

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 [part 6](#). 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 [6.303-2](#), modified to reflect that the procedures in FAR [subpart 13.5](#) were used in accordance with [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 brand-name) *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 [subpart 13.5](#) 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