

Attachment C

Justification and Approval for Sole Source (J&A)

“Source Selection Information – see FAR 2.101 and 3.104”

1. Identification of the agency and contracting activity.

a. Federal agency and contracting activity. HHS/NIH.

b. Sponsoring organization.

National Institute on Deafness and other Communication Disorders

NIDCD/DIR/Section on Sensory Cell Development and Function

c. Project Officer Information.

- **Project Officer Name.** Katie Kindt, Senior Investigator, Chief, Section on Sensory Cell Development and Function

- **Mailing address.**

Katie Kindt

NIH/NIDCD

35A Convent drive 1D933

Bethesda, MD 20892

- **E-mail address.** Katie.kindt@nih.gov

- **Telephone number.** 301-443-2626

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

a. Acquisition purpose and objectives.

This is an order for an Aquatic Enterprises aquarium system. This aquarium systems will be used to house zebrafish for research in the Section on Sensory Cell Development and Function and the intramural NIDCD research program. Authoring legislation: 44 Uniter States Code (U.S.C.) 253(c) and (FAR) 6.302

b. Project background.

Eight years ago Aquatic Enterprises provided our group, the Section on Sensory Cell Development and Function, an aquarium system to house zebrafish. This system is critical for the research in our group. Currently our aquarium system is at capacity and we are building and purchasing an additional system to house zebrafish.

The specific projects in the Section on Sensory Cell Development and Function that require this aquarium system include:

- 1) Creating and propagating zebrafish with mutations in known or candidate human deafness genes.
- 2) Creating and propagating transgenic lines to express fluorescent proteins to visualize cells, sub cellular structures or examine activity in zebrafish hair cell systems.
- 3) Propagation of zebrafish to use in all other experiments performed on hair cell systems in zebrafish including: live imaging of synapse formation, imaging synapses at high resolution, visualizing mitochondrial structure and dynamics, investigating circuit connectivity and behavioral analyses.

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

a. Project title. Purchase of an Aquatic Enterprises Aquarium system for Zebrafish Housing

b. Project description.

The lab studies sensory hair cells in zebrafish in order to gain insight into the cellular mechanisms of how these cells develop and function.

This aquarium system will enable housing for zebrafish colony of approximately 38,000 adult zebrafish. The system is composed of 19 racks with shelves and hold tanks that hold zebrafish. Racks are mounted with manifolds, valves, and drainage to deliver and water to the tanks. In addition to shelves and racks, the system has a life support system monitors, doses, filters, and pumps water to all tanks on the system.

Adult fish from the system are bred to generate larval zebrafish. Larval zebrafish are used to perform all the experiments listed above at the NIDCD. This aquarium system is therefore critical for our research.

c.

• **Requirement type.**

- Research & development (R&D)
- R & D support services
- Support services (non-R&D)
- X Supplies/equipment
- Information technology (IT)
- Construction
- Architect-engineer (A & E) services
- Design-build
- Other (specify): _____

- **Type of action.**

- X New requirement
- Follow-on
- Other (specify): _____

- **Proposed contract/order type.**

- X Firm-fixed-price
- Other fixed-price (specify, e.g., fixed-price award-fee, fixed-price incentive-fee): _____
- Cost-plus-fixed-fee
- Other cost reimbursement (specify, e.g., cost-plus-award-fee, cost-plus-incentive-fee): _____
- Time and materials
- Indefinite delivery (specify whether indefinite quantity, Definite quantity or requirements): _____
- Other (specify): _____
- Completion Form Term form

- **Acquisition identification number.** N/A

d. Total estimated dollar value and performance/delivery period.

The estimated dollar value of this purchase is \$ 345,850.

4. Identification of the statutory authority permitting other than full and open competition.

- This acquisition is conducted under the authority of 41 United States Code (U.S.C.) 253(c) (1) as set forth in Federal Acquisition Regulation (FAR) 6.302-(X).**
- This acquisition is conducted under the authority of section 4202 of the Clinger-Cohen Act of 1996.**
- This acquisition is conducted under the authority of the Services Acquisition Reform Act of 2003 (41 U.S.C. 428a).**

5. Demonstration that the proposed contractor(s) unique qualifications or the nature of the acquisition requires use of the authority cited.

a. Name and address of the proposed contractor(s).

Aquatic Enterprises, Inc.
4101 W Marginal Way
Suite A-6 Seattle, WA 98106 USA
(206) 937-0392

SW 571 Elm Street

Suite E
Bridgewater, MA 02324 USA
(774) 264-9448

b. Nature of the acquisition and proposed unique qualifications of the contractor(s).

Aquatic Enterprise Inc are experts on aquarium systems, and they built our existing aquarium systems in 35A BF 1-31 in 2015. They are also the sole provider of a new, custom aquarium system that would be compatible with our existing system. Due to the specific custom design of the new aquarium system in this order, there are no generic or alternatives that can be substituted for this system. Based on this information, Aquatic Enterprise Inc is the only company to purchase this aquarium system.

6. Description of the efforts made to ensure that offers are solicited from as many potential sources as practicable. Indicate whether a FedBizOpps notice was or will be publicized as required by FAR Subpart 5.2 and, if not, which exception under FAR 5.202 applies.

In general, there are several main manufacturers of laser scanning confocal microscopes—Aquatic Enterprises, Aquaneering and Pentair.

Our research found that the space requirements for Aquaneering and Pentair are far greater than Aquatic Enterprises. The Aquatic Enterprises design has a compact design with the life support built into the racks. This is in contrast to comparable systems where a separate life support room is required to support the aquarium system. An additional room is not available for our aquarium system and the space required would significantly reduce the size and housing capacity of the system.

The aquarium system custom built and designed by Aquatic Enterprises must be purchased from Aquatic Enterprises. The new aquarium system will be similar to the existing system in 35A BF133, a system that current users are familiar with. This existing knowledge will make it seamless for users to adopt use the new aquarium system.

In summary, no other aquarium company is able to effectively meet our current zebrafish husbandry needs.

7. Determination by the Contracting Officer that the anticipated cost/price to the Government will be fair and reasonable.

8. Description of the market research conducted (see FAR Part 10) and the results, or a statement of the reasons market research was not conducted.

The custom aquarium system, built to meet our needs, can only be purchased from Aquatic Enterprises.

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

If another vendor is selected, they would be unable to provide this exact custom aquarium system. Using an alternative vendor will limit our current and future scientific research or compromise publication of findings.

10. Listing of sources, if any, that expressed, in writing, an interest in the acquisition.

No other sources have expressed interest in the acquisition.

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

n/a

12. Program office certification.

This is to certify that the portions of this justification that have been developed by the undersigned program office personnel, including supporting information and/or data verifying the Government’s minimum needs, schedule requirements and other rationale for other than full and open competition, are accurate and complete.

Official	Name & Title	Signature	Date
Project Officer	Dr. Katie Kindt Senior Investigator		1-20-23
Project Officer’s Immediate Supervisor			
Head of the Sponsoring Program Office	Dr. Lisa Cunningham NIDCD Scientific Director		

13. Contracting Officer Certification.

This is to certify that the justification for the proposed acquisition has been reviewed and that to the best of my knowledge and belief the information and/or data provided to support the rationale and recommendation for approval is accurate and complete.

Official	Name & Title	Signature	Date
Contracting Officer			

14. **Chief of the Contracting Office and Head of the Contracting Activity signature(s).** The Chief of the Contracting Office (CCO), if applicable, and the HCA shall indicate review of, and concurrence with, any J&A over \$700,000¹ by providing the information required below and signing in the applicable block.

Official	Name & Title	Signature	Date
Chief of the Contracting Office			
Head of the Contracting Activity			

15. **Competition Advocate signature.** The designated OPDIV Competition Advocate (CA), upon acceptance of the rationale provided in the J&A, shall complete the information required below and sign in the block provided as the approving official for any J&A over \$700,000 but not exceeding \$68 million². However, if the CA does not meet the requirements of FAR 6.304(a)(3)(ii) for a J&A over \$13.5 million, but not exceeding \$68 million, an individual other than the CA shall exercise the approval authority.

The signature of the CA, or that of an individual meeting FAR 6.304(a)(3)(ii) requirements for a J&A over \$13.5 million, but not exceeding \$68 million, shall

¹ This review and concurrence requirement is applicable to the dollar ranges over \$700,000 cited in the FAR, specifically: (i) over \$700,000 but not exceeding \$13.5 million; (ii) over \$13.5 million but not exceeding \$68 million; and (iii) over \$68 million – see FAR 6.304(a)(2) through (4) and 13.501(a)(2)(ii) through (iv). See HHSAR 306.304 and 313.501(a)(1)(iii) for additional information regarding CCO/HCA review of and concurrence with a J&A in these dollar ranges. These dollar ranges are current as of the date of issuance of interim acquisition policy memorandum No. 2008-03, but are subject to change.

² This approval authority is applicable to the following dollar ranges cited in the FAR, specifically: (i) over \$700,000, but not exceeding \$13.5 million; and (ii) over \$13.5 million, but not exceeding

serve as concurrence on any J&A over \$68 million that requires the approval of the HHS SPE.

Official	Name & Title	Signature	Date
Competition Advocate			

16. **HHS Senior Procurement Executive signature.** The HHS SPE, upon acceptance of the rationale provided in the J&A, shall complete the information required below and sign in the block provided as the approving official for any J&A over \$68 million³.

Official	Name & Title	Signature	Date
HHS Senior Procurement Executive			

\$68 million – see FAR 6.304(a)(2) and (3) and 13.501(a)(2)(ii) and (iii). See HHSAR 306.304(a)(2) and (3) and 313.501(a)(ii) and (iii) for additional information regarding this approval authority, including when the CA does not meet the requirements of FAR 6.304(a)(3)(ii). These dollar ranges are current as of the date of issuance of interim acquisition policy memorandum No. 2008-03, but are subject to change.

³This dollar range is current as of the date of issuance of interim acquisition policy memorandum No. 2008-03, but is subject to change – see FAR 6.304(a)(4) and 13.501(a)(2)(iv). See HHSAR 306.304(a)(4) and 313.501(a)(2)(iv) for additional information regarding SPE approval of a J&A in this dollar range.