

ATTACHMENT 2:
JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION (JOFOC) TEMPLATE
(INSERT THE NAME OF PROGRAM / TITLE OF THE PROCUREMENT REQUIREMENT)

Identification Number: *(e.g. purchase request/solicitation number/contract number)*

1. Identification of the agency and contracting activity (FAR 6.303-2(a)(1)).

Limit to one sentence. **Example:** “The NOAA Acquisition and Grants Office (AGO)

_____ Acquisition Division located in _____, proposes to enter into a contract on a basis of other than full and open competition in support of the *(enter the program, the requesting activity/program office and NOAA Line Office).*”

2. The nature and/or description of the action being approved (FAR 6.303-2(a)(2)).

Limit to two sentences. **Example:** “NOAA intends to award a *(new contract, contract modification, etc.)* to *(contractor’s name)*.”

Choose from the following based on applicability:

(1) For a Sole Source Action: A (firm fixed price, cost plus fixed fee, time-and-materials, labor-hour, etc) contract is contemplated for award; or

(2) For an existing contract being modified: Contract number _____ will be/ was modified on (insert date) in the amount of (insert dollar amount.) (If applicable)

3. A description of the supplies or services required to meet the agency’s needs (including the estimated value) (FAR 6.303-2(a)(3)).

Limit to three sentences. **Example:** “The requirement is to provide *[insert supplies/services to be provided and location]* at a total cost of \$___ for *[insert period of performance, including any option periods]*. This will allow the *[insert name of the program, the requesting activity/program office and NOAA Line Office]* to accomplish its mission of *[insert mission objective]*.”

4. An identification of the statutory authority permitting other than full and open competition (FAR 6.303-2(a)(4)).

Limit to one sentence. **Example:** “The statutory authority permitting other than full and open competition is 41 U.S.C.253(c)(1) as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-1 entitled, Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.”

5. A statement demonstrating the unique qualifications of the proposed contractor or the nature of the action requiring the use of the authority (FAR 6.303-2(a)(5)).

Example: “*(Insert Contractor’s Name)* is uniquely qualified to provide these services to *(Insert Customer’s Organization Name)* based upon the following:

a. They have/are ... ***(This is a statement of fact: Common characteristics that make a contractor unique are knowledge, experience, certification from another agency, security clearances of personnel, special capabilities, and possession of a proprietary product. The information must be very specific and use technical terms if necessary. Use a separate paragraph for each unique characteristic).***

b. They have/are ... ***(In those instances where a compelling and unusual urgency exception is cited, provide a discussion of the nature of the urgency. Provide quantitative data or other rationale to describe the extent and nature of the potential harm to the government if the chosen contractor is not used).***

c. They have/are ... (If only one source is the authority, write a paragraph that explains why any other sources that expressed an interest in the acquisition in writing are not qualified. These are the companies listed in section 10 of the JOFOC.).”

6. A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a notice was or will be publicized as required by FAR 5.2 and, if not, which exception under FAR 5.202 applies (FAR 6.303-2(a)(6)).

Limit to two sentences. **Example:** “The (requesting activity/program office) and the (specific) Acquisition Division solicited available capabilities from industry for (insert requirement) through notification on FedBizOpps on (insert date). (Insert number) responses were received and after review of the received capabilities, the (requesting activity/program office) determined that adequate competition to provide (insert requirement) is/was not available.”

7. Determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable (FAR 6.303-2(a)(7)).

Limit to three sentences. **Example:** “The Contracting Officer determines that the anticipated price(s) will be fair and reasonable based on_____. Prior to award of the proposed contract/modification/order, cost or price information shall be obtained from the contractor and a price/cost analysis will be performed and documented to sufficiently determine that the cost to the Government of the proposed acquisition will be fair and reasonable.”

8. A description of the market research conducted (see FAR Part 10) and the results or a statement of the reason market research was not conducted (FAR 6.303-2(a)(8)).

Example: “Market research was conducted by the (requesting activity/program office) and the (acquisition division) to identify available sources and to evaluate the availability of the marketplace to meet the requirement as follows:

Based on the results of market research, the government determined that a limited number of vendors were/are available but none possessed the capability to...”

9. Any other facts supporting the use of other than full and open competition (FAR 6.303-2(a)(9)).

Limit to four sentences. **Example:** “This (contract, modification, order, etc) is necessary to avoid a break in service for this critical mission requirement. (Contractor name) possesses the (insert the unique qualifications/specialized capabilities) required to perform this requirement. An open competition to complete the work would cause intolerable delay to the (insert program name) and pose a (insert risk) to the Government. The requirement cannot be modified in any manner to increase competition due to (insert the reason). “

Or

“All facts have been documented in (insert the section). There are no additional facts to be reported in this section.”

10. A listing of any sources that expressed a written interest in the acquisition (FAR 6.303-2(a)(10)).

Limit to two sentences. **Example:** “A synopsis was issued on FedBizOpps on (insert date), requesting that parties express their interest in writing to the Contracting Officer. Only (insert vendor name) responded. The (insert vendor name) capabilities statement was reviewed and [deficiencies vs. requirement were identified and discussed with (vendor point of contact) of the (insert vendor name), who agreed”

Or

“No sources indicated an interest as a result of the synopsis posted FedBizOpps on (insert date).”

11. A statement of any actions the agency may take to remove or overcome any barriers to competition, if subsequent acquisitions are anticipated.

Limit to three sentences. **Example:** "The Government will continue to conduct thorough market research to gauge the marketplace capabilities for future requirements. The Government will seek competition of future acquisitions for these *(products or services)*."

12. CERTIFICATION

The JOFOC has been prepared and certified by:

Technical/Requirements Personnel:

I certify the requirement meets the Government's minimum need and that the facts, representations, and data included in this justification are complete and accurate.

Signature

Date

Contracting Officer:

I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.

Signature

Date

13. CONCURRENCE

Concur:

Office of General Counsel
(If over legal review threshold)

Signature

Date

Head of Contracting Office
(If over \$650,000)

Signature

Date