Subpart 5606.3 - OTHER THAN FULL AND OPEN COMPETITION

Parent topic: Part 5606 - COMPETITION REQUIREMENTS

5606.302-1 Only One Responsible Source

(Revised June 2023)

(a) A RFI or sources sought is separate from the presolicitation notice required by FAR Subpart 5.2. The request for information (RFI) or sources sought notice must be accomplished during market research and documented in the J&A. See DCG for J&A template.

(b) Contracting Officers must reply in writing to each company who responded to a RFI or sources sought with a technical evaluation. Email(s) or letter(s) will be documented in the contract file and summarized in any resultant J&A. A letter template is available in the DCG.

5606.303 Justifications

5606.303-90 Policy.

(Revised June 2023)

(a) When multiple sources are included in a class Justification and Approval (J&A) request, each source specified must be fully justified in accordance with FAR 6.303-2.

(b) Only one of the statutory authorities provided by 10 U.S.C. 3204 will be cited in Paragraph 4 of the J&A. If another statutory authority applies that will strengthen the justification for other than full and open competition, it may be cited in Section 8 of the J&A.

(c) A full scale J&A is not required for solicitations issued in accordance with FAR Part 13, however the justification must be documented in the contract file.

(d) Follow the "Justification and Approvals (J&As) and Exception to Fair Opportunity" review and approval thresholds found in 5601-1

(e) See the DCG for the responsibilities for recording and tracking J&As and Bridge Actions.

The J&A template can be found in the DCG. All elements found in the template are mandatory and must be completed. If the template is not used, all mandatory elements must be included in the document submitted.

5606.303-90.1 Amended J&A (Changes/Increases/Decreases).

(Revised June 2023)

(a) An amendment to a J&A must utilize the J&A Amendment Template. No Change," "Added," "Deleted," or "Changed" should begin the description in each section. Multiple amendments should be numbered sequentially (01, 02, 03, etc.). The Contracting Officer shall submit a copy of the basic J&A along with the amended J&A to the appropriate approval level(s) as listed in Attachment 5601-1. A conformed copy of the J&A is required with any amendment beyond Amendment 01 during the approval process and must be filed with the Amendment in the contract file.

(b) The Contracting Officer must amend the J&A and obtain approval(s) at the required level(s) (Attachment 5601-1) prior to executing the award or modification if any of the following situations occur:

(1) An increase resulting from an out-of-scope determination that was not originally contemplated in the J&A (Note: If the RAO or KO need flexibility to approve an increase in quantity or contract ceiling without the requirement to amend the approved J&A, the specific flexibilities desired (i.e. 20% variation) must be addressed in the original J&A).

(2) If a negotiated price increase causes the ceiling of the contact to rise, the approval level for the amendment is based on 5601-1 regardless of who signed previous versions of the J&A.

(3) There is a change in the competitive strategy that would further reduce competition (Note: The KO shall jointly determine the impact of changes to the acquisition strategy with the contract attorney to ensure the change does not restrict competition or require a change to the justification).

(4) There is a modification to the requirement that changes the basis for the justification. If the modified requirement is outside the scope of the original J&A, the contracting officer must submit an amended J&A to the appropriate approving authority. The contracting action cannot be awarded until the amended J&A is approved.

(c) If the statutory authority for other than full and open competition is no longer applicable, or a different statutory authority now applies, a new J&A must be completed. The new J&A must reference original J&A in the "J&A No." block. The original J&A must be included in the approval staffing package.

5606.305 Availability of the Justification.

5606.305-90 Public Disclosure of J&A Documents for Noncompetitive Contracts.

(Revised June 2023)

In accordance with FAR 6.305, contracting officers are required to post J&As for noncompetitive contracts to the Contract Opportunities in SAM.gov.

(c) Contracting officers must ensure that an adequate Operational Security (OPSEC) review was conducted prior to posting. A copy of the OPSEC review results must be in the contract file.

(d) Follow the procedures in the DCG for posting J&As to SAM.gov.

5606.305-91 Competitive Procurements Receiving Only One Offer.

(Revised August 2015)

Follow the procedures at DFARS 215.371 for guidance on competitive procurements receiving only one offer. If the requirement cannot be complied with, the Waiver for Competitive Solicitation Re-Advertisement or Cost-Price Negotiations must be signed by the contracting officer, the program manager, and approved by the HCA or HCA designee. Waiver authority cannot be delegated below one level above the contracting officer.