



MAY 8 2009

MEMORANDUM FOR ALL GSA CONTRACTING ACTIVITIES

FROM:

RODNEY P. LANTIER *Rodney P. Lantier*  
ACTING DEPUTY CHIEF ACQUISITION OFFICER  
AND SENIOR PROCUREMENT EXECUTIVE

SUBJECT:

Posting of Justification and Approval Documents

1. Purpose. To establish agency procedures when a contracting officer is required to post justifications for other than full and open competition in accordance with FAR 6.305.
2. Background. The National Defense Authorization Act for Fiscal Year 2008, Section 844 "Public Disclosure of Justification and Approval Documents for Noncompetitive Contracts" amended 10 U.S.C. 2304 and 41 U.S.C. 253 regarding procurements made under subsection (c) (i.e., other than competitive procedures) to require public availability of the justification and approval documents after contract award except for information exempt from public disclosure under 5 U.S.C. 552. The provisions of Section 844 require the head of an executive agency to make certain justification and approval documents, relating to the use of noncompetitive procedures in contracting, available on the website of the agency and through FedBizOpps within 14 days after contract award. In the case of noncompetitive contracts awarded on the basis of unusual and compelling urgency, the documents must be posted within 30 days of contract award.

The posting requirements were published as an interim rule with request for comments in FAR case 2008-003, dated January 15, 2009 (74 FR 2731).

While Section 844 did not require limited sources justification and approval documents under FAR 8.405-6 to be made publicly available, as a matter of policy, which was coordinated with FAS and PBS, this acquisition letter will apply to such documents. This is a point that should be reflected in GSA's regulatory history, so that, if the question comes up years from now, acquisition officials will know that it was understood that the statute didn't apply; but, under GSA's authority under Title 40 to administer the Schedules program, GSA decided to

apply the requirements of this acquisition letter to justification and approval documents under FAR 8.405-6 to the requirements of this acquisition letter.

Likewise, Section 844 did not require the justification and approval documents under FAR 13.501 to be made publicly available; but, as a matter of policy it was decided to apply such justification and approval documents to the requirements of this acquisition letter.

3. Effective Date. Upon Signature.

4. Termination date: This Acquisition Letter remains in effect until incorporated in the General Services Acquisition Manual (GSAM) or otherwise terminated.

5. Instructions/Procedures. GSAM 505.301 General, is added to read as follows:

- a. Contracting officers shall prepare all justifications and approval (J&A) documents in accordance with FAR 6.303 Justifications, and post the J&A at FedBizOpps (FBO) in accordance with FAR 6.305. This applies to limited source J&As issued under FAR 8.405.6 or sole source justifications in FAR 13.501.
- b. Contracting Officers may use the FBO text search capability to locate the posted documents.
- c. Instructions on how to search for Justification and Approval documents are located at [www.fedbizopps.gov](http://www.fedbizopps.gov) as part of the Frequently Asked Questions (FAQs). The direct link for FAQs is <https://www.fbo.gov/index?static=fags&s=generalinfo&mode=list&tab=list&tabmode=list>
- d. GSA's acquisition.gov website contains a link to the FBO website. A note directs anyone searching for J&As to FBO. This link satisfies the requirement to post J&As on the agency website.

6. Any questions or concerns regarding this Acquisition Letter shall be directed to Ernest Woodson, Procurement Analyst, Office of Contract Policy, Office of the Chief Acquisition Officer at: (202) 501-3775; or email at: [ernest.woodson@gsa.gov](mailto:ernest.woodson@gsa.gov).