



NNSA Policy Letter: BOP-003.0402

Date: June 10, 2004

**TITLE: Competition in Contracting**

I. **OBJECTIVE:** The objective of this Policy Letter is:

To continue the long established DOE policy of competition in contracting.

II. **BACKGROUND:**

The Administrator of NNSA recently wrote to senior staff concerning directed subcontracts. In his memo he noted that directing our prime contractors, especially our Management and Operating (M&O) contractors, to award subcontracts to specific companies to perform specific work has long been, and continues to be, unacceptable unless a formal justification for other than full and open competition (JOFOC) is prepared and approved. It is equally unacceptable to use M&O contractors as purchasing agents to satisfy direct Federal needs e.g., having an M&O contractor buy computer equipment for Federal employee use.

More than 15 years ago DOE memorialized this policy in DOE Order 4200.1C. Ten years later, in DOE Order 542.1, DOE reemphasized this policy by requiring that "all work assignments to a laboratory or other contractor where the DOE requires performance by a specific subcontractor(s) must be supported by a JOFOC as if the work were being contracted directly by the Department. The justification shall include a determination by the initiating program official that such work is consistent with the contractor's assigned program responsibilities and that the contractor has technical capability to perform the work assigned."

III. **APPLICABILITY:**

All NNSA elements including non-NNSA entities at sites where NNSA is the landlord.

IV. REQUIREMENTS:

- A. Under no circumstances shall NNSA personnel direct work to a particular source through, or accept work from any of NNSA's contractors for the purpose of avoiding the Competition in Contracting Act, or as a means of satisfying a requirement that should be contracted for by the Government.
- B. All work assignments to an M&O or other contractor where NNSA requires performance by a specific subcontractor must be supported by a JOFOC as if the work were being contracted for directly by NNSA.

V. RESPONSIBILITIES:

NNSA Contracting Officers shall ensure that JOFOCs are prepared in accordance with the guidance in FAR Part 6, Competition Requirements, as supplemented in DEAR Part 906, Competition Requirements and the DOE Acquisition Guide Chapter 6. They shall be coordinated and approved as provided for in BOP-003.0304R2, November 7, 2003.

VI. POINT OF CONTACT FOR ADMINISTRATION OF POLICY LETTER:

Deputy Director, Office of Acquisition and Supply Management (NA-63),  
202-586-8559.

BY ORDER OF THE SENIOR PROCUREMENT EXECUTIVE:



*Robert C. Braden*

Robert C. Braden  
Senior Procurement Executive  
National Nuclear Security Administration