

## **6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.**

(a) Authority.

(1) Citations: 10 U.S.C. 3204(a)(1) or 41 U.S.C.3304(a)(1).

(2) When the *supplies* or services required by the agency are available from only one responsible source, or, for DoD, NASA, and the Coast Guard, from only one or a limited number of responsible sources, and no other type of *supplies* or services will satisfy agency requirements, *full and open competition* need not be provided for.

(i) *Supplies* or services *may* be considered to be available from only one source if the source has submitted an unsolicited research proposal that-

(A) Demonstrates a *unique and innovative concept* (see definition at 2.101), or, demonstrates a unique capability of the source to provide the particular research services proposed;

(B) *Offers* a concept or services not otherwise available to the Government; and

(C) Does not resemble the substance of a pending competitive *acquisition*. (See 10 U.S.C. 3204(b)(A) and 41 U.S.C. 3304(b)(1).)

(ii) *Supplies may* be deemed to be available only from the original source in the case of a follow-on contract for the continued development or production of a *major system* or highly specialized equipment, including major *components* thereof, when it is likely that award to any other source would result in-

(A) Substantial duplication of cost to the Government that is not expected to be recovered through competition; or

(B) Unacceptable delays in fulfilling the agency's requirements. (See 10 U.S.C. 3204(b)(B) or 41 U.S.C. 3304(b)(2).)

(iii) For DoD, NASA, and the Coast Guard, services *may* be deemed to be available only from the original source in the case of follow-on contracts for the continued provision of highly specialized services when it is likely that award to any other source would result in-

(A) Substantial duplication of cost to the Government that is not expected to be recovered through competition; or

(B) Unacceptable delays in fulfilling the agency's requirements. (See 10 U.S.C. 3204(b)(B)).

(b) *Application*. This authority *shall* be used, if appropriate, in preference to the authority in 6.302-7; it *shall* not be used when any of the other circumstances is applicable. Use of this authority *may* be appropriate in situations such as the following (these examples are not intended to be all inclusive and do not constitute authority in and of themselves):

(1) When there is a reasonable basis to conclude that the agency's minimum needs can only be satisfied by-

(i) Unique *supplies* or services available from only one source or only one supplier with unique capabilities; or

(ii) For DoD, NASA, and the Coast Guard, unique *supplies* or services available from only one or a limited number of sources or from only one or a limited number of suppliers with unique capabilities.

(2) 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) (see [part 27](#)).

(3) When acquiring utility services (see [41.101](#)), circumstances *may* dictate that only one supplier can furnish the service (see [41.202](#)); or when the contemplated contract is for *construction* of a part of a utility system and the utility company itself is the only source available to work on the system.

(4) When the *agency head* has determined in accordance with the agency's standardization program that only specified makes and models of technical equipment and parts will satisfy the agency's needs for additional units or replacement items, and only one source is available.

(c) Application for brand-name descriptions.

(1) An *acquisition* or portion of an *acquisition* that uses a brand-name description or other purchase description to specify a particular brand-name, product, or feature of a product, peculiar to one manufacturer-

(i) Does not provide for *full and open competition*, regardless of the number of sources solicited; and

(ii) *Shall* be justified and approved in accordance with [6.303](#) and [6.304](#).

(A) If only a portion of the *acquisition* is for a brand-name product or item peculiar to one manufacturer, the justification and approval is to cover only the portion of the *acquisition* which is brand-name or peculiar to one manufacturer. The justification *should* state it is covering only the portion of the *acquisition* which is brand-name or peculiar to one manufacturer, and the approval level requirements will then only apply to that portion;

(B) The justification *should* indicate that the use of such descriptions in the *acquisition* or portion of an *acquisition* is essential to the Government's requirements, thereby precluding consideration of a product manufactured by another company; and

(C) The justification *shall* be posted with the *solicitation* (see [5.102\(a\)\(6\)](#)).

(2) Brand-name or equal descriptions, and other purchase descriptions that permit prospective contractors to *offer products* other than those specifically referenced by brand-name, provide for *full and open competition* and do not require justifications and approvals to support their use.

(d) Limitations.

(1) Contracts awarded using this authority *shall* be supported by the written justifications and approvals described in [6.303](#) and [6.304](#).

(2) For contracts awarded using this authority, the notices required by 5.201 *shall* have been published and any bids, proposals, quotations, or capability statements *must* have been considered.

**Parent topic:** 6.302 Circumstances permitting other than full and open competition.