

AMS/FAST CHANGE REQUEST (CR) COVERSHEET

Change Request Number: 20-77

Date Received: 8/25/20

Title: AMS Procurement Guidance Batch # 9 Real Property Integration

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Policy and Guidance: (check all that apply)

- ☐ Policy
- ☒ Procurement Guidance
- ☐ Real Estate Guidance
- ☐ Other Guidance
- ☐ Non-AMS Changes

Summary of Change:

The purpose of this change is to integrate Real Property Guidance into Procurement Guidance. This revises T3.2.2.4 to incorporate a revised SSJ Template for Real Property Transactions.

Reason for Change:

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Development, Review, and Concurrence:

AAQ, AAP and AGC

Target Audience:

All FAA Contracting Officers -Real Property and Procurement

Briefing Planned: No.

ASAG Responsibilities: None.

Section / Text Location:

T3.2.2.4 Single Source

The redline version must be a comparison with the current published FAST version.

☒ I confirm I used the latest published version to create this change / redline

or

☐ This is new content

Links:

<https://fast.faa.gov/docs/procurementGuidance/guidanceT3.2.2.4.pdf>

Attachments:

Redline and final documents.

Other Files:

N/A.

Redline(s):

Sections Revised:

3.2.2.4 A 1 – Basis for Single Source

3.2.2.4 A 2 – Market Analysis Supporting Single Source

Sections Added:

3.2.2.4 D 1 – Template For Single Source Justification For Products, Services, And Construction

3.2.2.4 D 2 – Template For Single Source Justification For Real Property Transactions

Procurement Guidance - (~~7/2020~~ 9/2020)

T3.2.2.4 - Single Source Added 10/2006

A Single Source Contracting Added 10/2006

1 Basis for Single Source Revised ~~7/2020~~ 9/2020

2 Market Analysis Supporting Single Source Revised ~~1/2020~~ 9/2020

3 Award of Single Source Revised 10/2019

B Clauses Added 10/2006

C Forms Added 10/2006

D Appendices Revised 9/2020

1 Template For Single Source Justification For Products, Services, And Construction Added 9/2020

2 Template For Single Source Justification For Real Property Transactions Added 9/2020

T3.2.2.4 - Single Source Added 10/2006

A Single Source Contracting Added 10/2006

1 Basis for Single Source Revised 7/2020 9/2020

(a) Single source procurement may be used when in the FAA's best interest. A factual, reasoned, and well-documented rationale must support the decision to use a single source. Excluding emergencies, there are no predetermined or prescribed conditions for using a single source. Each single source decision stands alone and is based on the circumstances.

(b) The rational basis for a single source decision must be documented by the service organization, reviewed by Legal for sufficiency, approved by the Service Organization Official and (if applicable) Contracting Officer's Representative (COR), and concurred with by Contracts or, for purchase card transactions, the Purchase Cardholder. All of this must be done consistent with the signature blocks of Appendices 1 and 2 below. This rationale is documented in a:

- (1) Stand-alone, single source justification using the templates in Appendices 1 or 2;
- (2) Procurement Plan, if a formal plan is established; or
- (3) Implementation Strategy and Planning Document, if applicable.

(c) Approval of Implementation Strategy and Planning Document or approval of a Procurement Plan constitutes approval of a single-source procurement; however, the rational basis for the single source decision must be reviewed by Legal for sufficiency; no further approval or documentation is necessary.

(d) For single source procurements with a total estimated potential contract value of \$10,000 or less, a justification is not required.

(e) A single source justification is not required for noncompetitive set-asides to 8(a)-certified Socially and Economically Disadvantaged Business (SEDB) or Service Disabled Veteran Owned Small Business (SDVOSB). (See AMS Procurement Guidance T3.6.1 "Small Business Program"). A single-source justification is also not required for procurements conducted in accordance with the Javits-Wagner-O'Day Act (Ability/One Program) or the Randolph-Sheppard Act as specified in AMS Guidance T3.8.4.

(f) A single source justification is not required for a site-specific requirement for land or antenna/equipment space, where the location of NAS equipment is (1) necessary to the functionality of the NAS, and (2) of continued criticality to the NAS or mission of the FAA; or for operational facilities that house equipment and/or personnel that provide Air Traffic Control services to aircraft operating in the NAS. The head of the Technical Operations service organization, or designee, will provide an annual determination identifying equipment and facilities subject to this subsection. a site-specific requirement for land or antenna/equipment space, where the location of NAS equipment is

~~(1) necessary to the functionality of the NAS, and (2) of continued criticality to the NAS or mission of the FAA. The annual determination provided by the head of Technical Operations service organization, or designee, will serve as the factual evidence supporting the determination and will that a requirement for land or unmanned, antenna/ equipment space comes within the scope of this paragraph must have written approval from the Division level of the requiring office and be documented in the Negotiator's Report.~~

2 Market Analysis Supporting Single Source Revised 1/2020 9/2020

(a) Market analysis provides factual data to form conclusions and verify assumptions that FAA's technical and business interests are best served through a single source. For single source procurements over \$10,000, market analysis is required. A market analysis is not required for emergencies, set-asides to 8(a) SEDB or SDVOSB owned small businesses, or for NAS site-specific land or antenna/equipment space site-specific NAS equipment land and/or antenna and equipment space or operational facilities acquisitions referenced in AMS 3.2.2.4 and T3.2.2.4A (1)(f) above. The method and extent of the analysis depends on the requirement, complexity, and estimated dollar value. (See AMS Procurement Guidance T3.2.1.2 "Market Analysis" for further information.)

(b) A formal market survey is one method to gather current data to support a single source decision. When used, a formal market survey must include a sufficiently detailed description of key requirements (e.g. technical performance requirements, land or space requirements, or essential knowledge, expertise, or experience, etc.) so that potential vendors can determine whether they have the capability to satisfy FAA's requirements.

FAA also uses these key requirements to evaluate capabilities of any vendors/ lessors responding to the market survey. The market survey may include explicit instructions to potential vendors/ lessors about the acceptable format, form, and level of detail for vendor capability statements or other vendor/lessor information that FAA will use to decide whether other capable vendors/ lessors exist and whether a competitive procurement is appropriate. (For more information about real property specific Market Surveys, See Section 4.2).

3 Award of Single Source Revised 10/2019

(a) After the required documentation, concurrences, approval and legal sufficiency are obtained for the single source justification as described above, the CO may negotiate contract terms and price or cost with the single source vendor and award the procurement action. Until the single-source justification in Appendices 1 or 2 is fully executed, no one may request any type of proposal information from the vendor.

(b) When the total estimated potential value of the procurement action is over \$150,000, the CO must issue a pre-award public announcement (excluding emergencies and other acquisitions that otherwise would not require announcement, e.g. Delivery Orders, Single Source SEDB, and SDVOSB awards) summarizing the basis for the single source decision. The CO may make a post award announcement to promote potential subcontracting opportunities. (Also see AMS Procurement Guidance T3.13.1

"Other Administrative Procedures" for information about notifications to FAA management and Congress).

B Clauses Added 10/2006

[view contract clauses](#)

C Forms Added 10/2006

[view procurement forms](#)

D Appendices Revised 7/2020

APPENDIX 1

**TEMPLATE FOR SINGLE SOURCE JUSTIFICATION FOR
PRODUCTS, SERVICES, AND CONSTRUCTION
(Word version found in Procurement Templates & Samples at
https://fast.faa.gov/PPG_Procurement_Toolbox_Templates.cfm)**

1. Title of Procurement

Insert a brief title describing the requirement. Include the procurement request number, solicitation or contract number, if applicable.

2. Program Office and Point of Contact

State the title of the requiring organization, and name, email, and phone number of the responsible program official.

3. Nature of Procurement Action

State the nature of the procurement action, such as new contract award, follow-on contract to an existing contract, or modification expanding scope of an existing task order. Identify the proposed type(s) of contract. If an urgent requirement, state the date by which the procurement action must be awarded.

4. Total Estimated Value

State the total estimated value, including any options, ceiling amounts, and maximum order amounts. If optional quantities or performance periods are included, separately show the value of each (and include the amounts in the total estimated value).

5. Description of Supplies/Services

Describe the requirement for supplies or services to be acquired, deliverables and outcomes of the work, the intended use, and any unique requirements. Include total quantities and performance periods (the description of requirements may be broad enough to allow for quantity increases should the contract unit prices be lower than originally estimated or additional requirements become known). Detailed specifications or equipment lists should not be included. When possible, explain the requirement in non-technical terms.

If the requirement will result in a modification to an existing contract, distinguish clearly between work covered by the basic contract and the additional work to be obtained by the proposed modification.

Discuss any relevant background, history, events, or other special circumstances related to the requirement.

6. Authority

Authority for single source procurement is provided by AMS policy section 3.2.2.4. Cite any other authority if applicable, such as an international agreement.

7. Rationale Supporting Use of a Single Source

Discuss why it is in the FAA's best interest to use a single source. Provide a well-reasoned, detailed, and factual explanation. Conclusions about a single source, such as the vendor is the only known source, or no other vendor can satisfy the requirement within needed timeframe, or savings from competition will not recover sunk costs, must be supported by objective, factual information collected through market analysis or other means.

Identify the proposed single source contractor. Include a detailed discussion of the contractor's unique qualifications, experience, past performance, expertise, specialized products or services, proprietary data, or other capabilities. Link the contractor's capabilities to FAA's requirements.

Describe technical benefits and potential cost savings that would result from using a single source versus benefits of conducting a competitive procurement that might result in another vendor performing the work.

Address other factors as applicable, such as the following:

Impact. Fully describe any impact to the mission of the requiring organization if the single source product or service could not be provided. Explain why the impact cannot be tolerated. Give factual

examples about the nature, likelihood, and severity of impact. Include cost estimates and other factual data about the impact, as appropriate.

Specialized Expertise. Explain why a particular expertise, experience, or skill is critical. Discuss why the single source vendor is the only source that has the specialized expertise. Explain why other FAA contractors providing or supporting NAS products and services do not have the required expertise. Describe the impact of not using the single source in terms of feasibility, time, and cost of another vendor obtaining sufficient expertise.

Follow-on Contracts. If a follow-on procurement for development, production, or sustainment, discuss any duplication of cost not expected to be recovered through competition or unacceptable delays in fulfilling requirements. Include data to support conclusions such as an estimates of costs that would be duplicated or length of delays for transition to another contractor, and basis for the estimates.

Standardization. If a follow-on contract is to standardize on one vendor's product or service, discuss duplication of costs not expected to be recovered through competition or unacceptable delays in terms of the overall lifecycle of a product or service. Discuss duplicated costs and learning curves in areas such as testing, familiarization, and certification; physical integration and interoperability; configuration management; security certifications; controller and other workforce training; integrated logistics support; maintenance, repair, and other depot or operational engineering support; maintenance infrastructure; airspace design and procedural changes; and *flight inspections*. Include factual examples and data to support conclusions.

Interim/Bridge Contracts. If the requirement is for an interim/bridge contract or contract extension because of urgent or unusual circumstances, include a complete explanation for extended period of performance. Discuss why it would be neither cost effective nor realistic for another contractor to perform during the interim/bridge period. Explain issues such as transition plans, ~~start-up~~startup costs, staffing and recruitment, transfer of property and equipment, retooling, and learning curves for the complexity and variety of requirements. Provide factual examples of transition issues, estimated times, and estimated duplication of costs if a different vendor were awarded an interim/bridge contract.

External Mandate. If the requirement was mandated externally, discuss who imposed the requirement, how it was communicated, authority to direct the procurement action, and why single source is the best means of satisfying the mandated requirement. Attach a copy of any relevant documentation describing the external mandate.

Time Constraints. If time is a key factor, identify when the requirement first became known, explain the significance of meeting the time constraint, and criticality of time to the organization's mission. Define quantitatively the impact of not meeting the time constraint, and why there is insufficient time to conduct a competitive procurement. Discuss cost and time to conduct a competitive procurement, transition time from one contractor to another, and whether it could be done within the time limitations.

Patents, Proprietary Data, and Unique Items. Discuss any constraints such as patents, proprietary data, copyrights or other such limitations. Explain whether the vendor will provide any data,

specifications, drawings, or source code to the FAA. Discuss whether individual components of a proprietary item can be competitively acquired from other vendors. Discuss whether the item could be reverse engineered. Describe estimated cost and time to obtain rights to data or for FAA to separately develop the proprietary item.

Unsolicited Proposal. If the single source is based on an unsolicited proposal, show that it meets the criteria for a legitimate unsolicited proposal (independently originated, innovative, and unique) and discuss benefits of adopting the proposal.

8. Market Analysis

Describe in detail the market analysis conducted to identify other qualified sources. If market analysis was not conducted, explain the circumstances.

Discuss sources of market data, level of analysis, and conclusions drawn about any other vendor's capabilities, products or services.

State whether a formal market survey was issued, when, and for how long the announcement was open. Include a listing of vendors that expressed written interest in the public announcement. Describe criteria used to evaluate vendors responding to the market survey, reasons for rejecting each vendor, person evaluating the responses and when. If no vendors responded to the market survey, include a statement to that effect.

If a prior market survey is used, discuss when the prior survey was conducted, the results, and why the information is still current and relevant.

Discuss evaluation of data from any internal market survey conducted.

9. Other Facts Supporting Use of Single Source

Discuss any other factors supporting use of a single source.

Include a statement about future actions to be taken, or not to be taken (e.g., no future similar requirements are anticipated), to identify alternate or additional vendors for the same or similar requirements. Discuss any actions to ensure that the prime contractor obtains competition in subcontracting.

ENDORSEMENT

*Note this language is to be part of the endorsement only in cases of emergency procurements per AMS Policy 3.2.2.4.1.1.

I certify that the supporting data under my cognizance that are included in this justification are accurate and complete to the best of my knowledge and belief.

I further certify that I will be involved in Screening Information Request (SIR) activities pertaining to this procurement. I will have knowledge of and access to confidential and proprietary procurement information and data concerning the selection process such as, procurement strategy, the offeror's proposal, results of evaluations, and the final selection actions. I will not disclose any information of a commercially sensitive or source selection sensitive nature, which is obtained by virtue of participation on the procurement team. Further I will ensure that such information is not used by other persons, companies or organizations to obtain an unfair advantage. **I further certify that I have not requested any proposal information as identified in AMS Guidance T3.1.8A.2(1), communicated any source selection information as identified in AMS Guidance T3.1.8A.2(2), nor communicated an intent to execute a single source contract from or to only the source identified in section 7 prior to the full execution of this single-source justification.**

**Because of the emergency nature of the procurement as stated herein (which involves a threat to loss of life or property, national security, or restoration of an air traffic control facility or to repair critical facility systems to prevent loss of air traffic capability), it was determined that immediate contracting with a single source was required, and that it was necessary to verbally authorize the contractor to start work once the funds were committed and then combine single source phases or complete single source activities after the fact per AMS Policy 3.2.2.4.1.1.*

CONFLICT OF INTEREST

As a member of the procurement team, I hereby agree to abide by the FAA Acquisition Management System; the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. pt. 2635; federal criminal law regarding bribery, graft, and conflicts of interest, 18 U.S.C. §§ 201-209, 216; and the Procurement Integrity Act, 41 U.S.C. §§ 2101-2107. Further, as a participant in the procurement selection activities, I hereby certify to the following:

(1) I have not been employed by the source identified in Section 7 above nor any of its subsidiaries. In addition, neither I, my spouse, or any of my dependent children, or other blood relatives who are residents of my household (hereinafter "I"), now own any bonds, stocks, or stock options, or have any other financial interest, including but not limited to current or future employment or contract rights, in or with respect to the aforementioned Source. I do not have any financial commitments to the source. I am not currently serving as an officer, director, trustee, general partner or employee of the Source.

(2) Neither I, nor to the best of my knowledge and belief, my spouse or any of my minor children have any intention or expectation of obtaining employment with, contracting with, or acquiring stocks, stock options, or bonds in or with respect to the Source for this requirement.

I understand that failure to comply with the above will result in termination of my participation in this procurement and may result in disciplinary action and/or referral for civil or criminal action.

Service Organization Official Approval

Name:	_____
Signature:	_____
Organization:	_____
Date:	_____

Contracting Officer's Representative (COR) (if applicable) Approval

Name:	_____
Signature:	_____
Organization:	_____
Date:	_____

Contract Specialist (if applicable) Concurrence

Name:	_____
Signature:	_____
Organization:	_____
Date:	_____

Contracting Officer or Purchase Cardholder Concurrence

Name:	_____
Signature:	_____
Organization:	_____
Date:	_____

AAQ Branch Manager Concurrence

Name:	_____
Signature:	_____
Organization:	_____
Date:	_____

Legal Sufficiency

Name:	_____
Signature:	_____
Organization:	_____
Date:	_____

APPENDIX 2

TEMPLATE FOR SINGLE SOURCE JUSTIFICATION FOR REAL PROPERTY TRANSACTIONS

(1) Name/Type of Real Property Acquisition Transaction

- a. Name of Real Property Acquisition Transaction
- b. Type of Real Property Acquisition Transaction (i.e. ~~lease-extension~~land, ~~succeeding lease~~space, real property related services, etc.). Please note that purchase cards can only be utilized for real property related service transactions (See AMS Guidance 3.2.2.5 for additional information on real property related services.)

c. Existing Lease/Contract Number (if applicable)

d. Nature of Procurement Action:

- ☐ **New Requirement**, where there is no pre-existing contract at the proposed location
- ☐ **Modification of Existing Lease/Easement**, where there is a preexisting contract, and the scope and/or location of the lease is modified
- ☐ **Lease/Easement Extension**, where there is a non-expired, preexisting contract at the same location
- ☐ **Succeeding Lease/Easement**, where there is an expired, preexisting contract at the same location (See Note 1, below, for further instruction.)

e. Program Office and Point of Contact

_____ State the title of the requiring/occupying organization, and name, email, and phone number of the responsible program official and/or APM real property portfolio manager.

(2) Authority for Single Source: AMS Policy 3.2.2.4, *Single-Source Selection*

(3) Description of Requirement

- a. intended use
- b. amount of space/land needed
- c. delineated area
- d. estimated length of need, if appropriate, internal discussions regarding purchase of real property interest
- e. time factors (not related to poor procurement planning)
- f. opportunities (or lack thereof) for collocation
- g. special requirements
- h. other special considerations

(4) Total Estimated Potential Value

(5) Rationale for Single Source Justification

a. *Cite Rationale* –

i. **only one available Lessor/Grantor/Seller**

ii. **cost/benefit analysis** (See Note 1, below, for further instruction.)

b. *Support for Rationale* – Market Research/Analysis. Relate findings of market research to the rationale stated above. Explain why it is in the FAA’s best interest not to compete the action as evidenced by the data collected from the market. Research must be (1) requirement specific; and (2) tailored to the cited rationale. This section should detail:

i. method of research

ii. findings, including, but not limited to:

1. record of communications with market sources about the specific requirement, if any
2. availability of land/space that meets the specific requirement

iii. relate findings to rationale and requirement

Note 1: If the purpose of this document is to extend a pre-existing lease or to award a succeeding lease (“staying in place”), ~~the RECO Program Office must perform~~ a thorough market survey research and analysis of potential lessors, including the incumbent, is required as part of the rationale. The market survey research and analysis must include communications regarding the specific requirement, including all updated safety and health requirements.

If the current property does not meet existing health and safety requirements, then the ~~RECO Program Office rationale~~ must discuss either (1) plans to bring the current Lessor into compliance; or (2) consideration given for non-compliance. The justification must include programmatic approval.

If ~~the RECO Program Office performs~~ a cost-benefit analysis, ~~and~~ cites “moving costs” as a reason to stay-in-place, then the rationale RECO Program Office must discuss the option of amortization of moving costs with other potential sources. All communications must be documented.

If cost-benefit analysis is necessary to the justification, select the alternate certification below, ~~and cited by the RECO Program Office, then the RECO Program Office must elect the alternate certification below.~~

(6) Conclusion

(7) ENDORSEMENT

I certify that the supporting data under my cognizance that are included in this justification are accurate and complete to the best of my knowledge and belief.

I further certify that I may be involved in Screening Information Request (SIR) activities pertaining to this procurement. I will have knowledge of and access to confidential and proprietary procurement information and data concerning the selection process such as, procurement strategy, the offeror’s proposal, results of evaluations, and the final selection actions. I will not disclose any information of a

commercially sensitive or source selection sensitive nature, which is obtained by virtue of participation on the procurement team. Further

I will ensure that such information is not used by other persons, companies or organizations to obtain an unfair advantage.

I further certify that either:

☐ I have not requested any proposal information as identified in AMS Guidance T3.1.8A.2(1), communicated any source selection information as identified in AMS Guidance T3.1.8A.2(2), nor communicated an intent to execute a single source contract from or to only the source prior to the full execution of this single-source justification;

or, as an alternate:

☐ I have conducted cost/benefit analysis in connection with this justification, communicating with and/or comparing costs from more than one source, but have not communicated an intent to execute a single source contract to any source.

CONFLICT OF INTEREST

As a member of the acquisition team, I hereby agree to abide by the FAA Acquisition Management System; the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. pt. 2635; federal criminal law regarding bribery, graft, and conflicts of interest, 18 U.S.C. §§ 201-209, 216; and the Procurement Integrity Act, 41 U.S.C. §§ 2101-2107. Further, as a participant in the procurement selection activities, I hereby certify to the following:

- (1) I have not been employed by the source identified above nor any of its subsidiaries. In addition, neither I, my spouse, or any of my dependent children, or other blood relatives who are residents of my household (hereinafter "I"), now own any bonds, stocks, or stock options, or have any other financial interest, including but not limited to current or future employment or contract rights, in or with respect to the aforementioned Source. I do not have any financial commitments to the source. I am not currently serving as an officer, director, trustee, general partner or employee of the Source.
- (2) Neither I, nor to the best of my knowledge and belief, my spouse or any of my minor children have any intention or expectation of obtaining employment with, contracting with, or acquiring stocks, stock options, or bonds in or with respect to the Source for this requirement. I understand that failure to comply with the above will result in termination of my participation in this procurement and may result in disciplinary action and/or referral for civil or criminal action.

ENDORSEMENT OF OFFICE REQUESTING TRANSACTION

I certify that the supporting data under my cognizance that are included in this justification are accurate and complete to the best of my knowledge and belief.

Service Organization Official Approval

Name:	
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Signature:	_____
Organization:	_____
Date:	_____

Contracting Officer's Representative (COR) (if applicable) Approval

Name:	_____
Signature:	_____
Organization:	_____
Date:	_____

Legal Sufficiency

<u>Name:</u>	_____
<u>Signature:</u>	_____
<u>Organization:</u>	_____
<u>Date:</u>	_____

Contract Specialist (if applicable) Concurrence

Name:	_____
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Organization:	_____
Date:	_____

Contracting Officer or Purchase Cardholder Concurrence

Name:	_____
Signature:	_____
Organization:	_____
Date:	_____

AAQ Branch Manager Concurrence

Name:	_____
Signature:	_____

Organization:	_____
Date:	_____

Legal Sufficiency

Name:	_____
Signature:	_____
Organization:	_____
Date:	_____