



JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

(41 U.S.C. § 3304(a)(1))

Pursuant to the requirements of the Competition in Contracting Act as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.3 and in accordance with the requirements of FAR 6.303-1, the use of the statutory authority under FAR Subpart 6.3 is justified by the following facts and rationale required under FAR 6.303-2 as follows:

1. Agency and Contracting Activity.

The Transportation Security Administration (TSA), Contracting and Procurement, and Acquisition Program Management (APM), propose to enter into a contract on a basis of other than full and open competition in accordance with FAR 6.302-1, *Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements*, with CEIA USA (CEIA) to procure CEIA Bottled Liquid Scanners (BLS) [REDACTED]

The Justification and Approval tracking number for this document is JA-2022-04-806.

2. Nature and/or Description of the Action Being Approved.

This Justification for other than full and open competition sets forth the Agency's rationale to award a sole source contract for CEIA BLSs, model EMA-MS, [REDACTED]

See below information for additional contract details:

- **CEIA USA, 9155 Dutton Drive, Twinsburg, OH 44087**
 - (a) Type of Action: Procurement of (163) BLS systems for TSA safety stock.
 - (b) Contract Type: Firm Fixed Price

[REDACTED]

[REDACTED]

[REDACTED] S

Anticipated Period of Performance (PoP) (including options): One (1) twelve (12) month base period, Four (4) twelve (12) months option periods.

[REDACTED]

[REDACTED]						
[REDACTED]						
[REDACTED]						
[REDACTED]						

Table 2: BLS Procurement

3. Description of Supplies/Services.

TSA requires establishment of a sole source contract to procure brand name CEIA BLS systems. The sole source contract will include FAT as well as shipping to the TSA warehouse.

4. Identification of Statutory Authority Permitting Other Than Full and Open Competition.

The statutory authority permitting other than full and open competition is 41 U.S.C. § 3304(a)(1) implemented by the FAR Subpart 6.302-1 entitled “Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.”

5. Demonstration that the Nature of the Acquisition Requires Use of the Authority Cited.

As indicated in Table 1, TSA currently has [REDACTED] CEIA BLS systems deployed at TSA facilities. In 2010, TSA recommended approval of three (3) BLS Original Equipment Manufacturer (OEM)s, (CEIA USA, Ahura Scientific, Inc., and Smiths Detection) to be placed on a Qualified Products List (QPL). The QPL was an unrestricted open testing process that allowed interested vendors an opportunity to have their products tested against TSA detection and operational specifications and standards. Testing included technology readiness and certification, successful completion of Transportation Security Lab (TSL) Certification testing (CERT), TSA Systems Integration Facility (TSIF) Integration testing, and Operational Test and Evaluation (OT&E). Only the BLS systems placed on the QPL were determined to satisfy program requirements and were considered for deployment into the field. As of 2020, Smiths no longer manufactures their fielded Responder BLS systems and Ahura Scientific (purchased by Thermo Fisher Scientific) no longer manufactures the BLS Truscreen model on the QPL. Therefore, CEIA is the only vendor on the QPL that currently manufactures a BLS system that meets TSA requirements and detection standards. CEIA BLS systems are the only systems currently qualified, manufactured, configured, tested, and deployed at TSA facilities. Technologies must meet strict requirements and

standards, and CEIA units have been tested, approved, and measured against TSA standards. Not awarding a contract to CEIA for additional sustainment and safety stock BLS systems would result in a gap in security screening and passenger throughput at the checkpoint. In addition, TSA will not have adequate safety stock to support new airport checkpoint lanes, support surge events, or replace damaged units.

6. Description of Efforts Made to Ensure that Offers Are Solicited from as Many Potential Sources as is Practicable.

TSA BLS systems are under the On Persons Screening (OPS) portfolio and is a legacy technology. The Passenger Screening Program (PSP) for BLS technology is projected to sunset by FY26. Over the next five years, APM will work to stand up new programs and begin working with TSA stakeholders to identify new requirements to fulfill those needs met by BLS systems. The goal of these changes is to develop a cohesive strategy and vision for future checkpoint security screening. Along with identifying new requirements, the TSA anticipates developing a new procurement strategy that will allow these new technologies to be procured on a competitive basis. The TSA is developing a strategy to open the necessary QPL windows to ensure all eligible industry partners are able to submit their systems to be tested and potentially qualified under a TSA QPL.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable.

The Contracting Officer will ensure that proposed pricing will be evaluated to determine fair and reasonableness through price analysis techniques in accordance with FAR 15.404-1 prior to award. In order to determine fair and reasonable pricing, the Contracting Officer anticipates using existing commercial prices for similar systems using historical data and other commercial marketplace pricing.

8. Description of Market Research.

In January 2020, TSA issued a Request for Information (RFI). Five (5) vendors provided BLS models in response to the RFI – CEIA USA Ltd, Agilent Technologies Inc., BaySpec Inc., Rigaku Analytical Devices Inc., and Kumahira Co. Ltd. In June 2021, TSA completed further market research by reviewing additional vendor literature, vendor websites, and vendor communication. The BLS market research revealed that while industry currently has the capabilities of standard BLS functionalities, CEIA is the only vendor on the QPL that currently manufactures a BLS system that meets TSA requirements and detection standards.

9. Any Other Facts Supporting the Use of Other Than Full and Open Competition.

None.

10. A Listing of the Sources, if Any That Expressed, in Writing, an Interest in the Acquisition.

In accordance with FAR 5.203(a), TSA posted a notice of intent to sole-source on July 7, 2022 for BLS systems on www.sam.gov (TSA2504-03726) for 15 days notifying vendors that TSA intends to contract using other than full and open competition. The Contracting Officer did not receive any questions or inquiries.

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 Supplies or Services Required.

TSA anticipates identifying new technology requirements for BLS systems with the ending of the PSP Legacy program. After identifying new requirements, the TSA anticipates developing a new procurement strategy that will allow these new technologies to be procured on a competitive basis. The TSA anticipates opening the necessary QPL windows to ensure all eligible industry partner are able to submit their systems to be tested and potentially qualified under a TSA QPL.

12. Contracting Officer's Certification.

I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.



Contracting Officer

Date

13. Technical/Requirements Personnel Certification.

I certify this requirement meets the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.




Technical Representative

Date

14. Legal Counsel Review.

I reviewed this Justification and Approval for Other Than Full and Open Competition in accordance with HSAM 3006.304-70 and find it legally sufficient.




Legal Counsel

Date

APPROVAL:




Competition Advocate

Date