

TITLE: CIB 92-5 Class Justification for Other Than Full and Open Competition -- PSC's and Overseas Contracts of \$250,000 or Less, as Authorized by AIDAR 706.302-70

Agency for International Development
Washington, D.C. 20523

March 1992

MEMORANDUM FOR ALL CONTRACTING OFFICERS AND NEGOTIATORS

TO: Distribution List FAC

FROM: DAA/FA, John F. Owens, Procurement Executive

SUBJECT: Class Justification for Other Than Full and Open Competition -- PSC's and Overseas Contracts of \$250,000 or Less, as Authorized by AIDAR 706.302-70

CONTRACT INFORMATION BULLETIN 92-5

This Contract Information Bulletin supersedes and cancels CIB 91-14. This CIB reflects the increase from \$100,000 to \$250,000 for overseas procurements pursuant to AIDAR 706.302-70(b) (2) made by AIDAR Notice 92-2.

Pursuant to 40 U.S.C. 474, Section 706.302-70 of the AIDAR now provides an exception to full and open competition when foreign aid programs would be impaired. Overseas contracts of \$250,000 or less and contracts for personal services are specified in AIDAR 706.302-70(b) as 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 AID 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.

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);
- the conditions for use contained in Sections II.A., B., and C. 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 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 AID contracting officer acting within the scope of his/her delegated authority.

This class justification is applicable to personal services contracts 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 personal services or for procurement of \$250,000 or less by overseas contracting activities would impair AID'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 under AIDAR 706.302-70(b)(1) and (2).

II. Conditions for Use

A. PSCs with United States citizens or resident aliens.

(1) If recruited from the United States, the position was either publicized in a U.S. trade/professional/technical publication, newspaper or similar publication, or the procedure in paragraph II.A.(3), below, was followed.

(2) If recruited locally, the position was publicized in the same way that the Mission announces direct hire U.S. citizen positions, or the procedure in paragraph II.A.(3) below was followed.

(3) As an alternative to the procedures in paragraph II.A.(1) and (2) above, at least 3 individuals were considered by consulting source lists (i.e. applications or resumes on hand) or conducting other informal solicitation.

(4) Extensions or renewals with the same individual for continuing services do not need to be publicized.

B. PSCs with Cooperating Country Nationals and Third Country Nationals.

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 from \$25,001 to \$250,000.

(1) Procurements up to \$25,000 are competed as provided in FAR 13.106.

(2) Procurement between \$25,001 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.

March 2, 1992
Date

John F. Owens
AID Procurement Executive