

5.102 availability of solicitations.

- (a) * * *
- (4) * * *

(i) A copy of the solicitation specifications. In the case of solicitations disseminated by electronic data interchange, solicitations may be furnished directly to the electronic address of the small business concern;

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(9) Section 5.207 is amended by adding a new paragraph (c)(2)(xvii) to read as follows:

5.207 Preparation and transmittal of synopses.

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- (c) * * *
- (2) * * *

(xvii) If the solicitation will be made available to interested parties through electronic data interchange, provide any information necessary to obtain and respond to the solicitation electronically.

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PART 7—ACQUISITION PLANNING**7.30 [Amended]**

10. Section 7.304(b)(3) is amended in the first sentence by adding “, or electronic equivalent,” after the word “envelope”.

11. Section 7.306(a)(1)(i) is revised to read as follows:

7.306 Evaluation.

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- (a)(1) * * *

(i) Open the sealed cost comparison on which the cost estimate for Government performance has been entered;

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7.307 [Amended]

12. Section 7.307 is amended in the first sentence of paragraph (b) by removing “14.407–8” and inserting “14.408–8” in its place.

PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES

13. Section 8.405–2 is amended by revising the first sentence of the introductory text to read as follows:

8.405–2 Order placement.

Ordering offices may use Optional Form 347, an agency-prescribed form, or an established electronic communications format to order items from schedules and shall place orders directly with the contractor within the limitations specified in each schedule.

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8.705–3 [Amended]

14. Section 8.705–3(a) is amended in the first sentence by removing the word “letter” and inserting “written” in its place.

PART 9—CONTRACTOR QUALIFICATIONS**9.206–3 [Amended]**

15. Section 9.206–3(b) is amended in the first sentence by removing “requested copies of the solicitation” and inserting “expressed interest in the acquisition” in its place.

PART 12—CONTRACT DELIVERY OR PERFORMANCE

16. Section 12.103(e) is revised to read as follows:

12.103 Supplies or services.

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(e) In invitations for bids, if the delivery schedule is based on the date of the contract, and a bid offers delivery based on the date the contractor receives the contract or notice of award, the contracting officer shall evaluate the bid by adding 5 calendar days (as representing the normal time for arrival through ordinary mail). If the contract or notice of award will be transmitted electronically, (1) the solicitation shall so state; and (2) the contracting officer shall evaluate delivery schedule based on the date of contract receipt or notice of award, by adding one working day. (The term “working day” excludes weekends and U.S. Federal holidays.) If the offered delivery date computed with mailing or transmittal time is later than the delivery date required by the invitation for bids, the bid shall be considered nonresponsive and rejected. If award is made, the delivery date will be the number of days offered in the bid after the contractor actually receives the notice of award.

PART 14—SEALED BIDDING

17. Section 14.201–6(e)(1) is revised to read as follows:

14.201–6 Solicitation provisions.

* * * * *

- (e) * * *

(1) 52.214–9, Failure to Submit Bid, except when using electronic data interchange methods not requiring solicitation mailing lists; and

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14.202–1 Bidding time.

18. Section 14.202–1(b)(6) is amended by removing the word “mailing” and inserting “transmittal” in its place.

19. Section 14.202–2(a)(1) is revised to read as follows:

14.202–2 Telegraphic bids.

- (a) * * *

(1) The date for the opening of bids will not allow bidders sufficient time to submit bids in the prescribed format; or

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20. Section 14.202–8 is added to read as follows:

14.202–8 Electronic bids.

In accordance with subpart 4.5, contracting officers may authorize use of electronic commerce for submission of bids. If electronic bids are authorized, the solicitation shall specify the electronic commerce method(s) that bidders may use.

21. Section 14.203–1 is revised to read as follows:

14.203–1 Transmittal to prospective bidders.

Invitations for bids or presolicitation notices shall be transmitted as specified in 14.205, and shall be provided to others in accordance with 5.102. When a contracting office is located in the United States, any solicitation sent to a prospective bidder located at a foreign address shall be sent by electronic data interchange or international air mail if security classification permits.

22. Section 14.205–1(a) is revised to read as follows:

14.205–1 Establishment of lists.

(a) Solicitation mailing lists shall be established by contracting activities to assure access to adequate sources of supplies and services. This rule need not be followed, however, when (1) the requirements of the contracting office can be obtained through use of simplified acquisition procedures (see part 13), (2) the requirements are nonrecurring, or (3) electronic commerce methods are used which transmit solicitations or presolicitation notices automatically to all interested sources participating in electronic contracting with the purchasing activity. Lists may be established as a central list for use by all contracting offices within the contracting activity, or as local lists maintained by each contracting office.

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23. Section 14.209(b) is amended by adding a second sentence to read as follows:

14.209 Cancellation of invitations before opening.

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(b) * * * For bids received electronically, the data received shall not be viewed and shall be purged from primary and backup data storage systems.

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