

SOLE-SOURCE/SOLE BRAND JUSTIFICATION

JUSTIFICATION FOR
OTHER-THAN FULL-AND-OPEN COMPETITION (OTF&OC)

Program Name (and Program Element, if applicable): _____

Estimated Contract Cost (including options): \$ _____

Type Program: _____

Type J&A: Sole Brand (Brand Name Mandatory)

Sole Source:

- Unusual and Compelling Urgency.
- Only One (or a Limited Number of) Responsible Source(s), and No Other Supplies or Services Will Satisfy Agency Requirements.
- Expert Services; Engineering, Developmental, or Research Capability; or Industrial Mobilization.
- Authorized or Required by Statute
- Public Interest

Authority: _____

Approvals.

Contracts Officer: _____
(Name) _____ Date Signed
Telephone: (XXX) XXX-XXXX

Program Manager: _____
(Name) _____ Date Signed
Telephone: (XXX) XXX-XXXX

Local Legal
Reviewer: _____
(Name) _____ Date Signed
Telephone: (XXX) XXX-XXXX

Competition Advocate: _____
(Name) _____ Date Signed
Telephone: (XXX) XXX-XXXX

I. Contracting Organization

Fully identify the contracting organization responsible for the proposed contracting action. Specifically identify as a “Justification for Other Than Full and Open Competition.” Identify purchase request number, if applicable.

II. Description of Action

State whether the action will be awarded as a new contract or by modification to an existing contract (identify contract number) and identify the type contract planned (e.g., firm-fixed-price, cost-plus-incentive-fee, etc.). If unusual/compelling urgency, state date of UCA/contract/amendment issuance and amount.

For class J&A situations where the number of contracts in the class can be identified:

- (1) Provide brief general description of actions.*
- (2) Identify the document as a class J&A.*
- (3) Identify the supplies and services that are being acquired.*
- (4) For each contract in the class identify the contractor; estimated value; type contract and rationale for contract length; and estimated award date.*

Where the same information applies to more than one contract within the class, it need only be stated one time.

III. Description of Supplies/Services

Specifically describe the supplies and/or services to be acquired including the estimated value and quantity of each item.

If approval for more than one fiscal year requirement is needed, give the rationale for this request. Generally, the scope of these actions is limited to current requirements only, so that actions may be taken to facilitate competition for out-year requirements. In some cases, there are no feasible actions that could develop future competition, and it is reasonable to seek approval for more than one fiscal year’s requirements.

Provide a detailed description of the acquisition history. Explain how the requirement fits into the larger overall program, if applicable.

For J&As based on demand generated requirements (such as indefinite quantity contracts), include the best-estimated quantity (BEQ) or contract maximums of supplies and services.

IV. Authority

Note: For class J&As, all contracts within the class should fall within the same statutory authority. Where a different authority must be used for any contract action, a separate J&A should be prepared.

V. Applicability of Authority

Provide, in narrative form, a fully supported demonstration that the proposed contractor’s qualifications or the nature of the acquisition supports the use of the authority cited. This paragraph is normally the most detailed part of the justification as the essence of the justification is presented here. For acquisitions that include both supplies and services, separately justify the use of the authority for the services and supplies.

When “Only One (or a Limited Number of) Responsible Source(s), and No Other Supplies or Services Will Satisfy Agency Requirements” is used, the specific extent and nature of the harm to the State must be clearly stated in the J&A.

VI. Efforts to Obtain Competition

Describe all efforts taken (or to be taken) to ensure that offers are solicited from as many potential sources as practicable under the circumstances. The following issues should be addressed in this paragraph:

Sources Sought Synopsis. If a Sources Sought synopsis was issued, include a copy of the notice and the screening criteria used. Describe in this paragraph, or in an attachment, the results of the screening process, to include the rationale for determining the unacceptability of any synopsis respondents. This is particularly important when citing the authority of “Only one (or a limited number of) responsible source(s)”, since it is this survey of the marketplace that confirms our assumptions regarding the capability of industry to meet our needs.

Synopses of Proposed Contract Actions. Describe either the plans to publish a synopsis or the results of a synopsis. If the proposed action was not or will not be synopsized, cite the specific authority for not doing so and the rationale for the synopsis exception.

Other Actions. In this paragraph, discuss any other actions taken or planned to facilitate competition. The discussion should include actions tried or considered even if the actions were unsuccessful. If the efforts were unsuccessful, so state and describe why.

Qualifying Country Sources. If qualifying country sources have expressed interest, but are to be excluded, provide supporting rationale.

VII. Fair and Reasonable Costs

Include a statement by the contracting officer that the anticipated cost will be considered fair and reasonable and provide the basis for this determination. The steps that will be taken to ensure the final contract price will be fair and reasonable are also described here. Describe the extent of cost or price analysis anticipated including the requirements for certified cost or pricing data, technical evaluations, and audits.

VIII. Market Research

Discuss any market research conducted and describe results. Market research is any effort undertaken to determine if sources capable of satisfying the Agency’s requirements exist and to determine if commercial items or non-developmental items are either available or can be modified so that they will satisfy the Agency’s needs. Market research should be focused not only on identifying alternate sources, but also on alternate equipment or substitutes that might fill the State needs with only minor modification. Regardless of the approach used, the results should provide a high level of confidence that no other qualified sources exist. If no market research was conducted, so state and provide the rationale

Generally, some form of market research should be conducted, but it is most critical when citing the authority of “Only one (or a limited number of) responsible source(s).” When other authorities are relied upon, the market research might be limited to an examination of the acquisition history and experience with the marketplace under previous acquisitions for the same or similar items. When using the authority of Authorized or Required by Statute, a market survey may be inappropriate given the conditions supporting the authority.

If the market research effort was described in paragraph VI, Efforts to Obtain Competition, do not repeat the same information here; merely refer to the previous discussion.

IX. Other Facts

Provide any other facts supporting the use of OTF&OC, including an explanation of why technical data packages, specifications, engineering descriptions, statements of work, statements of objectives, or purchase descriptions suitable for F&OC have not been developed, are not being developed, are not being used, or are not available. Describe actions taken or planned to remedy this situation, including a discussion of claims

of proprietary data by the contractor).

For class J&As, do not repeat rationale contained in other paragraphs. This explanation must be consistent with and supportive of the duration of contracts to be approved under the J&A and the information contained in Section XI below.

X. Interested Sources

List the sources that have expressed written interest in the acquisition. Provide the results on status of any synopses. If contractors have expressed interest but will not be considered a potential source, explain why they cannot perform or are not expected to submit an offer. Do not repeat information that is already provided in another paragraph, merely make reference to it.

XI. Steps to Foster Competition

Describe any actions taken or to be taken to foster competition for future acquisitions of the supplies or services being acquired. Also describe potential actions that could be undertaken to remove the barriers to competition that have been identified in the justification.

Consider including a milestone schedule for accomplishing these actions. If no actions are planned, so state and provide reasons. If approval is sought for more than one year, explain why a sole source effort is required for the planned time duration.

Address efforts to ensure competition for future spare parts and maintenance in support of systems or equipment covered by the justification, even when these acquisitions will be accomplished by other organizations. Include a discussion on available breakout data.

XII. Contracts Officer's Certification

The contracting officer's signature on the Justification Review Document evidences that he/she has determined this document to be both accurate and complete to the best of his/her knowledge and belief.

XIII. Technical/Requirements Personnel's Certification

As evidenced by their signatures on the J&A signature page, the technical and/or requirements personnel have certified that any supporting data contained herein which is their responsibility is both accurate and complete.