requirement;

(2) Anticipated terms and conditions that will apply to the contract. The *solicitation may* authorize *offerors* to propose alternative terms and conditions. If the *solicitation* permits *offerors* to submit one or more additional proposals with alternative *line items* (see [52.204-22](#) or [52.212-1\(e\)](#)), the evaluation approach *should* consider the potential impact of the alternative *line items* on other terms and conditions or the requirement (*e.g.*, place of performance or payment and funding requirements) (see [15.206](#));

(3) Information required to be in the *offeror's* proposal; and

(4) Factors and significant subfactors that will be used to evaluate the proposal and their relative importance.

(b) An RFP *may* be issued for OMB Circular A-76 studies. See [subpart 7.3](#) for additional information regarding cost comparisons between Government and contractor performance.

(c) *Electronic commerce may* be used to issue RFPs and to receive proposals, modifications, and revisions. In this case, the RFP *shall* specify the *electronic commerce* method(s) that *offerors may* use (see [subpart 4.5](#)).

(d) *Contracting officers may* issue RFPs and/or authorize receipt of proposals, modifications, or revisions by facsimile.

(1) In deciding whether or not to use facsimiles, the *contracting officer should* consider factors such as-

(i) Anticipated proposal size and volume;

(ii) Urgency of the requirement;

(iii) Availability and suitability of *electronic commerce* methods; and

(iv) Adequacy of administrative procedures and controls for receiving, identifying, recording, and safeguarding facsimile proposals, and ensuring their timely delivery to the designated proposal delivery location.

(2) If facsimile proposals are authorized, *contracting officers may* request *offeror(s)* to provide the complete, original signed proposal at a later date.

(e) Letter RFPs *may* be used in *sole source acquisitions* and other appropriate circumstances. Use of

a letter RFP does not relieve the *contracting officer* from complying with other FAR requirements. Letter RFPs *should* be as complete as possible and, at a minimum, *should* contain the following:

- (1) RFP number and date;
 - (2) Name, address (including electronic address and facsimile address, if appropriate), and telephone number of the *contracting officer*;
 - (3) Type of contract contemplated;
 - (4) Quantity, description, and required delivery dates for the item;
 - (5) Applicable certifications and representations;
 - (6) Anticipated contract terms and conditions;
 - (7) Instructions to *offerors* and evaluation criteria for other than sole source actions;
 - (8) Proposal due date and time; and
 - (9) Other relevant information; *e.g.*, incentives, variations in delivery schedule, cost proposal support, and data requirements.
- (f) Oral RFPs are authorized when processing a written *solicitation* would delay the *acquisition* of *supplies* or services to the detriment of the Government and a notice is not required under 5.202(*e.g.*, perishable items and support of *contingency operations* or other *emergency* situations). Use of an oral RFP does not relieve the *contracting officer* from complying with other FAR requirements.

(1) The contract files supporting oral *solicitations should* include-

- (i) A description of the requirement;
- (ii) Rationale for use of an oral *solicitation*;
- (iii) Sources solicited, including the date, time, name of individuals contacted, and prices offered; and
- (iv) The *solicitation* number provided to the prospective *offerors*.

(2) The information furnished to potential *offerors* under oral *solicitations should* include appropriate items from paragraph (e) of this section.

15.204 Contract format.

The use of a uniform contract format facilitates preparation of the *solicitation* and contract as well as reference to, and use of, those documents by *offerors*, contractors, and contract administrators. The uniform contract format need not be used for the following:

- (a) *Construction* and architect-engineer contracts (see part 36).
- (b) Subsistence contracts.

(c) *Supplies* or services contracts requiring special contract formats prescribed elsewhere in this regulation that are inconsistent with the uniform format.

(d) Letter requests for proposals (see [15.203\(e\)](#)).

(e) Contracts exempted by the *agency head* or designee.

15.204-1 Uniform contract format.

(a) *Contracting officers shall* prepare *solicitations* and resulting contracts using the uniform contract format outlined in Table 15-1 of this subsection.

(b) *Solicitations* using the uniform contract format *shall* include Parts I, II, III, and IV (see [15.204-2](#) through [15.204-5](#)). Upon award, *contracting officers shall* not physically include Part IV in the resulting contract, but *shall* retain it in the contract file. (See [4.1201\(c\)](#).) The representations and certifications are incorporated by reference in the contract by using [52.204-19](#) (see [4.1202\(b\)](#)) or for *acquisitions of commercial products and commercial services* see [52.212-4\(v\)](#).

Table 15-1 - Uniform Contract Format

| Section | Title |
|--------------------------|--|
| Part I-The Schedule | |
| A | <i>Solicitation/contract form</i> |
| B | <i>Supplies</i> or services and prices/costs |
| C | Description/specifications/statement of work |
| D | Packaging and marking |
| E | <i>Inspection</i> and acceptance |
| F | Deliveries or performance |
| G | Contract administration data |
| H | Special contract requirements |
| Part II-Contract Clauses | |
| I | <i>Contract clauses</i> |

Section**Title**

Part III-List of Documents, Exhibits, and Other Attachments

J List of attachments

Part IV-Representations and Instructions

K Representations, certifications, and other statements of *offerors* or respondents

L Instructions, conditions, and notices to *offerors* or respondents

M Evaluation factors for award

15.204-2 Part I-The Schedule.

The *contracting officer* shall prepare the contract Schedule as follows:

(a) Section A, *Solicitation/contract form*.

(1) Optional Form (OF) 308, Solicitation and Offer-Negotiated Acquisition, or Standard Form (SF) 33, Solicitation, Offer and Award, may be used to prepare RFPs.

(2) When other than OF 308 or SF 33 is used, include the following information on the first page of the *solicitation*:

(i) Name, address, and location of issuing activity, including room and building where proposals or information *must* be submitted.

(ii) *Solicitation* number.

(iii) Date of issuance.

(iv) Closing date and time.

(v) Number of pages.

(vi) Requisition or other purchase authority.

(vii) Brief description of item or service.

(viii) Requirement for the *offeror* to provide its name and complete address, including street, city, county, state, and ZIP code, and electronic address (including facsimile address), if appropriate.

(ix) *Offer* expiration date.

(b) *Section B, Supplies or services and prices/costs*. Include a brief description of the *supplies* or

services; *e.g.*, item number, national stock number/part number if applicable, nouns, nomenclature, and quantities. (This includes incidental deliverables such as manuals and reports.)

(c) *Section C, Description/specifications/statement of work.* Include any description or specifications needed in addition to Section B (see [part 11](#), Describing Agency Needs).

(d) *Section D, Packaging and marking.* Provide packaging, packing, preservation, and marking requirements, if any.

(e) *Section E, Inspection and acceptance.* Include *inspection*, acceptance, quality assurance, and reliability requirements (see [part 46](#), Quality Assurance).

(f) *Section F, Deliveries or performance.* Specify the requirements for time, place, and method of delivery or performance (see [subpart 11.4](#), Delivery or Performance Schedules, and [47.301-1](#)).

(g) *Section G, Contract administration data.* Include any required accounting and appropriation data and any required contract administration information or instructions other than those on the *solicitation* form. Include a statement that the *offeror should* include the payment address in the proposal, if it is different from that shown for the *offeror*.

(h) *Section H, Special contract requirements.* Include a clear statement of any special contract requirements that are not included in Section I, *Contract clauses*, or in other sections of the uniform contract format.

15.204-3 Part II-Contract Clauses.

Section I, Contract clauses. The *contracting officer shall* include in this section the clauses required by law or by this regulation and any additional clauses expected to be included in any resulting contract, if these clauses are not required in any other section of the uniform contract format. An index *may* be inserted if this section's format is particularly complex.

15.204-4 Part III-List of Documents, Exhibits, and Other Attachments.

Section J, List of attachments. The *contracting officer shall* list the title, date, and number of pages for each attached document, exhibit, and other attachment. Cross-references to material in other sections *may* be inserted, as appropriate.

15.204-5 Part IV-Representations and Instructions.

The *contracting officer shall* prepare the representations and instructions as follows:

(a) *Section K, Representations, certifications, and other statements of offerors.* Include in this section those *solicitation* provisions that require representations, certifications, or the submission of other information by *offerors*.

(b) *Section L, Instructions, conditions, and notices to offerors or respondents.* Insert in this section *solicitation* provisions and other information and instructions not required elsewhere to guide *offerors* or respondents in preparing proposals or responses to requests for information. Prospective

offerors or respondents *may* be instructed to submit proposals or information in a specific format or severable parts to facilitate evaluation. The instructions *may* specify further organization of proposal or response parts, such as-

(1) Administrative;

(2) Management;

(3) Technical;

(4) *Past performance*; and

(5) *Certified cost or pricing data* (see 15.408 Solicitation provisions and contract clauses of 15.408) or *data other than certified cost or pricing data*.

(c) *Section M, Evaluation factors for award*. Identify all significant factors and any significant subfactors that will be considered in awarding the contract and their relative importance (see 15.304(d)). The *contracting officer shall* insert one of the phrases in 15.304(e).

15.205 Issuing solicitations.

(a) The *contracting officer shall* issue *solicitations* to potential sources in accordance with the policies and procedures in 5.102, 19.202-4, and part 6.

(b) A *master solicitation*, as described in 14.203-3, *may* also be used for negotiated *acquisitions*.

15.206 Amending the solicitation.

(a) When, either before or after receipt of proposals, the Government changes its requirements or terms and conditions, the *contracting officer shall* amend the *solicitation*.

(b) Amendments issued before the established time and date for receipt of proposals *shall* be issued to all parties receiving the *solicitation*.

(c) Amendments issued after the established time and date for receipt of proposals *shall* be issued to all *offerors* that have not been eliminated from the competition.

(d) If a proposal of interest to the Government involves a departure from the stated requirements, the *contracting officer shall* amend the *solicitation*, provided this can be done without revealing to the other *offerors* the *alternate* solution proposed or any other information that is entitled to protection (see 15.207(b) and 15.306(e)).

(e) If, in the judgment of the *contracting officer*, based on *market research* or otherwise, an amendment proposed for issuance after *offers* have been received is so substantial as to exceed what prospective *offerors* reasonably could have anticipated, so that additional sources likely would have submitted *offers* had the substance of the amendment been known to them, the *contracting officer shall* cancel the original *solicitation* and issue a new one, regardless of the stage of the *acquisition*.

(f) Oral notices *may* be used when time is of the essence. The *contracting officer shall* document the contract file and formalize the notice with an amendment (see [subpart 4.5, Electronic Commerce in Contracting](#)).

(g) At a minimum, the following information *should* be included in each amendment:

(1) Name and address of issuing activity.

(2) *Solicitation* number and date.

(3) Amendment number and date.

(4) Number of pages.

(5) Description of the change being made.

(6) Government point of contact and phone number (and electronic or facsimile address, if appropriate).

(7) Revision to *solicitation* closing date, if applicable.

15.207 Handling proposals and information.

(a) Upon receipt at the location specified in the *solicitation*, proposals and information received in response to a request for information (RFI) *shall* be marked with the date and time of receipt and *shall* be transmitted to the designated officials.

(b) Proposals *shall* be safeguarded from unauthorized disclosure throughout the source selection process. (See [3.104](#) regarding the disclosure of *source selection information* (41 U.S.C. chapter 21, Restrictions on Obtaining and Disclosing Certain Information). Information received in response to an RFI *shall* be safeguarded adequately from unauthorized disclosure.

(c) If any portion of a proposal received by the *contracting officer* electronically or by facsimile is unreadable, the *contracting officer* immediately *shall* notify the *offeror* and permit the *offeror* to resubmit the unreadable portion of the proposal. The method and time for resubmission *shall* be prescribed by the *contracting officer* after consultation with the *offeror*, and documented in the file. The resubmission *shall* be considered as if it were received at the date and time of the original unreadable submission for the purpose of determining timeliness under [15.208\(a\)](#), provided the *offeror* complies with the time and format requirements for resubmission prescribed by the *contracting officer*.

15.208 Submission, modification, revision, and withdrawal of proposals.

(a) *Offerors* are responsible for submitting proposals, and any revisions, and modifications, so as to reach the Government office designated in the *solicitation* by the time specified in the *solicitation*. *Offerors may* use any transmission method authorized by the *solicitation* (*i.e.*, regular mail, *electronic commerce*, or facsimile). If no time is specified in the *solicitation*, the time for receipt is

4:30 p.m., local time, for the designated Government office on the date that proposals are due.

(b)

(1) Any proposal, modification, or revision, that is received at the designated Government office after the exact time specified for receipt of proposals is "late" and will not be considered unless it is received before award is made, the *contracting officer* determines that accepting the late proposal would not unduly delay the *acquisition*; and-

(i) If it was transmitted through an *electronic commerce* method authorized by the *solicitation*, it was received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working *day* prior to the date specified for receipt of proposals; or

(ii) There is acceptable evidence to establish that it was received at the Government installation designated for receipt of proposals and was under the Government's control prior to the time set for receipt of proposals; or

(iii) It was the only proposal received.

(2) However, a late modification of an otherwise successful proposal, that makes its terms more favorable to the Government, will be considered at any time it is received and *may* be accepted.

(c) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the proposal wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.

(d) If an *emergency* or unanticipated event interrupts normal Government processes so that proposals cannot be received at the Government office designated for receipt of proposals by the exact time specified in the *solicitation*, and urgent Government requirements preclude amendment of the *solicitation* closing date, the time specified for receipt of proposals will be deemed to be extended to the same time of *day* specified in the *solicitation* on the first work *day* on which normal Government processes resume.

(e) Proposals *may* be withdrawn by written notice at any time before award. Oral proposals in response to oral *solicitations* *may* be withdrawn orally. The *contracting officer* *must* document the contract file when oral withdrawals are made. One copy of withdrawn proposals *should* be retained in the contract file (see [4.803\(a\)\(10\)](#)). Extra copies of the withdrawn proposals *may* be destroyed or returned to the *offeror* at the *offeror's* request. Where practicable, electronically transmitted proposals that are withdrawn *must* be purged from primary and backup data storage systems after a copy is made for the file. Extremely bulky proposals *must* only be returned at the *offeror's* request and expense.

(f) The *contracting officer* *must* promptly notify any *offeror* if its proposal, modification, or revision was received late, and *must* inform the *offeror* whether its proposal will be considered, unless contract award is imminent and the notice prescribed in [15.503\(b\)](#) would suffice.

(g) Late proposals and modifications that are not considered *must* be held unopened, unless opened for identification, until after award and then retained with other unsuccessful proposals.

(h) If available, the following *must* be included in the *contracting office* files for each late proposal, modification, revision, or withdrawal:

(1) The date and hour of receipt.

(2) A statement regarding whether the proposal was considered for award, with supporting rationale.

(3) The envelope, wrapper, or other evidence of date of receipt.

15.209 Solicitation provisions and contract clauses.

When *contracting* by negotiation-

(a) The *contracting officer shall* insert the provision at 52.215-1, Instructions to *Offerors-Competitive Acquisition*, in all competitive *solicitations* where the Government intends to award a contract without discussions.

(1) If the Government intends to make award after discussions with *offerors* within the competitive range, the *contracting officer shall* use the basic provision with its *Alternate I*.

(2) If the Government would be willing to accept *alternate* proposals, the *contracting officer shall* alter the basic clause to add a new paragraph (c)(9) substantially the same as *Alternate II*.

(b)

(1) Except as provided in paragraph (b)(2) of this section, the *contracting officer shall* insert the clause at 52.215-2, Audit and Records-Negotiation (10 U.S.C. 3841, 41 U.S.C. 4706, and Audit Requirements in the OMB Uniform Guidance at 2 CFR part 200, subpart F), in *solicitations* and contracts except those for-

(i) *Acquisitions* not exceeding the *simplified acquisition threshold*;

(ii) The *acquisition* of utility services at rates not exceeding those established to apply uniformly to the general public, plus any applicable reasonable connection charge; or

(iii) The *acquisition* of *commercial products* or *commercial services* exempted under 15.403-1.

(2)

(i) When using funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5)-

(A) The exceptions in paragraphs (b)(1)(i) through (b)(1)(iii) are not applicable; and

(B) Use the clause with its *Alternate I*.

(ii)

(A) In the case of a bilateral *contract modification* that will use funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009, the *contracting officer shall* specify applicability of *Alternate I* to that modification.

(B) In the case of a task- or delivery-order contract in which not all orders will use funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009, the *contracting officer shall* specify the task or *delivery orders* to which *Alternate I* applies.

(3) For cost-reimbursement contracts with State and local Governments, educational institutions, and other nonprofit organizations, the *contracting officer shall* use the clause with its *Alternate II*.

(4) When the *head of the agency* has waived the examination of records by the Comptroller General in accordance with [25.1001](#), use the clause with its *Alternate III*.

(c) When issuing a *solicitation* for information or planning purposes, the *contracting officer shall* insert the provision at [52.215-3](#), Request for Information or *Solicitation* for Planning Purposes, and clearly mark on the face of the *solicitation* that it is for information or planning purposes.

(d) [Reserved]

(e) The *contracting officer shall* insert the provision at [52.215-5](#), Facsimile Proposals, in *solicitations* if facsimile proposals are authorized (see [15.203\(d\)](#)).

(f) The *contracting officer shall* insert the provision at [52.215-6](#), Place of Performance, in *solicitations* unless the place of performance is specified by the Government.

(g) [Reserved]

(h) The *contracting officer shall* insert the clause at [52.215-8](#), Order of Precedence-Uniform Contract Format, in *solicitations* and contracts using the format at [15.204](#).

15.210 Forms.

Prescribed forms are not required to prepare *solicitations* described in this part. The following forms *may* be used at the discretion of the *contracting officer*:

(a) [Standard Form 33](#), *Solicitation, Offer and Award*, and [Optional Form 308](#), *Solicitation and Offer-Negotiated Acquisition*, *may* be used to issue RFPs and RFIs.

(b) [Standard Form 30](#), *Amendment of Solicitation/ Modification of Contract*, and [Optional Form 309](#), *Amendment of Solicitation*, *may* be used to amend *solicitations* of negotiated contracts.

(c) [Optional Form 17](#), *Offer Label*, *may* be furnished with each request for proposal.