PART 1406 - COMPETITION REQUIREMENTS

Authority: Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); and 5 U.S.C. 301.

Source: 75 FR 19829, Apr. 15, 2010, unless otherwise noted.

Subpart 1406.2 - Full and Open Competition After Exclusion of Sources

1406.202 Establishing or maintaining alternative sources.

Subpart 1406.3 - Other Than Full and Open Competition

1406.302 Circumstances permitting other than full and open competition.

1406.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.

1406.302-7 Public interest.

1406.303 Justifications.

1406.303-70 Additional requirements.

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1406.502 Duties and responsibilities.

Parent topic: SUBCHAPTER B - COMPETITION AND ACQUISITION PLANNING

Subpart 1406.2 - Full and Open Competition After Exclusion of Sources

1406.202 Establishing or maintaining alternative sources.

HCAs are authorized to approve the determinations and findings (D&Fs) to establish or maintain an alternative source or sources for supplies or services.

Subpart 1406.3 - Other Than Full and Open Competition

1406.302 Circumstances permitting other than full and open competition.

1406.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.

For contracts that will be awarded using this authority, the notices required by FAR 5.201 shall have been published and any bids, proposals, quotations, or capability statements must have been considered.

1406.302-7 Public interest.

The CO shall prepare the D&F and complete the justification to support use of public interest authority for other than full and open competition and submit it through the HCA to the Director, PAM, for further action.

1406.303 Justifications.

1406.303-70 Additional requirements.

(a) If other than full and open competition is recommended by the office initiating an acquisition requirement, the recommendation shall:

(1) Be in writing;

(2) Accompany the requisition;

(3) Contain the information required by FAR 6.303-2; and

(4) Request the CO to conduct a market survey by issuing a synopsis of the proposed contract action (see 1405.207). The initiating office shall evaluate and document all responses to the notice. The CO shall prepare the D&F that only one source can meet the Government's needs based on the evaluation results. The evaluation results shall be included in the justification as required by FAR 6.303-2(a)(8) if it is determined that only one source can meet the Government's needs.

(b) The procedure in paragraph (a) of this section is not required for proposed contract actions to be awarded under the authority in FAR 6.302-2 when the CO determines that preparation and approval of the justification would unreasonably delay the acquisition. Under these circumstances, a justification may be prepared and approved after award in accordance with FAR 6.303-1(d).

1406.304 Approval of the justification.

A class justification shall be approved in accordance with bureau procedures. Copies of approved class justifications shall be promptly transmitted to PAM.

Subpart 1406.5 - Competition Advocates

1406.501 Requirement.

(a) The competition advocate for DOI is located within PAM's staff. Applicable correspondence should be addressed to PAM, Attention: Competition Advocate.

(b) Competition Advocates for each bureau and office shall be as designated by the CAO-AS/PMB.

1406.502 Duties and responsibilities.

PAM is responsible for preparing and submitting the annual report required by FAR 6.502(b)(2). Bureau Competition Advocates shall furnish certain information, as may be required, to assist PAM in preparing the report.