

JUSTIFICATION FOR NONCOMPETITIVE PROCUREMENT

I RECOMMEND THAT NEGOTIATIONS BE CONDUCTED ONLY WITH

FOR THE SUPPLIES AND/OR SERVICE DESCRIBED IN THE ATTACHED REQUISITION FOR THE REASONS CHECKED (X) BELOW. (Reference instructions on back of this for additional required information.)

_____ X _____
NAME EXT. SIGNATURE DATE

<input type="checkbox"/> PROCUREMENT HISTORY
<input type="checkbox"/> ESTIMATED COST
<input type="checkbox"/> SCHEDULE REQUIREMENTS
<input type="checkbox"/> EXCLUSIVE CAPACITY
<input type="checkbox"/> OTHER

Approved: _____
AUTHORIZED DIVISION REPRESENTATIVE DATE BUYER/SUBCONTRACT ADMININSTATOR DATE
(commensurate with value of procurement)

INSTRUCTIONS TO REQUISITIONER

A "Justification for Noncompetitive Procurement" is required for all procurement requests in excess of \$2,500 where the initiating program office concludes that one source has exclusive capability to perform the work within the time required and at reasonable prices, and recommends that a subcontract/purchase order be negotiated only with that source. The recommendation shall examine the reasons for the procurement being noncompetitive; the degree of consideration that has been given to other sources in the particular field and the reason(s) they lack the capability(ties) and/or capacity that the proposed source evidences. The following considerations must be made and supported in preparing the justification. Detail may be commensurate with complexity and value of requirement but content must permit sound judgment of justification. Additional supporting data should be attached if necessary.

I. DESCRIPTION OF SUPPLIES OR SERVICES TO BE PROCURED (This can be supplied by attaching the requisition)

- A. A brief, general nontechnical description and statement of the general application and particular significance or specialized character of the procurement.
- B. A description of all associated supplies or services, e.g., technical data, reports, engineering services, and so forth to be procured.

II. PROCUREMENT HISTORY, ESTIMATED FUTURE REQUIREMENTS, AND LONG RANGE PROCUREMENT OBJECTIVES

- A. Brief statement as to whether the work is a continuation of previous effort performed by the proposed subcontractor.
- B. If it would be pertinent, set forth a brief statement as to what actions have been taken to develop competition and eliminate a noncompetitive situation in future procurements of the proposed supplies or services.

III. ESTIMATED COST

- A. The estimated cost of the procurement and a brief description of assumptions made and data used by the initiation program office to develop the estimate.
- B. If pertinent, whether the proposed subcontractor or Fermilab have a substantial investment of some kind that would have to be duplicated at Fermilab's expense by another source.

IV. SCHEDULE REQUIREMENTS

- A. An explanation of the urgency, if any, of the requirement. Describe why the schedules are critical and why only the proposed subcontractor can meet them.
- B. Describe what significant cost savings or other benefits could result if schedules could be relaxed and whether competition could thus be obtained.

V. EXCLUSIVE CAPABILITY

- A. Does the proposed subcontractor have personnel considered unquestionably predominant experts in the particular field?
- B. Does the proposed subcontractor have prior experience, facilities or test equipment of a highly specialized nature that makes it the exclusive source?
- C. Is competition precluded because of the existence of patent rights, copyrights, secret processes, trade secrets, technical data, or other proprietary data?
- D. What other capability and/or capacity does the proposed subcontractor have that is necessary for the specific effort and makes it clearly the only source that can perform the work on the required time schedule without incurring clearly unreasonable costs?

VI. OTHER

- A. If lacking of drawings or specifications are a constraining factor, why is the proposed subcontractor clearly best able to perform under these circumstances? Why are the drawings and specifications lacking? What is the lead time required to get drawings and specification suitable for competition?
- B. Are parts or components being procured as replacement parts in support of equipment specially designed by a manufacturer, where data available are not adequate to assure that the parts or components obtained from another source would perform the same function?

VII. REVIEW AND APPROVAL

- A. Authorized Division Representative commensurate with estimated costs.
- B. Cognizant Buyer or Subcontract Administrator.