

**Documentation Requirements for Justifications for other than Full and Open Competition (JOFOCs)**  
**Using the Authority under the Action Memorandum entitled:**

**“Expedited Acquisition and Assistance Procedures for Activities and Programs Related to USAID’s Avian Influenza Pandemic Emergency Preparedness and Response Efforts: Extension of Three Waivers,” (the Action Memorandum) dated May 3, 2007**

In accordance with the guidance provided in AAPD 06-06 (Rev 2) “Expedited A&A Procedures for activities and Programs Related to USAID’s Avian Influenza Pandemic Emergency Preparedness and Response Efforts”, the CO must generate a JOFOC to document the contract action. The attached template complies with the requirements of FAR §6.303-2, and has been tailored specifically for use when utilizing the authority under the waiver in the Action Memo (Attachment 1 to the AAPD).

*Please note:* COs must clear any JOFOCs with their RLA or GC/A&A in Washington before finalization, in accordance with AAPD 06-06.

## JOFOC Template

### MEMORANDUM

TO: The Contract File

FROM: [Name of USAID Contracting Officer]

DATE: \_\_\_\_\_

SUBJECT: Justification for Other than Full and Open Competition

- a) Nature and/or description of action being approved.
- b) A description of the supplies or services required to meet USAID's needs (including the estimated value).
- c) Identification of statutory authority permitting other than full and open competition:

AIDAR 706.302-70 and 40 U.S.C. §113; See Action Memorandum entitled "Expedited Acquisition and Assistance Procedures for Activities and Programs Related to USAID's Avian Influenza Pandemic Emergency Preparedness and Response Efforts: Extension of Three Waivers dated May 3, 2007 (attached).

*Guidance: The CO must also attach the action memorandum to the JOFOC for the contract file.*

- d) A discussion of the proposed contractor's unique qualifications or the nature of the acquisition that requires use of the authority cited.

*Discussion must include relevance to USAID's Avian Influenza pandemic emergency preparedness and response efforts to support use of the referenced Action Memorandum and the foreign impairment authority to award on an other than full and open competition basis.*

- e) A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.

*If a notice is not publicized, insert the following here:*

This procurement has not been advertised in accordance with the determination at AIDAR 705.202(b).

- f) A determination by the Contracting Officer that the anticipated cost to the government will be fair and reasonable.
- g) A description of the market research conducted (see FAR Part 10) and the results or a statement of the reason(s) market research was not conducted.
- h) A listing of the sources, if any, that expressed, in writing, an interest in the acquisition.
- i) A statement of the actions, if any, USAID may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required.
- j.) Certifications:

Technical Officer: Any supporting data that is the responsibility of technical or requirements personnel and which from a basis for the justification have been certified as complete and accurate by the technical or requirements personnel.

The requirement for technical certification of the facts of this Memorandum has been fulfilled through the approval of the Action Memorandum entitled “Expedited Acquisition and Assistance Procedures for Activities and Programs Related to USAID’s Avian Influenza Pandemic Emergency Preparedness and Response Efforts: Extension of Three Waivers dated May 3, 2007 (attached); accordingly, no additional technical certification is required.

Contracting Officer:

I hereby certify that this justification is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Contracting Officer

\_\_\_\_\_  
Date