6.302-2 Unusual and compelling urgency.

(a) Authority.

(1) Citations: 10 U.S.C. 3204(a)(2) or 41 U.S.C. 3304(a)(2).

(2) When the agency's need for the *supplies* or services is of such an unusual and compelling urgency that the Government would be seriously injured unless the agency is permitted to limit the number of sources from which it solicits bids or proposals, *full and open competition* need not be provided for.

(b) *Application*. This authority applies in those situations where-

(1) An unusual and compelling urgency precludes *full and open competition;* and

(2) Delay in award of a contract would result in serious injury, financial or other, to the Government.

(c) Limitations.

(1) Contracts awarded using this authority *shall* be supported by the written justifications and approvals described in 6.303 and 6.304. These justifications *may* be made and approved after contract award when preparation and approval prior to award would unreasonably delay the *acquisition*.

(2) This statutory authority requires that agencies *shall* request *offers* from as many potential sources as is practicable under the circumstances.

(d) Period of Performance.

(1) The total period of performance of a contract awarded or modified using this authority-

(i) *May* not exceed the time necessary-

(A) To meet the unusual and compelling requirements of the work to be performed under the contract; and

(B) For the agency to enter into another contract for the required goods and services through the use of competitive procedures; and

(ii) *May* not exceed one year, including all *options*, unless the *head of the agency* determines that exceptional circumstances apply. This determination *must* be documented in the contract file.

(2)

(i) Any subsequent modification using this authority, which will extend the period of performance beyond one year under this same authority, requires a separate determination. This determination is only required if the cumulative period of performance using this authority exceeds one year. This requirement does not apply to the exercise of *options* previously addressed in the determination

required at paragraph (d)(1)(ii) of this section.

(ii) The determination *shall* be approved at the same level as the level to which the *agency head* authority in paragraph (d)(1)(ii)of this section is delegated.

(3) The requirements in paragraphs (d)(1) and (2) of this section *shall* apply to any contract in an amount greater than the *simplified acquisition threshold*.

(4) The determination of exceptional circumstances is in addition to the approval of the justification in 6.304.

(5) The determination *may* be made after contract award when making the determination prior to award would unreasonably delay the *acquisition*.

Parent topic: 6.302 Circumstances permitting other than full and open competition.