

**Department of Justice**

**2806.303-2**

and Procedures Manual for Guidance of Federal Agencies.

**PART 2806—COMPETITION REQUIREMENTS**

**Subpart 2806.3—Other Than Full and Open Competition**

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AUTHORITY: 28 U.S.C. 510; 40 U.S.C. 486(c); 28 CFR 0.75(j) and 28 CFR 0.76(j).

SOURCE: 63 FR 16124, Apr. 2, 1998, unless otherwise noted.

**Subpart 2806.3—Other Than Full and Open Competition**

**2806.302 Circumstances permitting other than full and open competition.**

**2806.302-7 Public interest.**

**2806.302-70 Determination and findings.**

(a) *Procedure.* The determination and findings (D&F) required by FAR 6.302.7(c)(1) shall be prepared in the format provided in paragraph (b) of this subsection. The original D&F and documentation supporting the use of this exception to the requirement for full and open competition shall be submitted to PPRG, JMD, for concurrence and coordination to the Attorney General for signature.

(b) *Format.* The following format shall be used for the D&F:

DEPARTMENT OF JUSTICE

WASHINGTON, DC 20530

DETERMINATION AND FINDINGS

Authority To Use Other Than Full and Open Competition:

Upon the basis of the following findings and determination, which I hereby make

pursuant to the authority of 41 U.S.C. 253(c)(7), as implemented by FAR 6.302-7, it is in the public interest to provide for other than full and open competition in the contract action described below.

Findings:

1. The (1) proposes to enter into a contract for the acquisition of (2).
2. Use of the authority cited above is necessary and in the public interest for the following reasons: (3)

**Determination**

For the reasons described above, it is necessary and in the public interest to use other than full and open competition in the proposed acquisition.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Notes:

- (1) Name of contracting activity.
- (2) Brief description of supplies or services.
- (3) Explain the need for use of the authority.

**2806.303 Justifications.**

**2806.303-1 Requirements.**

Pursuant to FAR 6.303-1(d), a copy of the justification shall be forwarded through the Department's Competition Advocate to the Department's point of contact with the Office of the United States Trade Representative.

**2806.303-2 Content.**

In addition to the information required by FAR 6.303-2, justifications requiring the approval of the PE shall contain the following documents:

(a) A written Acquisition Plan as required by FAR 7.102 and part 2807 of this chapter. If a plan was not prepared, explain why planning was not feasible or accomplished.

(b) A copy of the CBD announcement or proposed announcement in accordance with the requirements of FAR 5.203.

(c) As part of the description of the supplies or services required in FAR 6.303-2, the justification shall include the statement of need as submitted by the requiring activity and any subsequent changes or revisions to the specifications.

(d) Any additional documentation that may be unique to the proposed procurement and is relevant to the justification.