

UNIT 29: RESPONSIVENESS

October 2003

Duty	Determine responsiveness to the invitation for bids (IFB).
Conditions	Given acquisition planning, an IFB, and bids.
Overall Standard	Correctly determine whether the apparent low bid conforms to all essential requirements of the IFB. Correct or waive all minor informalities/irregularities.

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Policies

<i>FAR</i>	<i>Agency Suppl.</i>	<i>Subject</i>
3.103-2		Evaluating the Certificate of Independent Price Determination.
3.405		Misrepresentations or violations of the Covenant Against Contingent Fees.
14.103-2(d)		Award responsible bidder with most advantageous responsive bid.
14.202-4		Bid samples.
14.202-5		Descriptive literature.
14.301		Responsiveness of bids.
14.404-2		Rejection of individual bids.
14.404-4		Restrictions on disclosure of descriptive literature.
14.404-5		All or none qualifications may be considered responsive.
14-405		Minor informalities or irregularities in bids.
14.406		Receipt of an unreadable electronic bid.
28.101-4		Noncompliance with bid guarantee requirements.
52.203-2		Certificate of Independent Price Determination.
52.214-10		Contract award – sealed bidding.
52.214-12		Preparation of bids.
52.214-20		Bid samples.
52.214-21		Descriptive literature.
52. 222-21		Prohibition of segregated facilities.
52.222-22		Previous contracts and compliance reports.
52.222-25		Affirmative action compliance.
52.223-4		Recovered material certification.
52.225-2		Buy American – Balance of Payments Program Certificate.
52.225-4		Buy American – North American Free Trade Agreement – Israeli Trade Act – Balance of Payments Program Certificate.
52.232-14		Notice of availability of progress payments exclusively for small business concerns.
52.232-15		Progress payments not included.

Other KSAs

1. Knowledge of law regarding offers, including requirements with respect to contractual intention and definiteness and for rejection of offers.
2. Ability to understand and interpret bids.
3. Ability to make sound business decisions related to bid responsiveness.
4. Ability to maintain the honesty and integrity of the acquisition process.

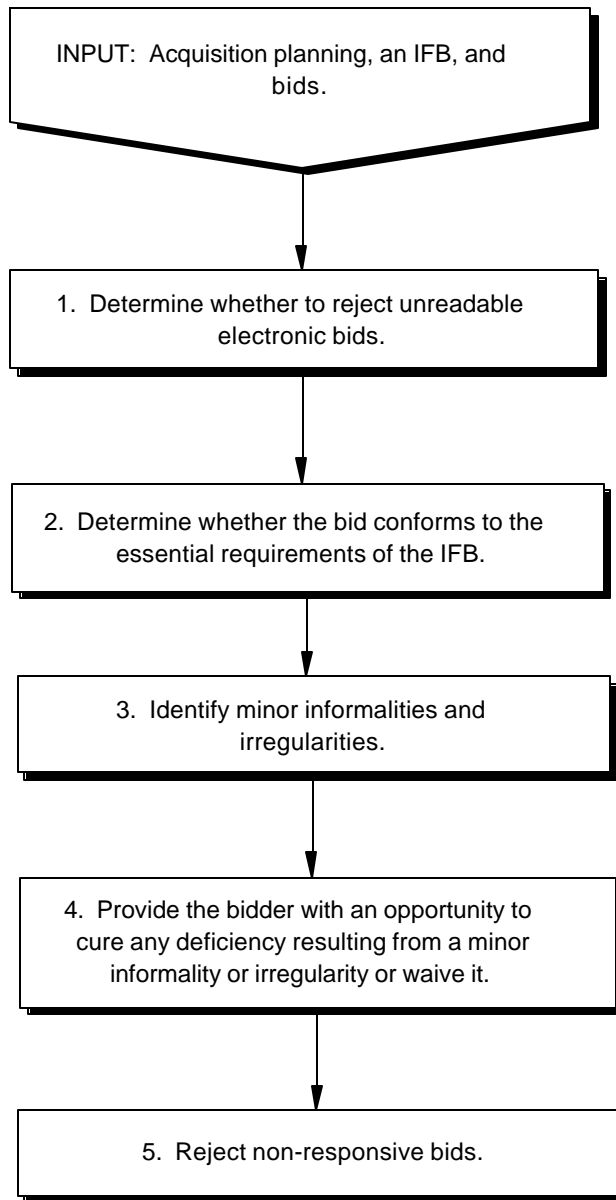
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Other Policies and References (Annotate As Necessary):

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Tasks	Related Standards
<p>1. Determine whether to reject unreadable electronic bids.</p>	<p>If a bid received at the Government facility by electronic data interchange is unreadable to the degree that conformance to the essential requirements of the invitation for bids cannot be ascertained:</p> <ul style="list-style-type: none"> • Immediately notify the bidder that the bid will be rejected unless the bidder provides clear and convincing evidence: <ul style="list-style-type: none"> - Of the content of the bid as originally submitted; and - Government software or hardware error, malfunction, or other Government mishandling caused the unreadable condition of the bid. • Reject the bid absent such convincing evidence.
<p>2. Determine whether the bid conforms to the essential requirements of the IFB.</p>	<p>Correctly identify all material defects in bids and all material variations from the IFB's requirements. For example, a bid does not conform to the essential characteristics of the IFB if it:</p> <ul style="list-style-type: none"> • Does not conform to the applicable specifications unless the IFB authorized the submission of alternate bids and the supplies offered as alternates meet the requirements specified. • Fails to conform to the delivery schedule or permissible alternates stated in the IFB. • Imposes conditions that would modify requirements of the IFB or limit the bidder's liability to the Government. • Fails to include a required Bid Guarantee, unless failure to comply with that requirement can be waived (see FAR 28.101-4(c)). • Restricts disclosure of sufficient information to permit competing bidders to know the essential nature and type of products offered or those elements of the bid that relate to quantity, price, and delivery terms.

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Tasks

Related Standards

3. Identify minor informalities and irregularities.

A minor informality or irregularity is one that is merely a matter of form rather than substance. It also pertains to some immaterial defect in a bid or variation from the IFB's requirements that can be corrected or waived without prejudice to other bidders. A defect or variation is immaterial when the effect on price, quantity, quality, or delivery is negligible when contrasted with the total cost or scope of the acquisition.

Examples include the failure of a bidder to:

- Return the number of copies of signed bids required by the invitation;
- Furnish required information concerning the number of its employees;
- Sign its bid, but only if:
 - The unsigned bid is accompanied by other material indicating the bidder's intention to be bound by the bid; or
 - The firm submitting a bid has formally adopted or authorized, before the date set for opening of bids, the execution of documents by typewritten, printed, or stamped signature and submits evidence of such authorization and the bid carries such a signature;
- Acknowledge receipt of an amendment to an invitation for bids, but only if the:
 - Bid received clearly indicates that the bidder received the amendment; or
 - Amendment involves only a matter of form or has either no effect or merely a negligible effect on price, quantity, quality, or delivery of the bid item; or
- Execute the representations with respect to Equal Opportunity and Affirmative Action Programs, as set forth in the clauses at FAR 52.222-22, Previous Contracts and Compliance Reports, and FAR 52.222-25, Affirmative Action Compliance.

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Tasks	Related Standards
4. Provide the bidder with an opportunity to cure any deficiency resulting from a minor informality or irregularity or waive it.	Give the bidder an opportunity to cure any deficiency resulting from a minor informality or irregularity in a bid or waive the deficiency, whichever is to the advantage of the Government.
5. Reject non-responsive bids.	The originals of all rejected bids, and any written findings with respect to such rejections, must be preserved with the papers relating to the acquisition.