Federal Acquisition Regulation

14.302

including access to and disclosure thereof.

(b) After solicitation. Discussions with prospective bidders regarding a solicitation shall be conducted and technical or other information shall be transmitted only by the contracting officer or superiors having contractual authority or by others specifically authorized. Such personnel shall not furnish any information to a prospective bidder that alone or together with other information may afford an advantage over others. However, general information that would not be prejudicial to other prospective bidders may be furnished upon request; e.g., explanation of a particular contract clause or a particular condition of the schedule in the invitation for bids, and more specific information or clarifications may be furnished by amending the solicitation (see 14.208).

14.212 Economic purchase quantities (supplies).

Contracting officers shall comply with the economic purchase quantity planning requirements for supplies in subpart 7.2. See 7.203 for instructions regarding use of the provision at 52.207-4, Economic Purchase Quantity—Supplies, and 7.204 for guidance on handling responses to that provision.

14.213-14.214 [Reserved]

Subpart 14.3—Submission of Bids

14.301 Responsiveness of bids.

(a) To be considered for award, a bid must comply in all material respects with the invitation for bids. Such compliance enables bidders to stand on an equal footing and maintain the integrity of the sealed bidding system.

(b) Telegraphic bids shall not be considered unless permitted by the invitation. The term telegraphic bids means bids submitted by telegram or by mailgram.

(c) Facsimile bids shall not be considered unless permitted by the solicitation (see 14.202-7).

(d) Bids should be filled out, executed, and submitted in accordance with the instructions in the invitation. If a bidder uses its own bid form or a letter to submit a bid, the bid may be considered only if (1) the bidder accepts all the terms and conditions of the invitation and (2) award on the bid would result in a binding contract with terms and conditions that do not vary from the terms and conditions of the invitation.

(e) Bids submitted by electronic commerce shall be considered only if the electronic commerce method was specifically stipulated or permitted by the solicitation.

14.302 Bid submission.

(a) Bids shall be submitted so that they will be received in the office designated in the invitation for bids (referred to in paragraphs (b) and (c) below as the designated office) not later than the exact time set for opening of bids.

(b) Except as specified in paragraph (c) below, if telegraphic bids are authorized, a telegraphic bid that is communicated by means of a telephone call to the designated office shall be considered if—

(1) Agency regulations authorize such consideration;

(2) The telephone call is made by the telegraph office that received the telegraphic bid; and

(3) The telephone call is received by the designated office not later than the exact time set for the bid opening;

(4) The telegraph office that received the telegraphic bid sends the designated office the telegram that formed the basis for the telephone call;

(5) The telegram indicates on its face that it was received in the telegraph office before the telephone call was received by the designated office; and

(6) The bid in the telegram is identical in all essential respects to the bid received in the telephone call from the telegraph office.

(c) If the conditions in paragraph (b) above apply and the bid received by telephone is the apparent low bid,
award may not be made until the tele-
gram is received by the designated of-
face; however, if the telegram is not re-
ceived by the designated office within 5
days after the bid opening date, the bid
shall be rejected.

14.303 Modification or withdrawal of
bids.

(a) Bids may be modified or with-
drawn by any method authorized by
the solicitation, if notice is received in
the office designated in the solicitation
not later than the exact time set for
opening of bids. Unless proscribed by
agency regulations, a telegraphic
modification or withdrawal of a bid re-
cieved in such office by telephone from
the receiving telegraph office shall be
considered. However, the message shall
be confirmed by the telegraph company
by sending a copy of the written tele-
gram that formed the basis for the
telephone call. If the solicitation au-
thorizes facsimile bids, bids may be
modified or withdrawn via facsimile re-
cieved at any time before the exact
time set for receipt of bids, subject to
the conditions specified in the provi-
sion prescribed in 14.201–6(v). Modifica-
tions received by telephone (including
a record of those telephoned by the
telegraph company) or facsimile shall
be sealed in an envelope by a proper of-
ficial. The official shall write on the
envelope (1) the date and time of re-
sceipt and by whom, and (2) the number
of the invitation for bids, and shall
sign the envelope. No information con-
tained in the envelope shall be dis-
closed before the time set for bid open-
ing.

(b) A bid may be withdrawn in person
by a bidder or its authorized represent-
ative if, before the exact time set for
opening of bids, the identity of the per-
sons requesting withdrawal is estab-
lished and that person signs a receipt
for the bid.

(c) Upon withdrawal of an electroni-
cally transmitted bid, the data re-
cieved shall not be viewed and shall be
purged from primary and backup data
storage systems.

14.304 Submission, modification, and
withdrawal of bids.

(a) Bidders are responsible for sub-
mitting bids, and any modifications or
withdrawals, so as to reach the Govern-
ment office designated in the invita-
tion for bid (IFB) by the time specified
in the IFB. They may use any trans-
mission method authorized by the IFB
(i.e., regular mail, electronic com-
merce, or facsimile). If no time is spec-
ified in the IFB, the time for receipt is
4:30 p.m., local time, for the designated
Government office on the date that
bids are due.

(b)(1) Any bid, modification, or with-
drawal of a bid received at the Govern-
ment office designated in the IFB after
the exact time specified for receipt of
bids is “late” and will not be consid-
ered unless it is received before award
is made, the contracting officer deter-
mines that accepting the late bid
would not unduly delay the acquisi-
tion; and—

(i) If it was transmitted through an
 electronic commerce method author-
ized by the IFB, it was received at the
initial point of entry to the Govern-
ment infrastructure not later than 5:00
p.m. one working day prior to the date
specified for receipt of bids; or

(ii) There is acceptable evidence to
establish that it was received at the
Government installation designated for
receipt of bids and was under the Gov-
ernment’s control prior to the time set
for receipt of bids.

(2) However, a late modification of an
otherwise successful bid, that makes
its terms more favorable to the Gov-
ernment, will be considered at any
time it is received and may be accept-
ed.

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

(d) If an emergency or unanticipated
event interrupts normal Government
processes so that bids cannot be re-
cieved at the Government office des-
ignated for receipt of bids by the exact
time specified in the IFB, and urgent
Government requirements preclude