

Subpart 6.2 - Full and Open Competition After Exclusion of Sources

Parent topic: [Part 6 - Competition Requirements](#)

6.200 Scope of subpart.

This subpart prescribes policies and procedures for providing for full and open competition after excluding one or more sources.

6.201 Policy.

Acquisitions made under this subpart require use of the competitive procedures prescribed in [6.102](#).

6.202 Establishing or maintaining alternative sources.

(a) Agencies may exclude a particular source from a contract action in order to establish or maintain an alternative source or sources for the supplies or services being acquired if the agency head determines that to do so would-

- (1) Increase or maintain competition and likely result in reduced overall costs for the acquisition, or for any anticipated acquisition;
- (2) Be in the interest of national defense in having a facility (or a producer, manufacturer, or other supplier) available for furnishing the supplies or services in case of a national emergency or industrial mobilization;
- (3) Be in the interest of national defense in establishing or maintaining an essential engineering, research, or development capability to be provided by an educational or other nonprofit institution or a federally funded research and development center;
- (4) Ensure the continuous availability of a reliable source of supplies or services;
- (5) Satisfy projected needs based on a history of high demand; or
- (6) Satisfy a critical need for medical, safety, or emergency supplies.

(b)

(1) Every proposed contract action under the authority of paragraph (a) of this section shall be supported by a determination and findings (D&F) (see [subpart 1.7](#)) signed by the head of the agency or designee. This D&F shall not be made on a class basis.

(2) Technical and requirements personnel are responsible for providing all necessary data to support their recommendation to exclude a particular source.

(3) When the authority in paragraph (a)(1) of this section is cited, the findings shall include a description of the estimated reduction in overall costs and how the estimate was derived.

6.203 Set-asides for small business concerns.

(a) To fulfill the statutory requirements relating to small business concerns, contracting officers may set aside solicitations to allow only such business concerns to compete. This includes contract actions conducted under the Small Business Innovation Research Program established under Pub.L.97-219.

(b) No separate justification or determination and findings is required under this part to set aside a contract action for small business concerns.

(c) Subpart [19.5](#) prescribes policies and procedures that shall be followed with respect to set-asides.

6.204 Section 8(a) competition.

(a) To fulfill statutory requirements relating to section 8(a) of the Small Business Act, as amended by Public Law 100-656, contracting officers may limit competition to eligible 8(a) participants (see [subpart 19.8](#)).

(b) No separate justification or determination and findings is required under this part to limit competition to eligible 8(a) participants. (But see [6.302-5](#) and [6.303-1](#) for sole source 8(a) awards over \$25 million.)

6.205 Set-asides for HUBZone small business concerns.

(a) To fulfill the statutory requirements relating to the HUBZone Act of 1997 ([15 U.S.C. 631 note](#)), contracting officers may set aside solicitations to allow only HUBZone small business concerns to compete (see [19.1305](#)).

(b) No separate justification or determination and findings is required under this part to set aside a contract action for HUBZone small business concerns.

6.206 Set-asides for service-disabled veteran-owned small business (SDVOSB) concerns eligible under the SDVOSB Program.

(a) To fulfill the statutory requirements relating to the Veterans Benefits Act of 2003 ([15 U.S.C. 657f](#)), contracting officers may set-aside solicitations to allow only service-disabled veteran-owned

small business concerns eligible under the SDVOSB Program to compete (see [19.1405](#)).

(b) No separate justification or determination and findings are required under this part to set aside a contract action for service-disabled veteran-owned small business concerns eligible under the SDVOSB Program.

6.207 Set-asides for economically disadvantaged women-owned small business (EDWOSB) concerns or women-owned small business (WOSB) concerns eligible under the WOSB Program.

(a) To fulfill the statutory requirements relating to [15 U.S.C. 637\(m\)](#), contracting officers may set aside solicitations for only EDWOSB concerns or WOSB concerns eligible under the WOSB Program (see [19.1505](#)).

(b) No separate justification or determination and findings is required under this part to set aside a contract action for EDWOSB concerns or WOSB concerns eligible under the WOSB Program.

6.208 Set-asides for local firms during a major disaster or emergency.

(a) To fulfill the statutory requirements relating to [42 U.S.C. 5150](#), contracting officers may set aside solicitations to allow only offerors residing or doing business primarily in the area affected by such major disaster or emergency to compete (see [subpart 26.2](#)).

(b) No separate justification or determination and findings is required under this part to set aside a contract action. The set-aside area specified by the contracting officer shall be a geographic area within the area identified in a Presidential declaration(s) of major disaster or emergency and any additional geographic areas identified by the Department of Homeland Security.