## 13.501 Special documentation requirements.

- (a) Sole source (including brand name) acquisitions.
- (1) Acquisitions conducted under simplified acquisition procedures are exempt from the requirements in <u>part 6</u>. However, contracting officers must-
- (i) Conduct sole source acquisitions, as defined in 2.101, (including brand name) under this subpart only if the need to do so is justified in writing and approved at the levels specified in paragraph (a)(2) of this section;
- (ii) Prepare sole source (including brand name) justifications using the format at  $\underline{6.303-2}$ , modified to reflect that the procedures in FAR <u>subpart 13.5</u> were used in accordance with  $\underline{41~U.S.C.1901}$  or the authority of 41 U.S.C. 1903;
- (iii) Make publicly available the justifications (excluding brand name) required by 6.305(a) within 14 days after contract award or in the case of unusual and compelling urgency within 30 days after contract award, in accordance with 6.305 procedures at paragraphs (b), (d), (e), and (f); and
- (iv) Make publicly available brand name justifications with the *solicitation*, in accordance with 5.102(a)(6).
- (2) Justifications and approvals are required under this subpart for sole-source (including brandname) *acquisitions* or portions of an *acquisition* requiring a brand-name. If the justification is to cover only the portion of the *acquisition* which is brand-name, then it *should* so state; the approval level requirements will then only apply to that portion.
- (i) For a proposed contract exceeding the *simplified acquisition threshold*, but not exceeding \$900,000, the *contracting officer*'s certification that the justification is accurate and complete to the best of the *contracting officer*'s knowledge and belief will serve as approval, unless a higher approval level is established in accordance with agency procedures.
- (ii) For a proposed contract exceeding \$900,000 or the thresholds in paragraph (1) of the definition of *simplified acquisition threshold* in 2.101, but not exceeding \$20 million, the advocate for competition for the *procuring activity*, designated pursuant to 6.501; or an official described in 6.304(a)(3) or (a)(4) *must* approve the justification and approval. This authority is not delegable.
- (iii) For a proposed contract exceeding \$20 million but not exceeding \$90 million or, for DoD, NASA, and the Coast Guard, not exceeding \$150 million, the head of the *procuring activity* or the official described in 6.304(a)(3) or (a)(4) *must* approve the justification and approval. This authority is not delegable.
- (iv) For a proposed contract exceeding \$90 million or, for DoD, NASA, and the Coast Guard, \$150 million, the official described in 6.304(a)(4) must approve the justification and approval. This authority is not delegable except as provided in 6.304(a)(4).
- (b) Contract file documentation. The contract file must include-
- (1) A brief written description of the procedures used in awarding the contract, including the fact that the procedures in FAR <u>subpart 13.5</u> were used;

- (2) The number of offers received;
- (3) An explanation, tailored to the size and complexity of the *acquisition*, of the basis for the contract award decision; and
- (4) Any justification approved under paragraph (a) of this section.

**Parent topic:** Subpart 13.5 - Simplified Procedures for Certain Commercial Products and Commercial Services