

6.305 Availability of the justification.

(a) The agency *shall* make publicly available the justification required by 6.303-1 as required by 10 U.S.C. 3204(f) and 41 U.S.C. 3304(f). Except for the circumstances in paragraphs (b) and (c) of this section, the justification *shall* be made publicly available within 14 days after contract award.

(b) In the case of a contract award permitted under 6.302-2, the justification *shall* be posted within 30 days after contract award.

(c) In the case of a brand name justification under 6.302-1(c), the justification *shall* be posted with the *solicitation* (see 5.102(a)(6)).

(d) The justifications *shall* be made publicly available-

(1) At the Government Point of Entry (GPE) <https://www.sam.gov>.

(2) On the website of the agency, which *may* provide access to the justifications by linking to the GPE; and

(3) *Must* remain posted for a minimum of 30 days.

(e) *Contracting officers shall* carefully screen all justifications for contractor proprietary data and remove all such data, and such references and citations as are necessary to protect the proprietary data, before making the justifications available for public *inspection*. *Contracting officers shall* also be guided by the exemptions to disclosure of information contained in the Freedom of Information Act (5 U.S.C. 552) and the prohibitions against disclosure in 24.202 in determining whether the justification, or portions of it, are exempt from posting. Although the submitter notice process set out in EO 12600, entitled "Predisclosure Notification Procedures for Confidential Commercial Information," does not apply, if the justification appears to contain proprietary data, the *contracting officer should* provide the contractor that submitted the information an opportunity to review the justification for proprietary data, before making the justification available for public *inspection*, redacted as necessary. This process *must* not prevent or delay the posting of the justification in accordance with the timeframes required in paragraphs (a) through (c).

(f) The requirements of paragraphs (a) through (d) do not apply if posting the justification would disclose the *executive agency's* needs and disclosure of such needs would compromise national security or create other security risks.

Parent topic: Subpart 6.3 - Other Than Full and Open Competition