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United States
Department of
Agriculture

Office of the
Assistant Secretary
for Administration

ACQUISITION OPERATING PROCEDURE (AOP)

Office of Procurement
and Property
Management

FROM: Michael McFarland *Michael McFarland*
Chief, Procurement Operations Division

Procurement
Operations Division

SUBJECT: AOP No. 5: Justification for Other Than Full and Open Competition

Reporters Building
300 7th Street, SW
Suite 377
Washington, DC
20024

- ◆ **PURPOSE:** The purpose of this Acquisition Operating Procedure (AOP) is to provide a standardized format for Justifications requiring approvals for proposed acquisitions using Other Than Full and Open Competition.
- ◆ **AUTHORITIES:** Federal Acquisition Regulation 6.5, Agriculture Acquisition Regulation 406.5 and memorandum subject "Delegation of Competition Advocate Authority" dated April 11, 2007, from Chief of the Procurement Operations Division (POD).

Approving Official

Dollar Threshold

Senior Procurement Executive (SPE)	over \$57M
OPPM, Chief Procurement Policy Division (PPD)	between \$11.5M and \$57M
OPPM, Head Contracting Activity Designee (HCAD)	\$1M to \$11.5M
OPPM/POD, Procurement Analyst/Competition Advocate	between \$550,000 and \$1M
Contracting Officer	up \$550,000

◆ **REVIEW PROCESS:**

- a). The Contracting Officer (CO) will ensure the Program Official and Team Leads/Heads have reviewed and approved the Justification. After the appropriate approvals are obtained, the CO will submit the form to the appropriate higher level Approving Official for review, if applicable, through the POD Procurement Analyst.
- b). The SPE; OPPM, Chief PPD, OPPM HCAD or OPPM/POD Competition Advocate will review the Justification and if approved, will returned it to the CO. If the Justification is disapproved, comments will be provided. At the Approving Official's discretion, discussions may be needed with the CO and/or Team Lead/Head to discuss the information submitted.

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Office Identifier: _____
(e.g., POD, Service, Supply and Construction Team)

2. Explain the nature of the action.

3. Describe the supplies or services for the acquisition.

4. Provide the estimated cost of the action, including options.

5. Describe the statutory authority and list the citation that applies.
 - a. Only one responsible source and no other supplies or services will satisfy agency requirement.
 - b. The unusual and compelling urgency, explain the nature and extent of harm (data, cost) to the Government if the action is not handled as an urgent purchase.
 - c. Need for maintenance of industrial mobilization, engineering development, research capability or expert services.
 - d. An international agreement between the United States and foreign organization that requires one specific contractor.
 - e. A statute authorizes or requires that the acquisition be made through another agency or a specified source or need is for a brand name commercial item for authorized resale.
 - f. Need for secrecy when disclosure of action would compromise national security.
 - g. The Agency Head determined that competing the action is not in the public interest.

6. Explain how the contractor's unique qualifications or nature of the acquisition requires use of the authority cited in item 5 above.

7. If this a follow-on acquisition for continued development or production of a major system or highly specialized equipment, including components citing statutory authority item 5(a) above, provide the estimate cost of duplication if an award was made to any other source and explain how the costs were derived.

8. Describe efforts made to solicit sources to verify no other sources are available, including whether a notice was or will be publicized and, if not, which FAR 5.202 exception applies.

9. Explain how the cost will be determined to be fair and reasonable.

10. Describe the market research conducted or why market research was not conducted.

11. List the sources, if any that expressed, in writing, an interest in the action.

12. If applicable, explain why specifications, engineering description, statements of work, or purchase descriptions have not been developed or are not available to permit not competing the action.

13. Explain actions taken to overcome barriers to competition before any subsequent actions.

CERTIFICATION:

To the best of my knowledge and belief, I certify that the information provided in this justification is accurate and complete to support the acquisition for other than full and open competition.

Program Manager / Project Manager Signature

Date

Contracting Officer Signature

Date

Contracting Team Lead/Head Signature

Date

DECISION OF THE APPROVING OFFICIAL:

Approved: _____

Disapproved: _____

Approved Subject to the listed conditions: _____

Conditions:

Approving Official Signature

Title

Date