

36.211 Distribution of advance notices and solicitations.

(a) Advance notices and *solicitations should* be distributed to reach as many prospective *offerors* as practicable. *Contracting officers may* send notices and *solicitations* to organizations that maintain, without charge to the public, display rooms for the benefit of prospective *offerors*, subcontractors, and material suppliers. If requested by such organizations, this *may* be done for all or a stated class of *construction* projects on an annual or semiannual basis. *Contracting officers may* determine the geographical extent of distribution of advance notices and *solicitations* on a case-by-case basis.

(b) As required by 15 U.S.C. 644(w), the *contracting officer shall* transmit to the *Governmentwide point of entry (GPE)* a notice (see 5.205(h), in *solicitation* notices posted at the GPE for *construction* contracts anticipated to be awarded to a small business pursuant to part 19. The notice *shall* include certain information regarding the agency's definitization of equitable adjustments for *change orders* under *construction* contracts. This information includes:

(1) A description of agency policies or procedures, in addition to that outlined in FAR 43.204, that apply to definitization of equitable adjustments for *change orders* under *construction* contracts. This description *may* be provided in a notice by including an address of an agency-specific, publicly accessible website containing this information. If no agency-specific additional policies and procedures exist, the notice *shall* include a statement to that effect.

(2) Data on the agency's *past performance*, for the prior 3 fiscal years, regarding the time required to definitize equitable adjustments for *change orders* under *construction* contracts (see 43.204). If fewer than 3 fiscal years of data are available, agencies *shall* provide data for the number of fiscal years that are available. Data *shall* be provided in the *solicitation* notice as shown in the following table, or provide the address of an agency-specific, publicly accessible website containing this information. An adequate *change order* definitization proposal *shall* contain sufficient information to enable the *contracting officer* to conduct meaningful analyses and audits of the information contained in the proposal.

Table 1 to Paragraph (b)(2)

Time to definitize after receipt of an adequate <i>change order</i> definitization proposal under <i>construction</i> contracts	Number of <i>change order</i> proposals definitized under <i>construction</i> contracts
30 days or less	
31 to 60 days	
61 to 90 days	
91 to 180 days	
181 to 365 days	
366 or more days	
After completion of contract performance via a <i>contract modification</i> addressing all undefinitized equitable adjustments received during contract performance	

Parent topic: Subpart 36.2 - Special Aspects of Contracting for Construction