

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.](#)