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Justification for Other Than Full And Open Competition (JOFOC) Template for Class D&F to Authorize Limiting Competition to Local Entities

A Mandatory Reference for ADS Chapter 302

Reference Issuance Date: 09/16/2011
Responsible Office: M/OAA/P
File Name: 302maz_091611

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION (JOFOC)
TEMPLATE FOR CLASS D&F TO AUTHORIZE LIMITING COMPETITION TO
LOCAL ENTITIES

The purpose of this JOFOC Template is to document the bases for awarding or modifying a contract using less than full and open competition under the authority of the A/AID-approved class D&F for limiting competition to local entities. This template JOFOC contains the requirements at FAR 6.303-2 for the content of justifications. An individual JOFOC should not be used to support more than one contract award or modification. Approval of the JOFOC does not obviate the need to prepare a Memorandum of Negotiation, conduct a cost/price analysis, and make a responsibility determination.

TO: [Name of USAID Contracting Officer]

CC: [Agency Competition Advocate]

[Guidance: the CO must send a copy to the Agency Competition Advocate if the modification or contract award is valued at \$150,000 or above.]

FROM: [Name of USAID Contracting Officer's Representative (COR)/Technical Requiring Officer, and Office]

DATE: _____

RE: *[If this is a follow-on or a modification, reference the original award, with title and contract number]*

SUBJECT: Justification for Other than Full and Open Competition under the Class Determination and Findings to Authorize Limiting Competition to Local Entities

We request approval of this justification for use of other than full and open competition pursuant to the authority provided in the class determination and findings to authorize limiting competition to local entities, approved by the Administrator on [DATE]. Your approval of this JOFOC constitutes the justification for other than full and open competition as required by that class D&F, attached in Tab 1.

- a) Nature and/or description of the action being approved.
- b) A description of the supplies or services required to meet USAID's needs (including the estimated value).
- c) Identification of statutory authority permitting other than full and open competition.

AIDAR 706.203-70 and 40 U.S.C. §113, as authorized in the class D&F in Tab 1

The CO must also attach the actual class D&F to this JOFOC for the contract file.

d) A discussion of the nature of the acquisition that requires use of the authority cited.

Guidance: The authority under the class D&F is typically to be utilized only on an “as-needed” basis. Provide the programmatic and technical bases for using less than full and open competitive procedures, including a description of how performance of the resulting contract will develop local capacity and why the class D&F is appropriate in this case.

e) A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.

Guidance: Publication of a notice in Federal Business Opportunities (FBO) is not required per the determination at AIDAR §705.202(b). However, you must describe efforts to solicit from as many potential local sources as is practicable, including local advertisements and outreach to potential local entities.

f) A determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.

Guidance: In order to ensure cost reasonableness, the Mission or Bureau is required to provide an independent government estimate to the CO.

g) A description of the market research conducted (see FAR Part 10) and the results.

Guidance: Market research must show that there are at least three (3) local entities available to carry out the work/deliverables to ensure adequate local competition.

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

i) A statement of the actions, if any, USAID may take to remove or overcome any barriers to competition before any subsequent acquisition of the supplies or services required.

Guidance: The class D&F authorizes local competition, and so address this requirement by addressing any efforts, if any, the Mission may take to increase local competition.

RECOMMENDATION

It is recommended that you approve this justification for use of other than full and open competition pursuant to the class determination and findings to authorize limiting competition to local entities, approved by the Administrator on [DATE]. Your approval of this JOFOC constitutes the justification for other than full and open competition as required by Tab 1 (D&F for the Authorization of Less than Full and Open Competitive Procedures in the Modification or Award of Contracts) of the class D&F.

CERTIFICATION:

The requirement for technical certification at FAR 6.303-2(b) is fulfilled through:

- a. The signature of the Technical Officer below certifying the specific supporting data for this JOFOC; and
- b. The class determination and findings to authorize limiting competition to local entities, approved by the Administrator on [DATE] (attached).

Technical Officer:

I hereby certify that the supporting data which form a basis for the justification are complete and accurate to the best of my knowledge and belief.

Technical Officer

Date

APPROVAL:

Contracting Officer

Date:

CLEARANCE:

RLA or GC/A&A

Date:

[Guidance: RLA or GC/A&A clearance is the only clearance that the class D&F requires. Your Mission, Bureau, or Independent Office may require additional clearances.]

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