

experiment on a subject of science or art of significance to an executive agency and to report on those matters to Congress or an agency of the Federal Government.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3744.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3105(a) .....	41:253(i)(1).  41:266(a).	June 30, 1949, ch. 288, title III, §303(i), as added Pub. L. 103-355, title VII, §7203(b)(1)(B), Oct. 13, 1994, 108 Stat. 3380; Pub. L. 104-106, title XLI, §4101(b)(1), Feb. 10, 1996, 110 Stat. 642. June 30, 1949, ch. 288, title III, §316, as added Pub. L. 103-355, title VII, §7203(b)(2), Oct. 13, 1994, 108 Stat. 3381; Pub. L. 104-106, title XLIII, §4321(e)(9), Feb. 10, 1996, 110 Stat. 675.
3105(b) .....	41:253(i)(3). 41:266(c).	
3105(c) .....	41:253(i)(2). 41:266(b).	
3105(d) .....	41:253(i)(4). 41:266(d).	

**§ 3106. Erection, repair, or furnishing of public buildings and improvements not authorized, and certain contracts not permitted, by this division**

This division does not—

(1) authorize the erection, repair, or furnishing of a public building or public improvement; or

(2) permit a contract for the construction or repair of a building, road, sidewalk, sewer, main, or similar item using procedures other than sealed-bid procedures under section 3301(b)(1)(A) of this title if the conditions set forth in section 3301(b)(1)(A) of this title apply or the contract is to be performed outside the United States.

(Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3745.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3106 .....	41:252(c)(1).	June 30, 1949, ch. 288, title III, §302(c)(1), 63 Stat. 393; July 12, 1952, ch. 703, §1(m), 66 Stat. 594; Pub. L. 85-800, §2, 3, Aug. 28, 1958, 72 Stat. 966; Pub. L. 89-343, §2, Nov. 8, 1965, 79 Stat. 1303; Pub. L. 89-348, §1(2), Nov. 8, 1965, 79 Stat. 1310; Pub. L. 90-268, §4, Mar. 16, 1968, 82 Stat. 50; Pub. L. 93-356, §3, July 25, 1974, 88 Stat. 390; Pub. L. 98-191, §9(a)(1), Dec. 1, 1983, 97 Stat. 1331; Pub. L. 98-369, div. B, title VII, §2714(a)(1)(B), July 18, 1984, 98 Stat. 1184.

In paragraph (1), the words “but such authorization shall be required in the same manner as heretofore” are omitted as unnecessary.

**CHAPTER 33—PLANNING AND SOLICITATION**

Sec.  
3301. Full and open competition.  
3302. Requirements for purchase of property and services pursuant to multiple award contracts.

Sec.  
3303. Exclusion of particular source or restriction of solicitation to small business concerns.  
3304. Use of noncompetitive procedures.  
3305. Simplified procedures for small purchases.  
3306. Planning and solicitation requirements.  
3307. Preference for commercial products and commercial services.  
3308. Planning for future competition in contracts for major systems.  
3309. Design-build selection procedures.  
3310. Quantities to order.  
3311. Qualification requirement.  
3312. Database on price trends of items and services under Federal contracts.

**Editorial Notes**

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §836(b)(10)(B)(ii), Aug. 13, 2018, 132 Stat. 1863, substituted “Preference for commercial products and commercial services” for “Preference for commercial items” in item 3307.

2013—Pub. L. 112-239, div. A, title VIII, §851(a)(2), Jan. 2, 2013, 126 Stat. 1855, added item 3312.

**§ 3301. Full and open competition**

(a) IN GENERAL.—Except as provided in sections 3303, 3304(a), and 3305 of this title and except in the case of procurement procedures otherwise expressly authorized by statute, an executive agency in conducting a procurement for property or services shall—

(1) obtain full and open competition through the use of competitive procedures in accordance with the requirements of this division and the Federal Acquisition Regulation; and

(2) use the competitive procedure or combination of competitive procedures that is best suited under the circumstances of the procurement.

(b) APPROPRIATE COMPETITIVE PROCEDURES.—

(1) USE OF SEALED BIDS.—In determining the competitive procedures appropriate under the circumstance, an executive agency shall—

(A) solicit sealed bids if—

(i) time permits the solicitation, submission, and evaluation of sealed bids;

(ii) the award will be made on the basis of price and other price-related factors;

(iii) it is not necessary to conduct discussions with the responding sources about their bids; and

(iv) there is a reasonable expectation of receiving more than one sealed bid; or

(B) request competitive proposals if sealed bids are not appropriate under subparagraph (A).

(2) SEALED BID NOT REQUIRED.—Paragraph (1)(A) does not require the use of sealed-bid procedures in cases in which section 204(e)<sup>1</sup> of title 23 applies.

(c) EFFICIENT FULFILLMENT OF GOVERNMENT REQUIREMENTS.—The Federal Acquisition Regulation shall ensure that the requirement to obtain full and open competition is implemented in a manner that is consistent with the need to efficiently fulfill the Federal Government’s requirements.

<sup>1</sup> See References in Text note below.