



Langley Research Center

**LPR 5000.2**

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## **PROCUREMENT INITIATOR'S GUIDE**

**Office of Primary Responsibility: Office of Procurement****PREFACE****P.1 PURPOSE**

This directive provides general information that procurement initiators should be aware of for procurement planning purposes. Detailed procedures are set forth in the Langley Management System (LMS) Center procedures and Office of Procurement (OP) organizational procedures. Initiators should contact the staff of the OP as soon as organizational needs have been identified to ensure that procurements are processed accurately and in a timely manner.

This directive is a supplement to the Federal Acquisition Regulations (FAR), the NASA FAR Supplement, and Federal Law and does not supersede these regulations. Refer to them as needed.

**P.2 APPLICABILITY**

This directive is applicable to NASA Langley employees.

**P.3 AUTHORITY**

- a. Freedom of Information Act, 5 U.S.C. 552
- b. Economy Act, 31 U.S.C. 1535
- c. Space Act, 42 U.S.C. 2451. et seq.
- d. Competition in Contracting Act (CICA), 10 USC 2304 et seq.

**P.4 REFERENCES**

- a. Federal Acquisition Regulation (FAR)
- b. NASA FAR Supplement (NFS)
- c. NPR 5800.1, Grant and Cooperative Agreement Handbook
- d. NPR 7120.5, Program and Project Management Processes and Requirements
- e. LAPD 1050.1, Redlegation of Authority to Take Actions Related to Space Act Agreements
- f. LAPD 2030.1, Requirements for Legal Review of Acquisition Matters

- g. CID 5300.1, Product Assurance Plan
- h. LMS-CP-1719, Development and Approval of Space Act Agreements to Support Interagency and Non-Commercialization Partnerships
- i. LMS-CP-4501, Procurement Process Overview
- j. LMS-CP-4504, Market Research for Procurements
- k. LMS-CP-4540, Purchase Card
- l. LMS-OP-4508, Milestones and Leadtimes
- m. NASA Internet Publishing Content Guidelines (<http://op.larc.nasa.gov>)

#### P.5 CANCELLATION

LPR 5000.2, dated July 22, 2004, is rescinded and is to be destroyed.

original signed on file

Douglas L. Dwoyer  
Associate Director for Operations

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## 1. INTRODUCTION

The procurement process begins when a LaRC civil servant (hereafter referred to as the initiator) identifies a need for a supply or service. The initiator must then follow the process identified in LMS-CP-4501, "Procurement Process Overview," to obtain the required supply or service. The initiator is responsible, with procurement assistance as appropriate, for conducting initial market research, developing a Statement of Work (SOW) or specification, preparing a Government estimate and other supporting documentation as required, and requesting the requisitioner initiate the purchase request. The initiator may also participate in solicitation preparation and be the "Technical Evaluator" during evaluation of offers or the "Technical Monitor" or "Contracting Officer's Technical Representative (COTR)" during contract administration. The procurement process steps are detailed in individual procedures corresponding to each particular step.

## 2. CENTER ACQUISITION PLANNING

Advance planning of procurement activities is essential in order for the Center to meet its procurement, programmatic and financial commitments. The Office of Procurement (OP) will contact each initiating organization on a semi-annual basis requesting input regarding potential procurement needs for inclusion in the Center's comprehensive Acquisition Forecast. The information provided shall include the following: 1) Type of Procurement (Supply, R&D, or Services); 2) Description of requirement; 3) Estimated dollar value; 4) Name of initiator, organization code, and phone number; 5) Fiscal Year Quarter when requirement will be procured; 6) Number of procurement actions; and 7) Whether or not the requirement will be procured commercially or non-commercially. The OP will then ensure that, in accordance with NASA FAR Supplement (NFS) Part 1807, all planned procurement requests over \$100,000 are included in the Acquisition Forecast. The Acquisition Forecast is a mechanism used to inform industry of possible business opportunities.

Each Center is also required to submit to NASA Headquarters, by July 15 of each year, a Master Buy Plan containing information regarding all procurements over \$50M, or the three largest planned procurements for the next fiscal year if the Center has less than three over \$50M. The OP will send out a Center-wide call for information regarding these procurements in May of each year. After the Master Buy Plan is received by NASA Headquarters, they will determine which major activities (if any) of the procurement process will be selected for review and/or approval. Failure to identify these procurements during the yearly Master Buy process may cause schedule delays in the procurement.

### 3. INDIVIDUAL PROCUREMENT PLANNING

In addition to the Center-level planning described above, it is important for procurement initiators to plan individual procurements. Early planning enables OP to recommend an appropriate strategy based upon the items or services to be acquired, which leads to reduced overall procurement lead-times. Planning includes evaluating the alternative acquisition methods discussed below and determining the best strategy for meeting the Government's requirements. The acquisition team includes, but is not limited to, the Contracting Officer, the Contract Specialist or Purchasing Agent, the technical initiator, the evaluation team, and as appropriate, pricing personnel, representatives of the Office of the Chief Counsel and cognizant functional experts. The acquisition team must specify needs, refine specifications or statements of work, perform market research or surveys, and solicit offers in a manner that promotes full and open competition among prospective offerors. Teamwork between initiators and the OP will result in a more effective, efficient procurement process that meets all requirements. In accordance with PIC 04-04, prior to solicitation release, for acquisitions with an estimated value greater than \$5M or acquisitions of any value for equipment or analysis for space flight systems, the NASA engineer is responsible for providing written documentation that all NASA Preferred Technical Standards or other engineering standards or specifications have been thoroughly reviewed and the appropriate ones have been applied to the acquisition, are of the latest version, and have been registered with the NASA Standards Update Notification System (SUNS) <http://standards.nasa.gov/>.

### 4. CONSOLIDATED CONTRACTING INITIATIVE (CCI)

Each year NASA contracts for a significant number of goods and services in the conduct of its mission. Traditionally, a new acquisition is developed, awarded, administered, and eventually closed to satisfy these requirements. Although this method has proven effective in the past, it is labor intensive. CCI is a program designed to identify and logically group together similar requirements within NASA and with other government agencies so that they may be procured efficiently. The initiative is applicable to all contracts for goods and services placed with business firms in excess of the Simplified Acquisition Threshold (currently \$100,000) and should be applied wherever it makes sense to do so. It requires that procurements are posted to a central bulletin board on the Internet and coordinated with other NASA Centers and government agencies that may want to participate in the procurement.

Initiators should check the CCI bulletin board at [http://procurement.nasa.gov/cgi-bin/CCI/crl\\_menu.cgi](http://procurement.nasa.gov/cgi-bin/CCI/crl_menu.cgi) for procurements and existing contracts at other NASA Centers and government agencies that may be able to fulfill their requirements and save time and resources.

## 5. COMPETITION

Full and open competition is required by statute (10 U.S.C. 2304). Competition is vital to the Government's interests since it makes it possible to obtain the best goods and services for the most reasonable price, and provides an opportunity for all qualified sources to participate in Government procurements. The responsibility for implementing the statutory policy on competition at LaRC has been assigned to the Deputy Director, who is the Center's Competition Advocate. The Contracting Officer is responsible for selecting the competitive procedures that most appropriately fit the particular procurement.

## 6. OTHER THAN FULL AND OPEN COMPETITION

Certain circumstances do permit contracts to be awarded without providing for full and open competition. Procurements \$100,000 and below require a Sole Source Justification. Procurements over \$100,000 require a Justification for Other than Full and Open Competition (JOFOC). See Appendix A, "Guide for Preparation of Noncompetitive Justifications."

A Justification for Acceptance of Unsolicited Proposals (JAUP) is required prior to acceptance of an unsolicited proposal. See NPR 5800.1, "Grant and Cooperative Agreement Handbook," at <http://ec.msfc.nasa.gov/hq/grcover.htm> for guidance.

## 7. METHODS OF PROCUREMENT

Supplies and services may be obtained through various procurement methods depending upon the specific requirement and its dollar value. The following are acquisition alternatives that should be considered for use in meeting the needs of requiring organizations. Procurement initiators should contact OP early in the planning phase of any procurement to discuss the available methods.

a. The Government Purchase Card may be used for purchases under the micro-purchase threshold (currently \$2,500). Procedures for how to obtain a Purchase Card may be found on the LaRC Bank Card System Home Page. Procedures for use of the Purchase Card may be found in LMS-CP-4540, "Purchase Card."

b. Simplified acquisition procedures apply to the acquisition of supplies and services valued between \$2,501 and \$100,000 (FAR Part 13 and NFS Part 1813). In some cases, these procedures may be used for the acquisition of commercial items not exceeding \$5,000,000 (FAR Part 12).

c. Orders under Federal Supply Schedules. FAR Part 8 details the procedures to be used in ordering supplies or services. The General Services Administration (GSA) awards indefinite delivery contracts to commercial firms to provide goods and services at stated prices for given periods of time. LaRC orders from these contracts via delivery orders placed directly with the commercial contractor at the price stated in the GSA contract. GSA has a web site at <http://www.fss.gsa.gov/cgi-bin/advwel> that should be reviewed to ascertain if the goods or services are available from that source.

d. Sealed bidding employs the public opening of sealed bids and award to the lowest priced, responsive, and responsible offeror. Sealed bids are evaluated without discussions with offerors and should be used when detailed performance or design specifications are to be used and evaluation of price and price-related factors is all that matters because the offerors are bidding the same item(s). (FAR Part 14 and NFS Part 1814.)

e. Competitive negotiated procurements are procurements that are awarded using other than sealed bidding procedures. The evaluation process varies from the use of a team of two to large teams depending on the magnitude and complexity of the effort. There are varying methodologies to acquire these goods and services ranging from Source Evaluation Teams to the more formal Source Evaluation Board Procedures applicable to procurements greater than \$50,000,000. Competitive negotiated procurements may involve source selection techniques utilizing best value, tradeoff processes, lowest price technically acceptable processes, or scoring procedures. An evaluation team/board is appointed to review and evaluate the proposals first from a technical point of view without regard to price or cost, and then to consider the proposed price or cost and determine the reasonableness and realism of the price or cost. Past performance of the offeror is also considered and may be a discriminator in the selection process. FAR Part 15 and NFS Part 1815 govern the acquisition of goods and services using competitive negotiated procedures. Awards under this methodology may be made with or without discussions.

f. Basic Ordering Agreements (BOA) - These types of agreements establish terms and clauses covering future orders to be placed with a contractor, when substantial requirements are anticipated, but specific quantities and/or prices are not currently known. Solicitations for BOA's must seek additional sources by synopsising the requirement in the FedBizOpps at least twice yearly.

g. Broad Agency Announcements include NASA Research Announcements (NRA) (NFS Part 1835) and Announcements of Opportunity (AO) (NFS Part 1872). These announcements solicit participation by all offerors capable of satisfying the Government's needs in identified areas of research interest. They are generally awarded using competitive negotiated procedures. They are not used when the requirement is sufficiently identified such that an end product or service can be specified.



h. Grants and Cooperative Agreements are used to transfer something of value, typically funding, to accomplish a legal public purpose of support or stimulation. The recipient of a Grant or Cooperative Agreement is free to conduct a fairly autonomous program with the assistance provided. Cooperative Agreements are similar to Grants, except NASA participates substantially in the performance of the effort. Guidance on the use of these instruments may be found in NPR 5800.1, "NASA Grant and Cooperative Agreement Handbook," at <http://ec.msfc.nasa.gov/hq/grcover.htm>.

i. An Interagency Acquisition (IA) is a procedure that allows an agency needing supplies and services (requesting agency) to acquire them from another agency (servicing agency). (For example, NASA often acquires supplies/services from Department of Defense (DOD) agencies and other Civilian Agencies.) These supplies or services may be provided directly to NASA by the servicing agency or may be provided through a servicing agency's contractor. The Economy Act, 31 U.S.C 1535; Space Act, 42 USC 2451 et seq.; or other appropriate authority is used as applicable. The Economy Act, 31 U.S.C 1535; Space Act, 42 USC 2451 et seq; or other appropriate authority is used as applicable. When the Economy Act is used, NASA will cite the authority of the Space Act, while using the Economy Act procedures found in FAR 17.5. Acquisitions under the Space Act may require a Space Act Agreement (SAA) to be executed by both agencies. (See LAPD 1050.1, "Redelegation of Authority to Take Actions Related to Space Act Agreements.") Initiators are responsible for ensuring SAA's are prepared in accordance with LMS-CP-1719, "Development and Approval of Space Act Agreements (SAA) to Support Interagency and Non-Commercialization Partnerships," prior to submission of the purchase request. All IA's between NASA and the Federal Aviation Administration (FAA) must be approved by the Associate Administrator for Procurement. Thus, initiators should factor additional time for processing these IA's.

Documentation required to support the award of interagency acquisitions include:

- State whether NASA will be paying the actual costs (both direct and indirect) of the servicing agency, or that NASA is paying less than full cost and joint funding is being provided by NASA and the servicing agency to perform a cooperative effort.
- State why this effort should be performed via an interagency acquisition.
- State why the supplies or services cannot be obtained as conveniently or economically by contracting directly with a private source.
- A copy of the proposal or quotation regarding budget/costs received from the servicing agency.
- An analysis of the proposed budget/costs to confirm that this is the most economical method of obtaining the supplies or services.
- Servicing agency business office point of contact, phone number, and address.
- Statement of Work or description of supplies/services, to include deliverables required.

- Delivery requirements and period of performance. If the effort will span more than one year, indicate the initial period of performance and state that the out-year effort will be subject to the availability of funds. Indicate the entire period of performance on the purchase request.
- Payment provisions.
- If the supplies/services will be performed by a contractor of the servicing agency, provide the contractor name and applicable contract number. In addition, indicate which of the following statements is applicable to your request:
  1. The acquisition will appropriately be made under an existing contract of the servicing agency, entered into before placement of the order, to meet the requirements of the servicing agency for the same or similar supplies or services; or,
  2. The servicing agency has capabilities or expertise to enter into a contract for such supplies or services which is not available within the requesting agency; or
  3. The servicing agency is specifically authorized by law or regulation to purchase such supplies or services on behalf of other agencies.
- If the servicing agency was selected under a NRA, include the NRA number.

## 8. CONTRACT TYPE

The type of contract to be used varies according to the degree to which the Government can specify its requirements, the amount of risk that can reasonably be borne by the contractor and will best motivate the contractor to perform the contract satisfactorily and economically. A very broad description of the major types of contracts follows:

a. Fixed Price Contracts - Firm fixed price contracts provide a maximum incentive for the contractor to control costs and realize profits. It is the most preferred contract type and is appropriate when a reasonably definitive, complete statement of the Government's requirements are available, and fair and reasonable prices can be established. In addition to the definitiveness of the Government's stated requirements, a major criterion for selection of this contract type is the level of confidence the Government has in its estimate of the total price of performance as being fair and reasonable.

Contracts for commercial items are required to be either firm-fixed price, or fixed price with economic price adjustment. (See FAR Part 12 and NFS Part 1812 for more specific details.) Contracts resulting from sealed bidding will also employ only these contract types.

b. Incentive contracts - These contracts provide for cost, performance, or delivery incentives relating to the amount of fee or profit payable under the contract for the contractor's performance.

c. Cost Reimbursement Contracts – Cost reimbursement contracts provide for an estimated cost that the contractor may not exceed. The Government assumes the risk for all allowable contractor costs up to the pre-established estimate. This type of contract is used when, because of cost uncertainties, a fixed price contract is not practicable. There is minimal incentive for the contractor to control costs since its sole commitment is to use its best efforts to perform the contract within the estimated cost.

d. Time and Material, Labor Hour and Letter Contracts – These contract types are the least preferred methods of contracting because intensive surveillance is required to protect the Government's interests. Time and Material contracts provide for payment to the contractor for direct labor hours (paid at a composite hourly rate) and the cost of materials. This type of contract is appropriate when the Government is unable to estimate the scope or duration of the work, or its reasonable cost. These types of contracts are often used in lieu of cost-reimbursement contracts when price competition occurs on the basis of per-hour rates (e.g., repair services). If this type of contract is used, the contract contains an estimate of the ceiling price, and a determination of the method of pricing the material. A labor hour contract is a variation of the time and material contract, differing only in that materials are not supplied by the contractor.

e. Letter Contracts --A letter contract is a written contractual instrument that authorizes the contractor to begin immediate manufacturing of supplies or performance of the services in advance of the actual contract and is only used in extreme emergencies.

f. Indefinite-Delivery Contracts - There are three types of indefinite-delivery contracts: definite quantity contracts, requirements contracts, and indefinite-quantity contracts. The appropriate type of indefinite-delivery contract may be used when the exact times and/or quantities of future deliveries are not known at the time of contract award. Preference shall be for multiple awards of indefinite quantity contracts.

## 9. SMALL BUSINESS CONSIDERATIONS

All or a portion of procurements may be determined appropriate for small business participation. In those cases, the procurement may be set-aside for small business (to include small business categories such as small disadvantaged, women owned, Historically Underutilized Business Zone (HUBZone), 8(a), service-disabled veteran-owned, veteran owned) or small business subcontracting goals and/or targets may be established. If, in response to a synopsis, two or more small businesses appear to be responsible suppliers, the procurement will be set-aside, except in unusual circumstances. Otherwise, the OP will require initiator assistance in establishing small business subcontracting goals.

## 10. PERFORMANCE BASED CONTRACTING (PBC)

NASA requires that Performance-Based Contracting (PBC) be considered for use on all contracts. PBC means contracting for results, not just best efforts. Such contracts specify what is to be done, rather than how it will be done. It means structuring all aspects of an acquisition around the purpose of the work to be performed. PBC techniques focus on:

- using objective, measurable performance requirements and performance standards in developing SOW's and specifications;
- selecting contractors using performance as a consideration;
- determining contract type and incentives in accordance with a fair assessment and assignment of performance risk; and
- performing contract surveillance and administration for insight only into essential areas of contractor performance

For a contract to be considered as PBC, it cannot be a level-of-effort (either fixed-price or cost-reimbursement) requirement, a Labor-Hour or a Time-and-Materials contract type, or have a design or a detailed specification. Finally, a PBC contract must have performance standards (criteria for determining whether the work requirements are met), and some kind of contract performance incentive, positive or negative, explicit or implicit. All PBC solicitations and contracts must convey a logical, easily understood performance requirements (e.g., provide a product assurance plan) and standards (e.g., product assurance plan must comply with CID 5300.1, "Product Assurance Plan"), the measurement method, and incentives.

## 11. PREPARING SUPPORTING DOCUMENTATION FOR PURCHASE REQUISITIONS (PRs)

PRs must be provided with all necessary supporting documents appropriate for the procurement. Procurement lead times (see LMS-OP-4508, "Milestones and Leadtimes") are estimated from the time that all supporting documentation with sufficient content is received in the OP. The lead times are approximate for various reasons which include: the complexity of the procurement, whether other Centers must be coordinated with under the Consolidated Contracting Initiative (CCI), whether the contract is awarded under the Small Business Administration's 8(a) program, whether the procurement is competitive or noncompetitive, and whether or not discussions are necessary in competitive procurements.

Examples of supporting documentation are:

- Government cost estimates and projected funding sources for each option year, if any
- Statements of Work (SOW) or Specifications
- Market research results (Reference LMS-CP-4504, "Market Research for Procurements")
- Justifications for Other Than Full and Open Competition (JOFOC) or Sole Source Justifications
- Justifications for Acceptance of Unsolicited Proposals (JAUP)
- Surveillance plans
- Data Requirements Documents (DRD)/Contract Data Requirements Lists (CDRL)
- NASA Preferred Technical Standards or other engineering standards or specifications, if applicable (see PIC 04-04)
- Government-furnished property list with Supply & Equipment Management Officer (SEMO) concurrence
- Drawings
- Recommended evaluation criteria for competitive procurements
- Recommended evaluation team membership
- Staffing profile that sets forth the Government estimated staffing requirements by position (for service procurements only)

## 12. STATEMENTS OF WORK AND SPECIFICATIONS

The OP will assist initiators in preparing performance-based SOW's and specifications. The preparation of these documents is a challenge and requires a team effort between OP and procurement initiators. This effort should be started well in advance of initiating a PR for a major procurement and as early as possible in lower value procurements to avoid delays in the procurement process. Many guides for preparation of PBC documents are available online. Contact the OP for a current list of these sites.

Statements of Work and Specifications must be carefully prepared to ensure that the Government will obtain what it needs. Some helpful hints on SOW/Specification preparation are as follows:

Formats for SOW's vary widely, but they should always describe:

- a. Scope: Quick overview of what the SOW covers.
- b. Background: If applicable, a brief description of the problem(s) to be solved or the need giving rise to this requirement.
- c. Objectives: The overall effect this requirement will achieve.
- d. Contractor Tasks: Defines and explains the work to be performed.
- e. Contract End Items: Provides requirements related to the product or service deliverable.

After completing the SOW, review it by asking and answering the following questions:

- a. Who is responsible?
- b. What is required?
- c. When is it required?
- d. Where is it accomplished?
- e. Where is it needed?

The SOW/specification is often read and interpreted by persons of varied backgrounds, such as lawyers, cost estimators, production and quality control specialists, inspectors, and contract managers. Therefore, the SOW/specification must be stated such that:

- a. Only one interpretation is possible, and

- b. Each prospective offeror understands who, what, when, where the SOW must be accomplished.

It is critical that initiators question any aspect or item of the requirement that limits competition or prevents use of a commercial or non-developmental item. Requirements can restrict competition when they include any provision that:

- a. Includes a design requirement that is unnecessary for performance
- b. Includes geographic restrictions without a sound basis
- c. Incorporates higher-end components that are above agency's minimum needs
- d. Continues using features that are now obsolete
- e. Are written around a particular manufacturer's product or service

Unless synopsis is waived, requirements over \$25,000 are published via the Internet. Therefore, initiators need to ensure that information critical to protecting Agency assets and personnel is not contained in the SOW/specification. The Contract Specialist (CS) and the initiator shall ensure that the solicitation meets the requirements of the NASA Internet Publishing Content Guidelines (<http://op.larc.nasa.gov>).

Examples of information that **must not be included** are:

- Internal Center maps, including labeled aerial views.
- Technically detailed schematics or drawings of utilities, networks, airfields, aircraft, and buildings.
- Facility information including detailed drawings, schematics, physical locations of employees, staffing levels, hours of operation.
- Specific information on the composition, preparation, storage locations, or optimal use of hazardous materials, explosives or biotoxins.

When the above information is required by offerors in order for them to submit a proposal, initiators must address the information separately and identify as "limited dissemination". This information will have limited distribution and will not be disseminated to the public-at-large via the Internet.

### **13. DATA REQUIREMENTS DOCUMENT (DRD)/CONTRACT DATA REQUIREMENTS LIST (CDRL)**

DRD's/CDRL's are generally used to obtain all of the contractor-generated data needed to perform daily duties with respect to managing NASA projects and programs, maintaining official records, and reporting to other Government offices. A DRD should be used to describe the format and content of the data product(s) to be generated; and the CDRL should be used to describe the government's delivery instructions for the data. Examples of some of the types of data that may be required are:

- a. Technical progress reports, which identify current work status, any problem areas and proposed corrective action, and planned work.
- b. Financial management reports, which identify costs planned and expended by element, e.g. labor, material, and facilities maintenance expenses.
- c. Software discrepancy data (e.g., problem reports, discrepancy reports, defect databases, anomalies, errors, faults) relative to program software development activities.



## APPENDIX A

### GUIDE FOR PREPARATION OF NONCOMPETITIVE JUSTIFICATIONS

#### I. Justification Requirements

A Contracting Officer shall not commence negotiations for a sole source contract or a contract resulting from an unsolicited proposal unless he/she has justified in writing the use of such action, certifies the accuracy and completeness of the justification, and obtains the required approvals. Technical and requirements personnel are responsible for providing and certifying as accurate and complete necessary data to support their recommendation for other than full and open competition or for acceptance of an unsolicited proposal. This is to be provided in a justification document as described in the following paragraphs.

#### II. Procurements \$100,000 and below (Sole Source Justifications)

A. Prepare a Sole Source Justification containing sufficient facts and rationale to justify limiting competition to one firm. Include the following information:

- **What you need.** Provide a basic description of the supplies/services required, including its end use (in layman terms), and the estimated dollar value.
- **Why you need it.** Discuss the program mission that the requirement will support.
- **When.** Provide a realistic required delivery date or performance period.
- **Why that contractor.** Discuss why the contractor is the only source who can perform the work/provide the supply.
- **How you identified that specific product and/or contractor.** Provide a detailed discussion of market research efforts that resulted in determining this vendor as the only qualified source, including why other sources or products did not meet your needs.

#### B. Additional Guidance for Supplies

- If limited data rights limit competition, provide contract number which established data rights.
- If procuring replacement parts/add-ons for existing equipment, identify the basic equipment, contract number for its purchase, how procured (competitively or non-competitively) and the estimated value (e.g., replacing fans in an existing exhaust system purchased competitively under NAS1- \_\_\_\_\_ or NNL \_\_\_\_\_ at an estimated value of \$100K).

- If purchasing a system which must interact with another system, identify the other system(s) by name, contract number for its purchase, how procured (competitively or non-competitively), its estimated value and any other factors. (For example, buying a computer which must interface with systems A, B, & C, purchased under contract NAS1-\_\_\_\_\_ or NNL \_\_\_\_\_ at an estimated value of \$100K, plus software costs of \$50K and cost of duplicating data).

#### C. Additional Guidance for Services

- If the contractor has unique knowledge, document why that specific knowledge is required and why no other contractor can provide that knowledge.
- If the contractor is making changes to an existing system, identify those other systems, contract number for their purchase, how procured (competitively or non-competitively), their estimated value and any other factors. (For example, buying services to upgrade a non-commercial software program, developed under contract NAS1-\_\_\_\_\_ or NNL\_\_\_\_\_ at an estimated value of \$100K, plus cost of duplicating/converting data.)

### **III. Procurements over \$100,000 (Justification and Approval for Other Than Full and Open Competition (JOFOC))**

A. Prepare a Justification for Other Than Full and Open Competition (JOFOC) containing sufficient facts and rationale to justify the use of the specific FAR authority cited. Include the following information:

1. Appropriate recommendation {e.g., I recommend that we negotiate with the (name of firm) for (item being acquired)}.
2. Nature and/or description of the action being approved.
3. A description of the supplies or services required to meet the Agency's needs (including the estimated value).
4. An identification of the statutory authority permitting other than full and open competition. (see FAR 6.302 for specific authority)
5. A demonstration that the proposed Contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.
6. A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a FedBizOpps notice as appropriate was or will be publicized as required by FAR 5.201 and, if not, which exception under FAR 5.202 applies.
7. A determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.

8. A description of the market research (FAR Part 10) conducted and the results or a statement of the reasons a market research was not conducted.

9. Any other facts supporting the use of other than full and open competition, such as:

a. Explanation of why technical data packages, specifications, engineering descriptions, Statements of Work, or purchase descriptions suitable for full and open competition have not been developed or are not available.

b. When 6.302-1 is cited for follow-on acquisitions as described in 6.302-1(a)(2)(ii), an estimate of the cost that would be duplicated and how the estimate was derived.

c. When 6.302-2 is cited, data, estimated cost, or other rationale as to the extent and nature of the harm to the Government.

10. A listing of the sources, if any, that expressed, in writing, an interest in the acquisition.

11. A statement identifying any subsequent acquisition related to the required supplies or services and the actions, if any, LaRC may take to remove or overcome any barriers to full and open competition for any follow-on acquisition. Also, a statement that no follow-on or subsequent acquisitions are planned is required, if appropriate.

12. Contracting Officer certification that the justification is accurate and complete to the best of the Contracting Officer's knowledge and belief.

B. Each justification shall include evidence, or any supporting data, (e.g., verifying the Government's minimum needs or schedule requirements or other rationale for other than full and open competition) which forms a basis for the justification. In addition, the justification shall contain a certification in accordance with Appendix B.

IV. Freedom of Information -- The law (10 U.S.C. 2304(f)(4)) requires that justifications and any related information shall be made available for inspection by the public consistent with the provisions of the Freedom of Information Act.

**APPENDIX B**  
**SAMPLE CERTIFICATION PAGE\***

Technical Certification

I certify that to the best my knowledge and belief, the data furnished above is complete and accurate.

\_\_\_\_\_  
Technical  
Representative Office  
Name

Contracting Officer Certification

I hereby certify that the above justification is accurate and complete, to the best of my knowledge and belief, and the anticipated cost to the Government will be fair and reasonable.

\_\_\_\_\_  
Name  
Contracting Officer

\_\_\_\_\_  
Date

CONCURRENCE:

\_\_\_\_\_  
Name  
Office of the Chief Counsel

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name  
Procurement Officer

\_\_\_\_\_  
Date

APPROVED:

\_\_\_\_\_  
Name  
Competition Advocate  
Langley Research Center

\_\_\_\_\_  
Date

\*This sample is applicable to procurement between \$500K and \$10M. The concurrence and approval blocks will change according to dollar value. This Document is Uncontrolled When Printed.

Check the LMS web site to verify that this is the correct version before use.