

UNIT 23: AMENDING/CANCELING SOLICITATIONS

October 2003

Duty

Amend or cancel a solicitation.

Conditions

Given acquisition planning, a solicitation, and a potential change in requirements or other factors that may merit solicitation amendment or cancellation.

Overall Standard

Amend or cancel a solicitation when such action is in the best interest of the Government and the action conforms to the requirements of law and regulations.

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Policies

<i>FAR</i>	<i>Agency Suppl.</i>	<i>Subject</i>
3.3		Reports of suspected antitrust violations.
7.204(b)		Evaluating the need to change quantity requirements.
14.208		Amendment of invitation for bids.
14.209		Cancellation of invitation before opening.
14.404-1		Cancellation of invitation after opening.
14.404-3		Notice to bidders or rejection of all bids.
15.206		Amending the solicitation.
52.214-3		Amendments to invitations for bids
52.215-1(b)		Amendments to solicitations.

Other KSAs

1. Knowledge of what kind of amendment necessitates an extension of the period for accepting bids, proposals, or quotes.
2. Knowledge of the nature and purpose of relationships among all parties involved in the acquisition process.
3. Ability to communicate orally and in writing with all parties involved in the acquisition process.
4. Ability to demonstrate the interpersonal skills and teamwork needed to evaluate proposed changes in Government requirements.
5. Ability to demonstrate the attention to detail necessary to evaluate the effect of a possible solicitation amendment or cancellation on the Government interest.
6. Ability to make appropriate business decisions related to the possible need to amend or cancel a solicitation.
7. Ability to use reasoning skills to establish an appropriate process for evaluating proposed changes to solicitation requirements.
8. Ability to maintain a customer service approach to evaluating proposed solicitation changes and their effect on the Government interest.
9. Ability to maintain the honesty and integrity of the acquisition process.

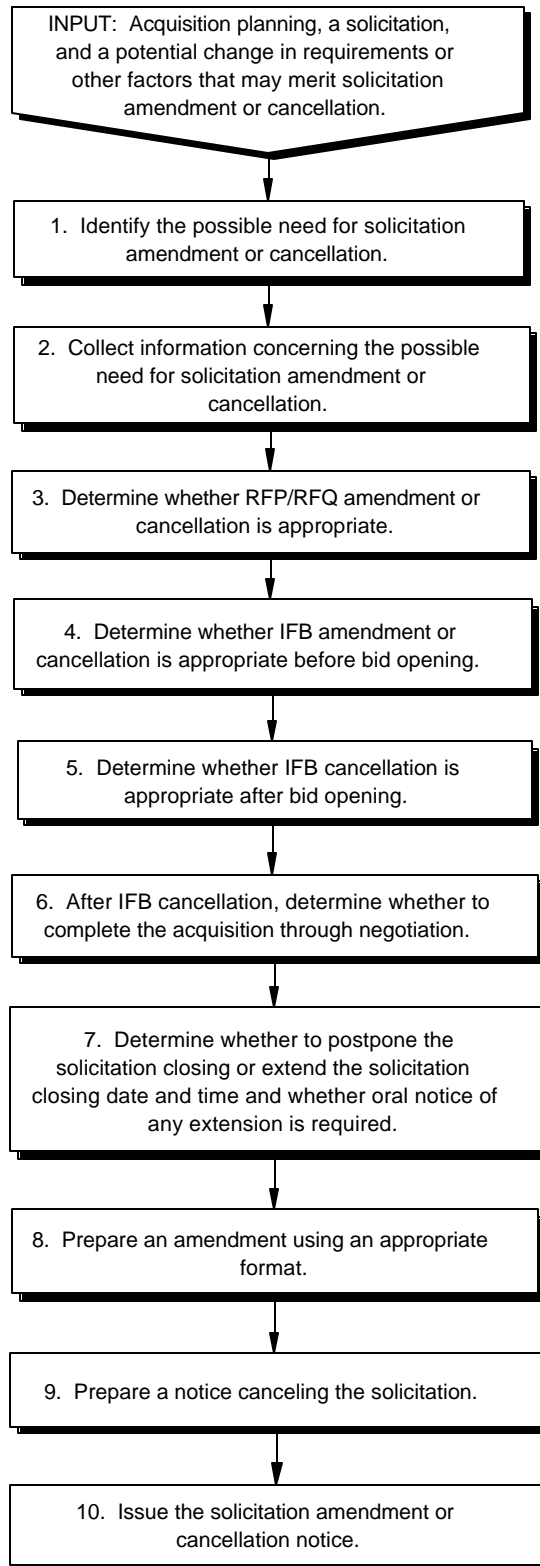
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Other Policies and References (Annotate As Necessary):

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Tasks	Related Standards
<p>1. Identify the possible need for solicitation amendment or cancellation.</p>	<p>Consider the possible need for change during all activities related to the solicitation.</p> <ul style="list-style-type: none"> • Consider changes in Government requirements, such as changes in: <ul style="list-style-type: none"> - Funding or mission that affect the overall need; - Requirement quantity; - Specifications/Statement of Work; or - Delivery schedules. • Consider concerns from prospective sources, such as: <ul style="list-style-type: none"> - Insufficient time allowed for the preparation and submission of offers. - Incomplete, inaccurate, or missing terms, conditions, or data. - Vague or ambiguous terms or conditions that are being misinterpreted by prospective offerors (vague or ambiguous). - Erroneous release of additional data to some, but not all, prospective offerors. - Requirements that are inferior to currently available alternatives. - Terms and conditions that are unnecessarily restrictive. <p>Document proposed changes.</p> <ul style="list-style-type: none"> • Request Government personnel to submit requirements changes in writing. • Request prospective sources to submit complex concerns in writing. • Document concerns submitted orally by prospective sources.
<p>2. Collect information concerning the possible need for solicitation amendment or cancellation.</p>	<p>Consider all available information sources, particularly continuing market research. Only request information from prospective sources, when sufficient information is not otherwise available.</p>

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Tasks	Related Standards
<p>3. Determine whether RFP/RFQ amendment or cancellation is appropriate.</p>	<p>Determine to take no action unless available information indicates that amendment or cancellation is appropriate.</p> <p>When using electronic commerce consider any special guidelines that may apply.</p> <p>Amend to:</p> <ul style="list-style-type: none"> • Clarify the solicitation; • Respond to inquiries; or • Change: <ul style="list-style-type: none"> - A specific Government contract requirement before offers/quotes are received but the overall requirement still exists. - Offer/quote submission or evaluation requirements before the period for receipt of offers/quotes has closed. - A specific Government contract requirement after the period for receipt of offers/quotes has closed, but the overall requirement still exists and the change would not likely have affected the number of offers/quotes received or the firms responding. If the change is related to Government interest in a proposal that departs from existing requirements, only amend the solicitation if it can be done without revealing information that is entitled to protection. <p>Cancel before the period for receipt of proposals has closed when:</p> <ul style="list-style-type: none"> • The Government requirement or funding is no longer valid. • A requirement change is so substantial that a new solicitation is desirable. • Cancellation is otherwise the best interest of the Government. <p>The Source Selection Authority (SSA) may reject all offers received, if that is in the best interest of the Government.</p>

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Tasks	Related Standards
<p>4. Determine whether IFB amendment or cancellation is appropriate before bid opening.</p>	<p>Determine to take no action unless available information indicates that amendment or cancellation is appropriate.</p> <p>When using electronic commerce consider any special guidelines that may apply.</p> <p>Amend to:</p> <ul style="list-style-type: none"> • Clarify the solicitation; • Respond to inquiries; or • Change: <ul style="list-style-type: none"> - A specific Government contract requirement before bids are received but the overall requirement still exists. - Bid submission or evaluation requirements before the period for receipt of offers/quotes has closed. <p>Cancel when:</p> <ul style="list-style-type: none"> • The Government requirement or funding is no longer valid. • A requirement change is so substantial that a new solicitation is desirable. • Cancellation is otherwise the best interest of the Government.

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Tasks	Related Standards
<p>5. Determine whether IFB cancellation is appropriate after bid opening.</p>	<p>Invitations may be cancelled and all bids rejected after bid opening but before award when the agency head determines in writing that:</p> <ul style="list-style-type: none"> • Inadequate or ambiguous specifications were cited in the invitation; • Specifications have been revised; • The supplies or services being contracted for are no longer required; • The invitation did not provide for consideration of all factors of cost to the Government (e.g., cost of transporting Government-furnished property to bidders' plants); • Bids received indicate that the needs of the Government can be satisfied by a less expensive article differing from that for which the bids were invited; • All otherwise acceptable bids received are at unreasonable prices, or only one bid is received and the Contracting Officer cannot determine the reasonableness of the bid price; • The bids were not independently arrived at in open competition, were collusive, or were submitted in bad faith (see FAR 3.3 for related reports to the Department of Justice); • No responsive bid has been received from a responsible bidder; • A cost comparison as prescribed in OMB Circular A-76 and Subpart 7.3 shows that performance by the Government is more economical; or • For other reasons, cancellation is clearly in the public's interest.

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<p>6. After IFB cancellation, determine whether to complete the acquisition through negotiation.</p>	<p>Completion of the acquisition through negotiation after cancellation of the IFB may be appropriate if the invitation for bids is cancelled for one of the following reasons:</p> <ul style="list-style-type: none"> • All otherwise acceptable bids received are at unreasonable prices, or only one bid is received and the Contracting Officer cannot determine the reasonableness of the bid price; • The bids were not independently arrived at in open competition, were collusive, or were submitted in bad faith; or • No responsive bid has been received from a responsible bidder. <p>The agency head must authorize acquisition through negotiation in the Government's interest as part of the determination to cancel the IFB.</p> <p>When authorized by the agency head, the Contracting Officer may negotiate (in accordance with FAR 15, as appropriate) and make award without issuing a new solicitation provided:</p> <ul style="list-style-type: none"> • Each responsible bidder in the sealed bid acquisition has been given notice that negotiations will be conducted and has been given an opportunity to participate in negotiations; and • The award is made to the responsible bidder offering the lowest negotiated price.

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<p>7. Determine whether to postpone the solicitation closing or extend the solicitation closing date and time and whether oral notice of any extension is required.</p>	<p>Give each offeror/quoter involved sufficient time to consider the amendment in submitting or modifying its offer.</p> <p>Provide an oral notice of a time extension when time is of the essence. When using an oral notice:</p> <ul style="list-style-type: none"> • Document the contract file concerning the date and time each firm is notified; and • Formalize the notice with a written amendment.
<p>8. Prepare an amendment using an appropriate format.</p>	<p>At a minimum, the following information should be included in each amendment:</p> <ul style="list-style-type: none"> • Name and address of issuing activity; • Solicitation number and date; • Amendment number and date; • Number of pages; • Description of the change being made; • Government point of contact and phone number (and electronic or facsimile address, if appropriate); and • Revision to solicitation closing date, if applicable.

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<p>9. Prepare a notice canceling the solicitation.</p>	<p>The Notice of Cancellation for an IFB must and for other solicitations should:</p> <ul style="list-style-type: none">• Identify the solicitation by number and short title or subject matter;• Briefly explain the reason the solicitation is being cancelled; and• Where appropriate, assure prospective offerors that they will be given an opportunity to offer on any resolicitation or any future requirements for the type of supplies or services involved. <p>Because a quotation is not an offer, a Notice of Cancellation is normally not required after the period for receipt of quotations has closed.</p> <p>If an IFB is cancelled before the time set for bid opening, that fact must be recorded together with a statement of the number of bids invited and the number of bids received.</p> <p>All required documentation must be retained in the solicitation file (e.g., an SSA determination to reject all proposals).</p>
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Tasks	Related Standards
<p>10. Issue the solicitation amendment or cancellation notice.</p>	<p>For an IFB:</p> <ul style="list-style-type: none"> • An amendment or cancellation notice issued before the bid opening must be distributed to all firms on the solicitation distribution list. For solicitations distributed electronically, distribution should be accomplished electronically. • A cancellation notice issued after bid opening must be issued to each bidder. <p>For an RFP/RFQ an amendment or cancellation notice issued:</p> <ul style="list-style-type: none"> • Before the close of the period for receipt of proposals/quotes, must be distributed to all firms on the solicitation distribution list. For solicitations distributed electronically, distribution should be accomplished electronically. • After the close of the period for receipt of proposals, must be issued to all offerors that have not been eliminated from the competition. Because a quotation is not an offer, a Notice of Cancellation is normally not required after the period for receipt of quotations has closed. <p>When canceling a solicitation, return all bids/proposals received. Purge any bid/proposals received electronically from both primary and backup data storage systems.</p>