Part 5306 - Competition Requirements

AFFARS PART 5306 Knowledge Center

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Subpart 5306.2 - FULL AND OPEN COMPETITION AFTER EXCLUSION OF SOURCES

5306.202 Establishing or Maintaining Alternative Sources

(b)(1) The Life Cycle Sustainment Plan (LCSP)/Acquisition Strategy approval authority is authorized to sign and approve the Determination and Findings (D&F) required by FAR 6.202(b)(1).

Subpart 5306.3 - OTHER THAN FULL AND OPEN
COMPETITION

5306.302-1 Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements


(d) See MP5301.601 (a)(i) Head of the Contracting Activity (HCA) Matrix.

5306.302-2 Unusual and Compelling Urgency

(c)(1) Contracting officers must notify SAF/AQC and their SCO as soon as practicable when contemplating the use of this authority for a J&A requiring Senior Procurement Executive (SPE) approval.

(d)(1)(ii) The authority to make this determination for the Air Force is the SCO or the J&A approval authority, whichever is higher. This authority may not be further delegated.

5306.302-4 International Agreement

(c) Limitations. An International Agreement Competitive Restrictions (IACR) must be used when the terms of the document referred to in DFARS 206.302-4(c) have the effect of requiring the use of other than competitive procedures, even if the agreement, treaty, or written direction does not specifically name a particular source or sources. The contracting officer is authorized to prepare the IACR (see MP5301.601 (a)(i) Head of the Contracting Activity (HCA) Matrix). The contracting officer must include the IACR and a copy of the associated Letter of Offer and Acceptance, once completed, in the contract file.

5306.303-1 Requirements

(a) Solicitations for other than full and open competition may be released prior to justification approval, except see FAR 6.305(c) and the asterisked paragraph below the table at 5306.304 Approval of the Justification.

5306.303-1-90 Bridge Actions for Service Contracts Only (See DoDI 5000.74)

(a) All service contract actions that meet the definition of a bridge action at 5302.101 Definitions require a written, approved J&A document in accordance with 5306.304 Approval of the Justification. All bridge action J&As shall be identified as a “bridge action J&A” as indicated in the J&A Template. A modification for the extension of services, executed in accordance with FAR clause 52.217-8, Option to Extend Services, is not considered a bridge action unless or until the total six month extension period allowed by the clause is exceeded.
(b) Upon the first use of a bridge contract to provide for continuation of a service to be performed through a services contract, due to inadequate planning as determined by the S-CAT decision authority, the requirements owner, along with the contracting officer or a designee of the contracting officer for the contract, will: (1) For a services contract in an amount less than $10 million, provide an update on the status of the bridge contract (including the rationale for using the bridge contract) to the requiring activity’s PEO, Flag Officer, or civilian equivalent, as applicable; or (2) For a services contract in an amount equal to or greater than $10 million, provide an update on the status of the bridge contract (including the rationale for using the bridge contract) to the Senior Procurement Executive.

Contracting officers shall forward a copy of the signed J&A and transmittal document or email to the competition advocate.

(c) Upon the second use of a bridge contract to provide for continuation of a service to be performed through a services contract in an amount less than $10 million, due to inadequate planning as determined by the S-CAT decision authority, the commander or senior civilian official referred to in Paragraph (b)(1) will provide notification of such use to the Vice Chief of Staff of the Air Force and the SPE.

5306.303-2 Content

(a) Contracting officers may use the Justification and Approval template.

5306.304 Approval of the Justification

(a)  

<table>
<thead>
<tr>
<th>Justification Value</th>
<th>Approval Authority</th>
<th>Delegability</th>
</tr>
</thead>
<tbody>
<tr>
<td>≤ $750K</td>
<td>Chief of the Contracting Office</td>
<td>Delegable to contracting officer, consistent with warrant level</td>
</tr>
<tr>
<td>&gt; $750K ≤ $15M</td>
<td>Procuring Activity Competition and Commercial Advocate</td>
<td>Not further delegable</td>
</tr>
<tr>
<td>&gt; $15M ≤ $100M</td>
<td>PEO / Head of Procuring Activity*</td>
<td>Delegable to Flag/General Officer or civilian SES</td>
</tr>
<tr>
<td>&gt; $100M**</td>
<td>Senior Procurement Executive</td>
<td>Not further delegable</td>
</tr>
</tbody>
</table>

* For the Air Force, in accordance with FAR 2.101, procuring activity is synonymous with contracting activity.

**J&As for actions exceeding $100M must be coordinated with the DAS(C) or the ADAS(C) and
approved by the SPE. The contracting officer must submit justifications requiring approval by the SPE simultaneously to SAF/AQ and to SAF/AQC after coordination by the SCO. Allow 18 days for staffing and SPE approval after receipt by SAF/AQ. J&A packages submitted to SAF/AQ shall include an electronic Staff Summary Sheet (eSSS) in the body of the email or as an attachment (Word document only). Include the approved acquisition strategy (or a draft acquisition strategy if the strategy document has not been approved) with the J&A package, and list each attachment under “Tabs” on the eSSS using the exact electronic file name (e.g., ACE Acquisition Strategy) of the corresponding attachment. The SCO may authorize solicitation release after the justification is reviewed for adequacy and forwarded to SAF/AQ and SAF/AQC. Submit questions or concerns regarding processing a J&A for SPE approval to SAF/AQC.

(4) Changes recommended during the staffing process must be adjudicated by the contracting officer in coordination with SAF/AQC prior to submitting the J&A to the SPE for approval.

(e) Prior to contract award: After a J&A has been approved, but prior to contract award, if new work is to be added or the dollar value of the contract is expected to exceed the original J&A approval authority, the contracting officer must submit an amended J&A to the appropriate approving authority for approval. The amended J&A must identify the new work and/or dollar increase from the initial, approved J&A.

(f) After contract award: When a proposed modification is for new work outside the scope of the original contract, the contracting officer must submit a new J&A as a stand-alone document to the appropriate approving authority based on the dollar value of the contract action for the new work. New work should not commence until the new J&A is approved unless authorized in accordance with FAR 6.302-2, Unusual and Compelling Urgency. See 5343.102-90 Contract Scope Considerations regarding contract scope considerations.

(g) A new J&A is not required for:

(1) a modification to decrease the dollar value or scope of the effort; or

(2) a modification to increase the estimated dollar value of in-scope work.

Subpart 5306.5 - COMPETITION ADVOCATES

5306.501 Requirement

(a) The DAS(C) is the designated Air Force Competition Advocate General (CAG). The following organizations are designated as Air Force procuring activities:

Air Combat Command (ACC)

Air Education and Training Command (AETC)

Air Force Global Strike Command (AFGSC)

Air Mobility Command (AMC)

Air Force Materiel Command (AFMC)
(b) The procuring activities listed above are authorized to further designate subordinate organizations as procuring activities subject to the requirements of FAR 6.501 and MP5306.502 Air Force Competition and Commercial Advocacy Program, Air Force Competition and Commercial Advocacy Program.

5306.502 Duties and Responsibilities