

Single Source/Brand Name Justification
United States Department of Agriculture
FAR 13.106-1(b)(1) – Simplified Acquisitions

1. Identification of the agency and the contracting office.

USDA-AMS-S&T-Seed Regulatory & Testing Division (SRTD) (Gastonia, NC)

2. Description of supply or service required to meet the agency's needs.

Membership in this organization is necessary for USDA-AMS to continue participation in the Organization for Economic Cooperation and Development (OECD) Seed Schemes. Each participating country is assessed an annual contribution fee as described in the OECD Schemes for the Varietal Certification or the Control of Seed Moving in International Trade, also known as the Seed Schemes Rules and Regulations. The OECD Seed Schemes program is funded by the contribution fees collected from participating countries. The OECD Seed Schemes is a system by which, seed which has been certified for varietal purity and identity in one country is recognized as certified seed in the other participating countries.

Many countries require imported seed to be certified under the OECD Seed Schemes. If AMS failed to maintain participation, U.S. seed producers would be shut out of those international markets.

Furthermore, as the official U.S. representative to the OECD Seed Schemes, AMS represents U.S. interests so that the OECD Seed Schemes does not adopt rules that would be detrimental or overly burdensome to U.S. seed producers and cooperating state seed certifying agencies.

3. The rationale or circumstances for limiting competition.

Explain the unique qualifications/characteristics of the proposed contractor or product and why no other contractor or product/service can meet the Government's need. For example, equipment that must be compatible in all aspects with existing systems/equipment presently installed; or proprietary data or software licensing agreements that limit competition, etc. In cases of unusual and compelling urgency, state the harm to the Government if normal procedures (e.g., competition) were followed.

Mission critical membership for SRTD staff to represent the US in policy development and trade practice ruling that affect International commerce of seeds.

4. A description of the market research conducted and the results or a statement of the reason market research was not conducted.

Describe market research conducted and the results or the reason why no market research was conducted. Include responses received from FedBizOps announcement, if used. ***Note:** FAR Part 10.001 requires agencies to conduct market research appropriate to the circumstances: (a) before developing new requirements documents for an acquisition by the agency; (b) before soliciting officers for acquisitions with an estimated value less than the Simplified Acquisition Threshold when adequate information is not available and the circumstances justify the cost; and (c) on an ongoing basis, take*

advantage of commercially available market research methods in order to effectively identify the capabilities of small businesses and new entrants into the market.

None

5. Estimated price, including all options, if applicable.

Provide the estimated value. If the proposed action includes option periods, include the estimated value for the base period and each option period and the total estimated value of the base and all option periods.

Period of Performance: 04/01/2023 to 03/31/2024

Cost: 91,221.32 EUROS (~ 98,494.85 USD as of 03-27-2023)

6. Recommended source(s).

List proposed sole source vendor, or vendors, including any sources, that expressed an interest in this acquisition.

None

Certifications

Supporting data that is the responsibility of technical or requirements personnel and which form the basis for this justification are accurate and complete to the best of my knowledge.

Stephen R. Malone

Stephen Malone
US OECD Seed Schemes Program Manager/Seed Marketing Specialist

The information contained in this justification is accurate and complete to the best of my knowledge and belief and in accordance with Federal Acquisition Regulation 13.106-1(b)(1), I hereby determine the circumstances described above deem only one source, or limited sources, reasonably available and competition is precluded for the reasons indicated in this document.

Insert Name of Contracting Officer
Contracting Officer

Notes and Guidance. *Delete these Notes prior to finalizing document for signature*

For acquisitions greater than the micro-purchase threshold but less than the Simplified Acquisition Threshold (SAT) the Contracting Officer may solicit from one source only 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, etc.). Contracting Officers must document the rationale for soliciting from a single source, including brand name in accordance with FAR 13.106-1(b)(1)(i) and FAR 13.106-3(b)(3)(i).

Program personnel *are advised to work with contracting personnel early on in order to promote and provide for full and open competition to the maximum extent practicable. In circumstances permitting other than full and open competition, program personnel shall provide necessary information to contracting personnel to support and document the circumstances limiting competition through the use of this form*

Advance planning. *Contracting without providing for full and open competition shall not be justified on the basis of (1) a lack of advance planning by the requiring activity or (2) concerns related to the amount of funds available to the agency or activity for the acquisition of supplies or services.*

Brand Name. *Items peculiar to one manufacturer can be a particular brand name, product, or feature of a product, peculiar to one manufacturer. A brand name item, whether available on one or more schedule contracts, is an item peculiar to one manufacturer. Brand name specifications shall not be used unless the particular brand name, product or feature is essential to the Government's requirements and 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.*

Posting. *When an acquisition contains brand name specifications, the Contracting Officer shall include the justification required by FAR 13.103-1(b) with the solicitation when synopsisizing in the GPE (actions exceeding \$25,000) or displaying in a public place (actions exceeding \$15,000 but not expected to exceed \$25,000), as required by FAR 5.102(1)(6).*

Screening. *Before posting the justification, in accordance with FAR 6.305(e) and 24.202, the Contracting Officer is responsible to redact any information that is exempt from disclosure under Freedom of Information Act or information proprietary to the contractor.*

Signatures. *After review and completion by the Program Office and Contracting Officer, the Word document shall be converted to an Adobe PDF file and routed for electronic signatures. Signature blocks shall include dates.*