

TITLE: CIB 97-16 - Class Justification for Use of Other Than Full and Open Competition for Personal Services Contracts with U.S. Citizens Contracted with Locally, with CCNs and TCNs Subject to the Local Compensation Plan, and for Overseas Contracts of \$250,000 or Less

July 10, 1997

MEMORANDUM FOR ALL CONTRACTING OFFICERS AND NEGOTIATORS

TO: Distribution List FAC

FROM: M/OP/OD, Marcus L. Stevenson

SUBJECT: Class Justification for Use of Other Than Full and Open Competition for Personal Services Contracts with U.S. Citizens Contracted with Locally, with CCNs and TCNs Subject to the Local Compensation Plan, and for Overseas Contracts of \$250,000 or Less

CONTRACT INFORMATION BULLETIN 97 - 16

This Contract Information Bulletin supersedes and cancels CIB 92-5.

Pursuant to 40 U.S.C. 474, Section 706.302-70 of the AIDAR provides an exception to full and open competition when foreign aid programs would be impaired. Overseas contracts of \$250,000 or less and personal services contracts are specified in AIDAR706. 302-70(b) as two cases in which the requirement for full and open competition would impair foreign aid programs. In exercising these exceptions, two limitations must be observed by USAID Contracting Officers: (1) offers are to be requested from as many potential offerors as is practicable under the circumstances and (2) a justification supporting less than full and open competition must be prepared in accordance with FAR 6.303.

We recognize that preparing individual justifications pursuant to FAR 6.303 for the number of contract actions involved represents a significant burden to Contracting Officers. FAR 6.303-1(c) permits justifications supporting less than full and open competition to be made on a class basis. Given the number of contract actions involved and the similarity of the circumstances existing to support such justifications, a class justification has been prepared to relieve Contracting Officers of the considerable administrative burden in preparing separate justifications for overseas contracts of \$250,000 or less and for personal services contracts which involve either 1) hiring U.S. citizens locally or 2) hiring Cooperating Country Nationals (CCNs) and Third Country Nationals (TCNs) subject to the local compensation plan of the requiring country.

This class justification is no longer applicable to PSCs hired internationally.

A copy of the class justification is attached. Please note:

- the justification applies only to procurements under AIDAR 706.302-70(b) (1) and (2) as specified above;
- the conditions for use contained in Sections IIA., and B. of the class justification; and
- the certification and file documentation requirements in Section II.D of the class justification.

Attachment:

Class Justification

CLASS JUSTIFICATION FOR USE OF OTHER THAN FULL
AND OPEN COMPETITION FOR PERSONAL SERVICES
CONTRACTS WITH U.S. CITIZENS CONTRACTED
LOCALLY AND WITH CCNs AND TCNs SUBJECT
TO THE LOCAL COMPENSATION PLAN, AND FOR
OVERSEAS CONTRACTS OF \$250,000 OR LESS

I. General

This document is a class justification for other than full and open competition as authorized by Section 6.303-1(c) of the Federal Acquisition Regulation (FAR).

This class justification may be used in accordance with its terms by any USAID Contracting Officer acting within the scope of his/her delegated authority.

This class justification is applicable to locally recruited U.S. personal services contracts and CCN and TCN personal services contracts, subject to the local compensation plan awarded pursuant to AID Acquisition Regulation (AIDAR) 706.302-70(b) (1), and to any contract of \$250,000 or less awarded by an overseas contracting activity pursuant to AIDAR 706.302-70(b) (2), as authorized by 40 U.S.C. 474, provided the appropriate requirements for competition in Section II of this class justification are followed.

It has been determined that requiring full and open competition for procurement of U.S. locally recruited personal services contracts and CCN and TCN personal services (subject to the local compensation plan) or for procurement of \$250,000 or less by overseas contracting activities would impair USAID's ability to meet the objectives of the foreign assistance program. Thus, Section 706.302-70 of the AIDAR provides that such procurements may be exempted from the full and open competition requirements.

This class justification may be used to satisfy the requirements of AIDAR 706.302-70(c) (2) regarding preparation of justifications pursuant to FAR 6.303. It applies only to procurements specified above.

II. Conditions for Use

- A. PSCs with United States Citizens Recruited Locally.
If recruited locally, the position was publicized in the same way that the Mission announces direct-hire U.S. citizen positions. Renewals or extensions with the same individual for continuing service do not need to be publicized.
- B. PSCs with Cooperating Country Nationals and Third Country Nationals Subject to the Local Compensation Plan.
New contracts were publicized consistent with Mission/Embassy practice on announcement of direct-hire FSN positions. Renewals or extensions with the same individual for continuing service do not need to be publicized.
- C. Local Procurements for Supplies and Services Up to \$250,000.
This applies to procurements where the aggregate amount of the contract does not exceed the limits stated below:
- (1) Procurements up to \$100,000 were competed as provided in FAR 13.106, except that synopsis in the Commerce Business Daily is not required in any case.
 - (2) Procurements between \$100,001 and \$250,000 were publicized locally sufficiently to ensure that a reasonable number of contractors were notified. This class justification may not be used if only one source was considered.
- D. Certification, File Documentation.
A copy of this class justification must be included in the contract file, together with a written statement, signed by the Contracting Officer, that: the contract is being awarded pursuant to AIDAR 706.302-70(b)(1) or (2), as applicable; that the conditions in Section II of this class justification have been met; and that the cost of the contract is fair and reasonable.

III. Effective Date

This class justification is effective on the date of signature below.

July 22, 1997
Date

/s/
Marcus L. Stevenson
USAID Procurement Executive