



# Class Justification for Other Than Full and Open Competition for Overseas Contracts of \$250,000 or Less and for Personal Services Contracts with U.S. Citizens Contracted with Locally, with CCNs and TCNs Subject to the Local Compensation Plan

A Mandatory Reference for ADS Chapter 302

New Reference: 06/14/2007  
Responsible Office: OAA/P  
File Name: 302mal\_061407\_cd48

## I. General

This document is a class justification for other than full and open competition as authorized by Section 6.303-1(c) of the Federal Acquisition Regulation (FAR).

This class justification may be used in accordance with its terms by any USAID Contracting Officer acting within the scope of his/her delegated authority.

This class justification is applicable to locally recruited U.S. personal services contracts and CCN and TCN personal services contracts<sup>1</sup>, subject to the local compensation plan awarded pursuant to AID Acquisition Regulation (AIDAR) 706.302-70(b)(1), and to any contract of \$250,000 or less awarded by an overseas contracting activity pursuant to AIDAR 706.302-70(b)(2), as authorized by 40 U.S.C. 474, provided the appropriate requirements for competition in Section II of this class justification are followed.

It has been determined that requiring full and open competition for procurement of U.S. locally recruited personal services contracts and CCN and TCN personal services (subject to the local compensation plan) or for procurement of \$250,000 or less by overseas contracting activities would impair USAID's ability to meet the objectives of the foreign assistance program. Thus, Section 706.302-70 of the AIDAR provides that such procurements may be exempted from the full and open competition requirements.

This class justification may be used to satisfy the requirements of AIDAR 706.302-70(c)(2) regarding preparation of justifications pursuant to FAR 6.303. It applies only to procurements specified above.

## II. Conditions for Use

### A. PSCs with United States Citizens Recruited Locally.

If recruited locally, the position was publicized in the same way that the Mission announces direct-hire U.S. citizen positions. Renewals or extensions with the same individual for continuing service do not need to be publicized.<sup>90</sup>

### B. PSCs with Cooperating Country Nationals and Third Country Nationals Subject to the Local Compensation Plan.

New contracts were publicized consistent with Mission/Embassy practice on announcement of direct-hire FSN positions. Renewals or extensions with the same individual for continuing service do not need to be publicized.

### C. Local Procurements for Supplies and Services Up to \$250,000.

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<sup>1</sup> This class JOFOC also addresses personal services contracts which involve either 1) hiring U.S. citizens locally or 2) hiring Cooperating Country Nationals (CCNs) and Third Country Nationals (TCNs). This class justification is no longer applicable to PSCs hired internationally.

This applies to procurements where the aggregate amount of the contract does not exceed the limits stated below:

- (1) Procurements up to \$100,000 were competed as provided in FAR 13.106, except that synopsis in the Commerce Business Daily<sup>2</sup> is not required in any case.
- (2) Procurements between \$100,001 and \$250,000 were publicized locally sufficiently to ensure that a reasonable number of contractors were notified. This class justification may not be used if only one source was considered.

D. Certification, File Documentation.

A copy of this class justification must be included in the contract file, together with a written statement, signed by the Contracting Officer, that: the contract is being awarded pursuant to AIDAR 706.302-70(b)(1) or (2), as applicable; that the conditions in Section II of this class justification have been met; and that the cost of the contract is fair and reasonable.

**III. Effective Date**

This class justification is effective on the date of signature below.

Date :July 22, 1997

/s/  
Marcus L. Stevenson  
USAID Procurement Executive

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<sup>2</sup> As of the date of this Mandatory Reference, the Commerce Business Daily is replaced with FedBizOpps.