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**TITLE: CIB 97-22 - Class Just. for Other than Full & Open Competition
for Procurements**

September 29, 1997

MEMORANDUM FOR ALL CONTRACTING OFFICERS AND NEGOTIATORS

TO: Distribution List FAC

FROM: M/OP, Marcus L. Stevenson, Procurement Executive

CONTRACT INFORMATION BULLETIN 97 - 22

SUBJECT: Class Justification for Other than Full and Open
Competition for Procurements by Missions of U.S.
Manufactured Vehicles

Section 706.302-70 of the Agency for International Development's Acquisition Regulations (AIDAR) provides an exception to other than full and open competition when foreign aid programs would be impaired. Overseas contracts of \$250,000 or less are specified in AIDAR 706.302-70(b) as one case in which the requirement for full and open competition would impair foreign aid programs. In exercising this exception, two limitations must be observed by USAID contracting officers: (1) offers are to be requested from as many potential offerors as is practicable under the circumstances; and (2) a justification supporting less than full and open competition must be prepared in accordance with Federal Acquisition Regulation (FAR) 6.303.

We recognize that preparing individual justifications pursuant to FAR 6.303 for procurements of U.S. manufactured vehicles represents a burden to contracting officers. FAR 6.303-1(c) permits justifications supporting less than full and open competition to be made on a class basis. Given the number of contract actions involved and the similarity of the circumstances existing to support such justifications, a class justification has been prepared to relieve contracting officers of the considerable administrative burden in preparing separate justifications.

This justification deals only with competition; a nationality waiver may also be necessary if a U.S.-manufactured vehicle is purchased from a local dealer.

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A copy of the class justification is attached. Please note:

- the justification applies only to procurements of U.S. manufactured vehicles pursuant to AIDAR 706.302-70(b) (2);
- the conditions for use contained in Section II.A., and
- the certification and file documentation requirements in Section II.B. of the class justification.

Attachment: Class Justification

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CLASS JUSTIFICATION FOR USE OF OTHER THAN FULL
AND OPEN COMPETITION FOR PROCUREMENTS BY MISSIONS
OF U.S. MANUFACTURED VEHICLES

I. General

This document is a class justification for other than full and open competition as authorized by Section 6.303-1(c) of the Federal Acquisition Regulation (FAR).

This class justification may be used in accordance with its terms by any USAID contracting officer acting within the scope of their delegated authority.

This class justification is applicable to procurements valued at \$250,000 or less of U.S. manufactured vehicles awarded by an overseas contracting activity pursuant to AIDAR 706.302-70(b) (2), provided the appropriate requirements in Section II of this class justification are followed.

It has been determined that requiring full and open competition for procurements valued at \$250,000 or less of U.S. manufactured vehicles by overseas contracting activities would impair USAID's ability to meet the objectives of the foreign assistance program. Thus, Section 706.302-70(b) (2) of the AIDAR provides that such procurements may be exempted from the full and open competition requirements.

This class justification may be used to satisfy the requirements of AIDAR 706.302-70(c) (2) regarding preparation of justifications pursuant to FAR 6.303. It applies only to procurements of U.S. manufactured vehicles pursuant to AIDAR 706.302-70(b) (2).

II. Conditions for Use

A. Vehicle Standardization Plans

Procurement must be made under a standardization plan that USAID/M/AS/OMS has approved. Refer to ADS 534.5.3, for guidance on the preparation and submission of vehicle standardization plans.

B. Certification, File Documentation

A copy of this class justification must be included in the contract/purchase order file, together with a written statement, signed by the contracting officer, that: the contract/purchase order is being awarded pursuant to AIDAR 706.302-70(b)(2), as applicable; that the conditions in Section II of this class justification have been met; and that the cost of the contract/purchase order is fair and reasonable.

III. Effective Date

This class justification is effective on the date of signature below.

Sept. 29, 1997
Date

/s/
Marcus L. Stevenson
USAID Procurement Executive