

## 14.202-5 Descriptive literature.

(a) *Policy.* Contracting officers must not require bidders to furnish *descriptive literature* unless it is needed before award to determine whether the *products* offered meet the specification and to establish exactly what the bidder proposes to furnish.

(b) *Justification.* The contracting officer must document in the contract file the reasons why product acceptability cannot be determined without the submission of *descriptive literature*, except when the contract specifications require submission.

(c) Requirements of invitation for bids.

(1) The invitation *must* clearly state-

(i) What *descriptive literature* the bidders *must* furnish;

(ii) The purpose for requiring the literature;

(iii) The extent of its consideration in the evaluation of bids; and

(iv) The rules that will apply if a bidder fails to furnish the literature before bid opening or if the literature provided does not comply with the requirements of the invitation.

(2) If bidders *must* furnish *descriptive literature*, see [14.201-6\(p\)](#).

(d) Waiver of requirement for *descriptive literature*.

(1) The contracting officer may waive the requirement for *descriptive literature* if-

(i) The bidder states in the bid that the product being offered is the same as a product previously or currently being furnished to the contracting activity; and

(ii) The contracting officer determines that the product offered by the bidder complies with the specification requirements of the current invitation for bids. When the contracting officer waives the requirement, see [14.201-6\(p\)\(2\)](#).

(2) When *descriptive literature* is not necessary and a waiver of literature requirements of a specification has been authorized, the contracting officer *must* include a statement in the invitation that, despite the requirements of the specifications, *descriptive literature* will not be required.

(3) If the solicitation provides for a waiver, a bidder *may* submit a bid on the basis of either the *descriptive literature* furnished with the bid or a previously furnished product. If the bid is submitted on one basis, the bidder *may* not have it considered on the other basis after bids are opened.

(e) *Unsolicited descriptive literature.* If *descriptive literature* is furnished when it is not required by the invitation for bids, the procedures set forth in [14.202-4\(f\)](#) *must* be followed.

**Parent topic:** [14.202 General rules for solicitation of bids.](#)