## **Subpart 6.5 - Advocates for Competition**

Parent topic: Part 6 - Competition Requirements

## 6.501 Requirement.

As required by <u>41 U.S.C. 1705</u>, 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 \$1.5 million 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*.