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PART 606 - COMPETITION REQUIREMENTS

Subpart 606.2 - Full and Open Competition After Exclusion of Sources

606.202 Establishing or maintaining alternative sources.

The Procurement Executive is the agency head for the purposes of [FAR 6.202](#).

Subpart 606.3 - Other Than Full and Open Competition

606.302 Circumstances permitting other than full and open competition.

606.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.

(b)(4) The Procurement Executive is the agency head for the purposes of [FAR 6.302-1](#)(b)(4).

606.302-4 International agreement.

(b)(2) In accordance with [FAR 6.302-4](#), guard services shall be acquired from the host government only when it is the sole available source.

606.302-6 National security.

(b) This subsection applies to all acquisitions involving national security information, regardless of dollar amount. In no case shall information be classified in order to restrict competition. Information may be classified only when its authorized disclosure could be expected to cause damage to national security.

(c)(1) The Chief, Controls Division, Office of Intelligence Liaison, Directorate for Coordination, Bureau of Intelligence and Research is responsible for reviewing and certifying on any proposed acquisitions derived from or funded or administered by intelligence community agencies that involve sensitive compartmented information and ensuring that the provisions of Executive Order 13526 and [FAR 6.302-6](#) have been met. The Office Director, Office of Information Security, Security Infrastructure Directorate, Bureau of Diplomatic Security (DS/SI/IS), is responsible for reviewing and certifying on all other proposed acquisitions funded by the Department of State that involve national security information and ensuring that the provisions of Executive Order 13526 and [FAR 6.302-6](#) have been met. When disclosure of the Department's needs through full and open competition would compromise national security, the Justification for Other than Full and Open Competition shall include the following specific information:

(i) How national security would be compromised if the Department of State's (or other agencies') needs were disclosed in the GPE;

(ii) Why the GPE notice cannot be worded in such a manner that national security would not be compromised;

(iii) Necessity for access to classified information to prepare technical and/or cost proposal and level of security clearance required;

(iv) Necessity for access to classified information to perform the proposed contract and level of security clearance required;

(v) Number and value of contracts that the justification covers; and

(vi) A statement as follows: "I hereby certify that the national security concerns of the referenced acquisition(s) meet the criteria set forth in Executive Order 12958 and [FAR 6.302-6](#)."

(2) Any acquisition involving national security information shall be publicized in the GPE unless disclosure of the agency's needs would compromise national security.

(3) The contracting officer is responsible for soliciting offers from as many potential sources as is practicable under the circumstances. However, given the sensitivity required for acquisitions involving national security information, it is expected that requirements offices will work closely with the contracting officer in maximizing competition.

606.302-7 Public interest.

The authority to approve the determination prescribed in [FAR 6.302-7\(c\)](#) is reserved to the Secretary of State.

606.303 Justifications.

606.303-1 Requirements.

Justifications for contract actions prescribed in [FAR 6.303-1\(d\)](#) shall be forwarded by the contracting officer to A/OPE for transmittal to the Office of the United States Trade Representative.

606.303-2 Content.

(a) All justifications shall address the requirements of [FAR 6.303-2](#). A sample Justification for Other than Full and Open Competition for acquisitions by both overseas posts and domestic contracting activities is available on the A/OPE Intranet web site. Use of the format for overseas posts is mandatory; domestic contracting activities may develop their own format based on the sample. In addition, sample formats are provided for posts to justify motor vehicle and household appliance purchases made in accordance with the Department's standardization program (see [606.370\(b\)](#)). All applicable approvals are as indicated on the formats. The justification must be completed and signed by the appropriate individuals.

(b)(9) All justifications for acquisitions exceeding \$5 million shall include a copy of the acquisition plan, as required by [607.103\(d\)](#).

606.304 Approval of the justification.

(a)(2) The approval authority for a proposed contract within the dollar range set forth in FAR 6.304(a)(2) for domestic contracting activities that do not have an advocate for competition is the Departmental Advocate for Competition.

606.304-70 Acquisitions by overseas posts.

The Departmental Advocate for Competition is the approval authority for the purposes of [FAR 6.304\(a\)\(3\)](#). This authority is not redelegable. Any such justification must be transmitted through the

Principal Officer at the overseas post.

606.370 Department of State standardization program.

(a) It is the Department's policy to promote full and open competition in all procurement actions. The authority at 41 U.S.C. 3304(a)(1) shall be used with respect to standardization when only specified makes and models of equipment will satisfy the Department's needs and only one source is available. This policy applies to all acquisitions involving standardization, regardless of dollar amount.

(b) Contracts awarded under the authority at 41 U.S.C. 3304(a) (1) shall be supported by the written justification described in [FAR 6.303](#). The contracting officer, requirements office, procuring activity advocate for competition, and the Procurement Executive shall approve all Justifications for Other than Full and Open Competition that cite standardization of technical equipment as justification to restrict competition. The Management Officer at each post is the procuring activity advocate for competition for that post and the requirements office at post is the embassy functional office responsible for identifying the need to contract.

(c) Procurement of specified makes and models of technical equipment and systems is considered other than full and open competition. Such procurements shall be supported by an approved Justification for Other than Full and Open Competition. The justification shall include the content requirements of [FAR 6.303-2](#) and DOSAR [606.303-2](#). The justification shall also address potential cost savings in areas such as inventory, operations, training, maintenance, repairs, and administrative and management support. Areas of consideration for potential cost savings shall be supported by detailed estimates as attachments to the justification. Justifications shall specify an effective period, which shall bear a reasonable relationship to the life of the technical equipment. The effective period shall not exceed six years with a review at the end of the first three years. Periodic reviews shall be made during the standardization period to determine whether the standardization should be continued, revised or canceled.

(d) Before approving the standardization, the Procurement Executive shall consider:

(1) The feasibility, from an economic and timely deployment standpoint, of distributing or redistributing, on a selected geographic basis, the equipment and parts already in the supply system;

(2) The practicality or economy of using or developing an agency design that would permit standardization of components and parts;

(3) The practicality of interchanging parts and cannibalizing equipment;

(4) Whether future acquisitions of the selected item of equipment can be effected at reasonable prices;

(5) Whether standardization will appreciably reduce the variety and quantity of parts that must be carried in stock;

(6) Whether standardization will render obsolete large dollar value inventories of equipment and supporting parts already in the supply system, without compensating benefits;

(7) Whether standardization will enhance agency mission capability;

(8) Possible savings in training personnel or in acquiring technical literature;

(9) Whether the standardization will adversely affect existing specifications and standards;

(10) The degree to which the current design of the specified make and model has been changed from the design of the equipment in the supply system; and

(11) In cases where DOS mission capability is not overriding, whether the benefits and/or cost savings anticipated from standardization will equal or exceed those to be expected from competition.

(e) *Competition considerations* . (1) Equipment shall be chosen from items under GSA (or other contracting activities') indefinite delivery contracts whenever such items will fulfill the Department's requirements.

(2) Whenever practicable, a one-time or multi-year buy of equipment shall be made or priced options shall be placed in the initial contract to procure the remaining requirements.

(3) Consideration shall be given to the development of standardized specifications to expand competition.

(4) The requirement to standardize may exist, which for reasons of compatibility and interchangeability, equipment is required that is only manufactured by one source. This criterion is for use in acquisitions where a particular brand name item is required and an "or equal" will not meet the Government's requirements. Standardization may not be used when there are other manufacturers available who may be able to produce acceptable items even though their products might require some adjustments and modifications. The other manufacturers shall be given the opportunity to compete.

(5) Unless a Justification for Other than Full and Open Competition has been approved by the Procurement Executive citing standardization as justification to restrict competition, contract specifications shall not name a particular product of one manufacturer, or a limited number of manufacturers, unless the specification describes the essential features of the Department's requirements (salient characteristics) so that all potential offerors may know what is acceptable.

(6) Each standardization is a factual determination taking into account the requirements of the

agency locations covered, and the availability or suitability of alternatives. For example, standardization on a particular model of automobile at a diplomatic post where automotive repairs are limited and repair parts are difficult to obtain would generally be non-controversial and reasonable, while a similar standardization at another post might be indefensible. Administrative convenience in dealing with a single vendor is not a sufficient basis for standardization, nor is satisfaction with an incumbent's supplies or services. Standardization programs shall be limited to those necessary to meet the minimum requirements of the Department and shall not be used to circumvent the general requirement for full and open competition.

(7) Acquisitions using standardization as justification for other than full and open competition shall be publicized in the GPE pursuant to [FAR 6.302-1\(c\)\(2\)](#).

(f) *Exceptions* . Posts may not establish a formal standardization on foreign vehicles. However, authorization may be granted to purchase foreign vehicles on a case-by-case basis. For approval, a cost benefit analysis must be submitted to A/LM that identifies the cost savings of a foreign vehicle over an American vehicle.

Subpart 606.5 - Advocates for Competition

606.501 Requirement.

(a) The Procurement Executive is the head of the agency for the purposes of [FAR 6.501](#) and designates the Departmental Advocate for Competition.

(b) A contracting activity advocate for competition has been designated for A/LM/AQM. A/LM/AQM's advocate for competition is also designated the contracting activity advocate for competition for the Regional Procurement Support Offices. The Departmental Advocate for Competition is the activity advocate for competition for all other domestic contracting activities.

606.501-70 Overseas posts.

The Management Officer at each overseas post is the advocate for competition for that post.

606.570 Solicitation provision.

The contracting officer shall insert the provision at [652.206-70](#), Advocate for Competition/Ombudsman, in all solicitations exceeding the simplified acquisition threshold.