TITLE 41 - PUBLIC CONTRACTS
Subtitle II - Other Advertising and Contract Provisions
CHAPTER 61 - ADVERTISING

§ 6101. Advertising requirement for Federal Government purchases and sales

(a) Definitions.— In this section—
   (1) Appropriation.— The term “appropriation” includes amounts made available by legislation under section 9104 of title 31.
   (2) Federal government.— The term “Federal Government” includes the government of the District of Columbia.

(b) Purchases.—
   (1) In general.— Unless otherwise provided in the appropriation concerned or other law, purchases and contracts for supplies or services for the Federal Government may be made or entered into only after advertising for proposals for a sufficient time.
   (2) Limitations on applicability.— Paragraph (1) does not apply when—
      (A) the amount involved in any one case does not exceed $25,000;
      (B) public exigencies require the immediate delivery of articles or performance of services;
      (C) only one source of supply is available and the Federal Government purchasing or contracting officer so certifies; or
      (D) services are required to be performed by a contractor in person and are—
        (i) of a technical and professional nature; or
        (ii) under Federal Government supervision and paid for on a time basis.

(c) Sales.— Except when otherwise authorized by law or when the reasonable value involved in any one case does not exceed $500, sales and contracts of sale by the Federal Government are governed by the requirements of this section for advertising.

(d) Application to Wholly Owned Government Corporations.— For wholly owned Government corporations, this section applies only to administrative transactions.


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In subsection (a), before paragraph (1), the words “In this section” are substituted for “as used in this Act” as the probable intent of Congress. Section 9(a) of the Act of August 2, 1946 (ch. 744, 60 Stat. 809) restated 41:5 generally and section 9(c) of the Act, an independent provision, was editorially added as the last paragraph of 41:5. The definitions which apply to “as used in this Act” are probably intended to apply also to 41:5 as restated by the Act. The definitions for “department” and “continental United States” are omitted because those terms do not appear in 41:5. In paragraph (1), the words “section 9104 of title 31” are substituted for “section 104 of the Government Corporation Control Act, approved December 6, 1945” because of section
4(b) of Public Law 97–258 (31 U.S.C. note prec. 101). In paragraphs (1) and (2), the word “includes” is substituted for “shall be construed to include” and for “shall be construed as including”, respectively, to eliminate unnecessary words.

In subsection (c), the words “as authorized by section 29 of the Surplus Property Act of 1944 (50 App. U.S.C. 1638)” in section 3709 of the Revised Statutes are omitted because section 29 was repealed by section 602(a)(1) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 399).