

# **PART 1206—COMPETITION REQUIREMENTS**

Authority: 5 U.S.C. 301; 41 U.S.C. 1121(c)(3); 41 U.S.C. 1702; and 48 CFR 1.301 through 1.304.

Source: 87 FR 61159, Oct. 7, 2022, unless otherwise noted.

## Subpart 1206.2—Full and Open Competition After Exclusion of Sources

### 1206.202 Establishing or maintaining alternative sources.

### Subpart 1206.3—Other Than Full and Open Competition

#### 1206.302 Circumstances permitting other than full and open competition.

1206.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.

1206.302-7 Public interest.

### Subpart 1206.5—Advocates for Competition

#### 1206.501 Requirement.

**Parent topic:** SUBCHAPTER B—ACQUISITION PLANNING

## **Subpart 1206.2—Full and Open Competition After Exclusion of Sources**

### **1206.202 Establishing or maintaining alternative sources.**

(a) The head of the contracting activity (HCA) is delegated authority to exclude a particular source from a contract action in order to establish or maintain an alternative source under the conditions listed in FAR 6.202(a).

(b) The HCA is also delegated authority to approve a Determination and Findings (D&F) in support of a contract action awarded under the authority of FAR 6.202(a).

## **Subpart 1206.3—Other Than Full and Open Competition**

### **1206.302 Circumstances permitting other than full and open competition.**

#### **1206.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.**

(b)(4) The HCA is authorized to determine that only specified makes and models of technical

equipment and parts will satisfy the agency's needs under FAR 6.302-1(b)(4).

### **1206.302-7 Public interest.**

(a)(2) The authority under FAR 6.302-7 whereby full and open competition need not be provided for when determined that it is not in the public interest in a particular acquisition is reserved by the Secretary and may not be delegated. A written determination made and signed by the Secretary shall be included in the contract file.

(c)(3) The contracting officer shall prepare a justification to support the determination under FAR 6.302-7(c)(3).

## **Subpart 1206.5—Advocates for Competition**

### **1206.501 Requirement.**

The DOT Agency Advocate for Competition is the Deputy Assistant Secretary for Administration.