Subpart 5306.3 - OTHER THAN FULL AND OPEN COMPETITION

Parent topic: Part 5306 - Competition Requirements

5306.302-1 Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements

(a)(2)(i)*(1)* See MP5301.601(a)(i).

(d) See MP5301.601(a)(i).

5306.302-2 Unusual and Compelling Urgency

(c)(1) Contracting officers must notify their SCO and cognizant HCA as soon as practicable when contemplating the use of this authority for a J&A requiring SAF/AQ or SAF/SQ approval.

(d)(1)(ii) The authority to make this determination for the DAF is the SCO or the J&A approval authority, whichever is higher. This authority may not be further delegated.

5306.302-4 International Agreement

(c) *Limitations*. An *International Agreement Competitive Restriction* (IACR) must be used when the terms of the document referred to in DFARS 206.302-4(c) have the effect of requiring the use of other than competitive procedures, even if the agreement, treaty, or written direction does not specifically name a particular source or sources. The contracting officer is authorized to prepare the IACR (see MP5301.601(a)(i)). The contracting officer must include the IACR and a copy of the associated *Letter of Offer and Acceptance*, once completed, in the contract file.

5306.303-1 Requirements

(a) Solicitations for other than full and open competition may be released prior to justification approval, except as set forth in FAR 6.305(c) and 5306.304 Approval of the Justification(a)(4) for actions exceeding $100M.

(d) A justification approved on a class basis authorizes the award of two or more contract actions using other than full and open competition. A class justification may encompass identified contract actions for the same or integrally related supplies or services or other contract actions that require essentially identical justification. A justification made on a class basis—

(1) May cover one or more contractors;

(2) May cover contracts for requirements to be awarded in successive fiscal years, provided that the requirements and quantities are included in the justification, and the costs have been specifically identified;

(3) Shall address every contract included (e.g., specific quantity and dollar amounts for each contract; detailed documentation of the circumstances supporting the use of other than full and open competitive procedures for each contracting action) (See FAR 6.303-1(d)); and

(4) Shall include only those supply or service components that are and will remain sole source or limited source for the period covered by the justification.

5306.303-1-90 Bridge Actions for Service Contracts Only

(a) All service contract actions that meet the definition of a bridge action at DAFFARS 5302.101 require a written, approved justification document in accordance with DAFFARS 5306.304 Approval of the Justification. All bridge action J&As shall be identified as a "bridge action J&A" as indicated in the respective justification templates. Upon award of any bridge action, Contracting Officers shall enter the action into the DAF Bridge Action Reporting Tool (BART). Competition Advocates for each procuring activity shall ensure all bridge actions are included in the tool on a quarterly basis.

(b) Notifications required by DoDI 5000.74, *Defense Acquisition of Services ;* provide a copy of the approved justification and email transmission of the required notification to the Competition and Commercial Advocate (CCA)..

(1) Upon the first use of a bridge contract to provide for continuation of a service to be performed through a services contract, due to inadequate planning as determined by the S-CAT decision authority, the requirements owner, along with the contracting officer or a designee of the contracting officer for the contract, will:

(i) For a services contract in an amount less than $10 million, provide an update on the status of the bridge contract (including the rationale for using the bridge contract) to the requiring activity's PEO, Flag Officer, or civilian equivalent, as applicable; or

(ii) For a services contract in an amount equal to or greater than $10 million, provide an update on the status of the bridge contract (including the rationale for using the bridge contract) to the cognizant Service Acquisition Executive (SAE).

(2) Upon the second use of a bridge contract to provide for continuation of a service to be performed through a services contract in an amount less than $10 million, due to inadequate planning as determined by the S-CAT decision authority, the commander or senior civilian official referred to in Paragraph (b)(1)(i) will provide notification of such use to the Vice Chief of Staff of the DAF and the cognizant SAE.

5306.303-2 Content

(a) Contracting officers may use the Justification and Approval template.

5306.304 Approval of the Justification

(a) Dollar thresholds and approvals levels are reflected in Table 1. For justification values > $15M ≤ $100M, the approval authority is:

(1) The Program Executive Officer (PEO) (including AFPEO/CM) for programs within the PEOs portfolio and the PEO is a General Officer (GO) or civilian member of the Senior Executive Service (SES);

(2) The Senior Contracting Officer (SCO) if they are a GO/SES; or

(3) The Commander or Director for the locations listed in 5306.501(a)(1) and (2), when the PEO or SCO is not a GO/SES.

Justification Value	Approval Authority	Delegability
≤ $750K	Chief of the Contracting Office	Delegable to contracting officer, consistent with warrant level
> $750K ≤ $15M	Procuring Activity Competition and Commercial Advocate (CAA)	Not further delegable
> $15M ≤ $100M	PEO or SCO if GO or civilian SES; otherwise, Head of Procuring Activity	Delegable to GO or SES
> $100M	SAF/AQ or SAF/SQ	Not further delegable

(4) J&As for actions exceeding $100M must be coordinated with the PEO/Head of Procuring Activity and the cognizant HCA prior to SAF/AQ or SAF/SQ approval (See MP5301.601(a)(i) for staffing and coordination instructions).

(i) Changes recommended during the staffing process for SPE approval must be adjudicated by the contracting officer in coordination with the cognizant HCA prior to submitting the J&A to the SPE for approval.

(ii) The SCO may authorize solicitation release after the justification is reviewed for adequacy and forwarded to the cognizant HCA for coordination to SAF/AQ or SAF/SQ for approval.

(iii) To support J&A coordination and staffing when SAF/AQ is the approval authority, contracting officers are encouraged to obtain DAF IP Cadre's (SAF/AQCC) feedback on draft J&A before submission for SAF/AQ approval. Request DAF IP Cadre input by completing the Cadre Support Request Intake Form and submit to the DAF IP Cadre Workflow

(e) Changes After J&A Approval: Regardless of dollar value, if a proposed change is for a new work outside the scope of the original J&A, submit a new J&A to the appropriate approving official based on the value of the new work. New work should not commence until the J&A is approved unless

authorized in accordance with FAR 6.302-2, Unusual and Compelling Urgency.

(1) Before contract award, if the dollar value is expected to exceed the authority of the original J&A approving official, submit an amended J&A to the appropriate approving official. Clearly identify the dollar increase from the approved J&A.

(2) After contract award, if the dollar value of an in-scope change exceeds the authority of the original J&A approving official, submit an amended J&A to the appropriate approving official. Clearly identify the dollar increase from the approved J&A.

(3) A new or amended J&A is not require for an increase in the estimated dollar value of in-scope work that does not exceed the authority of the original J&A approving official.