

*Figure 1*  
*Part 404, Chapter 3*  
*Justification for Other Than Full and Open Competition*

*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 template will be used (when required) when a proposed contract action will be awarded using one of the authorities at FAR 6.3, permitting Other Than Full and Open Competition and requiring written justification under 6.303. (See paragraphs (c) under sections 6.302-1 through 6.302-7 for the few instances when a J&A is not required.) 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)(i)).*

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

## **JUSTIFICATION AND APPROVAL**

### **Justification for Other Than Full and Open Competition (FAR 6.3)**

- 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 by means other than full and open competition. This document sets forth the justification and approval for use of one of the exceptions to full and open competition allowed under the Competition in Contracting Act (CICA) of 1984.
- 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 and maximum dollar values of the action being approved including all options and ceiling quantities/amounts.*
- 5. Statutory Authority.** *Include cite from CICA and from the Federal Acquisition Regulation (FAR) allowing this action, such as "The proposed action may be awarded without full and open competition under 41 U.S.C. 253(c)(x) <insert number 1 through 6 as applicable> as implemented in FAR 6.302-x <insert number 1 through 6 as applicable>.*
- 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 a sole source or limited sources for supplies and equipment, provide a description of unique capabilities of equipment, software and explain the performance requirement that mandates such a feature.*

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

*c. If Unusual and Compelling Urgency: 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.*

**7. Other Information.** *Provide any other facts supporting the use of other than full and open competition, such as:*

*a. Explanation of why technical data packages, specifications, engineering descriptions, statements of work, or purchase descriptions suitable for competition have not been developed or are not available. (This explanation is not applicable to commercial item procurements)*

*b. For an unsolicited research proposal, provide a finding that the proposal demonstrates a unique or innovative concept, offers a concept or service not otherwise available to the Government, and does not resemble the substance of a pending acquisition.*

*c. 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.*

*d. 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.*

*e. 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.*

*f. For a procurement under a standardization program - NA (DOI has no approved agency standardization programs.)*

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

*a. Describe market research efforts and results. Market research may include reviews of industry web sites and publications, commercial directories, Government source lists; contacts with other potential commercial or Governmental customers to identify sources known to them; review of any previous solicitation and/or awards involving similar requirements, technology or capabilities; and identification of previous respondents or other entities expressing interest in this or previous similar requirements; or other steps taken to identify and encourage potential competitive sources.*

*b. List responses received from market research notices and discuss the results of any evaluation, correspondence, or telephone discussions with respondents. (Telephone inquiries and standard letters requesting the solicitation from firms neither asserting a competitive capability nor questioning a potentially restrictive requirement need not be included.) If the market search is negative, provide a concluding sentence explaining how the market search supports the recommendation that full and open competition cannot be obtained.*

*c. If market research was not conducted, include the reasons why.*

*d. If the procurement will be competed but will only solicit from a limited number of sources, discuss efforts made to ensure that offers are solicited from as many potential sources as practicable.*

*e. Include a statement that the acquisition has been or will be synopsisized in FedBizOpps as required by FAR 5.201 along with the date of the notice(s) published as part of market research (10.002), presolicitation notice (15.404), and/or in fulfillment of FAR 5.201. If the requirement to publish a synopsis has been or will be waived, include the applicable citation from FAR 5.202. Notes: (1) This synopsis requirement cannot be waived for actions citing the authority in FAR 6.302-1. (2) A "special notice" posted for market research or preliminary communications does not satisfy the requirement for the full synopsis of proposed action described in FAR Subpart 5.2.*

**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. In the near future, developing a breakout of major components or subsystems or economically severable activities that may be purchased competitively.*

*c. Development of competitive purchase data (i.e., definitive specifications or drawings), or acquisition of such data as part of the proposed procurement;*

*d. Review and revision of statement of work/specifications to permit responses from a maximum number of sources;*

*e. The feasibility of developing additional competitive sources, such as through use of the authority at FAR 6.202, or by providing government-furnished equipment, materials or software.*

*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 the basis of other than full and open competition. 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>	Signature	Date
<Title>		

**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. Certification must conclude with the following statement:* All of the requirements of the Competition in Contracting Act, (41 U.S.C. 253), as implemented in the Federal and Interior Acquisition Regulations, have been considered in preparing this justification. 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 or higher approval must be signed below at a level above the Contracting Officer. >*

\_\_\_\_\_  
*<Name>, <Title >*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Susan McCullough, Bureau Competition Advocate

\_\_\_\_\_  
Date

*<Delete remainder of format if the action will not exceed \$11,500,000.>*

\_\_\_\_\_  
Karen Baker, Associate Director, Administrative Policy and Services,  
Head of the Procuring Activity

\_\_\_\_\_  
Date

*<Delete remainder of format if the action will not exceed \$57,000,000.>*

\_\_\_\_\_  
Debra Sonderman,  
Director, DOI Office of Acquisition and Property Management  
Senior Procurement Executive

\_\_\_\_\_  
Date