

Army Regulation 715–31

Procurement

**Army
Competition
Advocacy
Program**

**Headquarters
Department of the Army
Washington, DC
28 November 2016**

UNCLASSIFIED

SUMMARY of CHANGE

AR 715–31

Army Competition Advocacy Program

This major revision, dated 28 November 2016—

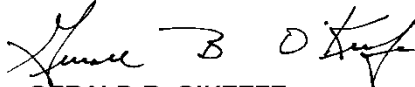
- o Consolidates key leadership duties including the Army Advocate for Competition under the Deputy Assistant Secretary of the Army (Procurement) (para 1–9).
- o Changes the Competition Advocate title to Advocate for Competition as prescribed in FAR 6.5 (para 1–9b).
- o Directs Army commanders at all levels to actively support the Army Competition Advocacy Program, to include assigned competition goals (para 1–10a).
- o Adds the requirement for commanders and directors of organizations with organic acquisition responsibility to establish an annual plan with 5–year goals for improving competition (para 1–10c).
- o Requires the local Advocate for Competition to regularly sample noncompetitive purchases greater than the micro purchase threshold to ensure requirements set forth in FAR parts 6, 8, 13, and 16 are being achieved (para 1–14i).
- o Provides updated notification that Army Head of Contracting Activities will appoint one Command Advocate for Competition (para 2–1a).
- o Separates the requirement for an annual report from the quarterly report requirement (para 2–5).
- o Adds to the annual report a requirement for a summary chart depicting 5–years of achieved competition and a competition assessment that analyzes the extent of competition (para 2–5).

Procurement
Army Competition Advocacy Program

By Order of the Secretary of the Army:

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General, United States Army
Chief of Staff

Official:


GERALD B. O'KEEFE
Administrative Assistant to the
Secretary of the Army

History. This publication is a major revision.

Summary. This regulation defines the Army Competition Advocacy Program objectives, prescribes policies and responsibilities and outlines general procedural guidance for all command levels participating in the acquisition function. It implements, Section 1705, Title 41, United States Code (41 USC 1705) and is in accordance with the Competition in Contracting Act of 1984 (10 USC 2304). This regulation serves as a companion document to AR 70–1; the Federal Acquisition Regulation; the Defense Federal Acquisition Regulation Supplement; Department of Defense regulatory direction; and the Army Federal Acquisition Regulation Supplement. If there is any conflicting guidance pertaining to contracting, the Federal Acquisition Regulation, the Defense Federal Acquisition Regulation

Supplement, Department of Defense guidance, and the Army Federal Acquisition Regulation Supplement will take precedence over this regulation.

Applicability. This regulation applies to the Active Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated. Also, it applies to all Department of the Army organizations involved in the acquisition of goods and services by contract action, including financial, requirements, engineering, medical, contracting, and logistics functions. Only those requirements exempted by statute are excluded from the Army Competition Advocacy Program.

Proponent and exception authority. The proponent of this regulation is the Assistant Secretary of the Army (Acquisition, Logistics, and Technology). The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency in the grade of general officer or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or

senior leader of the requesting activity and forwarded through the higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

Army internal control process. This regulation contains internal control provisions in accordance with AR 11–2 and identifies key internal controls evaluation that must be evaluated (see appendix C.)

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from the Assistant Secretary of the Army (Acquisition, Logistics and Technology) (SAAL-PG), 2800 Crystal Drive, Arlington, VA 22202.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Assistant Secretary of the Army (Acquisition, Logistics and Technology) (SAAL-PG), 2800 Crystal Drive, Arlington, VA 22202.

Distribution. This publication is available in electronic media only and is intended for command levels A, B, C, D, and E for the Active Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

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Glossary

Chapter 1 Introduction

Section I

General

1–1. Purpose

This regulation defines the Army's Competition Advocacy Program objectives, prescribes policies and responsibilities, and outlines general procedural guidance for all command levels participating in an acquisition function.

1–2. References

See appendix A.

1–3. Explanation of abbreviations and terms

See the glossary.

1–4. Responsibilities

Responsibilities are listed in section II.

1–5. Program objectives

The Competition Advocacy Program serves to promote and maximize efficient and effective competition of Army procurements by using the pressures of an open marketplace to obtain goods and services at fair and reasonable prices without reducing quality, readiness, or security. Consistent with 10 USC 2304, Full and open competition, Army personnel will promote full and open competition throughout the acquisition process. Contracting officers will award contracts for goods and services on an other than full and open competition basis only after they are fully justified, as set forth in the Federal Acquisition Regulation (FAR), Defense Federal Acquisition Regulation Supplement (DFARS) and Army Federal Acquisition Regulation Supplement (AFARS), and approved by the appropriate approving official. Specific objectives of the Competition Advocacy Program are to—

- a. Ensure that personnel in the requiring activities and acquisition process, to include contracting, program and project management, engineering, logistics, quality assurance, financial, and requirements personnel, as well as small business specialists, use competitive acquisition strategies to the maximum extent practicable.
- b. Promote full and open competition in acquisitions that historically have utilized limited competition.
- c. Develop alternate sources for supplies and services to enhance both cost effectiveness and expansion of the industrial base.
- d. Promote acquisition of supplies and services that meet Army requirements at fair and reasonable prices.

1–6. Policies

- a. Policies of the Army Competition Advocacy Program are as follows:
 - (1) Leaders of all major Army commands involved in the acquisition of supplies or services will develop a strategy focused on achievement of their organization's assigned competition goals and objectives. This competition strategy is to be based on detailed analysis that identifies barriers to goal attainment and actions to be taken to overcome those barriers, thereby increasing competition.
 - (2) Contracting officers will use the competitive procedures set forth in the FAR, DFARS and AFARS to maximize economic, technical, schedule, and supportability benefits.
- b. The policies contained in this regulation are intended for use in a manner that will balance the Army Competition Advocacy Program requirements with mandatory sources (FAR 8.002 and FAR 8.003), small business programs (FAR 19), and other socioeconomic programs (FAR 26).
- c. The policies in this regulation are consistent with and encourage use of technical and business approaches and techniques like the modular open systems approach and value engineering in designs.
- d. The policies in this regulation apply to secure environment contracting as outlined in AR 715–30.

Section II

Responsibilities

1–7. Headquarters, Department of the Army Principal Officials

HQDA principal officials will encourage and support competitive acquisition to the maximum extent practicable. The Army's principal officials are identified by the Office of the Administrative Assistant to the Secretary of the Army at: <http://www.apd.army.mil/>.

1–8. Assistant Secretary of the Army (Acquisition, Logistics and Technology)

The ASA (AL&T) is responsible for providing strategic guidance and supervision of the Army Competition Advocacy Program. Specifically, as the Army's Senior Procurement Executive (SPE), the ASA (AL&T) approves all—

- a. Strategic direction for the Army Program and ensures that Department of the Army (DA) policies, plans, and programs related to procurement are executed consistent with law, regulation, and policy.
- b. Justification and approvals (J&As) exceeding the thresholds prescribed at FAR 6.304(a)(4).

1–9. Deputy Assistant Secretary of the Army (Procurement)

The DASA(P) will—

- a. Develop and manage the Army Competition Advocacy Program on behalf of the ASA (AL&T).
- b. Serve as the Department of the Army Advocate for Competition (DAAFC) as described in FAR 6.5.
- c. Provide policy guidance and support regarding competition to all Army elements and their designated Advocate for Competition (AFC) in accordance with established procedures, such as those provided on the Office of the Deputy Assistant Secretary of the Army (Procurement) (ODASA(P)) Web site.
- d. Interact with the Director, Defense Procurement and Acquisition Policy (DPAP) and HQDA staff, to enhance the competitive acquisition process.
- e. Provide staff guidance and administrative and logistical support to ensure effective management of the Army Competition Advocacy Program.
- f. Provide guidance on competition in secure environment contracting.
- g. Review acquisition planning and non-competitive justification documentation requiring HQDA approval to ensure any contemplated noncompetitive strategies are adequately justified or actions are taken to convert noncompetitive procurements to competitive acquisitions, as appropriate.
- h. Prepare the Army competition report (see paras 2–4 and 2–5) for submission to the DPAP in accordance with required suspense dates.
- i. Report regularly to the SPE on Army competition progress.

1–10. Commanding generals of Army commands, and heads of Army service component commands and direct reporting units

- a. Commanders and directors at all levels will actively support the Army Competition Advocacy Program to include competition goals assigned to their command or activity.
- b. Commanders and directors at all levels will establish a system of personal and organizational accountability for competition, which may include the use of recognition and awards to motivate those in authority to promote competition in acquisition.
- c. Commanders and directors of organizations with organic acquisition responsibility will establish an annual Command Competition Plan with 5–year-goals for improving competition and track their performance against those goals at least quarterly (see paras 2–3, 2–4, and 2–5).

1–11. Heads of contracting activities

The HCA, delegable no lower than the principal assistant responsible for contracting (PARC) will—

- a. Support execution of the Command Competition Plan.
- b. Establish procedures to manage and monitor the performance of the command in achieving its competition goals.
- c. Appoint all AFCs and their alternates and ensure that the advocates—
 - (1) Are not assigned duties or responsibilities that are inconsistent with the provisions of FAR 6.502.
 - (2) Request and consider technical advice from all functional specialties required to carry out the duties and responsibilities necessary for promotion of full and open competition.

(3) Assist their command to develop a competition plan that meets the organization's competition goals and initiatives and that is consistent with the planning, programming, budgeting, and execution submission. All contract competition plans must support the Army Competition Advocacy Program and serve to achieve the competition goals, initiatives, and policies of their next higher level organization and the Army.

(4) Are assigned within the organization where they can be most effective.

d. Publicize significant competition achievements and lessons learned within the command where they will be easily located, such as on the organization's Web site.

e. Recommend annual command competition initiatives and goals to the DAAFC not later than 30 June each year and when the DAAFC requests (Requirement Control Symbol (RCS) exempt under AR 335–15).

1–12. Program executive officers, direct reporting program managers and program, project, and product managers

a. The PEOs and PMs will—

(1) Develop and document a Total Life Cycle Competition Strategy (TLCCS) as part of the acquisition strategy completed at program initiation for each Army-managed acquisition program. The TLCCS may supplement the program Acquisition Strategy as an independent document, as an annex, or may be incorporated as an element within the strategy.

(2) Balance TLCCS requirements for full and open competition with requirements for timeliness, and cost effectiveness.

(3) Consider the entire materiel solution including systems, subsystems, major components, their sustainment, and services when developing the TLCCS.

(4) Use market research with consideration for the activities within each phase and stage of the materiel acquisition process to evaluate and select the strategy for maximizing life cycle competition.

(5) Justify and support with meticulous and thorough analysis all strategies that call for other than full and open competition.

(6) Involve the local AFC in all key acquisition strategy planning sessions.

(7) Develop procedures for assessing short and long-term requirements for rights to intellectual property (IP) including necessary patent rights and accurate, complete, and adequate technical data and computer software; develop strategies for obtaining those rights where feasible and affordable; and at a minimum, ensure that access to IP and data is available when needed.

b. The Direct Reporting Program Managers (DRPMs) and PMs will jointly develop annual and quarterly competition projections and significant changes thereto with the local AFC.

1–13. Command advocates for competition

Command AFCs will develop and administer the organization's Competition Advocacy Program on behalf of the commander and HCA. The Command AFC is referred to in FAR 6.304(a)(2) as "the advocate for competition for the procuring activity." The Command AFC is responsible for coordinating competition specific actions requiring Commander, HCA, and DA level review or approval. Command AFCs will—

a. Compose the Command Competition Plan, to include coordinating subordinate level competition plans nested within their Command Competition Plan (see para 2–3), and manage/monitor its execution on behalf of the commander.

b. Develop initiatives to increase effective competition in acquisitions, promote full and open competition, and perform the duties set forth in FAR 6.502, plus other duties deemed necessary to accomplish the command's competition goals.

c. Review justifications submitted to the HCA/PARC and higher headquarters.

d. Approve as appropriate justifications in accordance with FAR 6.304(a)(2) and other non-competitive justifications required in FAR parts 8, 13, and 16. Specially appointed Alternate Command AFCs may be appropriate for this function at remote locations with large contracting activities.

e. Provide training to local AFCs and other technical, requirements, management, and contracting workforce on how to achieve enhanced competition and advocate for competition as necessary.

f. Establish procedures that make available all records/files required for the administration of the Competition Advocacy Program. These records should include, as a minimum, the following:

(1) J&As for other than full and open competition that are reviewed at the local and command AFC levels.

(2) Correspondence that documents actions taken or attempted to enhance competition.

(3) General correspondence pertaining to competition advocacy.

g. Review and provide input to the commander/HCA regarding acquisition plans calling for other than full and open competition. Ensure command compliance with the competition mandates of FAR parts 6 (Competition Requirements), 8 (Required Sources of Supplies and Services), 13 (Simplified Acquisition Procedures), and 16 (Types of Contracts).

h. Support the commander, HCA, and the DAAFC in meeting the Army's competition goals, competition assessment, and reporting requirements.

i. Draft quarterly and annual command competition reports for the Commander's approval (see paras 2–4 and 2–5).

j. Ensure organizational barriers, including policies and procedures that inhibit competition, are brought to the attention of the HCA and organizational commander/director, and that command/activity officials and their workforce execute the directed corrective actions as appropriate.

k. Ensure command/activity officials and the workforce are aware of the organization's responsibility to maximize competition at both the prime and subcontract levels.

1–14. Local advocates for competition

AFCs below the Command AFC level are referred to as local AFCs and are appointed pursuant to paragraph 2–1. Local AFCs serve to implement the Command Competition Plan for their local command, activity, or functional organization. Local AFCs will—

a. Seek to improve competition for their command, activity, or function by reviewing the policies, procedures, and decisions of the organization as follows:

(1) Ensure that competition is considered and planned early in the acquisition process, when needs are first identified, and that competitive opportunities are not precluded by—

(a) The lack of robust market research.

(b) The use of restrictive need statements.

(c) Restrictive purchase descriptions.

(d) A closed system architecture.

(e) Unnecessarily detailed or restrictive specifications.

(f) Poor planning or arbitrary action.

(g) Nonavailability of IP, including technical data or computer software, or the rights required for system re-procurement, subcomponents, or spare parts breakout, either because of inappropriately restrictive contractor markings and proprietary claims or because of failure to properly assess the need for, acquire, or properly manage those rights.

(2) Identify organizational difficulties, policies, or procedures that inhibit competition and take timely corrective action.

(3) Ensure local officials and the workforce are aware of their responsibility to maximize competition at both the prime and subcontract levels. This can be accomplished during town hall type meetings or using regular organizational training sessions.

(4) Ensure that officials require and the workforce uses market research to identify potential sources.

b. Participate in the coordination process for developing statements of need.

c. Support any spare parts breakout program.

d. Maintain surveillance over the re-procurement data screening process to determine where improved policies or procedures are needed, then inform the appropriate officials and the workforce.

e. Promote the concept of reverse engineering as a tool for developing new supply sources or fostering more economical acquisitions.

f. Challenge specific requirements that could result in unjustified noncompetitive acquisitions. (Use the questions set forth in appendix B as an aid.)

g. Participate and aggressively advocate for competition during acquisition strategy and plans development.

h. Establish procedures for maintaining records of reviews for all actions pertaining to other than full and open competition at the local AFC level. All files pertaining to competition must be available when requested by the Command AFC or other authority.

i. Regularly sample non-competitive purchases valued greater than the micro purchase threshold, as defined in FAR part 2, to ensure that competition requirements set forth in FAR parts 6, 8, 13, and 16 are being achieved.

j. Provide input to the Command AFC for inclusion in the Command Competition Plan, quarterly report in paragraph 2–4, and annual report in paragraph 2–5.

k. Assist the Command AFC as requested.

Chapter 2 Competition for Army Contracts

Section I

Army Competition Advocacy Program

2-1. Appointment of advocates for competition

a. Heads of contracting activities (HCAs), delegable only to the PARC, will appoint one Command AFC to serve their command/organization (see para 1-11). In addition, the HCA will appoint an AFC wherever there is a small business specialist appointed and as deemed appropriate. Local AFCs may be appointed within program offices, customer organizations, and elsewhere when necessary. Heads of contracting activities may also appoint alternate AFCs to serve in the absence of the principal and when operational conditions necessitate. The appointment of alternate AFC(s) does not nullify the requirement for a single advocate responsible for coordinating the entire organization's Program.

b. Heads of contracting activities may designate AFCs on a full-time or part-time basis, according to the needs of the organization. Personnel appointed as AFCs must have knowledge of the Army acquisition system and analytical techniques necessary to identify opportunities for further competition. AFC will not be assigned any duties that are inconsistent with their responsibilities as set forth in paragraph 1-13.

c. Heads of contracting activities will designate an AFC within an organization where they can effectively review the policies, procedures, and documents that cause other than full and open competition in procurements. The AFC will receive staff assistance from functional specialists in areas such as contracting, engineering, technical operations, legal, security, integrated product support, quality assurance, production management, and small business. The AFC will also have direct access to commanders, program executive officers (PEOs), and program managers (PMs) to manage the Army Competition Program effectively.

2-2. Resources

a. Commanders are responsible for providing their supporting AFC with staff assistance and any logistical support necessary to execute their competition plans. The level or amount of resources allocated by an organization to the competition program may vary, and should be based on—

- (1) The dollar value and number of actions.
- (2) The complexity and nature of the acquisition.

b. A low incidence of competitive acquisitions justifies allocation of more resources and additional effort to improve competition.

Section II

Command Competition Plans and Reporting

2-3. Command Competition Plans and Total Life Cycle Competition Strategies (RCS SAOSA-226)

In accordance with paragraph 1-10c and as a minimum, each command/organization having independent acquisition responsibility will develop a Command Competition Plan. Each PEO, DRPM, and PM will develop and maintain a TLCCS for each individual acquisition program within their portfolio.

a. The Command Competition Plan will serve as a road map for the organization to attain its competition goals and objectives over a 5-year period.

b. The commander, or designee, will approve and sign their command's competition plan and forward it to the DAAFC at AFARS 5101.290(b) by 15 November of each year or as otherwise requested. The Command AFC will facilitate this action.

c. Each Command Competition Plan should—

- (1) Identify the command's current competition percentage and goal.
- (2) Show the expected workload in terms of dollars, actions, and their respective competition percentages that will be obligated by the command contracting office(s) over the report's 5-year period.
- (3) Describe the general or specific problems or factors that inhibit competition in the command, addressing the portion of obligated dollars that are noncompetitive.
- (4) Distinguish all large dollar (determined at management discretion), noncompetitive requirements, and key acquisitions of leadership interest, citing their exception to full and open competition per FAR parts 6, 8, 13, 16, and 19.

(5) Describe the command's management plans and actions by fiscal year (FY) (for example, changes to policy, procedures, manpower, and organization) intended to solve the problems or issues previously identified and that will enhance competition in general while reducing the number of acquisitions using other than full and open competition. Specifically, identify repetitive noncompetitive command acquisitions and the plans to increase competition in these acquisitions, at the prime or major component subcontractor level, when feasible.

(6) Set target dates for conversion plans. Include a brief justification in the Command Competition Plan for acquisitions that must remain noncompetitive. Submission of the Command Competition Plan will not constitute justification for using other than full and open competition in the acquisitions described.

(7) Establish milestones and designate responsible persons for accomplishing the planned actions.

d. The Command Competition Plan for subordinate organizations may be included in the body, in appendices, or as annexes to the next higher level organization plan. Subsequent annual submissions may be a revision or update of the Command Competition Plan or may be a new plan. Commanders are not required to create a new plan each year. Subsequent Command Competition Plans will incorporate planned actions and milestones that extend the planning period.

e. The TLCCS content is similar to the Command Competition Plan, above, except that it provides a competitive roadmap for the entire duration of the project/program from initiation through disposal, describing a competition strategy for each phase of development. The TLCCS may be combined with other required programmatic documentation, such as the Acquisition Strategy, as long as it is specifically identified for ease of review and possesses all required content (see para 1–12).

2–4. Quarterly Reports (RCS SAOSA-208)

a. Command AFCs will prepare their organization's quarterly competition reports for approval. The quarterly report will be in seven-part format and will include the following:

(1) A summary of the past quarter's progress toward the annual goal. Any significant deviation from the Command Competition Plan should be explained, to include the anticipated impact on attaining the annual goal.

(2) A description of new or innovative techniques developed or implemented during the past quarter that will enhance competition especially in the areas of early acquisition planning, responsibilities under the Competition in Contracting Act (CICA), or market research techniques for overcoming barriers to competition.

(3) A listing of all J&As submitted to the command during the past quarter annotating item nomenclature, solicitation/contract number, dollar value, FAR exception cited, and disposition (approval/disapproval).

(4) A listing of awards presented to military and civilian employees for enhancing competition.

(5) A narrative describing organizational successes, significant savings, and quality/performance enhancements resulting from competition.

(6) Any significant actions taken, but not previously identified, that are intended to enhance the competition rate.

(7) Additional information as prescribed by the DAAFC.

b. Reports will be submitted to the DAAFC at AFARS 5101.290(b) no later than 30 days after the end of each quarter. Reports will be cumulative beginning with the first quarter of each FY.

2–5. Annual Reports (RCS SAOSA-208)

a. The fourth quarter report combined with information from the Command Competition Plan constitutes the annual report prescribed in AFARS 5106.502(b)(2). Format annual reports as follows:

(1) *Competition summary.* Summarize the organization's progress in achieving its annual goal. Describe organizational successes, significant savings, or quality/performance enhancements resulting from competition. Describe new or innovative techniques developed or implemented during the last year that enhanced competition, especially in the areas of early acquisition planning, awareness of responsibilities, or market research techniques. Highlight the organization's progress with a Competition Summary chart depicting 5–years of achieved and effective competition (in both dollars and numbers of contract actions) as contrasted against assigned goals.

(2) *Competition assessment.* Include a brief analysis and assessment of the extent of competition. Sub-topics should include: contract actions that are a follow-on to competition, actions not available for competition, eligible fair opportunity/limited sources actions, statutory exceptions to fair opportunity, details of other than full and open competition, and impediments to competition.

(3) *Barriers to competition.* Describe the general or specific challenges or factors that are inhibiting competition and achievement of the command competition goal (see para 2–3c(3)). Include in the paragraph the

number of sources sought or synopses issued to solicit competitive sources to which there were no responses, and other actions that indicated that competition was not feasible.

(4) *Mitigating actions*. Describe actions conducted over the past FY intended to improve competition and resolve competitive barriers (see para 2–3c(5)). The paragraph should also include or reference an attached list of J&As that are expected to require the SPE's approval during the next FY. Any significant deviation from the Command Competition Plan should be explained.

(5) *Future years' competition plans*. Identify organization plans for improving competition over the coming FYs. Plans should include specific actions, planned training, reward or acknowledgement of extraordinary efforts by members of the command, and plans to convert large or complex non-competitive acquisitions to competitive actions.

b. Reporting requirements may be supplemented throughout the year by the DAAFC.

Appendix A

References

Section I

Required Publications

Unless otherwise stated, all publications are available at <http://www.apd.army.mil>. Department of the Department of Defense (DOD) publications are available at <http://www.dtic.mil/whs/directives/>. Federal Acquisition Regulation (FAR), Defense Federal Acquisition Regulation Supplement (DFARS) and Army Federal Acquisition Regulation Supplement (AFARS) are available at <http://www.acquisition.gov/>.

AFARS 5101.290(b)

Routing documents and mailing addresses (Cited in para 2–3b.)

AFARS 5106.502(b) (2)

Duties and responsibilities (Cited in para 2–5a.)

DFARS

Department of Defense Federal Acquisition Regulation Supplement (Cited in para 1–5.)

FAR

Federal Acquisition Regulation (Cited in para 1–5.)

FAR 2

Definitions of Words and Terms (Cited in para 1–14i.)

FAR 6

Competition Requirements (Cited in para 1–13.)

FAR 6.304(a)(2)

Approval of the justification (Cited in para 1–13d.)

FAR 6.304(a)(4)

Approval of the justification (Cited in para 1–8b.)

FAR 6.5

Advocates for Competition (Cited in para 1–9b.)

FAR 6.502

Duties and responsibilities (Cited in para 1–11c(1).)

FAR 8

Required Sources of Supplies and Services (Cited in para 1–13.)

FAR 8.002

Priorities for use of mandatory Government sources (Cited in para 1–6b.)

FAR 8.003

Use of other mandatory sources (Cited in para 1–6b.)

FAR 16

Types of Contracts (Cited in para 1–13.)

FAR 19

Small Business Programs (Cited in para 1–6b.)

FAR 26

Other Socioeconomic Programs (Cited in para 1–6b.)

Section II

Related Publications

A related publication is a source of additional information. The user does not have to read it to understand this publication.

AFARS 5106

Competition Requirements

AFARS 5153

Forms

AR 11-2

Manager's Internal Control Program

AR 25-30

Army Publishing Program

AR 70-1

Army Acquisition Policy

AR 335-15

Management Information Control System

AR 715-30

Secure Environment Contracting (U)

DODD 5000.01

Defense Acquisition System

FAR 6.302

Circumstances permitting other than full and open competition

FAR 10

Market Research

FAR 15.6

Unsolicited proposals

OMB Circular A-109

Major Systems Acquisition and Use of Competitive Procurement in the Department of Defense
(Available at <http://gao.gov/assets/100/99291.pdf>.)

10 USC 2304

Contracts: competition requirements
(Available at <http://www.gpo.gov/>.)

41 USC 3301

Full and open competition
(Available at <http://www.gpo.gov/>.)

Section III

Prescribed Forms

This section contains no entries.

Section IV

Referenced Forms

Unless otherwise indicated, DA forms are available on the Army Publishing Directorate (APD) Web site (<http://www.apd.army.mil>).

DA Form 11-2

Internal Control Evaluation Certification

DA Form 2028

Recommended Changes to Publications and Blank Forms

Appendix B

List of Questions to be Considered for Review of Noncompetitive Procurements

B-1. Function

This listing is not all-inclusive. Circumstances may dictate the use of questions and criteria not specifically mentioned in this appendix.

B-2. Questions

a. What are the acquisition's minimum requirements? Material evidence should be presented verifying these minimum requirements.

b. What unique capabilities does the proposed contractor possess that make it the only company capable of meeting the minimum requirements?

c. Was market research conducted in accordance with the procedures in FAR 10 within the last 12 months? Material evidence should be sought to verify that such research was conducted and that the proposed contractor was the only one capable of meeting minimum requirements. Technical and requirements personnel should assist in conducting market research when appropriate.

d. Was the item or service previously acquired? If so, was it from the same contractor? If this is a continuation of a previous effort by the same contractor, examine why no other sources of supply are available.

e. Are there technical data packages, specifications, engineering descriptions, statements of work, or purchase descriptions available that are sufficient for competitive acquisition? If not, are any being developed? If not, why not? How much lead time would be required for their development? Has any cost-benefit analysis been conducted to determine whether it is advantageous to the Government to buy or to develop such information? If not, what evidence is available to demonstrate why this analysis is not needed? Some type of specification, work statement, or description must be prepared even if the procurement is sole source.

f. Can the item be subjected to redesign efforts such as reverse engineering or value engineering which would enhance competition in the future? Can the contractor, subject to applicable legal limitations, be persuaded to provide the Government the specifications, drawings, and so forth, which will enable the Government to compete the item in the future?

g. Can individual components be competitively acquired? If so, what steps have been taken to do this?

h. Can individual components be procured directly from subcontractors? If so, what steps have been taken to do this?

i. Does the acquisition result from an unsolicited proposal? If so, who first described the problem to be addressed by the unsolicited proposal? Is it unique and innovative? Is the idea in the public domain? Did the Government already plan to acquire the proposed supplies or services? See FAR 15.6 for clarification.

j. What material evidence exists that the Government would be injured if the noncompetitive acquisition was not made? This includes estimates of additional costs that might be incurred, criticality of schedules (for example, including when the acquisition need was first identified, reasonableness of required delivery schedules), and quality/acceptance criteria.

k. What steps are being taken to foster competition in the subsequent acquisition of this product or service?

l. Have efforts been made to implement actions to foster competition that were presented in previously approved J&As?

m. Was the proper authority (see FAR 6.302) cited in the J&A for using other than full and open competition?

n. What provisions are in place to foster competition in subcontracting?

Appendix C

Internal Control Evaluation

C–1. Function

This evaluation addresses the management of the Army Competition Advocacy Program as required by AR 11–2.

C–2. Purpose

The purpose of this checklist is to assist the AFC and internal control administrators to evaluate the management and oversight of the Army Competition Advocacy Program through the internal controls outlined below. It is not intended to cover all controls.

C–3. Instructions

Answers must be based on the actual testing (that is, document analysis, direct observation, sampling, or interview) of key internal controls. Answers that indicate deficiencies must be explained and corrective action indicated in supporting documentation. These key controls must be formally evaluated at least once every 5–years. Certification that this evaluation was conducted must be accomplished on DA Form 11–2 (Internal Control Evaluation Certification).

C–4. Test questions

- a. Are commanders at all levels actively supporting the Army Competition Advocacy Program?
- b. Has a Command AFC been appointed?
- c. Have Local AFCs been appointed within each organization where they can be most effective at arguing for competition during the planning and execution of procurement(s)?
- d. Does each command and program have a plan for how to achieve its competition goals and improve its overall competition rating (Command Competition Plan or TLCCS)?
- e. Is there evidence of a lack of planning for competition at the command or program levels?
- f. Are the commanders tracking and monitoring their progress against their assigned competition goal on a periodic basis and at least quarterly?
- g. Are contracting officers acquiring all supplies and services on a competitive basis to the maximum extent practicable using competitive procedures as set forth in the FAR, DFARS, and AFARS?
- h. When procuring supplies or services under other than full and open competition, are contracting officers preparing the appropriate justifications or determinations?
- i. Is supporting documentation for other than full and open competition being prepared in accordance with the AFARS 5106 and 5153, and other authoritative guidance?
- j. Are chiefs of contracting offices providing training, guidance, and oversight in accordance with the AFARS?

C–5. Comments

Help this to be a better tool for evaluating internal controls. Submit comments to ASA (AL&T) (SAAL-PG), 103 Army Pentagon, Washington, DC 20310–0103 or by email at: usarmy.pentagon.hqda-asa-alt.list.saal-pp-staff@mail.mil.

Glossary

Section I

Abbreviations

ACOM

Army command

AFARS

Army Federal Acquisition Regulation Supplement

AFC

advocate for competition

APD

Army Publishing Directorate

AR

Army Regulation

ASA (AL&T)

Assistant Secretary of the Army (Acquisition, Logistics, and Technology)

ASCC

Army service component command

CENTCOM

United States Central Command

CICA

Competition in Contracting Act of 1984 (Public Law 98–369)

DA

Department of the Army

DAAFC

Department of the Army Advocate for Competition

DAGO

Department of the Army General Order

DASA(P)

Deputy Assistant Secretary of the Army (Procurement)

DFARS

Defense Federal Acquisition Regulation Supplement

DOD

Department of Defense

DODD

Department of Defense Directive

DPAP

Defense Procurement and Acquisition Policy

DRPM

Direct Reporting Program Manager

DRU

direct reporting unit

FAR

Federal Acquisition Regulation

FPDS–NG

Federal Procurement Data System-Next Generation

FY

fiscal year

FYDP

Future Years Defense Program

HCA

head of contracting activity

HQDA

Headquarters, Department of the Army

IP

intellectual property

J&A

justification and approval

ODASA(P)

Office of the Deputy Assistant Secretary of the Army (Procurement)

OMB

Office of Management and Budget

PARC

principal assistant responsible for contracting

PEO

program executive officer

PM

program manager

POM

program objective memorandum

RCS

Requirement Control Symbol

SA

Secretary of the Army

SPE

senior procurement executive

SSM

senior service manager

TLCCS

total life cycle competition strategy

USC

United States Code

USD (ATL)

Under Secretary of Defense for Acquisition, Technology and Logistics

Section II**Terms****Command Advocate for Competition**

The person vested with the authority to approve justifications in accordance with FAR 6.304(a)(2). The Command AFC develops and administers the organization's Competition Advocacy Program on behalf of the commander and head of contracting activity.

Command Competition Plan

Describes the commander or executive director's plan for their organization to achieve its competition goals and objectives over a 5-year span. It summarizes in accordance with the Army's Competition Advocacy Program the overall approach to achieving competition goals and includes a discussion of risks, funding, contract types, key contracts, and the acquisition of intellectual property and technical data requirements. It contains sufficient detail to allow subordinate leadership to conduct detailed planning. The plan evolves over time and should be updated once a year to reflect evolving conditions.

Total life cycle competition strategy

Describes the technical and contracting methods for maximizing effective competition with an objective of full and open competition, throughout the system's life cycle. It addresses the entire system, to include end item(s), components, and spare parts in light of breakout, spares acquisition integrated with production, support services and other software, and acquisition of technical data and data rights.

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