## Justification and Approval (J&A) Primer

OVERVIEW

A Justification and Approval (J&A) is a document written to explain why a requirement is not being competed in accordance with the Competition in Contracting Act of 1984 (CICA). The CICA requires, with limited exceptions, that contracting officers promote and provide for full and open competition in soliciting offers and awarding Government contracts over the [Simplified Acquisition Threshold means $100,000](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/02.htm#P10_633).

# DISCUSSION

* **Three levels of competition:**
* [*FAR 6.1 – Full and Open Competition*](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/06.htm#P17_1884)
* All responsible sources are permitted to compete
* Preferred form of contracting

* *[FAR 6.2 – Full and Open Competition After Exclusion of Sources](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/06.htm" \l "P35_4256)*
  + - Used when the Government excludes certain potential sources from consideration in order to establish or maintain alternative sources
* Most common examples are various small business set-asides

* + - *[FAR 6.3 – Other Than Full and Open Competition](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/06.htm" \l "P69_8994)* (least competitive, least desirable)
      * Examples include sole-source and brand-name requirements
      * Requires detailed J&A IAW *[FAR 6.302 -- Circumstances Permitting Other Than Full and Open Competition.](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/06.htm" \l "P80_10698)*
* **How to:**  You are highly encouraged to follow the examples exactly as they are spelled out in the [AFFARS IG5306](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/af_afmc/affars/IG5306.doc" \t "_blank), **CHAPTER 6** – **TEMPLATES**.
* **Policy:** Each contract awarded without full and open competition shall cite a specific authority which excludes that award from competition.
* Full and open competition may not be justified on the basis of lack of advance planning or concern about available funding.
* Even with a J&A, the contracting office must solicit offers from as many potential sources as possible.
* When Brand Name is needed and justified but is not necessarily sole source, a 13-part J&A is still required.
* The J&A approval authority is determined by the total anticipated dollar value of the buy, including all options. It can be as low as the Contracting Officer for actions under $550K, or as high as a SAF office for PEO actions or other large dollar acquisitions.
* Public Disclosure of Justification and Approval (J&A) Documents for Noncompetitive Contracts IAW [OUSD(AT&L)/DPAP Memo, 13 Feb 09](https://www.my.af.mil/gcss-af/USAF/AFP40/d/1075940151/Files/5306/dpap-memo-13feb09.pdf).
  + The contracting officer must post ALL J&As to Federal Business Opportunities ([FBO](https://www.fbo.gov/)) along with the solicitation (unless certain limited exclusions apply) and within 14 days of awarding a sole source contract.
  + Federal policy dictates great transparency and insight into how we spend our dollars, especially in instances where we limit competition!
* [FAR 6.302 – Circumstances Permitting Other Than Full and Open Competition](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/06.htm#P80_10698) provides seven (7) statutory exceptions to full and open competition.

* + - [FAR 6.302-1 – Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/06.htm" \l "P82_11000)

* + - [FAR 6.302-2 – Unusual and Compelling Urgency](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/06.htm" \l "P107_16089)

* + - [FAR 6.302-3 – Industrial Mobilization; Engineering, Developmental, or Research Capability; or Expert Services](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/06.htm" \l "P126_18111)

* + - [FAR 6.302-4 – International Agreement](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/06.htm" \l "P154_22566)

* + - [FAR 6.302-5 – Authorized or Required by Statute](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/06.htm" \l "P162_23741)

* + - [FAR 6.302-6 – National Security](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/06.htm" \l "P186_26742)

* + - [FAR 6.302-7 – Public Interest](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/06.htm" \l "P195_27793)
* Of these seven (7), only four (4) require J&As from the Program Office/Requiring Activity:
  + [FAR 6.302-1 – Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/06.htm#P82_11000) . The J&A must describe why the requirement must be purchased from a specific source. This exception is for brand name and source specific requirements.
    - [FAR 6.302-2 – Unusual and Compelling Urgency](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/06.htm#P107_16089). The J&A must describe the circumstances leading up to the urgency. Only the urgently-needed quantity may be purchased under this type of J&A. Urgent doesn’t mean sole source. Even an urgent buy will be competed among all known interested sources.
  + [FAR 6.302-5 – Authorized or Required by Statute](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/06.htm#P162_23741) provides an exception from competition for requirements whose source is **mandated by law**. Use this exception when the acquisition must be made from a specific source (e.g., Information Technology equipment) from another agency (Nonprofit agencies for the blind of disabled). Examples of mandatory sources are listed in [FAR 8 – Required Sources of Supplies and Services](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/08.htm). This exception is used at Schriever but rarely requires a J&A to be submitted by the Program Office.
  + [FAR 6.302-3 – Industrial Mobilization; Engineering, Developmental, or Research Capability; or Expert Services](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/06.htm#P126_18111) is the final exception that would require a J&A but is not used at Schriever.

# Simplified Actions Under $100K: As addressed in [FAR 13.106-3(b)(3)(i)](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/13.htm#P111_16610) & [AFFARS 5313.106-1(b)(3)](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/af_afmc/affars/5313.htm#P24_875), you must explain the absence of competition (or use of brand name only ([FAR 13.106-1](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/13.htm#P112_16704))). The format to provide the justification is more simplified, but contains many of the same categories of the formal J&A information.

# SUMMARY

Competition is the most important element of contracting. It is the best method to determine the reasonableness of the price based on market conditions. Everything must be competed to the maximum extent possible. There are reasons some requirements cannot be competed but those reasons must be completely documented, explained and justified.

# TRAINING RESOURCES

* **50 CONS – Customers’ Acquisition Community of Practice (CoP) (**[Step 5: Acquisition Strategy/Planning](https://www.my.af.mil/afknprod/ASPs/DocMan/DOCMain.asp?Tab=0&FolderID=OO-PK-SP-05-11&Filter=OO-PK-SP-05))**:** <https://www.my.af.mil/afknprod/ASPs/DocMan/DOCMain.asp?Tab=0&FolderID=OO-PK-SP-05&Filter=OO-PK-SP-05>
* **50 CONS Customers’ Acquisition Process,** [Step 5a: Competition?](https://www.my.af.mil/afknprod/ASPs/DocMan/DOCMain.asp?Tab=0&FolderID=OO-PK-SP-05-12&Filter=OO-PK-SP-05)**:** <https://www.my.af.mil/afknprod/ASPs/DocMan/DOCMain.asp?Tab=0&FolderID=OO-PK-SP-05&Filter=OO-PK-SP-05>
* **Air Force FAR Supplement Informational Guidance (AFFARS IG)** [**AFFARS IG5306**](http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/af_afmc/affars/IG5306.doc), CHAPTER 6 – TEMPLATES: <http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/af_afmc/affars/IG5306.doc>
* **AFSPC J&A Checklist:** <https://www.my.af.mil/gcss-af/USAF/AFP40/d/1075178090/Files/editorial/AFSPCChecklistJustificationandApproval20081101.doc?channelPageId=-1073755509&programId=986719>
* **Simplified Template for Commercial Sole Source Acquisitions Under $100K:** <https://wwwd.my.af.mil/afknprod/DocView.asp?DocID=1173854>