

INDIAN AFFAIRS DIRECTIVES TRANSMITTAL SHEET

(modified DI-416)

DOCUMENT IDENTIFICATION NUMBER NPM-ACQU-2	SUBJECT Sole Source Justifications	RELEASE NUMBER 07-24
FOR FURTHER INFORMATION Office of Acquisition and Property Management		DATE JUN 05 2007

EXPLANATION OF MATERIAL TRANSMITTED:

The purpose of this policy is to ensure that BIA Acquisition Personnel adhere to and comply with guidelines for Sole Source Justifications according to the Federal Acquisition Regulation (FAR).



Debbie L. Clark
Deputy Assistant Secretary – Indian Affairs (Management)

FILING INSTRUCTIONS:

Remove: None

Insert: NPM-ACQU-2 (New)



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240



National Policy Memorandum

**Assistant Secretary - Indian Affairs
Deputy Assistant Secretary - Management
Office of Acquisition and Property Management**

Number: NPM-ACQU-2

Effective:

Expires:

JUN 05 2007

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Title: Sole Source Justifications (Justification for Other than Full and Open Competition [JOFOC])

1. Purpose

The purpose of this policy is to ensure that Indian Affairs (IA) acquisition personnel adhere to and comply with appropriate Sole Source Justifications.

It has been brought to the attention of Indian Affairs management that a high number Indian Affairs contracts are being issued as Sole Source. In many cases, the Sole Source Justifications were not valid, according to the Federal Acquisition Regulation (FAR). A high number of Sole Source Justifications indicates diminished competition.

2. Scope

This policy applies to all Indian Affairs (IA) Acquisition Personnel, which includes the Assistant Secretary – Indian Affairs, Bureau of Indian Affairs, and Bureau of Indian Education offices.

3. Policy

FAR 6.101 (a), 10 U.S.C. 2304, and 41 U.S.C. 253 require, with certain limited exceptions (see subparts 6.2 and 6.3), that contracting officers shall promote and provide for full and open competition. In other words, full and open competition is the law, the rule and the preferred way of issuing Federal contracts.

FAR 6.2 addresses full and open competition after the exclusion of sources. For example, FAR 6.203 Set-asides for small business, FAR 6.204 Section 8(a) Competition, FAR 6.205 Set-asides for HUBZone small business concerns and FAR 6.206 Set-asides for service-disabled veteran-owned small business concerns.

FAR 6.301 Policy states: "Contracting without providing for full and open competition or full and open competition after the exclusion of sources is a violation of statute, unless permitted by one of the exceptions in FAR 6.302."

Sole Source Justifications should be a rare event. It was never intended to become the normal way of awarding Federal Government contracts. Lack of competition, could mean that the Government is not receiving the best value for supplies and services. It could also open up the potential for contract malfeasance.

Indian Affairs contract specialists have many compelling reasons to use full and open competition, such as the following:

- A. Full and open competition allows the forces of the open market to determine the best price. This process ensures that the Government is receiving best value for supplies and services and that the prices are fair and reasonable.
- B. Full and open competition provides opportunities for all businesses large and small.
- C. Full and open competition enhances quality supplies and services are delivered to the Government.
- D. Full and open competition allows for a fair, ethical process that is not unduly influenced by outside pressures.

Sometimes contract specialists may be pressured by deadlines, political pressure or have a preference toward a certain contractor. These are not reasons in themselves, for issuing sole source contracts. Moreover, lack of planning or expiring funds are not justifications for sole source contracts.

Contract specialists shall scrutinize JOF/OCS carefully in order to verify if they meet the FAR's strict interpretation of exception to full and open competition. It is the responsibility of Indian Affairs acquisition personnel to inform and advise the Program Office (Customer) that the FAR has very strict rules on sole source justifications.

Furthermore, FAR 6.303-2 stipulates the content of each sole source justification.

Sole source justifications will be closely scrutinized in Indian Affairs to see if they are in strict compliance with the FAR.

For contracts over \$100,000, sole source justifications must be reviewed and approved by Supervisory Contracting Officers.

For Contracts under \$100,000 sole source justifications can be approved by the Contracting Officer (with the appropriate warrant level).

For contracts over \$550,000 sole source justifications must be reviewed and approved by the Competition Advocate.

4. Roles and Responsibilities

Director, Office of Acquisition and Property Management (OAPM) is responsible for Acquisition and Property Management for Indian Affairs.

Contract Specialists are responsible for reviewing and ensuring that Sole Source Justifications meet the strict guidelines of the FAR.

Indian Affairs (IA) Acquisition Supervisors are responsible to ensure that subject policy is adhered to by acquisition personnel.

For any questions regarding the policies set forth in this national policy memorandum, please contact Curtis Foust at (703) 390-6480.

5. Approvals



Debbie L. Clark
Deputy Assistant Secretary – Indian Affairs (Management)

6/5/07

Date

Note* The Bureau of Indian Affairs (BIAM) is currently under revision and will be converted to the Indian Affairs Manual (IAM)