DEPARTMENT OF THE INTERIOR - BUREAU OF INDIAN AFFAIRS

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

10 USC 2304(c) or 41 USC 253(c)

1. REQUISITION / CONTRACT No.	2. TOTAL ESTIMATED COST:	3. PROPOSED CONTRACTOR:	4. REQUESTING ACTIVITY:	5. CONTRACTING ACTIVITY:
0040074369	$20,825	Georgetown Law 600 New Jersey Avenue, NW Washington, DC 20001 POC: Jade Brown (202) 662-9891	BIA-OJS-Tribal Justice Support 1849 C. Street NW, MS 2603 Washington DC 20240 (202) 208-3909	Leo Moomaw, Contracting Officer 12220 Sunrise Valley Drive Reston, VA 20191 (703) 390-6408

6. STATUTORY AUTHORITY: AUTHORITY PERMITTING THE USE OF OTHER THEN FULL AND OPEN COMPETITION

☒ **FAR 6.302-1 – Only one responsible source and no other supplies or services will satisfy agency requirements** [41 USC 253(c) (1)]: The supplies or services required by the Agency are available from only on responsible source and no other supplies or services will satisfy agency requirements.

☐ **FAR 6.302-1(c) – Only one responsible source and no other supplies or services will satisfy agency requirements** [41 USC 253(c) (1)]: Brand Name Justification. The use of such descriptions in the acquisition is essential to the Government's requirement, thereby precluding consideration of a product manufactured by another company. 6.302-1(c) - Brand Name or Equal requirements do not require a JOFOC.

☐ **FAR 6.302-2 – Unusual and compelling Urgency** [41 USC 253(c) (2)]: The agency's need for the supplies or services is of such an unusual and compelling urgency that the government would be seriously injured unless the agency is permitted to limit the number of sources from which it solicits bids or proposals. (***NOTE**: These justifications may be made and approved after contract award when preparation and approval prior to award would unreasonably delay the acquisition. Lack of advanced planning is not justification for the use of this authority.)*

☐ **FAR 6.302-3 – Industrial Mobilization; engineering, development, or research capability; or expert services** [41 USC 253(c) (3)]: It is necessary to award the contract to a particular source or sources in order (i) to maintain a facility, producer, manufacturer, or other supplier available for furnishing supplies or services in case of a national emergency or to achieve industrial mobilization, or (ii) to establish or maintain an essential engineering, research, or development capability to be provided by an educational or other nonprofit institution or a federally funded research and development center or (iii) to acquire the services of an expert neutral person for any current or anticipated litigation or dispute.

☐ **FAR 6.302-4 – International agreement** [41 USC 253(c) (4)]: Full and open competition need not be provided for when precluded by the terms of an international agreement or a treaty between the United States and a foreign government or international organization, or the written directions of a foreign government reimbursing the agency for the cost of the acquisition of the supplies or services for such government.

☐ **FAR 6.302-5 – Authorized or required by statute** [41 USC 253(c) (5)]: A statute expressly authorizes or requires that the acquisition be made through another agency or from a specified source, or the agency's need is for a brand-name commercial item for authorized resale.

☐ **FAR 6.302-6 – National security** [41 USC 253(c) (6)]: The disclosure of the agency's needs would compromise the national security unless the agency is permitted to limit the number of sources from which it solicits bids or proposals.

☐ **FAR 6.302-7 – Public Interest** [41 USC 253(c) (7)]: The agency head determines that it is not in the public interest to use full and open competition in the particular acquisition concerned.

7. NATURE AND/OR DESCRIPTION OF THE ACTION BEING APPROVED: These booklets are needed to be used during our Tribal Courts Trial Advocacy Trainings scheduled throughout Indian country. It is a good resource for attendees after completion of training.

8. A DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEEDS, INCLUDING THE ESTIMATED VALUE:

See #7. The booklets are $85 each and we are in need of 245. And this is at a reduced price.

9. A DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS OR THE NATURE OF THE OF THE ACQUISITION REQUIRES USE OF THE AUTHORITY CITED: The vendor is the only known source, and possibly the sole proprietor of the books, to my knowledge, that carries the annual review. Unsure how Contracting researches or if there is a database we are not privy to that broadens the search.

10. A DESCRIPTION OF THE EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS IS PRACTICABLE, INCLUDING WHETHER A NOTICE WAS OR WILL BE PUBLICIZED IN REQUIRED BY SUBPART 5.2 AND, IF NOT, WHICH EXCEPTION UNDER 5.202 APPLIES: This was the only vendor contacted since it was called the Georgetown Law Journal Annual Review we figured the likely source would be Georgetown Law.

11. A DETERMINATION BY THE CONTRACTING OFFICER THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE:

It would be fair and reasonable to use this vendor because they are offering the books at a price of $85 and being offered at a lower price.

12. A DESCRIPTION OF THE MARKET RESEARCH CONDUCTED AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

See answer on Item #10.

13. ANY OTHER FACTS SUPPORTING THE USE OF OTHER THAN FULL AND OPEN COMPETITION:

None

14. A LISTING OF THE SOURCES, IF ANY, THAT EXPRESSED, IN WRITING, AN INTEREST IN THE ACQUISITION:

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This justification has been prepared under the authority of 41 USC 253(c) as set forth in FAR 6.3. This Justification documentation shall conform to guidance in FAR Part 13 for acquisitions at or below the simplified acquisition threshold (>$100,000). For acquisitions above the simplified acquisition threshold, the documentation shall conform to guidance in FAR Part 6, Department of the Interior Acquisition Regulation and BIA Procurement Policy.

Federal Acquisition Regulation (FAR) 6.3 Other than Full and Open Competition, (a) 41 U.S.C. 253(c) and 10 U.S.C. 2304(c) each authorize, under certain conditions, contracting without providing for full and open competition. The Department of Defense, Coast Guard, and National Aeronautics and Space Administration are subject to 10 U.S.C. 2304(c). Other executive agencies are subject to 41 U.S.C. 253(c). Contracting without providing for full and open competition or full and open competition after exclusion of sources is a violation of statute, unless permitted by one of the exceptions in 6.302.

15. CERTIFICATION AND SIGNATURE APPROVALS:

Pursuant to FAR 1.707 Signature Authority, this Justification has been thoroughly reviewed and recommends approval. I certify that the above facts and representations under my cognizance that are included in this Justification are accurate and complete to the best of my knowledge and belief.

Concur	TITLE	TYPED NAME	SIGNATURE	DATE
☐	Program Manager			4.24.2013
☐	Contracting Officer			
☐	Competition Advocate			