

6.302-5 Authorized or required by statute.

(a) Authority.

(1) Citations: [10 U.S.C. 3204\(a\)\(5\)](#) or [41 U.S.C. 3304\(a\)\(5\)](#).

(2) *Full and open competition* need not be provided for when—

(i) A statute expressly authorizes or requires that the *acquisition* be made through another agency or from a specified source; or

(ii) The agency's need is for a brand name *commercial product* for authorized resale.

(b) *Application*. This authority *may* be used when statutes, such as the following, expressly authorize or require that *acquisition* be made from a specified source or through another agency:

(1) Federal Prison Industries (UNICOR) [18 U.S.C. 4124](#) (see [subpart 8.6](#)).

(2) Qualified nonprofit agencies for the blind or other severely disabled [41 U.S.C. chapter 85](#), Committee for Purchase From People Who Are Blind or Severely Disabled (see [subpart 8.7](#)).

(3) Government Printing and Binding [44 U.S.C. 501-504](#), 1121 (see [subpart 8.8](#)).

(4) Sole source awards under the 8(a) Program ([15 U.S.C. 637](#)), but see [6.303](#) for requirements for justification and approval of sole-source 8(a) awards over \$25 million. (See [subpart 19.8](#)).

(5) Sole source awards under the *HUBZone* Act of 1997-[15 U.S.C. 657a](#) (see [19.1306](#)).

(6) Sole source awards under the Veterans Benefits Act of 2003 ([15 U.S.C. 657f](#)).

(7) Sole source awards under the WOSB Program- [15 U.S.C. 637\(m\)](#) (see [19.1506](#)).

(c) Limitations.

(1) This authority *shall* not be used when a provision of law requires an agency to award a new contract to a specified non-Federal Government entity unless the provision of law specifically—

(i) Identifies the entity involved;

(ii) Refers to [10 U.S.C. 3201\(e\)](#) for armed services *acquisitions* or [41 U.S.C. 3105](#) for civilian agency *acquisitions*; and

(iii) States that award to that entity *shall* be made in contravention of the merit-based selection procedures in [10 U.S.C. 2304\(k\)](#) or [41 U.S.C. 3105](#), as appropriate. However, this limitation does not apply—

(A) When the work provided for in the contract is a continuation of the work performed by the specified entity under a preceding contract; or

(B) To any contract requiring the National Academy of Sciences to investigate, examine, or experiment upon any subject of science or art of significance to an *executive agency* and to report on those matters to the Congress or any agency of the Federal Government.

(2) Contracts awarded using this authority *shall* be supported by the written justifications and approvals described in [6.303](#) and [6.304](#), except for-

(i) Contracts awarded under (a)(2)(ii) or (b)(2) of this section;

(ii) Contracts awarded under (a)(2)(i) of this section when the statute expressly requires that the *procurement* be made from a specified source. (Justification and approval requirements apply when the statute authorizes, but does not require, that the *procurement* be made from a specified source); or

(iii) Contracts less than or equal to \$25 million awarded under (b)(4) of this section.

(3) The authority in (a)(2)(ii) of this section *may* be used only for purchases of brand name *commercial products* for resale through commissaries or other similar facilities. Ordinarily, these purchases will involve articles desired or preferred by customers of the selling activities (but see [6.301\(d\)](#)).

Parent topic: [6.302 Circumstances permitting other than full and open competition.](#)