

GENERAL SERVICES ADMINISTRATION CLASS JUSTIFICATION FOR **OTHER**
THAN **FULL** AND OPEN COMPETITION

ACQUISITIONS OF SPACE AND RELATED SERVICES TO SUPPORT **FEDERAL**
AGENCIES ACTING IN RESPONSE TO EMERGENCIES OR MAJOR DISASTER
SITUATIONS AS HEREIN SPECIFIED.

Identification and description of action being approved,

This class justification for other than full and open competition is for use by the General Services **Administration's (GSA's)** contracting activities in **the** acquisition of space and related services for the Federal Emergency Management Agency (FEMA) and other Federal agencies responding to emergency situations and major disasters as specified below. This class justification is applicable to the following emergencies:

a. National emergencies declared by the President under applicable provisions of law, including, but not limited to, the Robert T. **Stafford** Disaster Relief and Emergency Assistance Act of 1988 (P. L. 100-707);

b. Emergencies declared by responding **Federal** agencies' pursuant to statutorily authorized emergency plans or other applicable provisions of **law**; and

c. **Emergencies** of a **health/safety** or other (**HSO**) nature which so adversely impact the mission of an agency in a Government-owned or leased building as to necessitate the **agency's** expeditious relocation therefrom.'

Description of supplies or services required.

GSA Order **ADM P 2400.16A** dated January 8, 1992, entitled Domestic Emergency Assistance Program, establishes **GSA's** overall guidance for providing assistance to Federal agencies in emergencies. The Order states that GSA "must ensure that the requesting agency is provided space that meets its needs," and "**other** services currently provided to the Federal establishment."

Identification of statutory **authority**.

Section **303(c)(2)** of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. **253(c)(2)**), provides for contracting without full and open competition when there is an unusual and compelling urgency.

Demonstration that the acquisition requires use of the authority cited.

Pursuant to the authority and **responsibilities** contained in the Federal Property and Administrative **Services** Act of 1949, as amended, GSA is often called upon to provide work space and related support services to Federal agencies in emergency situations. The need to provide such work **space and** services in support of disaster relief efforts is of unusual **and** compelling urgency, and any delay will seriously harm a critical Government program and the recipients of Federal assistance. This class justification is applicable only to individual acquisitions of **work** space and related supporting services provided to Federal agencies in response to the emergency or major disaster situations specified in the first paragraph of this Justification for Other Than Full and Open Competition.

Description of efforts to obtain as many offers as practicable.

A market survey shall be conducted and competition shall be solicited to the maximum extent possible from as many potential sources as is practicable, consistent with the **circumstances** of the particular emergency.

Determination that the anticipated cost will be fair and reasonable.

The Government anticipates being able to negotiate a fair and reasonable price, taking into account market conditions existing at the time of acquisition.

Description of **the** market survey conducted.

It is impossible to identify sources capable of providing space for emergency or disaster relief in advance of the determination of individual need. As the need for space arises, a market survey will be conducted. **All** potential sources which can be located within the timeframe, and which can provide habitable space suitable for the needs of the **responding** agency, will be solicited.

Other facts supporting the use of other than full and open competition.

None.

List of sources that expressed an interest in the acquisition.

Not applicable.

Statement of actions to overcome barriers to competition.

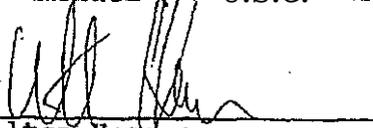
Under the circumstances described herein, there are no actions that the agency can take to overcome the barriers to full and open competition.

Contracting officer certification.

This class justification may be used by GSA contracting activities only when, with respect to each proposed lease contracting action taken pursuant to this **class** justification, the contracting officer executes and includes in the appropriate lease contract file the following certification:

"I certify that, to the **best of** my knowledge and belief, the requirement for space falls **within the** scope and applicability of the class justification for other than full and open competition for the acquisition of work space and related supporting services in response to emergencies or major disaster **situations** specified in the first **paragraph** of the class justification for other than full and open competition, entitled Identification and Description of Action Being Approved. The Contracting Officer anticipates **being** able to negotiate a fair and reasonable price consistent with market **conditions** and the Government's requirements."

This **class** justification for other than full and open competition is hereby made and approved in accordance with Section **303(c)(2)** of the **Federal Property and Administrative Services Act** of 1949, as amended (41 U.S.C. 253(c)(2)).



Milton Herndon
Commissioner
Public Buildings Service

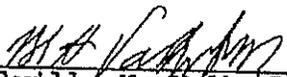
Date: NOV 5 1992

CONCURRENCE:



Arthur E. Ronkovich
Agency Competition Advocate

Reviewed for Legal Sufficiency:


Melville H. Valkenburg
Associate General Counsel
Real Property Division

Approved:


Richard H. Hopf, III
Associate Administrator
for Acquisition Policy