

**COMPLETION INSTRUCTIONS for:  
JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION for  
SIMPLIFIED ACQUISITIONS VALUED BELOW \$150K**

I. General Information

- a. The purpose of the justification document is to ensure the requiring activity and contracting office have thoroughly evaluated the requirement and have considered all possible alternatives prior to deciding to restrict competition.
- b. This is a legal document and will be made part of the official contract file. Ensure it is completed accurately and professionally.
- c. The requiring activity is responsible for completing the first part of the document through Section 6. The contracting office verifies and completes the rest of the information.
- d. Before submitting to the contracting office, the requiring activity should remove the instructions in "red" within the document. The below information is guidance supplemental to those instructions and is meant to aid the preparers in adequately completing the document.
- e. References to the Federal Acquisition Regulations (FAR) can be accessed at: <http://farsite.hill.af.mil>

II. Authorities to Limit Competition- For purchases not exceeding the simplified acquisition threshold (SAT), contracting officers may solicit from one source if the contracting officer determines that the circumstances of the contract action deem only one source reasonably available\* (e.g. urgency, exclusive licensing agreements, brand name, or industrial mobilization).

\*The FAR states that contracting without providing for full and open competition shall not be justified on the basis of a lack of advance planning by the requiring activity.

- a. **Sole Source:** FAR 13.106-1(b)(1)(i) Soliciting from a single source- Select this authority when procuring requirements on the basis of urgency, exclusive licensing agreements, brand name or industrial mobilization.
- b. **Brand Name:** FAR 13.106-1(b)(1)(ii) Brand name specification- Select this authority when a single source is identified to provide a portion of a purchase because that portion specifies a particular brand-name item. The documentation should state it is veering only the portion of the acquisition which is brand-name.
- c. **Brand Name or Equal\*:** If the commodity or service required meets the criterion for a Brand Name or Equal competitive action- STOP. This justification is not required.

**\*See supplemental information at the end of this instructions document.**

III. Estimated Value (inclusive of options):

- a. This justification template is only appropriate for use below the Simplified Acquisition Threshold, \$150,000.
- b. Estimated value needs to be the total of the basic requirement plus any option years or option quantities.

IV. Form Completion

Section 1- Name of proposed sole source contractor *or* brand name manufacturer

Section 2- Brief description of supplies or services required and the intended use:

- a. In layman's terms, briefly describe the services or supplies to be provided, including make & model number where appropriate. Include quantities of supplies or period of performance for services. Provide information for any options included. If the action is a modification to an existing purchase order, distinguish clearly between the work covered by the basic order and the work to be obtained by the proposed modification.
- b. General description of requirement- do not go into justification rationale here.

Section 3- Unique salient characteristics that limit availability to only one source, with the reason no other supplies or services can be used:

- a. Explain factors/unique qualifications such as proprietary data or exclusive licensing rights, if applicable.
- b. If brand name, explain why an adequate purchase description or other information suitable to solicit by full and open competition has not been developed or are not available.

Section 4- Reason why contractor is the only source capable of meeting mission requirements; specifically, the reason no other source can meet the unique capabilities in section 3:

- a. Has the vendor provided a statement verifying the unique/specialized/proprietary nature of the requirement?
- b. Follow-On Contracts: Defined as a separate, new contract action for which the price and terms are non-competitively negotiated with the incumbent contractor to continue or augment a specific program which is necessitated by prior procurement decisions. Discuss how the sole source action will avoid duplication of costs that is not expected to be recovered through competition, or discuss the unacceptable delays to the government. Provide an estimate of the costs that will be duplicated and explain how such estimate was derived.
- c. If urgency is the basis for the justification, explain the chronological events leading up to the requirement and explain why time constraints cannot permit even a limited competition. Describe impact of required delivery/performance date. Describe the detrimental effects/serious injury to the mission of the requiring activity or to the government, financial or otherwise, that will result if this justification is not approved and the product or service cannot be provided by the intended sole source contractor.

Section 5- Market Research:

- a. Reference FAR Part 10
- b. Describe the extent of the market research conducted to identify all qualified sources and the results thereof. "Market Research" is defined as those attempts you made to ascertain whether other qualified sources exist, and can include contact with knowledgeable experts regarding similar or duplicate requirements, contact with industry, results of a sources sought synopsis, or draft solicitations. Research of the marketplace may consist of written, telephonic, or world wide web inquiries.
- c. Procurement History: Identify contract numbers and whether those actions were competed or not.

Section 7- Actions to Increase Competition (for completion by ACC-APG Acquisition Personnel):

- a. What supplemental market research has been done?
- b. Has a sources sought, RFI, or notice of intent been posted?
- c. Have any contractors identified their interest in this requirement?
- d. Has the proposed contractor been contacted for verification of the information presented?
- e. Have resellers/distributors been researched and identified?
- f. Have the mandatory sources of FAR Part 8 been screened? (FPI/UNICOR, AbilityOne, GSA, FSS)

**Brand Name or Equal** (FAR 11.104)-

- Brand name or equal purchase descriptions must include, in addition to the brand name, a general description of those salient physical, functional, or performance characteristics of the brand name item that an "equal" item must meet to be acceptable for award.
- Use brand name or equal descriptions when the salient characteristics are firm requirements.
- The below chart details the difference between "Brand Name or Equal" and "Brand Name" actions under \$150k:

Brand Name or Equal	Brand Name
Does <b>NOT</b> require a "Justification"	<b>Does</b> require a "Justification"
<b>Does not</b> limit competition/Provides for greater competition	<b>Does</b> limit competition
<b>Informally</b> describe salient characteristics (via email, memo, etc.) in written form.	<b>Formally</b> describe salient characteristics via a "Justification"
<b>No</b> specific format	<b>Use</b> Justification for Other Than Full and Open Competition for Simplified Acquisitions <\$150k
Allows for " <b>or equal</b> " similar/comparable items	Must supply <b>specific</b> item (part number, model number, serial number etc.)

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION for  
SIMPLIFIED ACQUISITIONS VALUED BELOW \$150K**

FAR 13.106-1(b)(1)(i) Soliciting from a single source       FAR 13.106-1(b)(1)(ii) Brand name specification

<b>PURCHASE REQUEST NUMBER:</b> PR 0010818480	<b>DESCRIPTION OF ACTION:</b> <input checked="" type="checkbox"/> New Requirement <input type="checkbox"/> Modification	<b>ESTIMATED VALUE (inclusive of options):</b> \$*****
		<b>FUND TYPE:</b> O&M (2020) <b>YEAR:</b> FY 2016

**1. NAME OF PROPOSED SOLE SOURCE CONTRACTOR / BRAND NAME MANUFACTURER:**

Hewlett Packard (HP)

**2. BRIEF DESCRIPTION OF SUPPLIES OR SERVICES REQUIRED AND THE INTENDED USE:**

We are seeking a quantity of 500 Hewlett Packard (HP) Laser Jet Toner cartridges for HP M775f MFP printers on the CECOM campus. The colors we are requesting are 200-HP CE340A Black Toner, 100-HP CE341A Cyan Laser Jet Toner, 100-HP CE342A Yellow Laser Jet Toner, and 100-HP CE343A Magenta Laser Jet Toner.

**3. UNIQUE SALIENT CHARACTERISTICS THAT LIMIT AVAILABILITY TO ONLY ONE SOURCE, WITH THE REASON NO OTHER SUPPLIES OR SERVICES CAN BE USED:**

The requirement for these Toner cartridges needs to be HP Laser Jet Toner cartridges due to the fact that the HP M775f MFP performs efficiently with HP toner cartridges instead of generic brand toner cartridges. Manufacture recommends HP toner cartridges be used for better operation of the HP M775 MFP printer and the use of a generic brand cartridge may impact warranty coverages.

**4. REASON WHY CONTRACTOR IS THE ONLY SOURCE CAPABLE OF MEETING MISSION REQUIREMENTS; SPECIFICALLY, THE REASON NO OTHER SOURCE CAN MEET THE UNIQUE CAPABILITIES IN SECTION 3:**

Any contractor is fine for this purchase as long they meet the manufacture recommended cartridges listed in block #2 from Hewlett Packard.

**Is this a follow-on contract?** yes  no  **If yes, provide contract number:** N/A

How would award to any other source result in substantial duplication of cost to the Government that is not expected to be recovered through competition?

**5. MARKET RESEARCH:**

Market research has been conducted from October 2015 through January 2016. Currently, procurement of these cartridges is limited to the credit card limit of \$\*\*\*\*\*.

**6. TECHNICAL CERTIFICATION:**

**I certify that the supporting data under my cognizance, which is included in the sections above, is accurate and complete to the best of my knowledge and belief.**

NAME AND TITLE OF CUSTOMER	DIGITAL SIGNATURE 	EMAIL ADDRESS	DATE 20160208
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**7. ACTIONS TO INCREASE COMPETITION (For Contracting Personnel Use):**

**Market Research:**

Preliminary market research showed that this item is available from at least one CHESS vendor and potentially over 200 small businesses on GSA. Additionally, market researched identified that these item were not on the mandatory procurement list for Ability One for mandatory source and thus available for full and open competition in the open market.

A reverse auction will be conducted using a combined synopsis/solicitation for commercial items prepared in accordance with the format in FAR Subpart 12.6 in under GSA Reverse auction. The start date for the auction will run from 17 February 2016 to 24 February 2016 at 1200 (12:00 pm) Eastern Standard Time. The lowest price technically acceptable will be used. The technical evaluation must be deemed acceptable by the Government Technical Point of Contact (POC) based on information furnished by the vendor.

**Brand Name Justification:**

Additionally, the technical point of contact from Communications and Electronics Command (CECOM), confirmed that the M775f printers are brand new and currently under manufacturer warranty. Per the HP M775 user guide pg 64, damages caused by non-HP toner cartridge will not be covered under any existing service agreements or warranties.

Although damages cannot be predicted or the cost associated with potential repairs are undetermined, it would be in the Government's best interest to procure HP toners until the current warranty for the printers have expired. This will mitigate the potential repair cost should the use of non-HP toner cartridge causes damages.

**8. CONTRACT SPECIALIST/PURCHASING AGENT REVIEW:**

**COMPETE**

**I have done my due diligence in verifying the information presented above by the requiring activity and have attempted to obtain competition to the maximum extent practicable.**

NAME OF REVIEWER	DIGITAL SIGNATURE	EMAIL ADDRESS	DATE
Marissa K. Kinder	KINDER.MARISSA.K SHMA.1384550645 <small>Digitally signed by KINDER.MARISSA.KISHMA.1384550645 DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=ISA, cn=KINDER.MARISSA.KISHMA.1384550645 Date: 2016.02.17 14:04:29 -0500</small>	marissa.k.kinder.mil@mail.mil	17 Feb 2016

**9. ENDORSEMENT OF THE ACC-APG TENANT DIVISION CONTRACTING OFFICER**

I hereby approve / disapprove this justification in accordance with the authority cited on this document.

Approval is based on the availability of funds and provided that the services and property herein described have been otherwise authorized for procurement.

NAME OF CONTRACTING OFFICER	DIGITAL SIGNATURE	EMAIL ADDRESS	DATE
	<small>Digitally signed by GLADNEY.GENTLE.MARCELLUS.1240563548 DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=ISA, cn=GLADNEY.GENTLE.MARCELLUS.1240563548 Date: 2016.02.17 14:16:16 -0500</small>		17 Feb 2016

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