OTHER THAN FULL AND OPEN COMPETITION

Written justification must be included in the procurement file which states as a minimum, the following information:

1. Identification of the prime contract, the agency, the subcontract and the subcontractor.
2. Nature and/or description of the procurement action being taken.
3. A description of the services being procured, including the estimated (or known) value.
4. An identification of the authority used (see below) to justify the non-competitive award and a description of the characteristics and circumstances supporting the proposed award. If appropriate, attach Bid Waiver form PUR 306-02A or Justification for Sole Source Purchase form PUR 303-02A.
5. A determination (cost or price analysis) showing the anticipated cost to the government will be fair and reasonable.
6. Any other facts supporting the use of other than full and open competition for example: a) explanation of why no specification or statement of work suitable for full and open competition has been developed; b) any rationale as to the extent of harm (price, delivery, etc.) if procurement is competitive.
7. Statement of actions to be taken, if any, to overcome barriers to full and open competition in the future.

Statutory Authorities as sited in the FAR

( ) Only one responsible source and no other supplies or services will satisfy the requirements of the contract. (FAR 6.302-1)

( ) Unusual and compelling urgency whereby a delay in award would result in serious injury, financial or other, to the Government. (FAR 6.302-2)

( ) To establish or maintain an essential engineering, research or development capability to be provided by an educational institution or federally funded research and development center or industrial mobilization in case of a national emergency. (FAR 6.302-3)

( ) International agreement which precludes full and open competition. (FAR 6.302-4)

( ) Authorized by statute for procurement through specified agency or source, i.e. Federal Prison Industries, Qualified Nonprofit Agency, Government Printing and Binding, etc. (FAR 6.0302-5)

( ) National security when disclosure of the Government’s needs would compromise the national security. (FAR 6.302-6)

( ) It is not in the public interest to have full and open competition on this procurement. Only agency heads have the authority to use this. (FAR 6.302-7)