PGI 206.3 - OTHER THAN FULL AND OPEN COMPETITION

Parent topic: PGI Part 206 - COMPETITION REQUIREMENTS

PGI 206.302 Circumstances permitting other than full and open competition.

PGI 206.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.

(d) *Limitations.* When utilizing the authority at FAR 6.302-1, the contracting officer shall post a request for information or a sources sought notice, and shall include the results of this inquiry in the justification required by FAR 6.303. This requirement to post may be waived by the Head of the Contracting Activity, or designee. The waiver authority may not be delegated lower than a general or flag officer or a member of the Senior Executive Service.

PGI 206.302-2 Unusual and compelling urgency.

(b) *Application*. The circumstances under which use of this authority may be appropriate include, but are not limited to, the following:

(i) Supplies, services, or construction needed at once because of fire, flood, explosion, or other disaster.

(ii) Essential equipment or repair needed at once to—

(A) Comply with orders for a ship;

(B) Perform the operational mission of an aircraft; or

(C) Preclude impairment of launch capabilities or mission performance of missiles or missile support equipment.

(iii) Construction needed at once to preserve a structure or its contents from damage.

(iv) Purchase requests citing an issue priority designator under DoD Manual 4140.01, Volume 5, DoD Supply Chain Materiel Management Procedures: Delivery of Material, of 4 or higher, or citing “Electronic Warfare QRC Priority.”

PGI 206.303 Justifications.

PGI 206.303-2 Content.

(b)(i) Justifications citing the authority at FAR 6.302-1 to permit the use of other than full and open competition, shall—

(A) Include the results of the request for information or sources sought notice posted in accordance with PGI 206.302-1 (unless the requirement to post has been waived); and

(B) For non-competitive follow-on acquisitions of supplies or services previously awarded on a non-competitive basis, include a copy of the previous justification to assist the approval authority in determining whether the planned actions to remove any barriers to competition cited on the previous justification were completed.

PGI 206.304 Approval of the justification.

(a)(S-70) For a non-competitive follow-on to a previous award for the same supply or service supported by a justification for other than full and open competition citing the authority at FAR 6.302-1—

(i) The justification shall include a copy of the previous justification to assist the approval authority in determining whether the planned actions to remove any barriers to competition cited on the previous justification were completed; and

(ii) The approval authority shall determine whether the planned actions were completed. If the actions were not completed, the justification for the follow-on acquisition shall be approved by the approval authority one-level above the approval authority for the previous justification (see FAR 6.304). If the previous justification was approved by the Senior Procurement Executive (SPE), the approval remains at the SPE level.

PGI 206.305 Availability of the justification.

See OUSD(A&S) DPAP memorandum, “Noncompetitive Contracts Awarded Based on Urgency,” dated April 13, 2015, for further guidance on the justification and approval documents required for contracts awarded using the unusual and compelling urgency exception.