

6.301 Policy.

(a) [41 U.S.C.3304](#) and [10 U.S.C. 3204](#) each authorize, under certain conditions, contracting without providing for full and open competition. The Department of Defense, Coast Guard, and National Aeronautics and Space Administration are subject to “ [10 U.S.C. 3204](#). Other executive agencies are subject to [41 U.S.C. 3304](#). Contracting without providing for full and open competition or full and open competition after exclusion of sources is a violation of statute, unless permitted by one of the exceptions in [6.302](#).

(b) Each contract awarded without providing for full and open competition shall contain a reference to the specific authority under which it was so awarded. Contracting officers shall use the U.S. Code citation applicable to their agency. (See [6.302](#).)

(c) Contracting without providing for full and open competition shall not be justified on the basis of-

(1) A lack of advance planning by the requiring activity; or

(2) Concerns related to the amount of funds available (*e.g.*, funds will expire) to the agency or activity for the acquisition of supplies or services.

(d) When not providing for full and open competition, the contracting officer shall solicit offers from as many potential sources as is practicable under the circumstances.

(e) For contracts under this subpart, the contracting officer shall use the contracting procedures prescribed in [6.102](#)(a) or (b), if appropriate, or any other procedures authorized by this regulation.

Parent topic: [Subpart 6.3 - Other Than Full and Open Competition](#)