

Subpart 6.2 - Full and Open Competition After Exclusion of Sources

Parent topic: [Part 6 - Competition Requirements](#)

6.200 Scope of subpart.

This subpart prescribes policies and procedures for providing for *full and open competition* after excluding one or more sources.

6.201 Policy.

Acquisitions made under this subpart require use of the competitive procedures prescribed in [6.102](#).

6.202 Establishing or maintaining alternative sources.

(a) Agencies *may* exclude a particular source from a contract action in order to establish or maintain an alternative source or sources for the *supplies* or services being acquired if the *agency head* determines that to do so would-

- (1) Increase or maintain competition and likely result in reduced overall costs for the *acquisition*, or for any anticipated *acquisition*;
- (2) Be in the interest of *national defense* in having a facility (or a producer, manufacturer, or other supplier) available for furnishing the *supplies* or services in case of a national *emergency* or industrial mobilization;
- (3) Be in the interest of *national defense* in establishing or maintaining an essential engineering, research, or development capability to be provided by an educational or other nonprofit institution or a federally funded research and development center;
- (4) Ensure the continuous availability of a reliable source of *supplies* or services;
- (5) Satisfy projected needs based on a history of high demand; or
- (6) Satisfy a critical need for medical, safety, or *emergency supplies*.

(b)

(1) Every proposed contract action under the authority of paragraph (a) of this section *shall* be supported by a determination and findings (D&F) (see [subpart 1.7](#)) signed by the *head of the agency* or designee. This D&F *shall* not be made on a class basis.

(2) Technical and requirements personnel are responsible for providing all necessary data to support their recommendation to exclude a particular source.

(3) When the authority in paragraph (a)(1) of this section is cited, the findings *shall* include a description of the estimated reduction in overall costs and how the estimate was derived.

6.203 Set-asides for small business concerns.

(a) To fulfill the statutory requirements relating to small business concerns, *contracting officers may* set aside *solicitations* to allow only such business concerns to compete. This includes contract actions conducted under the Small Business Innovation Research Program established under Pub.L.97-219.

(b) No separate justification or determination and findings is required under this part to set aside a contract action for small business concerns.

(c) Subpart [19.5](#) prescribes policies and procedures that *shall* be followed with respect to set-asides.

6.204 Section 8(a) competition.

(a) To fulfill statutory requirements relating to section 8(a) of the Small Business Act, as amended by Public Law 100-656, *contracting officers may* limit competition to eligible 8(a) participants (see [subpart 19.8](#)).

(b) No separate justification or determination and findings is required under this part to limit competition to eligible 8(a) participants. (But see [6.302-5](#) and [6.303-1](#) for sole source 8(a) awards over \$25 million.)

6.205 Set-asides for HUBZone small business concerns.

(a) To fulfill the statutory requirements relating to the *HUBZone* Act of 1997 ([15 U.S.C. 631 note](#)), *contracting officers may* set aside *solicitations* to allow only *HUBZone* small business concerns to compete (see [19.1305](#)).

(b) No separate justification or determination and findings is required under this part to set aside a contract action for *HUBZone* small business concerns.

6.206 Set-asides for service-disabled veteran-owned small business (SDVOSB) concerns eligible under the SDVOSB Program.

(a) To fulfill the statutory requirements relating to the Veterans Benefits Act of 2003 ([15 U.S.C. 657f](#)), *contracting officers may* set-aside *solicitations* to allow only service-disabled veteran-owned small business concerns eligible under the SDVOSB Program to compete (see [19.1405](#)).

(b) No separate justification or determination and findings are required under this part to set aside a

contract action for service-disabled veteran-owned small business concerns eligible under the SDVOSB Program.

6.207 Set-asides for economically disadvantaged women-owned small business (EDWOSB) concerns or women-owned small business (WOSB) concerns eligible under the WOSB Program.

(a) To fulfill the statutory requirements relating to 15 U.S.C. 637(m), *contracting officers may set aside solicitations* for only EDWOSB concerns or WOSB concerns eligible under the WOSB Program (see 19.1505).

(b) No separate justification or determination and findings is required under this part to set aside a contract action for EDWOSB concerns or WOSB concerns eligible under the WOSB Program.

6.208 Set-asides for local firms during a major disaster or emergency.

(a) To fulfill the statutory requirements relating to 42 U.S.C. 5150, *contracting officers may set aside solicitations* to allow only *offerors* residing or doing business primarily in the area affected by such *major disaster* or *emergency* to compete (see subpart 26.2).

(b) No separate justification or determination and findings is required under this part to set aside a contract action. The set-aside area specified by the *contracting officer shall* be a geographic area within the area identified in a Presidential declaration(s) of *major disaster* or *emergency* and any additional geographic areas identified by the Department of Homeland Security.