

§ 1806.302

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.

Date \_\_\_\_\_

NOTES:

- 1. Name of source to be excluded.
- 2. Description of estimated reduction in overall costs.
- 3. Description of how estimate was derived.
- 4. In paragraph 4 and in the Determination, the basic wording is appropriate when FAR 6.202(a)(1) applies; Alternate I is appropriate when FAR 6.202(a)(2) applies; and Alternate II is appropriate when FAR 6.202(a)(3) applies.
- 5. Description of circumstances necessitating the exclusion of the identified source.

**Subpart 1806.3—Other Than Full and Open Competition**

**§ 1806.302 Circumstances permitting other than full and open competition.**

**§ 1806.302-4 International agreement.**

**§ 1806.302-470 Documentation.**

Pursuant to 10 U.S.C. 2304(f)(2)(E), an individual justification for other than full and open competition under the authority of FAR 6.302-4 is not required when the procurement officer signs a Memorandum for the Record that:

- (a) Describes the specific terms of the international agreement or treaty that limit acquisitions in support of, or as a result of, the agreement or treaty to less than full and open competition;
- (b) Is reviewed and approved by the appropriate competition advocate in accordance with NFS 1806.304-70; and
- (c) Is included in each official contract file in the place for filing a Justification for Other than Full and Open Competition (see NASA Form 1098).

**1806.302-7 Public interest. (NASA supplements paragraph (c))**

(c)(2) The notice to Congress shall be made by NASA Headquarters, Office of Legislative Affairs (Code LC). Code HS shall request the notice to be made immediately upon approval of a D&F and shall advise the contracting activity of the date upon which the notification period ends.

(3) The contracting officer shall prepare the D&F required by FAR 6.302-

7(c)(1) in any format that clearly documents the determination and the supporting findings.

**1806.303 Justifications.**

**1806.303-1 Requirements. (NASA supplements paragraphs (b) and (d))**

(b) Justifications for using less than full and open competition may be prepared by the technical office initiating the contract action when it is recommending the use of the justification authority, or by the contracting officer if the technical office does not make such a recommendation.

(d) The contracting officer shall send a copy of each approved justification or D&F that cites that authority of FAR 6.302-1 (a)(2)(i) or FAR 6.302-7 to NASA Headquarters, International Relations Division (Code IR), unless one of the exceptions at FAR 25.403 applies to the acquisition. The transmittal shall indicate that the justification is being furnished under FAR 6.303-1(d).

**1806.303-170 Sole-source purchases by contractors.**

The requirements of FAR part 6 and this part 1806 apply if NASA directs a prime contractor (by specifications, drawings, parts lists, or otherwise) to purchase items on a sole-source basis. Accordingly, procurement officers shall take necessary actions to ensure that such sole-source acquisitions are properly justified. Where "brand name or equal" purchase descriptions list the salient physical, functional, or other characteristics of the item being procured and are properly used under 1811.104, the justification requirements of FAR part 6 and this part 1806 do not apply.

**1806.303-2 Content.**

**1806.303-270 Use of unusual and compelling urgency authority.**

If the authority at FAR 6.302-2 is used for extending the performance period of an existing services contract, the justification shall contain the information required by FAR 6.303-2 and;

(a) Documentation that the acquisition process for the successor contract was started early enough to allow for adequately planning and conducting a full and open competition, together