

Date: 21 AUG 2023

MEMORANDUM

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

Ref: (a) USNS JOHN LEWIS (T-AO 205) PR Number(s): LTCN N216673210A322

I. BACKGROUND:

1. In considering the references, 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, 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
P/N 081-155-01 SEAL KIT RELIEF VALVE 1100
P/N 083-114-01 SCREW PUMP
P/N 081-172-60 DIRECTIONAL VALVE BLOCK
P/N 081-130-25 PILOT VALVE FOR BYPASS VALVE
P/N 081-170-01 SEAL KIT
P/N 072-013-00 FLEXIBLE ELEMENT
P/N 081-155-10 RELIEF VALVE RV 1100

- a) The name of the required source or brand name:

MACGREGOR USA INC.

- b) The required delivery date/period of performance and:

18 MAR 2024

- c) Its intended use:

REPAIR PARTS FOR PART STEERING GEAR HYD POWER UNIT PMP 2A TECH PUBLICATION/ DRAWING T9561-BY-MMC-010

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

MACGREGOR USA INC.

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

A. X Only one responsible source (select all that apply):

1. X 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:

MACGREGOR USA INC. OWNS PROPRIETARY RIGHTS TO THE DRAWINGS OF THE MATERIAL.

b. If drawings are included, who is identified as "owning" the drawings.

MACGREGOR USA INC.

2. X 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:

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

i. Identify Make / Model Number(s):

MACGREGOR USA INC./ 081-155-01; 083-114-01; 081-172-60; 081-130-25; 081-170-01; 072-013-00; 081-155-10

ii. Identify other vessels with this Make / Model:

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.

d. N/A OTHER: Other reasons not identified above: MSC does not have manufacturing and technical information required to evaluate and determine whether non-OEM components and replacement parts offered are equivalent to the OEM components and replacement parts. The OEM rep has access to provide parts and technical data / drawings from the original manufacturer, as required to properly repair and maintain the equipment.

4. X UNUSUAL AND COMPELLING 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: 30 JUL 23

b. Required delivery date / Period of Performance: 18 MAR 24

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: 30 WEEKS

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.)

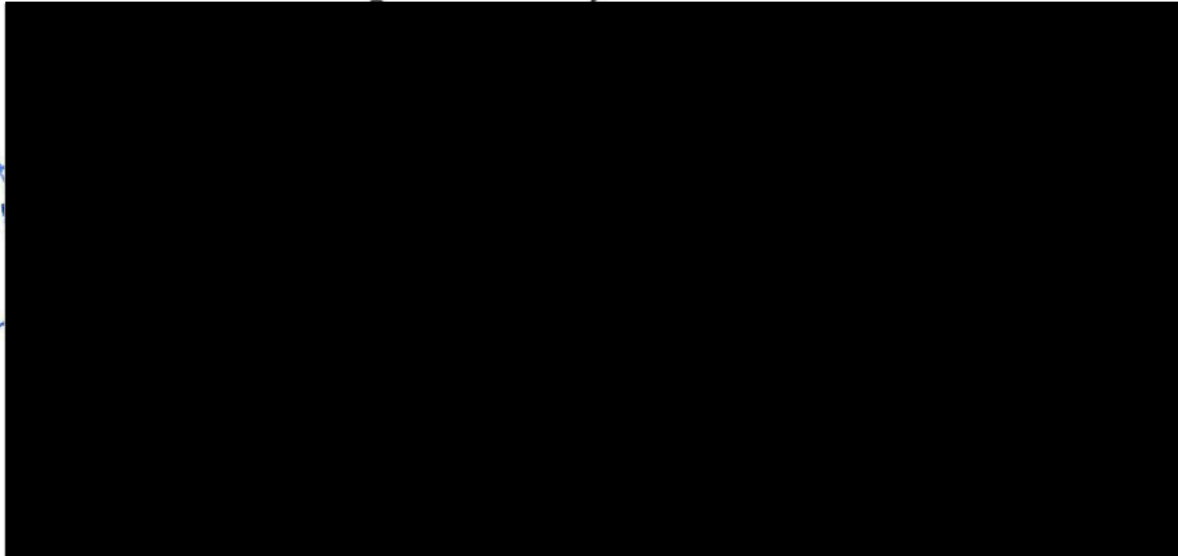
USNS John Lewis is currently without on-hand quantities of much needed replacement parts for STEERING-MAIN STEERING GEAR PUMP (APL: X216677VUQ1). Should technical difficulties occur with ship's steering today, we do not have the replacement parts on-hand to make immediate repairs. All (7) replacement parts listed under this LTCN are anticipated items required to make fast repairs should steering issues occur. To put quite simply "NO PARTS, NO STEERING!"

f. CASREP Number:

IV. ANTICIPATED DOLLAR VALUE OF PROCUREMENT: \$73,177.98

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.



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