

Subpart 6.5 - Advocates for Competition

6.501 Requirement.

As required by 41 U.S.C. 1705, the head of each *executive agency shall* designate an advocate for competition for the agency and for each *procuring activity* of the agency. The advocates for competition *shall-*

- (a) Be in positions other than that of the agency *senior procurement executive*;
- (b) Not be assigned any duties or responsibilities that are inconsistent with 6.502; and
- (c) Be provided with staff or assistance (*e.g.*, specialists in engineering, technical operations, contract administration, financial management, supply management, and utilization of small business concerns), as *may* be necessary to carry out the advocate's duties and responsibilities.

6.502 Duties and responsibilities.

- (a) Agency and *procuring activity* advocates for competition are responsible for—
 - (1) Promoting the *acquisition of commercial products and commercial services*;
 - (2) Promoting *full and open competition*;
 - (3) Challenging requirements that are not stated in terms of functions to be performed, performance required, or essential physical characteristics;
 - (4) Challenging barriers to the *acquisition of commercial products and commercial services*; and
 - (5) Challenging barriers to *full and open competition* such as unnecessarily restrictive statements of work, unnecessarily detailed specifications, and unnecessarily burdensome *contract clauses*.
- (b) Agency advocates for competition *shall—*
 - (1) Review the *contracting* operations of the agency and identify and report to the agency *senior procurement executive* and the *chief acquisition officer-*
 - (i) Opportunities and actions taken to acquire *commercial products and commercial services* to meet the needs of the agency;
 - (ii) Opportunities and actions taken to achieve *full and open competition* in the *contracting* operations of the agency;
 - (iii) Actions taken to challenge requirements that are not stated in terms of functions to be performed, performance required or essential physical characteristics;

(iv) Any condition or action that has the effect of unnecessarily restricting the *acquisition of commercial products or commercial services* or unnecessarily restricting competition in the contract actions of the agency;

(2) Prepare and submit an annual report to the agency *senior procurement executive* and the *chief acquisition officer* in accordance with agency procedures, describing-

(i) Such advocate's activities under this subpart;

(ii) New initiatives required to increase the *acquisition of commercial products and commercial services*;

(iii) New initiatives required to increase competition;

(iv) New initiatives to ensure requirements are stated in terms of functions to be performed, performance required or essential physical characteristics;

(v) Any barriers to the *acquisition of commercial products, commercial services, or competition* that remain;

(vi) Other ways in which the agency has emphasized the *acquisition of commercial products, commercial services, and competition* in areas such as *acquisition training and research*; and

(vii) Initiatives that ensure task and *delivery orders* over \$1,000,000 issued under multiple award contracts are properly planned, issued, and comply with [8.405](#) and [16.505](#).

(3) Recommend goals and plans for increasing competition on a fiscal year basis to the agency *senior procurement executive* and the *chief acquisition officer*; and

(4) Recommend to the agency *senior procurement executive* and the *chief acquisition officer* a system of personal and organizational accountability for competition, which *may* include the use of recognition and awards to motivate program managers, *contracting officers*, and others in authority to promote competition in *acquisition*.