

Date: 30 DEC 2022

MEMORANDUM

Subj: USE OF OTHER THAN FULL AND OPEN COMPETITION FOR AN ACQUISITION UNDER THE SIMPLIFIED ACQUISITION THRESHOLD

Ref: (a) USNS MEDGAR EVERS (T-AKE 13) PR Number(s): N290022355W387

1. BACKGROUND:

1. In considering the references, FAR 13.106-1 (i) states for purchases not exceeding the simplified acquisition threshold, Contracting Officers may solicit from one source if the Contracting Officer determines that, under the circumstances of the contract action, only one source is reasonably available (e.g., urgency, exclusive licensing, brand-name, or industrial mobilization).

2. As required by FAR 13.106-3(b)(3)(i), this memorandum explains the absence of competition for this acquisition because 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.

II. DESCRIPTION OF ITEM OR SERVICE:

1. Provide a description of the item or service required, to include

SEAL P/N: N18297-A75-09

a) the name of the required source or brand name SIMS PUMP VALVE COMPANY INC.

b) the required delivery date/period of performance and

RDD 10 FEB 2023

c) its intended use.

REPAIR PART FOR PUMP CNTFGL 500GPM 3500RPM

2. List the source(s) or known vendor(s) who are able to provide the above described item or service.

SIMS PUMP VALVE COMPANY INC.

III. THE DETERMINATION FOR USE OF OTHER THAN FULL AND OPEN COMPETITION IS BASED ON THE FOLLOWING (select all that apply):

Only one responsible 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.

a. Explain what is subject to the restrictive rights.

SIMS PUMP VALVE COMPANY INC. OWNS PROPRIETARY RIGHTS TO THE DRAWINGS OF THE MATERIAL.

- b. If drawings are included, who is identified as "owning" the drawings.
SIMS PUMP VALVE COMPANY INC.

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.

- a. Identify the OEM and explain the circumstances surrounding why the item or service is only available from the OEM.

- b. Identify the distributor / authorized technical representative for the item or service. Provide evidence of the exclusive licensing agreement as an attachment to this document. (NOTE: If there is more than one distributor/ authorized technical representative, then use Part B — Brand Name.)

3. OTHER REASON:

- a. CRITICAL SHIP EQUIPMENT: The required item is critical ship equipment, the failure of which poses a hazard to the ship, the crew or the environment.

i. SMS Procedure Number: 10.6-002-01-AKE

- b. STANDARDIZATION / BRAND NAME: Per MSCs standardization initiative, only the specified make/model of the equipment/parts will the Government's needs for additional units or replacement items.

i. Identify Make / Model Number(s): SIMS PUMP VALVE COMPANY INC. / MFR ID- SERIES 10000 4X3-10 ii. Identify other vessels with this Make / Model: T-AKE 1-14

- c. _____ FORM, FIT, AND FUNCTION: Item is direct replacement parts / components for existing equipment and must be compatible in terms of form, fit, and function with existing equipment / configurations.

i. Identify Make / Model of existing equipment:

- ii. Describe how the equipment must be compatible with the existing configuration.
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d. OTHER:

MSC DOES NOT HAVE MANUFACTURING AND TECHNICAL INFORMATION REQUIRED TO EVALUATE AND DETERMINE WHETHER NON-OEM SERVICE AND REPLACEMENT PARTS OFFERED ARE EQUIVELANT TO THE OEM COMPONENTS AND REPLACEMENT PARTS.

4. UNUSUAL AND COIOELLING URGENCY: The supplies or services are of such unusual and compelling urgency that the Government would be seriously injured unless the agency is permitted to limit the number of sources from which it solicits. Urgent requirements are supplies or services that will result in work stoppage, or are mission critical and the routine processing time would injure the Government. The determination that the procurement for the above is an urgent and compelling requirement is based on the following:

a. Date on which the requirement was identified: 21 DEC 2022

b. Required delivery date / Period of Performance: 10 FEB 2023

C. If the difference between a. and b. is more than one week, explain the delay in submitting the requirement.

DELAYED DUE TO TECHNICAL RESEARCH

d. Estimated production lead time: _____

e. Explanation of why delivery / commencement of services by the date required is needed: (explain the impact to the mission, any special circumstances or conditions, etc.)

The seal is needed to repair the Fire/Charging pump. This pump maintains the "wet" Firemain system aboard ship. This pump is designed to run continuously. Our other pumps are only meant to operate "as needed" and are being subjected to unusual wear and tear. This seal is urgently needed to restore the ship's fire fighting system to normal.

f. CASREP Number: _____

IV. ANTICIPATED DOLLAR VALUE OF PROCURMENT. [Redacted]

V. CERTIFICATIONS AND APPROVALS:

Technical / Requirement 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.

[Redacted Signature]

Requester Signature / Date

Requester Signature / Date

[Redacted Signature]

Level Higher (Supp / SPE / ASPE) / Date

Contract Specialist / Date

[Redacted Signature]

Contracting Officer / Date