

APD ALERT

Announcement of Sole Source Justifications



Purpose

To act in accordance with FAR Subparts 6.3 and 13.5 for actions above the Simplified Acquisition threshold, agencies must make Sole Source Justifications publicly available within 14 days after contract award with the exception for circumstances of unusual and compelling urgency (within 30 days after contract award) and brand name justifications (posted with the solicitation). The justifications shall be made publicly available through the Federal Business Opportunities (FedBizOpps) Web site (www.fedbizopps.gov). In addition, the ARS Web site also provides access to the justifications by linking to FedBizOpps. The justifications must be posted for a minimum of 30 days.

Procedures

Contracting Officers (CO) should ensure all justifications do not contain contractor proprietary data before they are posted. CO should comply with the exemptions to disclosure of information contained in the Freedom of Information Act ([5 U.S.C. 552](#)) and the prohibitions against disclosure in FAR [24.202](#) when determining whether the justification, or portions of it, are exempt from posting. Although the submitter notice process outlined in EO 12600, entitled "Predisclosure Notification Procedures for Confidential Commercial Information," does not apply, if the justification appears to contain proprietary data, the CO should provide the contractor that submitted the information an opportunity to review the justification for proprietary data, before posting it without delaying the proper posting timeframe.

Per the FAR, "Contracting officers shall carefully screen all justifications for contractor proprietary data and remove all such data, and such references and citations as are necessary to protect the proprietary data, before making the justifications available for public inspection."

Examples of information that shall be removed include:

- Signatures
- Government Cost Estimates
- Third party vendor references/information

This requirement does not apply if posting the justification would disclose the executive agency's needs, and disclosure of such needs would compromise national security or create other security risks.

Please refer to the FAR for detailed information.

If you have any questions regarding this Alert, please contact Terri Carney, Procurement Analyst, at 301-504-1116, or via e-mail at Terri.Carney@ars.usda.gov.

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