

APPENDIX L
DETERMINATION TO AWARD A TASK OR DELIVERY ORDER CONTRACT TO A SINGLE SOURCE

Determination for *(Insert Component Name)* to Award A Task or Delivery Order Contract for *(brief description)* to a Single Source

This determination is made pursuant to FAR 16.504(c)(1)(ii)(D)(1) and specifically relies upon *[Provide those FAR citation or citations that apply to this request (e.g., 16.504(c)(1)(ii)(D)(1)(i), (ii), (iii) and/or (iv)).]*

The total value of all actions covered by this determination is estimated to be \$ _____.

Describe the action being approved. Provide enough details, facts or reasoning essential to support the determination. The determination document must address all of the below listed points related to the applicable exception(s).

16.504(c)(1)(ii)(D)(1)(i), So integrally related only a single source can reasonably perform the work. If the determination is based on this exception, you must:

- *Explain why only a single source can reasonably perform the work;*
- *Explain the consequences if more than one source is considered for each expected order under the contract and why that is unacceptable;*
- *If firm-fixed prices will not be established under the basic contract, explain why not and why the prices must be established in each individual order (T&M or Labor Hour orders are not FFP). Identify any portions of the contract that will be fixed priced; and*
- *Explain how each order under the contract will be priced; i.e., what type of orders will be issued (FFP, L/H, T&M, etc.) and how the prices of the orders will be determined to be fair and reasonable.*

16.504(c)(1)(ii)(D)(1)(ii), Firm fixed prices established in the basic contract, not in each order. If the determination is based on this exception, you must:

- *Explain why the prices are considered to be firm fixed price (T&M or Labor Hour orders are not FFP);*
- *State that fixed prices will be established in the basic contract and explain how (fixed rates per hour, day, job, etc.);*
- *State that the contract will provide for a price that is not subject to any adjustment on the basis of the contractor's cost experience in performing the contract. (See FAR 16.202-1)*
- *Explain if there will or will not be any line items that will be priced under individual orders and explain why you believe the determination can be approved despite not qualifying under the plain reading of this statutory exception; and*
- *Explain why it is more advantageous to price items in the basic contract rather than competing each order.*

16.504(c)(1)(ii)(D)(1)(iii), Only one source is qualified and capable of performing at a reasonable price. If the determination is based on this exception, you must:

- Explain why only one source is capable of performing at a reasonable price;
- Explain the consequences if more than one source is considered for each expected order under the contract;
- If firm-fixed prices will not be established under the basic contract, explain why not and why the prices must be established in each individual order (T&M or Labor Hour orders are not FFP). Also, identify any portions of the contract that will be fixed priced; and
- Explain how each order under the contract will be priced; i.e., what types of orders will be issued (FFP, L/H, T&M, etc.) and how the prices of the orders will be determined to be fair and reasonable.

16.504(c)(1)(ii)(D)(1)(iv), Necessary in the public interest due to exceptional circumstances. If the determination is based on this exception, you must:

- Explain what the exceptional circumstances are and why it is in the public's interest to make a single award;
- Explain why there is no acceptable alternative to deal with the exceptional circumstance;
- If firm-fixed prices will not be established under the basic contract, explain why not and why the prices must be established in each individual order (T&M or Labor Hour orders are not FFP). Also, identify any portions of the contract that will be fixed priced; and
- Explain how each order under the contract will be priced; i.e., what types of orders will be issued (FFP, L/H, T&M, etc.) and how the prices of the orders will be determined to be fair and reasonable.

Additionally, regardless of which exception is cited, explain why making a single award is in the best interest of the Government and how making multiple awards would impact the organization. If it is argued that the organization would incur significant costs and/or create unnecessary delays by making multiple awards, fully explain why this is so and whether earlier or better advance procurement planning could be used in the future to mitigate such delays and costs.

I hereby determine that this procurement meets the requirements at FAR 16.504(c)(1)(ii)(D) in that it meets the condition(s) of [Insert one or more of the four FAR citations at 16.504(c)(1)(ii)(D)(1)(i) – (iv) that apply to this request. If more than one citation is applicable, include each.], and, if necessary, will be made the subject of the Congressional notice required by 16.504(c)(1)(ii)(D)(2).

Recommended for Chief Procurement Officer Approval

 (Name)
 Head of Contracting Activity

 Date

By my making this determination in accordance with FAR 16.504(c)(1)(ii)(D), (Insert Component Name) is authorized under 41 U.S.C. 4103(d)(3) to acquire (Insert number or description of the procurement) via a single award task or delivery order contract.

 (Name)
 Chief Procurement Officer

 Date