Subchapter 3006.3 Other Than Full and Open Competition

3006.302 Circumstances permitting other than full and open competition.

3006.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.

(b)(4) The Acquisition Policy and Oversight (APO) Executive Director will make the determination.

3006.302-2 Unusual and compelling urgency.

(d)(1)(ii) The HCA is the approval authority for the written determination.

3006.302-7 Public interest.

(d) The CPO approves any determination and Justification and Approval (J&A) for Other than Full and Open Competition covered under 6.302-7, regardless of dollar amount, prior to review and approval by the Secretary.

3006.303 Justification.

3006.303-1 Requirements.

(a) The DHS Justification and Approval for Other than Full and Open Competition Guide provides guidance on preparing justifications, including a sample format. All justifications requiring review and approval by the Office of the Chief Procurement Officer (OCPO) shall follow the sample format provided in the guide. The guide is located at http://dhsconnect.dhs.gov/org/comp/mgmt/cpo/paw/Pages/AcquisitionPolicyLegislation(APL).asp.

3006.303-2 Content.

(b)(9)(iii) For a proposed contract where FAR 6.302-2 is cited as the authority, the exceptional circumstances allowing for an award for a period of performance in excess of 150 days (see HSAR 3006.302-270) or one year (see FAR 6.302-2(d)(1)(ii)).

3006.304 Approval of the justification.

(c) Class justifications shall be approved by the same approval authority as for individual justifications (see FAR 6.304(a)). Class determinations and findings and J&As under the authority at FAR 6.302-7, Public Interest, are prohibited. When awarding a contract based on a class justification, a copy of the approved J&A must be included in the contract file.

(e) Justifications and approvals that result in the invocation of the exception to the Buy American statute at FAR 25.103(b)(2) or 25.202(a)(2) shall be reviewed and approved in
accordance with HSAM 3025.103(b)(2)(i) or 3025.202(a)(2), as applicable. The justification and approval shall follow the sample format in the DHS Justification and Approval for Other than Full and Open Competition Guide and be submitted to the CPO for review and approval using the DHS Buy American Reporting Tool (see HSAM 3025.001(c)(74)).

(f) All justifications submitted to the OCPO for approval shall be accompanied by the corresponding legal review and approved acquisition plan. Any previous justification shall also be submitted.

(g) Revisions to justifications may be made with change pages or by a complete revision of the J&A. The revisions must be either highlighted or identified by the use of change bars alongside the revised text to facilitate identification of the changes.

(h) When a revision is made to a justification that impacts the description of the supplies or services being purchased and there is no impact to the dollar value of the action, the contracting officer must ensure that the revised J&A is reviewed and approved by the original approving official.

(i) When a revision is made to a justification that impacts the dollar value of the J&A, the contracting officer must ensure that the revised J&A is reviewed and approved by the original approving official and any other approving official necessitated by the change in the dollar value.

3006.304-70 Legal review.

Legal counsel shall review J&As for legal sufficiency if the contract value, inclusive of options, exceeds the simplified acquisition threshold consistent with the requirement at HSAM 3004.7003.

3006.305 Reserved.