

## Justification & Approval For Other than Full and Open Competition

As a legislative branch agency, the Library is subject to the competition and advertising requirements of 41 U.S.C. § 6101. Like the Competition in Contracting Act and the FAR, 41 U.S.C. § 6101 does not require competition when a contracting officer certifies that only one source or brand-name item is available, when dictated by public exigency, or when otherwise authorized by law.

This document sets forth the justification and approval for award of a contract or order by means providing for other than full and open competition per 41 U.S.C. § 6101, LCR 7-210, and, as applicable, FAR 6.302, FAR 13.106-1, FAR 8.405, and FAR 16.505. Contracting without competition shall not be justified on the basis of a lack of advance planning or concerns related to availability of funds.

This form shall be used to support instances where competition will be limited to a single source, a limited number of sources, including where a brand name product is required.

### Part 1 – Identification

**1. Contracting Agency and Activity:** Library of Congress, LCSG/NLS/CD/ABP

**2. Nature of Action Being Approved**

- Contract (or modification)
- LoC or Leg Branch Order (or modification)
- GSA Schedule or GWAC: Identify Schedule/Contract
- Other: Identify

Plan ID Number: 2023-ACQ-0478  
Contractor (or Brand Name): Royal National Institute for the Blind  
Estimated Value (Base and all options): ██████████  
Period of Performance: 07/15/2023-07/14/2024

**3. Description of Supplies or Services Required to Meet Library Needs**

**The Library requires the following supplies or services:** The National Library Service for the Blind and Print Disabled (NLS) maintains a collection of braille and audio books and magazines that are distributed to over 500,000 blind and print disabled patrons. This requirement is for the purchase of four (4) braille magazines produced by the Royal National Institute for the Blind: Braille Chess, Conundrum, Short Stories, and Music.

## Part 2 – Program Office Justification & Approval

### 4. Authority for Contracting Without Competition

#### Over \$250,000

For this requirement over \$250,000, under FAR part 6, the basis for contracting without providing for full and open competition is:

- There is only one responsible source and no other supplies or services will satisfy Library requirements. 41 U.S.C. § 6101(b)(2)(C); FAR 6.302-1.
  - Library's minimum needs can only be satisfied by contractor's unique capabilities or products. FAR 6.302-1(b)(1).
  - Source controls copyrights, patents, raw materials, or secret processes cannot be acquired otherwise, or similar circumstances. FAR 6.302-1(b)(2).
  - Other exception identified in FAR 6.302-1: Identify the exception
- There is such unusual & compelling urgency that the Government would be seriously injured if competition is not limited. 41 U.S.C. § 6101(b)(2)(B); FAR 6.302-2. Option years are not permitted.
- Source is expressly authorized or required by statute (e.g., AbilityOne, UNICOR, GPO, GSA Public Buildings Service, Appropriations Act, etc.) per 41 U.S.C. § 6101(b)(1) and FAR 6.302-5: Identify the authority
- Other basis authorized in 41 U.S.C. § 6101(b) or FAR part 6.302: Identify the exception
  
- Library's needs can only be satisfied by a brand-name product or item which is essential to the Government's requirement. FAR 6.302-1(c).
- The Product is listed on the Library of Congress Enterprise Architecture Repository (LCEAR) database (Attach applicable IT Standard Data Sheet)

#### Up to and including \$250,000

For this requirement up to \$250,000, using simplified acquisition procedures under FAR part 13, the basis for contracting without providing for full and open competition is:

- Only one responsible source is reasonably available to meet Library requirements. 41 U.S.C. § 6101(b); FAR 13.106-1.
  - Product or service is reasonably available from only one source.
  - Source controls copyrights, patents or other exclusive licensing arrangements.
  - Urgent circumstances; only one source can reasonably deliver by required date. Option years are not permitted.
  - Source is expressly authorized or required by statute: Identify the authority
  
- Library's needs can only be satisfied by a brand-name product
- The Product is listed the Library of Congress Enterprise Architecture Repository (LCEAR) database (Attach applicable IT Standard Data Sheet)

#### GSA Schedule Order

For this GSA schedule order under FAR part 8, the basis for not competing among GSA schedule-holders and/or specifying a brand name product or item is:

- An urgent and compelling need exists, and following GSA procedures would result in unacceptable delays. FAR 8.405-6(a)(1)(i)(A).
- Only one GSA source is capable of fulfilling the requirement at the level of quality required because the supplies or services are unique or highly specialized. FAR 8.405-6(a)(1)(i)(B).
- In the interest of economy and efficiency, the new work is a logical follow-on to an original order that was placed competitively among GSA schedule-holders (i.e., the original order was not sole-source or limited-source.) FAR 8.405-6(a)(1)(i)(C).
  
- Library's needs can only be satisfied by a brand-name product
- The Product is listed on the Library of Congress Enterprise Architecture Repository (LCEAR) database (Attach applicable IT Standard Data Sheet)

#### Order Under Multiple Award Indefinite-Delivery Contract or GWAC

For this order under FAR subpart 16.5, the basis for contracting without providing for full and open competition is:

- The need is so urgent fair opportunity would result in unacceptable delays. 41 U.S.C. § 6101(b)(2)(C) and FAR 16.505(b)(2)(i)(A).
- The Library's minimum needs can only be satisfied by contractor's unique capabilities or products. 41 U.S.C. § 6101(b)(1) and FAR 16.505(b)(2)(i)(B).
- A logical follow-on order in the interest of economy and efficiency. 41 U.S.C. § 6101(b)(1) and FAR 16.505(b)(i)(2)(C).
- To satisfy a minimum guarantee. 41 U.S.C. § 6101(b)(1) and FAR 16.505(b)(2)(D).
- Authorized or required by statute. 41 U.S.C. § 6101(b)(1) and FAR 16.505(b)(2)(E).
  
- The Library's minimum needs can only be satisfied by a brand-name product or item which is essential to the Government's requirement. 41 U.S.C. § 6101(b)(2)(B) and FAR 16.505(a)(4)(i).
- The Product is listed on the Library of Congress Enterprise Architecture Repository (LCEAR) database (Attach applicable IT Standard Data Sheet)

### 5. Rationale for Contracting Without Competition

We are authorized to limit competition on the basis of the citation in section 4 because: at this time, only the Royal National Institute for the Blind can produce the Braille Chess, Conundrum, Short Stories, and Music magazines that consistent with NLS specifications. In addition, there are no American vendors that produce these braille magazines, anywhere in the world.

### 6. Actions to Overcome Barriers to Competition Before Subsequent Contract Is Required

To increase competition, we will: continue to survey the commercial braille market to see if a braille magazine of a similar nature is deemed appropriate for NLS braille-reading patrons. Due to the unique nature of these particular Braille magazines, only the Royal National Institute for the Blind can publish them.

### 7. Program Office Certification

I certify that the description of the Government's minimum needs, schedule requirements, and technical information that provide the basis for this justification are accurate and complete.

			04/26/2023
_____ Name	_____ Title	_____ Signature	_____ Date