

USE OF OTHER THAN FULL AND OPEN COMPETITION LESS THAN SIMPLIFIED ACQUISITION THRESHOLD MEMO

FROM: [REDACTED]
CODE: 8530
SUBJECT: Sole Source/Brand Name Justification / Limited Source Justification for Use of Other than Full & Open Competition for an Acquisition under the Simplified Acquisition Threshold (SAT)

I. BACKGROUND

1. FAR 13.106-1(b)(1)(i) states for purchases not exceeding the simplified acquisition threshold, Contracting Officers may solicit from one source if the Contracting Officer determines that the circumstances of the contract action deem only one source reasonably available.
2. As required by FAR 13.106-3(b)(3)(i), this memorandum explains the absence of competition for this acquisition, as only one source will be solicited for this requirement (or for a portion of the requirement) and the requirement is not expected to exceed the simplified acquisition threshold.
3. This memorandum is derived from Enclosure 3, Department of Navy Simplified Acquisition Procedures Guide (April 2018) and is only applicable to acquisitions under the SAT.

II. DESCRIPTION OF ITEM OR SERVICE (include manufacture/sole source name and address)

Provide a description of the item or service required, including its intended use, the name of the required source or brand name, the QTY, and the required delivery date/period of performance.

Force sensors and assembly hardware from Kistler Instrument Corporation is required for purchasing. They will be used for upcoming test in the Circulating Water Channel (CWC) sponsored by AUS394 program. The following items are critical for the success of the main objective of the CWC project.

1. Kistler dynamometer Kit: Set of 4 Triaxial Ring Force Transducers, item number: 9066C4. [QTY: 1]
Dynamometer kit 90X6C4 set that contains two triaxial ring force transducers type 9067C and two triaxial ring force transducers type 9068C.
2. Kistler connection cables for triaxial force sensors, item number: 1698AISP10. [QTY: 4]
High insulation 3-wire connecting cables with V3 connector for 3 component sensors. Cable length is 10m with 3 conductors.
3. Kistler LabAmp® Laboratory Charge Amplifier, quasi-static, item number: 5167A81KH1. [QTY: 1]
8 channel charge amplifier and data acquisition for multicomponent force measurements. Box has Fischer input connectors. Equipped with DAQ/Software with data acquisition.
4. Kistler summing Box for up to four triaxial force sensors, item number: 5417. [QTY: 1]
Box for signal summation of four 3 component sensors. 4 Fischer 9-pin input connectors and 1 Fischer 9 pin output connector.
5. Kistler set of preloading elements, item number: 9451A. [QTY: 4]
Set of preloading elements. Size M20x1.5 and 78mm in length.
6. Kistler Wrenchadapter for preloading sets 946x and 945x, item number: 9471. [QTY: 1]
Wrench insert preloading set with hexagon head size 32mm for type 9451A preload set
7. Kistler Connecting Cable, high insulation, 8-core, item number: 1677AQ01SP4. [QTY: 1]

High insulation, multi wire connecting cable for multicomponent dynamometer. Fischer flange and ground isolation. Cable length is 4.00m and has 8 conductors.

All items need to be delivered to NSWCCD 9500 MacArthur Blvd Bethesda, MD 20817.

MANUFACTURER: Kistler Instrument Corp.
ADDRESS: 30280 Hudson Drive, Novi, MI, 48377
PHONE: (716) 812-9933
POC: Bill Zwolinski
POC bill.zwolinski@kistler.com

III. BASIS FOR DETERMINATION FOR USE OF OTHER THAN FULL & OPEN COMPETITION

Explain below the market research that was conducted.

☐ **A. BRAND NAME:**

Item required must be a brand name product, or feature of a product, particular to one manufacturer.

Discuss why you are precluding consideration of a product manufactured by another company. Describe how the particular brand name, product, or feature is essential to the Government's requirements and why a "brand name or equal" purchase description cannot be used (see FAR 11.104). Describe how market research indicates other companies' similar products or products lacking the particular feature do not meet, or cannot be modified to meet, the agency's needs.

☐ **1. Restrictive Rights:** The source has established proprietary rights, limited rights in data, patent rights, copyrights, or secret processes in the item or service required.

Explain what rights are restricted, why the restrictive rights make the required item or service available from the brand source, and why another company could not satisfy the Government's need.

☐ **2. Exclusive Licensing Agreements:** The item or service is only available from the Original Equipment Manufacturer (OEM).

Identify the distributor(s)/authorized technical representative(s) for the item or service. Provide evidence of the exclusive licensing agreement as an attachment to this document.

☐ **3. Other Reasons:** *Other reason not identified above. Provide details on mission impact if requirement is not solicited from only one source.*

☒ **B. SOLE SOURCE** (select all that apply)

☒ **1. Restrictive Rights:** The source has established proprietary rights, limited rights in data, patent rights, copyrights, or secret processes in the item or service required.

Explain what rights are restricted, why the restrictive rights make the required item or service available from only one source, and why another company could not satisfy the Government's need. Describe how market research indicates other companies' similar products or products lacking the particular feature do not meet, or cannot be modified to meet, the agency's needs.

Force sensors and acquisition hardware are proprietary pieces designed by Kistler Instrument Corporation. Sensors have internal proprietary electronics that provide the capability to measure various force measurements simultaneously and converting the output data to readable information. This sensors are critical to acquire the primary objective of the project.

☐ **2. Exclusive Licensing Agreements:** The item or service is only available from the Original Equipment Manufacturer (OEM), or there is only one authorized distributor or technical representative for the OEM. *Identify the OEM and explain the circumstances surrounding why the item or service is only available from the OEM. Describe how market research indicates other companies' similar products or products lacking the particular feature do not meet, or cannot be modified to meet, the agency's needs.*

Provide evidence of the exclusive licensing agreement as an attachment to this document. NOTE: If there is more than one distributor/authorized technical representative for an OEM part, then Part A, BRAND NAME, is applicable, and Part B, SOLE SOURCE, should be left blank).

☒ **3. Other Reasons:** *Other reason not identified above. Provide details on mission impact if requirement is not solicited from only one source.*

The hardware components for data acquisition and force sensors are necessary for compatibility to the existing system currently used at Carderock. Purchasing parts from another company would require Carderock to purchase a whole new system including hardware and software separate from Kistler Instrument Corp. As an existing system, millions have dollars have been invested previously to get the system to its current capabilities.

IV. CERTIFICATIONS & APPROVALS

A. Technical/Requirements Certification: I certify that the facts and representation under my cognizance, which are included in this justification, are complete and accurate to the best of my knowledge and belief.

to the authority of 10 U.S.C. 2304(c).

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Contracting Officer Signature

Name / Title / Phone

Date