

SMG 2610.11 Attachment C
Instructions for “*Limited Source Justification*” for
Restricting GSA Federal Supply Schedule Contractors

| Item | Instructions |
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| Requisition No. | Enter the requisition number for the acquisition in document header and right justify. |
| Title | Enter " Limited Source Justification " for Restricting GSA Federal Supply Schedule Contractors " in document header and center justify. |
| 1. Agency | Enter identifying information for 1.a., 1.b., and 1.c (i.e., OAGS or OFFAS) |
| 2. Nature and/or description of the Action Being Proposed for Approval. | State whether this is a new order or modification action. If modification, identify the basic GSA contract/FDA order. State the purpose and objective of the acquisition action. |
| 3. Title and Description of Supplies or Services and Estimated Value. | <ul style="list-style-type: none"> • Enter identifying information for 3.a. and 3.b. • Provide a brief , but informative, description for 3.c. • Include the name(s) of the proposed FSS Source(s). • Breakdown the Estimated Dollar Value for the base and option items or periods for 3.d. |
| 4. Statutory Authority | Enter: “This acquisition is conducted under the authority of the Multiple Award Schedule Program--Section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 501)". |
| 5. Identification of the Justification Rationale and if applicable, Proposed Contractor's Unique Qualifications to Provide the Required Supply or Service. | <p>Circumstances that may justify restrictions include:</p> <p style="padding-left: 40px;">(i) Only one source is capable of responding due to the unique or specialized nature of the work;</p> <p style="padding-left: 40px;">(ii) The new work is a logical follow-on to an original Federal Supply Schedule existing order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The Original order must not have been previously issued under sole source or limited source procedures;</p> <p style="padding-left: 40px;">(iii) The item is peculiar to one manufacturer. A brand name item, whether available on one or more schedule contracts, is an item peculiar to one manufacturer; or</p> <p style="padding-left: 40px;">(iv) An urgent and compelling need exists and following the ordering procedures would result in unacceptable delays.</p> <p>Explain why the Agency's minimum needs can only be satisfied by unique supplies or services available from only one source or only one supplier with unique capabilities. Fully state what is to be acquired and the reasons why the requirement will not be competed. The justification must provide reasons which go beyond inconvenience and must explain why it is not reasonable to restrict consideration of schedule contractors to fewer than required in FAR 8.405-1 or 8.405-2. The justification must be documented with information based on facts, rather than</p> |

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| | <p>untested, unsubstantiated conclusions or opinions. Facts which may support the justification could include:</p> <p>The existence of limited rights in data, patent rights, copyrights, or secret processes; the control of basic raw material; or similar circumstances, make the supplies and services available from only one source (however, the mere existence of such rights or circumstances does not in and of itself justify the use of these authorities); or, when the Agency Head has determined that: (1) a specific item of technical equipment or parts must be obtained to meet an activity's program responsibility to test and evaluate certain kinds and types of products, and only one source is available, (this criterion is limited to testing and evaluating purposes only and may not be used for initial outfitting or repetitive acquisitions. Project Officers should support the use of this criterion with citations from the Agency's legislation and the technical rationale for the item of equipment required); or, (2) there is existing equipment which, for reasons of compatibility and interchangeability, requires an item which is manufactured only by one source, (this criterion is for use in acquisitions where a particular brand name is required, and when an "or equal will not meet the Government's requirements. This criterion may not be used when there are other manufacturers available which may be able to produce acceptable items even though their products might require some adjustments and modifications. The other manufacturers must be given the opportunity to compete.)</p> |
| <p>6. Description of Efforts Made to Ensure Offers Are Solicited from As Many Potential Sources As Practicable.</p> | <p>Explain the efforts made to ensure that offers are solicited from as many potential sources as is practicable or in the case of a sole source state: "Only one source will be solicited for the reasons stated in section 5. above."</p> |
| <p>7. Determination by the Contracting Officer that the Order Represents the best value and results in the lowest overall cost alternative to meet the Government's needs (consistent with 8.404(d)).</p> | <p><i>The following statement should be inserted, unless the changed by the Contracting Officer.</i></p> <p>"Pursuant to FAR 8.404(d), GSA has already determined the prices of supplies and fixed-price services, and rates for services offered at hourly rates, under schedule contracts to be fair and reasonable; however, prior to the award of the proposed order, pricing information will be obtained from the proposed contractor and price analysis will be performed and documented to sufficiently determine that the order represents the best value and results in the lowest overall cost alternative (considering price, special features, administrative costs,</p> |

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| | etc) to meet the Government’s needs. |
| 8. Description of the Market Survey Conducted Among Schedule Holders and the Results, or Statement of the Reasons a Market Survey was not conducted. | <p style="text-align: center;"><i>(The Contracting Officer will complete this section.)</i></p> <p>Describe the market research that was conducted and the results of that research. If market research was not conducted, provide a reason why market research was not conducted. List any FSS sources that expressed an interest in the order in writing and the results of that interest.</p> |
| 9. Other Relevant Facts Supporting the Justification. | <p>Any other facts supporting the Limited Source Justification. such as:</p> <p style="padding-left: 40px;">(a) Explanation of why technical data packages, specifications, engineering descriptions, statements of work, or purchase descriptions suitable for competition have not been developed or are not available;</p> <p style="padding-left: 40px;">(b) If this is a follow-on acquisition and award to other than the incumbent source would result in substantial duplication of cost to the Government, provide an estimate of the duplicate cost and how it was derived;</p> <p style="padding-left: 40px;">(c) If this justification is based on urgent and compelling need, provide a quantified estimate as to the extent and nature of the harm to the Government.</p> |
| 10. Sources that have Expressed Interest in the Acquisition in Writing. | <p><i>(Consult with your Contract Specialist to insure no interest has been received by the contracting office and to coordinate the entry for this item if any interest has been received.)</i></p> <p>List the sources, if any, that have expressed, in writing, an interest in the acquisition and provide an explanation of why they are not being considered. If no written interest has been received, enter "NONE".</p> |
| 11. Statement of Actions, if any, to Remove or Overcome any Barriers that Precludes the Agency from Meeting the Competition | <p>A statement of the actions the Agency will take to remove or overcome any barriers to consider reasonably available information about the supply or service offered under MAS contracts by surveying at least three (3) schedule contractors through the GSA Advantage! On-line shopping service, or by reviewing the catalogs or pricelists of at least three (3) schedule contractors. If no actions are being taken to remove or overcome barriers to competition, explain why.</p> |

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| Requirements of 8.405-1 and 8.405-2 Before any Subsequent Acquisition for the Supplies or Services is Made. | |
| 12. Statement that Justification is not From a Result of a Lack of Planning. | Provide a statement that indicates that the use of Limited Source Justification method for procuring this supply or service is not a result of lack of planning or the expiration of funds. |