agency shall make available to all offerors—

- (1) Information provided in any debriefings conducted on the original award about the successful offeror's proposal; and
- (2) Other nonproprietary information that would have been provided to the original offerors.

PART 17—SPECIAL CONTRACTING METHODS

19. Section 17.202 is amended by revising paragraph (a), and at the end of paragraph (b)(1)(ii) by removing "; or" and inserting a period. The revised text reads as follows:

17.202 Use of options.-

(a) Subject to the limitations of paragraphs (b) and (c) of this section, for both sealed bidding and contracting by negotiation the contracting officer may include options in contracts when it is in the Government's interest. When using sealed bids, the contracting officer shall make a written determination that there is a reasonable likelihood that the options will be exercised before including the clause at 52.217–5, Evaluation of Options, in the solicitation. (See 17.207(f) with regard to the exercise of options.)

20. Section 17.208 is amended by revising paragraphs (b) and (c)(4) to read as follows:

17.208 Solicitation provisions and contract clauses.

* * * * *

- (b) The contracting officer shall insert a provision substantially the same as the provision at 52.217–4, Evaluation of Options Exercised at Time of Contract Award, in solicitations when the solicitation includes an option clause, the contracting officer has determined that there is a reasonable likelihood that the option will be exercised, and the option may be exercised at the time of contract award.

 (c) * * *
- (4) The contracting officer has determined that there is a reasonable likelihood that the option will be exercised. For sealed bids, the determination shall be in writing.

PART 25—FOREIGN ACQUISITION

21. Section 25.405 is amended by revising paragraph (e) to read as follows:

25.405 Procedures.

* * * * *

(e) Within three days after a contract award for an eligible product, agencies shall give unsuccessful offerors from designated or NAFTA countries notice in accordance with 14.408–1 and 15.1002.

PART 36—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

22. Section 36.304 is amended by revising the introductory text to read as follows:

36.304 Notice of award.

When a notice of award is issued, it shall be done in writing or electronically, within three days of contract award, shall contain information required by 14.407 and shall—

23. Section 36.607 is amended by designating the existing text as paragraph (a) and adding paragraph (b) to read as follows:

36.607 Release of information on firm selection.

* * * * *

(b) Debriefings of successful and unsuccessful firms will be held after final selection has taken place and will be conducted in accordance with 15.1003(b) through (g). Note that 15.1003(d)(2) through (d)(5) does not apply to architect-engineer contracts.

PART 51—USE OF GOVERNMENT SOURCES BY CONTRACTORS

24. Section 51.101 is amended at the end of paragraph (a)(1) by removing "or" and at the end of paragraph (a)(2) by removing the period and inserting "; or" and by adding paragraph (a)(3) to read as follows:

51.101 Policy.-

(a) * * *

(3) A contract under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.) if (i) the nonprofit agency requesting use of the supplies and services is providing a commodity or service to the Federal Government, and (ii) the supplies or services received are directly used in making or providing a commodity or service approved by the Committee for Purchase From People Who Are Blind or Severely Disabled to the Federal Government (See 48 CFR part 8, subpart 8.7).

* * * * *

25. Section 51.102 is amended in paragraph (a) by revising the last sentence to read as follows:

51.102 Authorization to use Government supply sources.

(a) * * * Except for findings under 51.101(a)(3), the determination shall be based on, but not limited to, considerations of the following factors:

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

26. Section 52.215–16 is amended by revising the date in the clause heading and paragraph (c); adding paragraph (h); by removing from Alternate I "15.407(d)(4)(ii)" and inserting "15.407(d)(4)(i)"; by removing Alternate II; and by redesignating Alternate III as II and revising it. The revisions read as follows:

52.215-16 Contract Award.

Contract Award (Date)

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(c) The Government intends to evaluate proposals and award a contract after conducting written or oral discussions with all responsible offerors whose proposals have been determined to be within the competitive range. However, each initial offer should contain the offeror's best terms from a cost or price and technical standpoint.

(h) The Government may disclose the following information in post-award debriefings to other offerors: (1) The overall evaluated cost and technical rating of the successful offeror; (2) The overall ranking of all offerors, if one was performed during the source selection; and (3) for acquisitions of commercial items, the make and model of the item being provided by the successful offeror.

Alternate II (Date). As prescribed in 15.407(d)(4)(ii), substitute the following paragraph (c) for paragraph (c) of the basic provision:

(c) The Government intends to evaluate proposals and award a contract without discussions with offerors (except communications conducted for the purpose of minor clarification). Therefore, each initial offer should contain the offeror's best terms from a cost or price and technical standpoint. However, the Government reserves the right to conduct discussions if later determined by the Contracting Officer to be necessary.

[FR Doc. 95–296 Filed 1–6–95; 8:45 am]