

## MEMORANDUM TO THE FILE

*(This is only applicable to acquisitions under the Simplified Acquisition Threshold. Acquisition using FAR Subpart 13.5 shall follow the special documentation requirements at FAR 13.501.)*

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

### **I. BACKGROUND:**

All US Navy ships are required to carry Damage Control equipment onboard. Most are readily available through the Supply System or commercially, but some require fabrication IAW NAVSEA drawings. Damage Control Patch Boxes house durable materials required to support a ship and its crew personnel involved with safety, health, special clothing, maintenance, and repair in the event of an emergency situation. They are created based specifically for each ship as they are commissioned and replacement pieces are not stocked. Each piece is created from scratch to fit the ship, so it is required that a fabricator manufactures these items for the ship.

The items required above and further detailed below are not brand or vendor specific. Each of the listed items below has a variety of sources.

### **II. DESCRIPTION OF ITEM OR SERVICE:**

The items listed below are detailed on the Description of Requirements document. This requirement is for a total of 24 Patch Boxes of various sizes and specifications. The Patch Boxes have to be manufactured IAW NAVSEA DRAWING 804-5959236 and are required to be delivered to Huntington Ingalls Shipyard, Pascagoula, MS for SUPSHIP GULF COAST. This requirement has an estimated value of [REDACTED] and a required delivery date of 30 days ARO.

PATCH, BOX  
VARIOUS SIZES AS SELECTED BELOW  
FAB IAW NAVSEA DRAWING 804-5959236  
REF: 2-880044206

1. ASSY 1, 4" X 16" X 18-3/4"; Quantity: 6 EA
2. ASSY 2, 6" X 20" X 22-3/4"; Quantity: 6 EA
3. ASSY 3, 8" X 24" X 26-3/4"; Quantity: 12 EA

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

#### **A. 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 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.

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.

OR

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. NOTE: If there is more than one distributor/authorized technical representative for an OEM part, then Part B, BRAND NAME SOLE SOURCE, is applicable, and Part A, ONLY ONE RESPONSIBLE 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.

**B.        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.

**C. XX 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 bids or proposals. Urgent requirements are supplies or services that will result in a work stoppage, or are mission critical and the routine processing time would result in injury to the Government. The determination that the procurement for the above item/service is an urgent and compelling requirement is based on the following:

1. Date on which the requirement was first identified: The requirement for the items listed in SECTION II was identified in March 2023. At this time, the vendor quote (provided by the customer in Market Research) was drafted based on the communicated requirements. The initial plan was to have Defense Logistics Agency (DLA) execute the contract award, but due to the Urgency of the requirement as well as DLA not having available stock, SUPSHIP GULFCOAST submitted a request for FLCJ to procure the boxes.

2. Required delivery date/period of performance: Delivery of all items are required no later than 30 June 2023 or 30 days ARO, whichever comes first. This delivery date is required to meet ship's schedule and avoid mission impacts.

3. Explanation of why delivery/commencement of services by the date mentioned above is required: Explain the impact to the mission if the date above is not met, any special circumstances or conditions that exist which validate the requirement as "urgent," estimated production lead time for the item, etc. All US Navy ships are required to have Damage Control Boxes onboard prior to any sea trials training or deployment. If any portion of the Damage Control Boxes are not installed onboard, the ships are not deployable. The required 24 Damage Control Patch Boxes are to be installed onboard ships that have strict sea trials schedules. The Boxes house durable materials required to support a ship and its crew personnel involved with safety, health, special clothing, maintenance, and repair of the ship in the event of an emergency situation. Some are available without specific fabrication. However, to meet Navy safety and material standard equipment requirements, these Patch Boxes must be manufactured and fabricated IAW NAVSEA DWG 804-5959236.

If the requirement were to be executed without an Urgent and Compelling Justification, the potential for the mission to be impacted is significant. Not only does the Contractor need time to fabricate and install the required supplies IAW NAVSEA DWG 804-5959236, the ships cannot conduct sea trials nor are they deployable in the event of a national emergency. Therefore, it is the Contracting Officer's recommendation that this requirement meets the conditions of Unusual and Compelling Urgency IAW 10 U.S.C. 3204(a).

No additional information provided at this time.

**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.

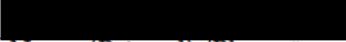
  
Signature

  
Name (Printed)

  
Date

**B. Certification/Approval. See FAR 13.501**

  
Contracting Officer

  
Name (Printed) /Phone#

  
Date