

For: FFAS Offices

Competition Advocacy Review Policy and Justifications

Approved by: Deputy Administrator, Management



1 Competition Advocacy Overview

A Background

As required by Office of Federal Procurement Policy Act, Section 20, the head of each executive agency shall designate a competition advocate for the agency and for each procuring activity of the agency. Contracting activity competition advocates serve as:

- advisor to the head of each agency for contracting activity competition issues
- the agency’s focal point for ensuring full implementation of and compliance with the Competition in Contracting Act of 1984.

Federal Acquisition Regulation (FAR) Subpart 6.5 fully addresses the competition advocate.

B Policy

Effective immediately, all FFAS offices, including State Offices, are required to adhere to the policy contained in this notice when creating either of the following:

- sole source or limited source justifications for contracts
- orders above the micro-purchase threshold.

Disposal Date	Distribution
May 1, 2010	All FAS, FSA, and RMA Offices; State Offices relay to County Offices

1 Competition Advocacy Overview (Continued)

C Purpose

This notice:

- applies to FFAS offices, including State Offices supported by AMD
- provides the following:
 - policy and procedures for reviewing sole source and limited source requirements by the competition advocate for compliance with FAR
 - competition advocate responsibilities
 - points of contact
 - approval levels of justifications
 - actions of contracting officers in justification submittal.

D Competition Advocate Responsibilities

Competition advocates shall:

- identify and remove barriers to competition
- review draft acquisition plans, statements of work, and justifications for other than full and open competition
- promote acquiring commercial items
- promote full and open competition
- challenge requirements that are not stated in terms of functions to be performed, performance required, or essential physical characteristics
- challenge barriers to acquiring commercial items and full and open competition, such as unnecessarily restrictive statements of work, unnecessarily detailed specifications, and unnecessarily burdensome contract clauses.

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1 Competition Advocacy Overview (Continued)

E Contacts

If the program office is unsure of which justification is required for the sole source/limited source justification submission or needs templates of the justifications, contact either of the following:

- Billy Rowland, FSA, AMD, Competition Advocate by either of the following:
 - e-mail to **billy.rowland@wdc.usda.gov**
 - telephone at 202-720-9356
- Ora Bethea, FSA, AMD, Policy and Oversight Branch Chief by either of the following:
 - e-mail to **ora.bethea@wdc.usda.gov**
 - telephone at 202-720-7349.

2 Action

A Overview

The information in subparagraphs B through D is provided to assist all program offices and contracting officers with appropriate approval levels for sole source and limited source justifications. Proper justifications should be received by AMD as part of the submitted requisition package by the program office.

Improper justifications will **not** be accepted by AMD and will be returned to the program office for proper completion.

B Approval Levels for Sole Source Open Market Requirements

The following are approval levels for sole source open market requirements.

Contract/Order Dollar Value	Approving Official
JOFOC Under FAR 6.304 Open Market Acquisition	
\$3,001 to \$550,000	Contracting Officer/Competition Advocate Concurrence
\$550,001 to \$11,500,000	Competition Advocate
\$11,500,001 to \$57,000,000	Director, AMD
\$57,000,0001 and above	USDA Senior Procurement Executive

Note: Justification for other than full and open competition (JOFOC) is **required** for sole-source simplified acquisitions (\$3,001 to \$100,000). Sole-source simplified acquisitions will require a written explanation of the reason for the lack of competition for action over \$25,000 with competition advocate signature and a written determination by the contracting officer that the price is fair and reasonable.

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2 Action (Continued)

C Approval Levels for Limited Source Federal Supply Schedule Requirements

The following are approval levels for Federal supply schedule requirements.

Contract/Order Dollar Value	Approving Official
Limited Source Justification Under FAR 8.405-6(h)	
\$100,001 to \$550,000	Contracting Officer/Competition Advocate Concurrence
\$550,001 to \$11,500,000	Competition Advocate
\$11,500,000 to \$57,000,000	Director, AMD
\$57,000,001 and above	USDA Senior Procurement Executive

D Approval Levels for Sole Source Special Test Item Requirements

The following are approval levels for special test item requirements.

Contract/Order Dollar Value	Approving Official
JOFOC Under FAR 13.501(a)(2) Special Test Items	
\$100,001 to \$550,000	Contracting Officer/Competition Advocate Concurrence
\$550,001 to \$11,500,000	Competition Advocate
\$11,500,001 to \$57,000,000	Director, AMD
\$57,000,001 and above	USDA Senior Procurement Executive

Note: The purpose of this test program is to vest contracting officers with additional procedural discretion and flexibility, so that commercial item acquisitions in this dollar range may be solicited, offered, evaluated, and awarded in a simplified manner that maximizes efficiency and economy and minimizes burden and administrative costs for both the Government and industry.

E Contracting Officer Actions in Justification Submittals

Contracting officers shall coordinate with the program office to ensure that **all**:

- JOFOC's include the information required by FAR 6.303-2(a) and are:
 - completed in the proper justification format
 - approved at the proper levels in subparagraphs B and D
- limited source justifications include the information required by FAR 8.405-6(g) and are:
 - completed in the proper justification format
 - approved at the proper level in subparagraph C.