Requiring Activity (RA) **Justification and Approval (J&A) for Sole Source or Brand Name**

**Template Instructions:**

1. Complete this form when you have determined that your requirement must be a **Sole Source or Brand Name purchase**.
2. The purpose of this form is to **justify** **why** this requirement must be a Sole Source **or** Brand Name purchase, which will require you to **provide** **evidence** as to **how** this determination was made.
3. Use the blue guidance text to complete this form with **details specific to your current requirement**.
4. **Remove the blue guidance text when you are finished** so that the form is in black standard text.
5. Submit it with your PR package to the Regional Contracting Office (RCO).
6. Your Contract Specialist (KS) or Contracting Officer (KO) will contact you to further coordinate finalizing the J&A. The final version will require review and signatures.
7. **Incomplete J&As will cause delays in your requirement.**
8. **AGENCY NAME:** Name of Requiring Activity/Command/Program. **Write out the full name** of your activity the first time you use it, **then** use the acronym from there.
9. **DESCRIPTION OF ITEM OR SERVICE:**

***Instructions:*** Provide a brief but specific description of the supply/service required, including:

1. **Commercial description:** What is the name of the supply/service required? Use language that the average person can understand, for example: “High performance customized laptop” instead of “Dell Precision 5700”
2. **Intended use:** What will the Requiring Activity (RA) use this supply/service for? What purpose will it serve?
3. **Source or Brand Name:**What is the name of the required source (if only one source/vendor can meet the need) **OR** brand name (if only one brand name can meet the need)?
4. The total **estimated value** of this requirement is $\_\_\_\_\_

***Note:*** If your requirement includes option periods, the total estimated value should include the base plus all option periods.

1. The requested **period of performance/license coverage period** **or****delivery date** is\_\_\_\_\_\_\_\_\_\_\_.

***Note****:* if your requirement includes **option periods**, please specify here.

* How many option periods are required?
* Is there a required period of performance/license coverage period for each option period?

***Instructions:*** Fill out the following chart for each line item. Add or remove rows as needed for your requirement.

|  |  |  |  |
| --- | --- | --- | --- |
| **Brand Name / Manufacturer**  | **Item / Description** | **Manufacturer Part Number**  | **Quantity** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

1. **THE DETERMINATION FOR USE OF OTHER THAN FULL AND OPEN COMPETITION IS BASED ON THE FOLLOWING:**

***Instructions****:*

* Use the guidance below to complete **either** Section A **or** Section B.
* Provide an **explanation** for the fields that are applicable to this requirement.
* Leave any inapplicable fields blank.
* Remove blue guidance text when finished.
1. [ ]  **ONLY ONE RESPONSIBLE SOURCE**

***Instructions:*** Section A is for **Sole Source** requirements. Complete Section A if **only one source/vendor/business can provide this requirement**. If not applicable, move on to Section B.

* For 1-3 below, select the field(s) most applicable to this Sole Source requirement. More than one may apply.
1. [ ]  **RESTRICTIVE RIGHTS.** The source has established proprietary rights, limited rights in data, patent rights, copyrights, or secret processes in the item or service required.

**Explain the following:**

1. How do you know the rights are restricted to one source?

***Tip:***Usually, the manufacturer/sole source should provide you with documentation stating one or more of the following:

* The required item or service is proprietary to their business
* They are the sole provider of access to their item or service
* Their item or service is exclusively manufactured, sold, and/or provided by their company
* There are no authorized resellers/distributors of this item or service

**If** you do not have documentation stating this and intend to use Restrictive Rights as justification for sole source, **ask the source to provide documentation that they are the sole provider of this item/service**.

1. Explain why another company/source could not satisfy this requirement.

***Example****:* Another company/source could not satisfy this requirement because…

1. What market research was conducted that demonstrates that this is the only source available to provide the requirement?

***Example****:* Where did you search? Who did you contact? What information did you find?

1. [ ]  **EXCLUSIVE LICENSING AGREEMENTS.** The item or service is only available from the Original Equipment Manufacturer (OEM), **or** there is only one authorized distributor or technical representative for the OEM.

**Explain the following:**

1. Who is the manufacturer/OEM?
2. How do you know this requirement is only available from the OEM?

***Example****:* Where did you search? Who did you contact? What information did you find?

1. Provide evidence of your research or the exclusive licensing agreement as an attachment to this document.

***OR***

1. Who is the sole distributor / authorized technical representative (reseller)?
2. How do you know this is the only distributor / authorized reseller for the OEM?

***Example****:* Where did you search? Who did you contact? What information did you find?

***Tip:***Contact the OEM and ask them to verify that the sole source company is the only authorized reseller for the specific supply/service.

1. Provide evidence of your research or the exclusive licensing agreement as an attachment to this document.

***Tip:*** If there is more than one distributor/authorized reseller for the requirement, that means that you should fill out Part B, Brand Name, instead of Part A, Sole Source.

1. [ ]  **OTHER REASONS.**

**Explain the following:**

1. How do you know only one source is available to provide the requirement?
2. What market research was conducted that demonstrates that this is the only source available to provide the requirement?

***Example****:* Where did you search? Who did you contact? What information did you find?

1. What will be the **mission impact** if this requirement is not provided by only one source?

***Example****:* How would it negatively impact your program’s mission/needs if another source were to provide this requirement, or if this requirement was not procured at all?

1. [ ]  **BRAND NAME.** Item required must be a brand name, product, or feature of a product, particular to one manufacturer.

***Instructions:*** Complete Section B if **only one brand name can meet this need**, but any authorized reseller of that brand name could potentially provide the requirement.

**Explain the following:**

1. Why can’t another brand meet your current requirement? How do you know?

***Example:*** Another brand cannot meet this requirement because…

***Tip***: Explain what market research you did to verify that this is the only brand capable of meeting your program’s needs. If applicable, explain what is already in use at your activity that is dependent upon this specific brand name to continue functioning/meeting mission needs.

1. What makes this brand unique or different from other similar brands?

***Example:*** [X Brand Software] is different from other [software] brands because…

1. What would be the impact to your activity’s mission if a different brand were to be purchased, or if this requirement was not procured at all?

***Example:*** Procuring a different [software] brand other than [X Brand Software] would negatively affect [Activity Name] because…

* ***Tip:*** Will it be against the Government’s interest because of a negative effect on price? Will it be against the Government’s interest due to additional expenses and resources required to train personnel on a new system/brand/item? Explain.
1. **ACTIONS TAKEN TO REMOVE OR OVERCOME BARRIERS**

***Instructions****:* Complete Section IV by discussing actions your program took or will take to overcome barriers that led to the restriction to a sole source **or** brand name acquisition.

**Explain the following:**

1. What other companies or brands did you consider and/or contact before concluding a sole source **or** brand name purchase is necessary?

***Example:*** Other companies contacted during market research for this requirement include…

1. What were the results of your market research and/or contact with industry that support your conclusion that a sole source **or** brand name purchase is necessary?

***Example:*** The results of market research and contact with industry concluded…because…

1. How can other companies or sources become vetted, certified, or approved to provide the supply or service for future requirements?

***Example:*** Other sources may become approved to provide similar future requirements by…

1. What can your activity do to continue to ensure that competition is being utilized to the maximum extent possible for the same or similar future requirements?

***Example****:* The Government will continue to monitor the market and conduct market research to identify any emerging solutions that may satisfy future similar requirements. Should such solutions become available during the lifecycle of the current requirement, the Government will consider whether switching to and installing new systems is in the Government’s best interest, and regarding future similar requirements, seek competition to the maximum extent practicable.

1. **CERTIFICATIONS**

***Instructions:*** Complete Section V by filling out your information below. Your KS or KO with the RCO will reach out to you when they require your review and signature.

1. **Full name of individual who will complete and sign this form:** (Usually, this is the technical point of contact for the current requirement).
2. **Title / Position:**
3. **Email address:**
4. **Phone number:**

***\*\*Please remember\*\****to **remove the blue guidance text** when you are finished. The completed form should be in black standard text. **Please do not convert to PDF.**

**(End)**