

SOLE SOURCE JUSTIFICATION
(Simplified Acquisition Procedures under FAR Part 13 Not Exceeding \$750K)

1. Agency/Contracting Activity: U.S. Army Corp of Engineer, Portland District, 333 SW 1st Ave #200, Portland, OR 97204

2. Description of Action:

Nature: New Requirement Follow-on Requirement
 Mod to Existing Purchase Order/Contract Number _____

Pricing: Firm-Fixed Price Time & Materials
 Funds: OMA Other Funds: _____

Proposed Contractor:

Name: Mahan's Thermal Products
 Address: 30 Juniper Ct
 Address: Covington, GA 30016-1186
 Phone: 770-786-5555
 Email: david.holland@mahans.com

3. Description of Services or Supplies:

The total estimated value of the proposed action is ██████████

Background: The Dredge Essayons has two (2) Adrick Chilled Water Systems that are critical to the operation of the vessel. These Chilled Water units use a proprietary Heat Exchanger manufactured by Mahan's Thermal Products. One of these Heat Exchangers has suffered a complete failure and the second is nearing end of life. Both units require replacement.

Supplies: This procurement is to provide two (2) replacement Heat Exchangers due to the complete failure of one unit and the second is nearing end of life. Ship to the US Moorings, 8010 NW. St. Helens Road, Portland OR, 97210

4. Authority:

Action using simplified acquisition procedures (select one):

FAR 13.106-1(b)(1): For purchases not exceeding the simplified acquisition threshold (SAT), 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 (e.g. urgency, exclusive licensing agreements, brand name, or industrial mobilization)

FAR 13.501(a)(1): For actions for commercial supplies or services greater than the SAT but not exceeding \$7M, the requirements of FAR 13.501(a) apply to sole-source acquisitions conducted pursuant to Subpart 13.5 (Reference: FAR 13.106-1(b)(2)). Subpart 13.5 is the Test Program for Certain Commercial Items (see 41 USC 1901; or for contingencies see 41 USC 1903)

5. Reasons for Authority Cited:

Justification: The Chilled Water System onboard the Essayons requires the Government to proceed as a sole source to the OEM for the correct Heat Exchangers to match the required design. This procurement is to contract for the procurement of the correct Heat Exchangers that are mission critical to the Chilled Water System. It is not a system replacement.

Impact: The Chilled Water System provides cooling to critical components of the propulsion, bow thruster, and navigation equipment. Operation of these systems are mission critical and involves the safety of human life and high value property. If a failure were to occur, the vessel cannot safely operate.

Alternatives: There are no practical alternatives. Heat Exchangers of the correct size, dimension, and capacity must be used. No entity other than the OEM can engineer and/or modify this critical equipment.

6. Actions to Increase Competition:

If the Chilled Water System is upgraded in the future, efforts will be made to utilize more commercially available equipment.

7. Market Research:

This determination is not for a complete replacement of the Chilled Water System, only engineering and parts to support the current system. The risk to the Government of using non-authorized parts to attempt repairs is far greater than any possible cost savings. Only OEM factory replacement parts can be considered. Research in UNICOR, Ability1, SBDS, GSA Advantage, and internet searches did not reveal any authorized service, repair, or distribution vendors.

8. Procurement History:

Previous Purchase Order(s) or Contract(s): Yes No

If "Yes", for each purchase order or contract provide:

Purchase order or contract number:

Was action competed? Yes No

If action was not competed, state the cited authority, summarize rationale:

9. Additional Facts and/or Information to support the justification.

N/A

10. Technical / Requirements Certification: I certify that the supporting data under my cognizance which is included in this abbreviated J&A is accurate and complete to the best of my knowledge and belief.

Submitted By: T. Chris Gibbons

Position Title: Port Engineer
Email address:
t.chris.gibbons@usace.army.mil

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11. Fair and Reasonable Price Determination: As contracting officer, I hereby determine that the anticipated cost to the Government for this contract action will be fair and reasonable. Basis for the determination is as follows:

There is little competition given the proprietary nature. However, costs are verified, and it is expected standard shop rates apply and the price is expected to be fair and reasonable. In accordance with FAR 13.106-3(a)(2)(ii) and FAR 13.106-3(a)(2)(vi), the Government will compare the proposal to the Independent Government Estimate to ensure price reasonableness.

12. Contracting Officer's Approval (actions less than \$700K): I hereby certify that this justification is accurate and complete to the best of my knowledge and belief. Based on the foregoing, I approve this sole source justification subject to availability of funds, and provided that the services and supplies herein described have otherwise been authorized for acquisition.

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SIGNATURE: 1255369012
NAME: Brandon Lasich
TITLE: Contracting Officer

DATE: December 15, 2022