

106 COMPETITION REQUIREMENTS

SCOPE

106.000 Scope of part

(U) This part establishes policy and procedures related to Agency competition requirements in addition to those contained in FAR Part 6.

Release Number: 2004-1
Date Released: 09/14/2004

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106.001 Applicability

(U) (c) This part does not apply to contract modifications that are within the scope and under the terms of an existing contract. For those acquisitions, the contracting officer shall document these facts in the Business Review document. Contract modifications that are not within the scope and under the terms of an existing contract require a "Justification For Other Than Full And Open Competition."

106,101 Policy

(C) (a) It is Agency policy to conduct its procurements on a competitive basis to the maximum practicable extent, consistent with the strict security restraints applicable to Agency programs and the need to protect intelligence sources and methods.

Release Number: 2004-1
Date Released: 09/14/2004

FULL AND OPEN COMPETITION

106.101-70 Agency policy on limited full and open competition

Release Number: 2007-18
Date Released: 05/15/2007

~~(S)~~ (a) The Procurement Executive has determined that openly publicizing all contractual activities, including both classified and unclassified contracts, could potentially compromise or lead to the compromise of intelligence sources and methods, operational activities and/or interests of the Agency, or capabilities of Agency systems. Therefore, under the authority of Section 8 of the CIA Act of 1949 and other applicable laws and regulations, the CIA limits the number of sources from which it solicits bids or proposals to as many potential sources as is practicable under the circumstances.

(U) (b) The contracting officer shall conduct market research to identify qualified sources and solicit offers from as many responsible sources as practicable under the circumstances of the specific acquisition. In addition to considering existing sources, the contracting officer will review the applicable capabilities and technological achievements of uncleared sources, and, when appropriate, consider the benefits of clearing additional sources.

(U) (c) Notwithstanding paragraph (a) above, a Justification for Other Than Full and Open Competition citing the appropriate authority from FAR 6.302 must be completed for individual sole source acquisitions, as appropriate.

**FULL AND OPEN COMPETITION AFTER
EXCLUSION OF SOURCES**

**106.202 Establishing or maintaining
alternative sources.**

(U) (a) The PE is the agency head's designee for
the purposes of FAR 6.202.

Release Number: 2004-1
Date Released: 09/14/2004

106.203 Set-asides for small business concerns

Release Number: 2004-1
Date Released: 09/14/2004

(U) (a) Set-asides for small business concerns are not appropriate for use in Agency acquisitions (See 119.201).

106.204 Section 8(a) competition

(U) (a) Limiting competition to eligible 8(a) contractors is not appropriate for use in Agency acquisitions (See 119.201).

Release Number: 2004-1
Date Released: 09/14/2004

**106.205 Set-asides for HUBZone small
business concerns**

Release Number: 2004-1
Date Released: 09/14/2004

(U) (a) Set-asides for HUBZone small business concerns are not appropriate for use in Agency acquisitions (See 119.201).

**OTHER THAN FULL AND OPEN
COMPETITION**

**106.302-1 Only one responsible source and
no other supplies or services will satisfy
agency requirements**

Release Number: 2005-8
Date Released: 08/31/2005

(U) (b)(4) The C/OA is the agency head's designee for the purposes of FAR 6.302-1(b)(4). For the purposes of standardization of information technology (IT) products for use on the Agency's networks, the C/OA further delegates authority to the CIO for evaluating and determining IT items to be placed on the Approved Product List (APL) in accordance with the Agency Product Evaluation Guidelines. The current APL is available on the CIO and PCWare websites.

106.302-7 Public interest

Release Number: 2005-8
Date Released: 08/31/2005

(U) (a)(2) Only the D/CIA has the authority to approve the determination prescribed in FAR 6.302-7. The contracting officer shall forward the justification supporting the determination via the chain of command to the PE for coordination and approval by the D/CIA.

106.303-2 Content

Release Number: 2004-2
Date Released: 09/15/2004

(U) (a) All Agency justifications for contract actions exceeding the simplified acquisition threshold will utilize the standard format for a "Justification For Other Than Full And Open Competition" which is located in the CCG Part 106.

(U) (a) Justifications in excess of \$100,000 will be reviewed and approved as set forth below without further re-delegation:

Release Number: 2006-14
Date Released: 11/27/2006

Dollar Value	Approving Official
(1) \$100,000 to \$550,000	Contracting Officer
(2) \$550,001 to \$11,500,000	Above approval plus the Contract Team Chief However, if the team chief will sign the resultant contract document, then the Agency requires approval by the Contracts Group Chief.
(3) \$11,500,001 to \$57,000,000	Above approvals plus Contracts Group Chief, and Agency Competition Advocate (Chief of Staff/OPE)
(4) \$57,000,001 and above	Above approvals plus Procurement Executive

**OTHER THAN FULL AND OPEN
COMPETITION**

**106.304-70 Legal review of justifications
estimated at \$5,000,000 and above**

Release Number: 2008-21
Date Released: 02/14/2008

(U) (a) CLD/OGC must review the "Justification For Other Than Full and Open Competition" document before a contracting team issues a solicitation for all actions when the contracting officer estimates the total amount (inclusive of option(s)) at greater than or equal to \$3,000,000 for non-commercial actions or \$5,000,000 for commercial actions.

(U) (b) The contracting officer's supervisor (e.g. Deputy Team Chief, Team Chief) must review and sign Justifications before submission to CLD/OGC.

**OTHER THAN FULL AND OPEN
COMPETITION**

**106.304-71 Approval of justifications under
\$150,000**

Release Number: 2006-14

Date Released: 11/27/2006

(U) (a) Although FAR Part 6 does not apply to contracts awarded on a sole source basis using the simplified acquisition procedures of FAR Part 13, all noncompetitive actions between \$3,000 and \$100,000 must be justified by the COTR in writing.

- (1) For actions to be processed by a Contract Team, this justification may be accomplished by using the "Justification For Other Than Full And Open Competition" form or by a memorandum to the contracting officer clearly stating the rationale for the noncompetitive procurement with sufficient supporting data to enable the contracting officer to make a valid determination. If a memorandum is used, the contracting officer's signature on the purchase order indicates approval of the Justification.
- (2) For actions between \$3,000 and \$100,000 using the One-Time or Limited Delegation of Procurement Authority procedures as set forth in 113.370-3 and 113.370-4 respectively, the individual shall fully document the rationale for the noncompetitive procurement in the system.

(b)(3)

**OTHER THAN FULL AND OPEN
COMPETITION**

**106.304-72 Approval of justifications for
One-Time Delegations of Procurement
Authority greater than \$150,000**

Release Number: 2005-8

Date Releases: 08/31/2005

(U) For acquisitions greater than \$100,000 to be processed using the One-Time Delegation of Procurement Authority procedures as set forth in 113.370-3, the individual shall fully document the rationale for the noncompetitive procurement in the [] system. The contracting officer responsible for reviewing and approving the one-time request shall ensure that the appropriate noncompetitive information is documented in the one-time request. Approving the one-time request in the [] system indicates the contracting officer's approval of the noncompetitive justification.

(b)(3)

(b)(3)

SEALED BIDDING AND COMPETITIVE PROPOSALS

106.401 Sealed bidding and competitive proposals

Release Number: 2004-1
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(U) Sealed bidding will not be used in Agency acquisitions for other than construction contracts except as approved by the Group Chief (See 114.103(b)).

COMPETITION ADVOCATES

106.501 Requirement

(U) The CS/OPE is the designated agency competition advocate. Team Chiefs are the designated competition advocates for their respective contract team (procuring activity) for the purposes of FAR 6.502.

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Date Released: 08/31/2005

COMPETITION ADVOCATES

106.502 Duties and responsibilities

(U) (b)(2) The Agency and contract team competition advocates do not prepare and submit annual reports to the PE. Reports will be prepared and submitted at the request of the PE.

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