

**JUSTIFICATION REVIEW DOCUMENT
FOR JUSTIFICATION AND APPROVAL FOR OTHER THAN
FULL AND OPEN COMPETITION**

Supply/Service: Supply, Chemical Protective Cuffs

Authority: 10 U.S.C. 2304(c)(1) The property or services needed by the agency are available from only one responsible source or only from a limited number of responsible sources and no other type of property or services will satisfy the needs of the agency.

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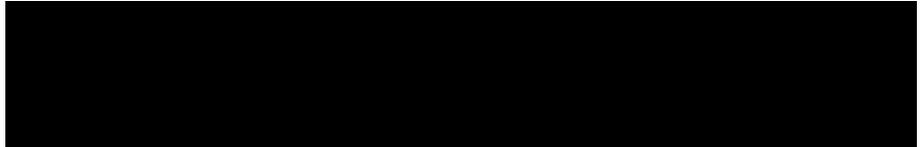
Technical:



Requirements:

Reviews: I have reviewed this justification and find it adequate to support other than full and open competition.

Program Manager:



**Department of Army
Justification and Approval for Other than
Full and Open Competition**

1. Contracting Activity: U.S. Army Contracting Command – Rock Island (ACC-RI)
Rock Island Arsenal, Rock Island, IL 61299-8000.

2. Description of Action: Pine Bluff Arsenal (PBA) requests a firm fixed price Indefinite Delivery Indefinite Quantity (IDIQ) Contract for Socks, Chemical Protective Cuffs, Small (SM) & Large (LG), manufactured with yarn made of an intimate blend of 95% meta-aramid fiber and 5% para-aramid fiber. Nomex® Type 457 fiber, a blend of 95% Nomex® meta-aramid and 5% Kevlar® para-aramid fibers manufactured by E. 1. Dupont de Nemours & Company.

ACC-RI projects award for [REDACTED] Navy Funds. An acquisition plan is not required because this procurement does not meet the threshold at Defense Federal Acquisition Regulation Supplement (DFARS) 207.103(d)(i)(B).

3. Description of Supplies/Services: PBA requires a yarn comprised of brand name Nomex® Type 457 fiber to be used to manufacture the cuffs, procured in support of PBA’s production of a chemical protective sock. The sock is referred to as the Joint Service Lightweight Integrated Suit Technology (JSLIST) Integrated Footwear System (IFS). JSLIST IFS are a common chemical and environmental protective clothing used by the war fighter. They provide foot and ankle protection against liquid chemical and biological warfare agents, water, snow, and mud, in addition to petroleum, oil, and lubricant and flame resistance.

Due to the volatile need of the war fighter for JSLIST IFS, deliveries will be required on an irregular basis from [REDACTED]
[REDACTED]
[REDACTED]

<u>Description</u>	<u>Quantity Range (pairs)</u>
Large Knit Cuffs .625	[REDACTED]
Small Knit Cuffs .375	[REDACTED]

The guaranteed minimum quantity under this IDIQ is [REDACTED]. A Delivery Order for the guaranteed minimum quantity will be awarded concurrently with the basic contract. The Government is under no obligation to place subsequent orders after award of the guaranteed minimum quantity. The maximum quantity for the life of the contract is a combined total of 125,000 pairs.

[REDACTED], estimates a dollar value of [REDACTED], including all ordering periods, based on past purchase history and inflation.

4. Authority Cited: 10 U.S.C. 2304(c)(1), as implemented by Federal Acquisition Regulation (FAR) 6.302-1(a)(2) and 6.302-1(c), Only one responsible source and no other supplies or services will satisfy agency requirements, and brand name descriptions.

5. Reason for Authority Cited: As described at FAR 6.302-1(a)(2), when the supplies or services required by the agency are available only from one responsible source, or for DoD, NASA and the Coast Guard, from only one or a limited number of responsible sources, and no other types of supplies or services will satisfy agency requirements, full and open competition need not be provided for. As further described in FAR 6.302-1(c), an acquisition or portion of an acquisition that uses a brand-name description or other purchase description to specify a particular brand-name, product, or feature of a product, peculiar to one manufacturer does not provide for full and open competition, regardless of the number of sources solicited; and shall be justified and approved in accordance with FAR 6.303 and 6.304.

PBA has a requirement for Socks, Chemical Protective Cuffs, SM & LG, manufactured with a yarn, that contains the material brand name, Nomex® Type 457 fiber, created/invented by Dupont.

Nomex® Type 457 fiber is a blend of 95% Nomex® meta-aramid and 5% Kevlar® para-aramid fibers manufactured by E. I. Dupont de Nemours & Company. Aramid Fiber is proprietary to each manufacturer. The chemical structure of the chain molecules derives its strength, flexibility, and abrasion tolerance from strong hydrogen-chemical bonds aligned along the fiber axis. Aramid fibers are highly heat-resistant, have low flammability, and high resistance to organic solvents. Nomex® Type 457 fiber meets all the qualifications that meet the specific needs of the requirement.

The unique composition and formation process of each manufacturer's aramid fibers are not publicly known. Because PBA does not know the makeup or manufacturing process of brand-name Nomex® Type 457, manufactured by Dupont, therefore it cannot define and compete its requirement based on the qualities of other forms of Meta-Aramid fiber.

After consulting with subject matter expert, [REDACTED] DuPont was found to be the only Berry Amendment-compliant manufacturer of meta-aramid fiber. No other Berry Amendment-compliant meta-aramid fiber exists.

The Berry Amendment, 41 U.S.C. § 2533a requires Department of Defense (DoD) to give preference to domestically grown, reprocessed, reused, or produced items related to food, textiles (clothing, threads, fabrics) and hand or measuring tools on procurements over the SAT. Meta-aramid fiber is covered by the Berry Amendment and does not meet any of the exceptions at DFARS 225.7002-2.

[REDACTED]

The current PBA equipment is proven to meet the specifications, MIL-SPEC 3735E, Type IV, Class 1 and Class 2, dated 30 November 1988 and JPMP-PD-IFS-01 dated 24 July 2018. In the forementioned specifications, Nomex® Type 457 is the single fiber, found satisfactory in meeting the requirements. Nomex® Type 457 fiber has been the only meta- and para- aramid blend of fiber yarn used in the production of JSLIST IFS at PBA. [REDACTED]

6. Efforts to Obtain Competition: ACC-RI shall publish the notices required by FAR 5.201. The Government will achieve effective competition by issuing a Request for Proposal (RFP) on sam.gov for a minimum of 30 days on sam.gov.

7. Actions to Increase Competition: The Government has no actions in place to increase competition by allowing any product other than yarn made with Dupont's Nomex® Type 457 fiber, because it is available for purchase by any commercial company, including knitting mills and yarn manufacturers.

If the United States Government determined another manufacturer of Meta-aramid fiber to be compliant with the Berry Amendment, ACC-RI would conduct extensive market research prior to the undertaking any additional procurements for Socks, Chemical Protective Cuffs, SM & LG.

8. Market Research: Both ACC-RI and PBA conducted market research in summer 2022. ACC-RI spoke to [REDACTED], the subject matter expert and [REDACTED] the Program Lead located at PBA, conducted internet searches, and published a Sources Sought/ Request for Information on SAM/Contract Opportunities for twenty-four days to identify if contractors had access to the brand-name Nomex® Type 457 fiber yarn and possible sources of the supply, Socks, Chemical Protective Cuffs, SM & LG. [REDACTED] were received in response to the Sources Sought indicating they could manufacture the requirement using brand-name Nomex® Type 457.

In accordance with Defense Federal Acquisition Regulation Supplement (DFARS) 205.205-71, DFARS 206.302-1(d), and DFARS Procedures, Guidance and Information 206.302-1(d), ACC-RI posted a request for information to Sam.gov on 11 October 2022 for twenty-one (21) days. The results of the posting were as follows.

9. Interested Sources:

[REDACTED]

10. Other Facts:

a. Procurement History

Contract: W911QY-18-C-0125

Contractor: STRAUS KNITTING MILLS, INC (CAGE 0UKM3)

Award Date: 14 March 2018

Competitive Status: Sole Source

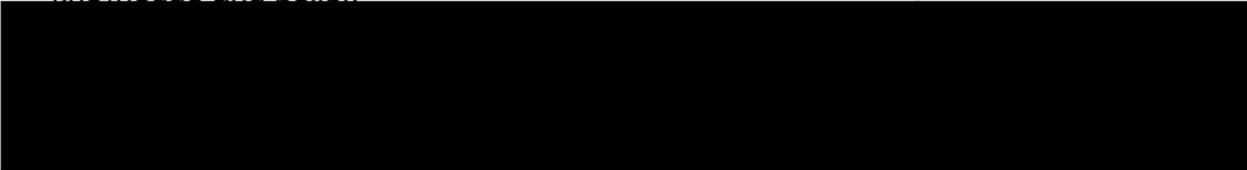
Authority: Unknown, the award met the Authority of DFARS 225.7002-2(a), Acquisitions not exceeding [REDACTED]

Note: Award made by W6QK ACC-APG NATICK

11. Technical Certification: I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my



12. Requirements Certification: I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.



13. Fair and Reasonable Cost Determination: I hereby determine that the anticipated cost or price to the Government for this contract action will be fair and reasonable. Adequate price competition is anticipated, and Fair and Reasonable Determination will be made prior to award IAW FAR 15.404-1(b)(2).

Date: 01 FEB 2023

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Bethany N Carbajal
Contracting Officer

14. Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief.

Date: 01 FEB 2023

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Bethany N Carbajal
Contracting Officer