

Effective 3/28/2016

63G-6a-409 Request for information.

- (1) The purpose of a request for information is to:
 - (a) obtain information, comments, or suggestions from potential bidders or offerors before issuing an invitation for bids or request for proposals;
 - (b) determine whether to issue an invitation for bids or a request for proposals; and
 - (c) generate interest in a potential invitation for bids or request for proposals.
- (2) A request for information may be useful in order to:
 - (a) prepare to issue an invitation for bids or request for proposals for an unfamiliar or complex procurement;
 - (b) determine the market availability of a procurement item; or
 - (c) determine best practices, industry standards, performance standards, product specifications, and innovations relating to a procurement item.
- (3)
 - (a) A request for information is not a procurement process and may not be used to:
 - (i) solicit cost, pricing, or rate information;
 - (ii) negotiate fees;
 - (iii) make a purchase; or
 - (iv) enter into a contract.
 - (b) To make a purchase or enter into a contract, a procurement unit is required to:
 - (i) use a standard procurement process; or
 - (ii) comply with an exception to the requirement to use a standard procurement process, as described in Part 8, Exceptions to Procurement Requirements.
- (4) A response to a request for information is not an offer and may not be accepted to form a binding contract.
- (5) A request for information may seek a wide range of information, including:
 - (a) availability of a procurement item;
 - (b) delivery schedules;
 - (c) industry standards and practices;
 - (d) product specifications;
 - (e) training;
 - (f) new technologies;
 - (g) capabilities of potential providers of a procurement item; and
 - (h) alternate solutions.
- (6) A record containing information submitted to or by a governmental entity in response to a request for information is a protected record under Section 63G-2-305.

Renumbered and Amended by Chapter 355, 2016 General Session