

**JUSTIFICATION FOR OTHER THAN  
FULL AND OPEN COMPETITION**

**AUTHORITY: FAR 6.302-1 (Only One Responsible Source and No Other Supplies or  
Services will Satisfy Agency Requirements)**

1. Identification of the agency and the contracting activity, and specific identification of the document as a "Justification for other than full and open competition".

Requisition/Contract Number: **SAQMMA14M0119:**

Requesting Department: **Department of State; OBO/OM/ART**

Contracting Activity: **A/LM/AQM**

Identity of the person preparing justification: **OBO/OPS/ART, Lori Krause,**

2. Nature and/or description of the action being approved:

**Acquisition of "Camel Contemplating Needle" by John Baldessari.  
Includes production cost related to the procurement of representational artwork to be  
displayed at the new US Embassy Islamabad and reproduction  
rights.**

3. A description of the supplies or services required to meet the agency's needs (including the estimated value):

**Estimate for:** "Camel Contemplating Needle" by John Baldessari. This is a large 500lb fiberglass, aluminum, stainless steel, acrylic and painted contemporary art piece.

**Valued at:** \$400,000.

**Displayed at:** Islamabad NEC

4. An identification of the statutory authority permitting other than full and open competition:

**AUTHORITY: FAR 6.302-1  
(Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency  
Requirements); 41 U.S.C. 253(c) (1)**

5. A demonstration that the proposed contractor's (s) unique qualifications or the nature of the acquisition requires use of the authority cited:

**This artist's product is uniquely qualified. Public art which will be presented in the new embassy should reflect the values of a predominantly Islamist country. This art product "Contemplating Needle 2013 Camel" will meet the unique artistic criteria which has been established for this project.**

6. A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a notice was or will be publicized as required by Subpart 5.2 and, if not, which exception under 5.202 applies:

**Pieces appropriate for display at the new embassy in Islamabad were reviewed. From Wikipedia: John Anthony Baldessari (born June 17, 1931) is an American conceptual artist known for his work featuring found photography and appropriated images. He lives and works in Santa Monica and Venice, California. Initially a painter, Baldessari began to incorporate texts and photography into his canvases in the mid-1960s. In 1970 he began working in printmaking, film, video, installation, sculpture and photography. He has created thousands of works that demonstrate—and, in many cases, combine—the narrative potential of images and the associative power of language within the boundaries of the work of art. His art has been featured in more than 200 solo exhibitions in the U.S. and Europe.<sup>1</sup> His work influenced Cindy Sherman, David Salle, and Barbara Kruger among others.<sup>1</sup> Baldessari's works are part of major public and private collections, including the Museum of Modern Art, the Guggenheim Museum, the Los Angeles County Museum of Art, the Hirshhorn Museum and Sculpture Garden and the Broad Collection. A synopsis of the proposed acquisition will be published in FEDBIZOPS as required by FAR 5.201(b)(1)**

7. A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable:

**The works of art/services by John Baldessari-represented by Beyer LLC is valued at - \$400,000+. The price includes crating and is fair and reasonable. These works of art/services are sought for their specific technique, style, medium, or background and often have to be negotiated into meeting the Government's price limitations. Price represents a discount from the commercial market price. Baldessari set a personal auction record when his acrylic-on-canvas piece *Quality Material* (1966–1968) was sold for \$4,408,000 at Christie's New York in 2007.**

8. A description of the market research conducted (see Part 10) and the results or a statement of the reason market research was not conducted:

**Market research includes surveying contemporary art journals, publications, and books; attending contemporary domestic and international art fairs; attending related museum exhibitions and gallery exhibitions; and consulting with related field experts such as dealers, specialized curators, and librarians. Emphasis was on a contemporary American artist who could produce a large scale piece appropriate for the US Embassy Islamabad.**

9. Any other facts supporting the use of other than full and open competition, such as:
  - (i) Explanation of why technical data packages, specifications, engineering descriptions, statement of work, or purchase descriptions suitable for full and open competition have not been developed or are not available. N/A

(ii) When 6.302-1 is cited for follow-on acquisitions as described in 6.302-1(a) (2) (ii), an estimate of the cost to the Government that would be duplicated and how the estimate was derived. N/A

(iii) When 6.302-2 is cited, data, estimated cost, or other rationale as to the extent and nature of the harm to the Government.

10. A listing of the sources, if any, that expressed, in writing, an interest in the acquisition. N/A

11. A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required.

**None. Because of the unique nature of this requirement only specific artwork can be procured for its specific style, medium, and background to be displayed at the embassy.**

12. Contracting officer certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief. FAR 6.303-2(a)

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I as the contracting officer certify that the justification is accurate and complete to the best of my knowledge and belief.

W. Farrell      703-875-4230      3-7-14  
(SIGNATURE)      (PHONE #)      (DATE)  
(Contracting Officer)

TECHNICAL AND REQUIREMENTS CERTIFICATION REQUIRED BY FAR 6.303-2(b):

I certify that the facts and representations under my cognizance which are included in this justification and which form a basis for this justification are complete and accurate.

TECHNICAL RESPONSIBILITY:

Virginia Stone      703-875-4194      \_\_\_\_\_  
(SIGNATURE)      (PHONE #)      (DATE)

APPROVAL: L/BA

Dennis Talley      703-516-1543      3-7-2014