



DEPARTMENT OF THE NAVY
NAVAL TRAINING CENTER
2601A PAUL JONES ST
GREAT LAKES, ILLINOIS 60088-3000

NTCGLAKESINST 4200.1B CH-1
N23
14 May 01

NTC GREAT LAKES INSTRUCTION 4200.1B CHANGE TRANSMITTAL 1

From: Commander, Naval Training Center, Great Lakes

Subj: COMPETITION IN CONTRACTING

1. Purpose. To issue Change 1 to the basic instruction.
2. Action. Make the following pen and ink change to the basic instruction:
 - a. Page 2, paragraph 4c(1), line 2, change "\$10,000" to read "\$25,000".

A handwritten signature in black ink, appearing to read "G. L. Gerard".

G. L. GERARD
Chief of Staff, Operations

Distribution:
NTCGLAKESINST 5216.5M
Lists I, II (Case A)

Supply Officer
Naval Recruiting District
212 Third Ave South
Minneapolis MN 55401-2592

Supply Officer
University of Michigan
1105 N University Ave
Ann Arbor MI 48109-1085

NAVMARCORRESREADCTR
85 N Yearling Rd
Columbus OH 43213

Navy Recruiting District
8925 N. Meridian St Rm 250
Indianapolis IN 46260

NAVMARCORRESCTR
6400 Bloomington Rd
St. Paul MN 55511-4051



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N23

MAY 19 1998

NTC GREAT LAKES INSTRUCTION 4200.1B

From: Commander, Naval Training Center, Great Lakes

Subj: COMPETITION IN CONTRACTING

Ref: (a) Competition in Contracting Act of 1984 (CICA), Public Law 98-369
(b) FAR/DFARS/NAPS Part 6.3
(c) FAR Part 5.2
(d) NAVSUPINST 4200.85C

Encl: (1) Justifying a sole source requirement
(2) Action Plan to Challenge Limited Rights Data
(3) Small Purchase Sole Source Recommendation and Approval Sheet (NTC-GL 4200/1 (7-91))

1. Purpose. To promulgate local procurement procedures under sole source or urgent conditions when other than "Full and Open" competition is required.

2. Cancellation. NTCGLAKESINST 4200.1A.

3. Background. Reference (a) implemented numerous procurement and acquisition procedures. Reference (b) provides guidance for contracting without providing for full and open competition, and identifies the circumstances permitting other than full and open competition.

4. Action

a. The Competition Advocate for Naval Training Center (NTC), Great Lakes shall:

(1) Serve as focal point concerning any competition related questions or initiatives.

(2) Monitor command competition goals.

(3) Review all Justifications and Approvals (J & A).

(4) Challenge proprietary data.

(5) Provide assistance to customer activities in the advance planning of contract actions and training of personnel.

b. Activities submitting purchasing requests (NAVCOMPT Form 2276) to the NTC Great Lakes Supply and Logistics shall:

(1) Promote "full and open competition" through communication and compliance.

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(2) On large dollar value requirements, involve NTC purchasing personnel in the early stages of market research and advance planning.

(3) Take aggressive action to reduce sole source acquisitions.

(4) Provide complete written justification with any purchase request for sole source acquisitions or requests which otherwise restrict "full and open competition." Enclosure (1) is the specified format required for requirements estimated to be between \$2,500 and \$100,000. The justification must be well researched, understandable, and complete. It should describe what unique qualifications or characteristics are involved which make the contractor the sole source of expedited procurement procedures. Justifications should be signed by the appropriate management level at the customer's activity, typically the Supply Officer in those commands having one, otherwise the officer-in-charge or commanding officer.

(5) If a bona fide urgency exists, the customer must provide an urgency statement which fully describes how the government will be harmed, financially or otherwise, if expedited procedures are not followed. Per reference (b), contracting without providing for full and open competition shall not be justified on the basis of (1) lack of advance planning by the requiring activity or (2) concerns related to the amount of funds available (e.g., funds will expire) to the agency for the acquisition of supplies and services.

c. When requirements are received specifying sole source procurement, the NTC Great Lakes Purchasing Department shall:

(1) Synopsise in the *Commerce Business Daily* for all purchase actions in excess of ~~\$10,000~~ ^{\$2,500} pursuant to references (c) *CH-1* and (d), unless prohibited by urgency. *14 May 01*

(2) Shall ensure in situations where urgency precludes synopsis that an informal market survey is accomplished. This survey will include canvassing via telephone known or possible suppliers to determine if there are other sources capable of satisfying the requirement.

(3) Compete the requirement if other sources are identified pursuant to the synopsis or informal market survey. The buyer shall notify the activity of the availability of other sources and that the requirement is being competed.

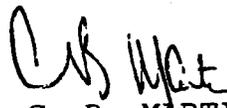
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(4) Comply with sole source requirements in accordance with paragraph 4.c.(6) of this instruction if the synopsis or informal market survey results in no additional sources.

(5) Comply with the plan of action [enclosure (2)] for contract requests which are non-competitive due to proprietary or limited rights data.

(6) Observe the following guidance for simplified acquisition requirements. Enclosure (3) shall be used for all simplified acquisition requirements requesting sole source acquisition. The buyer completes Section A after doing an informal market survey/research. Section B is completed by the Small Purchase Supervisor with a recommendation. If the requirement exceeds \$5,000, the sole source is approved in Section C by the Contracting Officer.

5. Forms. Small Purchase Sole Source Recommendation and Approval Form NTC-GL 4200/1 (7-91) may be obtained through NTC Supply.



C. B. MARTIN

Chief of Staff, Operations

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MAY 19 1999

JUSTIFYING A SOLE SOURCE REQUIREMENT

FAR 6/3 and DFARS 203.6 require contracting officers to ensure sole source requirements are adequately justified and documented by the customer. In order for the justification to be adequate, it must state clearly the Government's entire need and demonstrate that ONLY ONE COMPANY CAN PERFORM. Some examples of bases for good justifications and questions to be answered in the text of the justification are:

1. Supplies/services to be acquired are unique (in terms of contractor capability, expertise, equipment, facility) to a single vendor.

a. How long and what will the cost be for another vendor to come up to speed?

b. What would it cost the Government to fund the learning period of another vendor?

2. Technical personnel have knowledge/experience which can be used to justify the sole source (such knowledge/experience must be clear, concise, and demonstrate only one vendor can perform).

3. Proprietary data (MUST be explained) makes the requirement not available for competitive acquisition.

4. Technical publications (read...list them), symposiums, conferences (attended...when/where) clearly indicate that only one company can perform.

The writer must state what is being done to foster competition in the future, sign and date the justification.

POINTS TO REMEMBER

1. Incumbency does not justify sole source. Just because a vendor is presently performing for you does not mean another vendor cannot do the job.

2. Administrative delay or lack of adequate planning creates an urgency but does not justify sole source.

IN ESSENCE ... An adequate sole source is one which (after a reasonable amount of research) clearly demonstrates that ONLY ONE VENDOR is capable of performing.

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PROPRIETARY (SOLE SOURCE) STATEMENT FOR OPEN PURCHASE ITEMS

The material listed on (Document Number) _____ is propriety to (Company) _____ and competition is precluded for reasons indicated below. There are no substitutes available for this material.

NOTE: CHECK/FILL-IN ALL APPLICABLE BLANKS.

_____ The intended use of the material is _____

_____ Peculiar characteristics of the material that tend to limit the availability to a sole source are _____

_____ Reason that the selected sole source can furnish the requirements to the exclusion of other sources is _____

_____ The existence of patent, copyright, or other limiting features _____

_____ Procurement is for parts/components being procured as replacement parts in support of equipment especially designed by the manufacturer and data available is not adequate to assure the parts/components will perform the same as original equipment parts/components.

_____ This material must be compatible in all aspects with existing systems presently installed.

_____ OTHER: (Specify) _____

I CERTIFY THAT STATEMENTS CHECKED ABOVE ARE APPLICABLE AND TRUE TO THE BEST OF MY KNOWLEDGE.

Signature

Title

Date

MAY 19 1996

ACTION PLAN TO CHALLENGE LIMITED RIGHTS DATA

1. All requests for contract action which are non-competitive due to proprietary or limited rights data will be reviewed by the Contracting Officer and discussed with Naval Supply Systems Command (NAVSUP) Counsel to determine if a challenge to the data restrictions is appropriate.

2. When data is selected for challenge, the Contracting Officer will prepare and issue a letter to the contractor involved requesting his or her concurrence in striking the restrictive legends from the data to permit full and open competition. A copy of the challenge shall be provided to NAVSUP Code 54, and assistance requested, if appropriate.

3. If the contractor agrees to striking the restrictive legends, the following action will occur:

a. The contractor's response will be made part of the permanent contract file, the legend will be stricken from the data, and the action will proceed competitively.

b. The NTC Great Lakes customer and other potential customers will be advised that the data is available for competitive procurement.

c. The results of competition will be provided up the appropriate chain of command as a "Good News" item.

4. If the challenge is not successful, the following personnel will be advised:

a. The NTC customer and any potential customer.

b. NAVSUP Code 21G.

5. If the proposed procurement is a high dollar value action, the Contracting Officer shall advise the Navy Competition Advocate General by forwarding a copy of the challenge and advising of results.

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SMALL PURCHASE SOLE SOURCE RECOMMENDATION AND APPROVAL SHEET

SECTION A - BUYER RECOMMENDATION: APPROVAL DISAPPROVAL
(CIRCLE ONE)

REASONS: _____

SIGNATURE _____ DATE _____

SECTION B - SUPERVISOR RECOMMENDATION: APPROVAL DISAPPROVAL
(CIRCLE ONE)

REASONS: _____

SIGNATURE _____ DATE _____

SECTION C - PURCHASE DIVISION OFFICER: APPROVAL DISAPPROVAL
(CIRCLE ONE)

REASONS: _____

SIGNATURE _____ DATE _____