

(a) * * *
 (4) It was transmitted through an electronic commerce method authorized by the solicitation and was received by the Government not later than 5:00 PM one working day prior to the date specified for receipt of bids.

* * * * *
 25. Section 14.401(a) is amended by revising the second sentence to read as follows:

14.401 Receipt and safeguarding of bids.

(a) * * * Except as provided in paragraph (b) of this section, the bids shall not be opened or viewed, and shall remain in a locked bid box, a safe, or in a locked, restricted-access electronic bid box. * * *

* * * * *
 26. Section 14.402-3(a)(1) is revised to read as follows:

14.402-3 Postponement of openings.

(a) * * *
 (1) The contracting officer has reason to believe that the bids of an important segment of bidders have been delayed in the mails, or in the communications system specified for transmission of bids, for causes beyond their control and without their fault or negligence (e.g., flood, fire, accident, weather conditions, strikes, or Government equipment blackout or malfunction when bids are due); or

14.406 through 14.408 [Redesignated as 14.407 through 14.409; new 14.406 added.]

27. Sections 14.406, 14.406-1 through 14.406-4; 14.407, 14.407-1 through 14.407-8; and 14.408, 14.408-1 and 14.408-2 are redesignated as 14.407, 14.407-1 through 14.407-4; 14.408, 14.408-1 through 14.408-8; and 14.409, 14.409-1 and 14.409-2, respectively, and a new section 14.406 is added to read as follows:

14.406 Receipt of an unreadable electronic bid.

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, the contracting officer immediately shall notify the bidder that the bid will be rejected unless the bidder provides clear and convincing evidence—

- (a) Of the content of the bid as originally submitted; and
- (b) That the unreadable condition of the bid was caused by Government software or hardware error, malfunction, or other Government mishandling.

27A. Section 14.407-2 is amended by adding paragraph (c) to read as follows:

14.407-2 Apparent clerical mistakes.

* * * * *
 (c) Correction of bids submitted by electronic data interchange shall be effected by including in the electronic solicitation file the original bid, the verification request, and the bid verification.

PART 15—CONTRACTING BY NEGOTIATION

28. Section 15.402 is amended by adding paragraph (k) to read as follows:

15.402 General.

* * * * *
 (k) In accordance with Subpart 4.5, contracting officers may authorize use of electronic commerce for submission of offers. If electronic offers are authorized, the solicitation shall specify the electronic commerce method(s) that offerors may use.

29. Section 15.407(d)(3) is revised to read as follows:

15.407 Solicitation provisions.

* * * * *
 (d) * * *
 (3) Insert in RFP's the provision at 52.215-15, Failure to Submit Offer, except when using electronic data interchange methods not requiring solicitation mailing lists; and

* * * * *
 30. Section 15.410(b) is revised to read as follows:

15.410 Amendment of solicitations before closing date.

* * * * *
 (b) The contracting officer shall determine if the closing date needs to be changed when amending a solicitation. If the time available before closing is insufficient, prospective offerors or quoters shall be notified by electronic data interchange, telegram, or telephone of an extension of the closing date. Telephonic and telegraphic notices shall be confirmed in the written amendment to the solicitation. The contracting officer shall not award a contract unless any amendments made to an RFP have been issued in sufficient time to be considered by prospective offerors.

* * * * *
 31. Section 15.412 is amended by revising the heading and adding paragraph (h) to read as follows:

15.412 Late proposals, modifications, and withdrawals of proposals.

* * * * *
 (h) Upon withdrawal of an electronically transmitted proposal, the data received shall not be viewed and shall be purged from primary and backup data storage systems.

32. Section 15.607 is amended by adding paragraph (d) to read as follows:

15.607 Disclosure of mistakes before award.

* * * * *
 (d) If a proposal received at the Government facility in electronic format is unreadable to the degree that conformance to the essential requirements of the solicitation cannot be ascertained from the document, the contracting officer immediately shall notify the offeror and provide the opportunity for the offeror to submit clear and convincing evidence—

- (1) Of the content of the proposal as originally submitted; and
- (2) That the unreadable condition of the proposal was caused by Government software or hardware error, malfunction, or other Government mishandling.

14.407-1, 14.407-3, 14.407-4, 14.408-6, 14.409, 15.607, 15.608 [Amended]

33. In addition to the amendments set forth above, newly-redesignated sections 14.407 through 14.409, 15.607, and 15.608 are further amended by updating the internal references as follows:

Section	Remove	Insert
14.407-1	14.406	14.407
14.407-3 intro. text ..	14.406-3	14.407-3
	14.406-2	14.407-2
14.407-3 (e), (h) & (i).	14.406-3	14.407-3
14.407-4(f)	14.406-4	14.407-4
14.408-6(c)	14.407-6	14.408-6
14.409-2	14.408-1	14.409-1
15.607(a)	14.406	14.407
15.608(c)	14.407-3	14.408-3

PART 16—TYPES OF CONTRACTS

34. Section 16.506(c) is revised to read as follows:

16.506 Ordering.

* * * * *
 (c) Orders may be placed by electronic commerce methods when permitted under the contract.

PART 32—CONTRACTING FINANCING

35. Section 32.503-1(b) is revised to read as follows:

32.503-1 Contractor requests.

* * * * *
 (b) Comply with the instructions appropriate to the applicable form, and the contract terms; and

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