



Dryden Flight Research Center
Edwards, California 93523-0273

DOP-A-005
Revision: B

Dryden Organizational Procedure

CODE A

NONCOMPETITIVE PROCUREMENT DOCUMENTATION

Electronically Approved by:
Chief, Acquisition Management Office

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DOCUMENT HISTORY PAGE

This page is for informational purposes and does not need to be retained with the document.

| DATE APPROVED | ISSUE | PAGE | AMENDMENT DETAILS |
|-------------------------------|------------|-------|--|
| 11-2-98 | Baseline | | |
| See IDMS Document Master List | Revision A | 2,4 | Added signature block to cover page. Changed #6 heading to MANAGEMENT SYSTEM RECORDS and deleted NPG 1441.1 reference and bldg/room numbers from the sentence that follows. |
| See IDMS Document Master List | Revision B | 1,2,4 | Revised Sections 3 & 4 to clarify instructions. Revised this Document History Page. |
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NONCOMPETITIVE PROCUREMENT DOCUMENTATION

1. PURPOSE

This procedure identifies the documentation required to support noncompetitive procurement actions and establishes the responsibilities of contract specialists in preparing and processing such documentation.

2. APPLICABLE DOCUMENTS

Federal Acquisition Regulations (FAR)

NHB 5100.4B *NASA FAR Supplement (NFS)*

NPG 5800.1D *Grant and Cooperative Agreement Handbook*

Policy Letter 97-2 *Review Policy Letter 97-2, dated December 12, 1997*

3. INSTRUCTIONS

a. For all procurements in excess of the micro-purchase threshold that will be procured on a noncompetitive basis, the circumstances requiring the noncompetitive procurement must be fully described and justified by properly executed contract documentation. The essential elements of this written justification are prescribed in FAR Subpart 6.3 (See also FAR Subpart 13.1 for procurements below \$100,000). Contracting without providing for full and open competition shall not be justified based on (i) urgency due to lack of advanced planning by the requiring activity or (ii) concerns related to the amount of funds available to the activity for the acquisition of supplies or services (FAR 6.301(c)). Depending on the type of acquisition and the dollar value of the anticipated action, certain documentation formats are used as shown below:

- (1) For noncompetitive procurement actions resulting from an unsolicited proposal where a grant or a cooperative agreement will be the procuring instrument, a "Justification for Acceptance of an Unsolicited Proposal" (JAUP) is to be prepared on DFRC Form 197 and will be approved by a Grant Officer.
- (2) For noncompetitive procurement actions where a contract with a value in excess of \$100,000 will be the procuring instrument, a "Justification for Other Than Full and Open Competition" (JOFOC) is to be prepared.

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- b. Preparation of a draft of the document supporting the noncompetitive procurement action is the responsibility of the end user (i.e. requiring organization). The assigned contract specialist will assist the end user in developing the document and is responsible for ensuring that all essential elements of the justification have been addressed. This effort may involve cleanup of format and editorial problems with the draft version, as well as other corrections the contract specialist finds necessary. The submittal of a neat, professional document for review and approval is the ultimate responsibility of the assigned contract specialist.
- c. Processing of the document supporting a noncompetitive action is the responsibility of the contract specialist. A key item in the processing of such documents is conducting market research (See FAR Subpart 6.3, Subpart 7.1, and Part 10) that verifies that a Sole Source or limited source situation exists. On large dollar value JOFOC actions, this research may be accomplished via a sources sought synopsis (See FAR Subpart 5.2). This synopsis is in addition to the later pre-solicitation synopsis and may not be used in lieu thereof. Unless the procurement action meets one of the exceptions set forth in FAR 5.202, the pre-solicitation synopsis is required for all procurement in excess of \$25,000.

A special processing requirement is imposed on those JOFOC actions that are subject to pre-solicitation synopsis (i.e., all except those meeting the requirements of FAR 5.202) and are valued at \$500,000 or greater. For all such actions, the cognizant Directorate Chief of the requiring activity or his/her designee shall provide a package to the Acquisition Management Office containing advance copies of the JOFOC for the appropriate Competition Advocate and the Procurement Officer.

- d. Responses received to a synopsis will require careful coordination with the requiring organizations. If the CO determines, after reviewing any responses received, that more than one source can meet the Government's needs, offers must be solicited using competitive procedures. However, if the determination is made to proceed with other than full and open competition, the subsequent justification documentation must discuss the disposition of responses received to the respective synopses. After the pre-solicitation synopsis period has closed, the final justification document shall be processed for required coordination and approval with a statement, preferably by addendum, summarizing the synopsis results and identifying any sources which provided a written expression of interest in the acquisition.
- e. Following final review and approval, the contract specialist is responsible for filing the justification document in the original contract file.

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4. REVIEW AND APPROVAL

The end user or a management representative of the requiring organization shall execute noncompetitive procurement documentation in accordance with Review Policy Letter 97-2.

5. LIST OF APPENDICES, DATA, REPORTS, AND FORMS

None

6. MANAGEMENT SYSTEM RECORDS

Management System Records are maintained in the Acquisition Management Office.