

## 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:

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.\*

\* In the case of Brand Name - 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, such as due to brand-name restrictions. [FAR 13.106-1(b)(1)(i)] However, this Memo to File may also be used to document the Contracting Officer's determination that brand name restrictions exist sufficient to preclude competition to the maximum extent practicable, but where competition is still sought amongst authorized distributors of the brand name item.

\* In the case of Unusual or Compelling Urgency – 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 due to urgency. [FAR 13.106-1(b)(1)(i)] However, this Memo to File may also be used to document the Contracting Officer's determination that an Unusual or Compelling Urgency exists sufficient to preclude competition to the maximum extent practicable (meeting the notice exception of FAR 5.202(a)(2)), but where quotes are still solicited (e.g., oral solicitation of quotes).

### II. DESCRIPTION OF ITEM OR SERVICE:

In this training the vendor will cover proper Swagelok tube fitting installation and inspection, safety considerations and best practices, tube fitting design and performance, tube selection, handling and best practices for such, fitting products to make the job easier as well as thread identification. The vendor will also provide preassembly that will include selection of the appropriate hose assembly materials and equipment needed, visual inspection of hose and hose ends, cutting to desired length, and use of skiving tools, Crimping will include installation of crimp collar onto hose, use of braid insertion fixture and hose expander, visual inspection of crimp and end connection, end connection insertion, and visual inspection. All 12 NNSY participants will practice pre-assembly and crimping of six Swagelok hoses.

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.        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.   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.

Dibert Valve is the only authorized reseller for the Portsmouth, Virginia area for the original equipment manufacturer: Swagelok.

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.        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:

2. Required delivery date/period of performance:

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.

[Redacted Signature Area]

Signature

Name (Printed) / Phone #

Date

**B. Contracting Officer Certification/Approval:** I certify that this justification is accurate and complete to the best of my knowledge and belief.

Signature

Name (Printed) / Phone #

Date