

Document Number:

(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.)

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

I. BACKGROUND:

1. 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 the circumstances of the contract action deem only one source reasonably available (e.g., urgency, exclusive licensing agreements, 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, as 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:

DOERFER ENGINEERS PERFORM AN ONSITE VISIT TO TROUBLESHOOT, EVALUATE, AND SOLVE LHS-2 RAISING AND LOWERING ISSUES. UPGRADE LIGHT WEIGHT WIDE ARRAY APPERATURE HANDLING SYSTEM (LHS) 1-2 TO BE ABLE TO COMMUNICATE. THIS WORK TO BE PERFORMED IN A DESIGNATED AREA AT PNSY AND INCLUDES ALL LABOR, MATERIALS, TOOLING, TESTING, PERSONNEL, TRAVEL AND EXPENSES. THERE IS NO SPECIFIC DELIVERY DATE FOR COMPLETION OR COMMENCEMENT OF WORK.

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.

LHS'S ARE DESIGNED AND MANUFACTURED EXCLUSIVELY BY DOERFER COMPANIES AND INCORPORATE PROPRIETARY SOFTWARE/FIRMWARE AND ANY MODIFICATION TO THE EXISTING OPERATING SYSTEM CAN ONLY BE PERFORMED BY DOERFER COMPANIES.

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.

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3. _____ OTHER REASONS. *Other reason not identified above. Provide details on mission impact if requirement is not solicited from only one source.*

B. _____ X BRAND NAME. Item required must be a brand name product, or feature of a product, particular to one manufacturer.

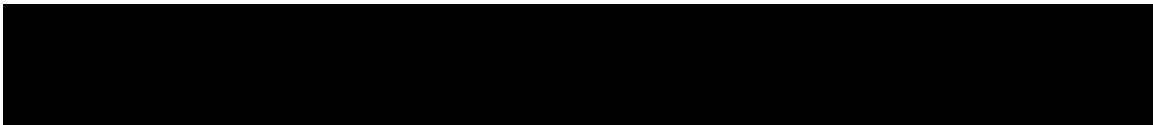
CURRENTLY, PNSY POSSESSES 2 LHS'S. # 1-2 ARE THE INITIAL VERSIONS PURCHASED BY PNSY. IN AN EFFORT TO ENSURE SUBMARINE AVAILABILITY PRODUCTION SCHEDULES ARE NOT IMPACTED DUE TO BREAKDOWNS AND LIMITED AVAILABILITY OF LHS'S USED TO SUPPORT ACTIVE SUBMARINE PRODUCTION, BOTH LHS'S ARE REQUIRED TO BE INTERCHANGEABLE. AWARDED THIS CONTRACT AND COMPLETING THIS UPGRADE TO LHS'S 1-2 WILL ALLOW PNSY TO USE ALL LHS'S IN ANY COMBINATION WHICH IS NOT POSSIBLE AT THIS TIME.

C. _____ 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:** 11/18/22
- 2. Required delivery date/period of performance:** From time of award + 3 months.
- 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.*
- 4. If appropriate, include any additional pertinent information:**

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) / Phone #

Date

Document Number:

B. Contracting Officer Approval:



Signature

Name (Printed) / Phone #

Date