

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 with a proposed FSS order or establishment of a FSS BPA when (1) only one source is considered, (2) fewer than the required number of sources are considered, or (3) the specification requires a particular brand name, product, or feature peculiar to one manufacturer, even if multiple FSS suppliers can provide the brand name item (FAR 8.405-6(a)(2)).

This FSS J&A template was developed to meet the requirements at FAR 8.405-6(b)(2)-(5) for actions above \$100,000. It may also be used to address FSS actions at or below \$100,000.

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

JUSTIFICATION AND APPROVAL

LIMITED SOURCE JUSTIFICATION FOR FEDERAL SUPPLY SCHEDULE (FSS) AWARD (FAR 8.4)

- 1. Contracting Agency and Activity.** The Department of the Interior, United States Geological Survey, *<select one 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 award of a Federal Supply Schedule *<select one> < order or BPA >* on a limited source basis as required by FAR 8.405-6.
- 2. Nature of Action Being Approved.** *Identify the nature and/or description of the action being approved (i.e., new FSS order, establishment of FSS BPA, modification to FSS order or BPA) 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 and ceiling quantities/amounts.*
- 5. Statutory Authority.** The proposed action may be awarded on a sole source basis under the authority of Section 201 of the Property and Administrative Services Act of 1949 (40 USC 501).
- 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 and/or software and the performance requirement that mandates such a feature.

c. In supporting the sole source for services, describe the unique qualifications, and/or facilities available from only the 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 requires that the FSS procurement action 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: For procurements under FAR 8.4 which are urgent and will be competitive under FSS, a formal J&A is not required.)

7. Other Information. *Provide any other facts supporting the justification for sole source 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 agency'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. FedBizOpps posting is not required for an FSS order, but sufficient market research must be conducted to identify specification features or other requirements operating to preclude competition and to permit the CO to determine that award of the noncompetitive FSS order will achieve the best value to the Government over other alternatives. Market research may include reviews of similar products or services offered by other sources under FSS, industry publications, commercial directories, and 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.

c. Include a statement that for FSS, the requirement for a synopsis is waived based upon FAR 5.202(11). (Also see 8.404(a)).

9. Actions to Overcome Barriers to Competition. *State what actions, if any, we can take to remove or overcome barriers to competition before any subsequent acquisition for the required supplies or services, such as:*

a. Using this sole source action 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, 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 limited 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. (required for all J&As)

Certifications and Approval from the Contracting Officer:

a. The contracting officer must include a determination that the order represents the best value to the Government consistent with FAR 8.404(d) with a short statement of the basis for 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 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