

This template is intended to supplement requirements set forth in statute or regulation. In the event of conflict between this format and applicable regulatory coverage, the more stringent requirement will be followed.

This J&A will be used for a proposed sole source acquisition awarded under the Test Program for Commercial Items at FAR 13.5. Justification is also required when the specification restricts competition to a single brand, even if multiple suppliers of that brand can compete (FAR 11.105(a)(2)(ii) and 13.501(a)).

This J&A template is only for use above the simplified acquisition threshold inclusive of options. (See 'simplified acquisition threshold' (SAT) definition in FAR Part 2.) FAR 13.106-1(b) contains the file documentation requirements for sole source acquisitions at or below the SAT.

Tailor the J&A to your procurement action by replacing all blue italicized text.

SOLE SOURCE JUSTIFICATION FOR SIMPLIFIED ACQUISITION UNDER THE TEST PROGRAM FOR COMMERCIAL ITEMS (FAR 13.5)

- 1. Contracting Agency and Activity.** The Department of the Interior, United States Geological Survey, *<enter name of contracting office: Office of Acquisition and Grants or Central, Eastern, or Western Region Acquisition and Grants Branch,>* plans to contract on a sole source basis. This document sets forth the justification and approval as required by FAR 13.501(a)
- 2. Nature of Action Being Approved.** *Identify the nature and/or description of the action being approved (i.e., new contract, modification, follow-on contract, and duration. Identify the name of the proposed awardee.*
- 3. Description of Supplies or Services.** *Provide a description of the supplies or services required to meet the agency's needs. Identify the requiring program office.*
- 4. Estimated Dollar Value.** *State the estimated dollar value of the action being approved including all options.*
- 5. Statutory Authority.** The proposed action may be awarded on a sole source basis under the authority of *<select this authority for actions between the SAT and \$5.5 million>* the test program for commercial items (section 4202 of the Clinger-Cohen Act of 1996) *<or select this authority for awards between \$5.5 million and \$11million made under a Contingency Operations declared by the Secretary of the Interior or designee>* the Services Acquisition Reform Act of 2003 (41 USC 428a). *See FAR 13.500 for more explanation of the two authorities.*

6. Rationale Supporting Use of Citation in No. 5. *Demonstrate that the proposed contractor's unique qualifications, unique product features, or nature of the acquisition requires use of the authority cited.*

a. In supporting the sole source for supplies and equipment, provide a description of unique capabilities of equipment, software and the performance requirement that mandates such a feature.

b. In supporting the sole source for services, describe the unique qualifications, and/or facilities available from only proposed source. It is not sufficient to demonstrate that a firm is exceptionally well qualified, or even the best qualified. The justification must demonstrate that no one else can satisfactorily perform the required service or study.

c. If urgency requirements necessitate that the procurement be sole source, address the following: What are the unexpected facts or the unpredictable events that led to this situation? When is the required delivery or performance start date? Why this date? What specific harm to the Government will occur if the delivery is not made or performance not begun as scheduled. Demonstrate that we are procuring only those items and quantities urgently needed until a competitive procurement action can be developed, or that a separate competitive follow on is not practical. (Note this J&A is not required for urgent Subpart 13.5 procurements which are being competed.)

7. Other Information. *Provide any other facts supporting the justification for a sole source acquisition, such as:*

a. For follow-on acquisitions, provide 1) an estimate of the cost to the Government that would be duplicated and how the estimate was derived, and/or 2) a discussion of unacceptable delays in fulfilling the Government's need that would be incurred if award was made to another source.

b. Discuss how control of secret processes, patent or data rights precludes competition, including the feasibility of purchasing necessary rights to permit development of competitive sources.

c. For a procurement directed under an international agreement, summarize and attach a copy of the treaty or other written agreement from the funding foreign country.

8. The Efforts to Identify Additional Sources Including the Market Research Conducted.

a. State the results of market research. Market research may include reviews of industry publications, commercial directories, Government source lists, contacts with other potential commercial or Governmental customers to identify sources known to them, or other steps taken to identify and encourage potential competitive sources.

b. If market research was not conducted, include the reasons for it not being conducted.

d. Include a statement that the acquisition has been or will be synopsisized in Fedbizopps (FBO) as required by FAR 5.201 along with the date of the FBO notice. If the requirement to publish a synopsis has been or will be waived, include the applicable citation from FAR 5.202.

e. If there were responses to the FBO announcement, discuss the results of any evaluation, correspondence, or conversations with respondents.

9. Future Plans to Permit Competition. *State what actions, if any, the Government can take to remove or overcome barriers to competition before any subsequent acquisition for the required supplies or services, such as:*

a. Using this non-competitive procurement as a bridge to provide time to develop competitive specifications for a future competitive procurement. Include target date for completing the competitive specifications.

b. Developing a plan to breakout of major components or subsystems or economically severable activities, which may be purchased competitively.

If this procurement is expected to be a one-time requirement, include a statement explaining that action to increase future competition is not required because there are no planned acquisitions for or related to this requirement, and none are likely to develop.

10. Recommendation and Certification from Program Office

Based on the above, I recommend this acquisition be conducted on a sole source basis. I certify that technical data which form a basis for this justification that are the responsibility of technical or requirements personnel are complete and accurate.

<Program/Project Officer Name>
<Title>

Signature

Date

11. Certifications from the Contracting Officer:

a. The contracting officer must include a determination that the anticipated cost to the Government will be fair and reasonable with a short statement for the basis of that determination.

b. This justification is accurate and complete to the best of my knowledge and belief.

12. Approvals

<Name>, Contracting Officer

Date

< Delete remainder of format if the action will not exceed \$550,000. Approvals forwarded for Competition Advocate approval must be signed below at a level above the Contracting Officer. >

<Name>, <Title >

Date

Susan McCullough, Bureau Competition Advocate

Date