

I have reviewed this justification and find it adequate to support other than full and open competition.

Legal Counsel

Typed Name: [REDACTED]

Phone: [REDACTED]

Signature: [REDACTED]

Date: 17 Feb 2023

Justification and Approval for Other than Full and Open Competition

Brand Name Requirement

US Army Corps of Engineers, St. Louis District

FAR 6

1. Contracting Activity: U.S. Army Corps of Engineers (USACE), St. Louis District Contracting Office, 1222 Spruce Street, St. Louis, MO 63103

2. Description of Action: The U.S. Army Corps of Engineers, St. Louis District Contracting Office proposes a new firm fixed price supply and service contract for the St. Louis District's office to provide full design support, furnishing and installation of new Systems Office Furniture. The intent is to create a workspace with matching furniture already in place at the St. Louis District's offices, which is Knoll, Inc. brand. This procurement will result in a commercial firm-fixed-price GSA Schedule order.

3. Description of Supplies/Services: The U.S. Army Corps of Engineers (USACE), St. Louis District is awarding a new supply contract to match current furniture. [REDACTED] This justification and approval is for the name brand requirement of replacement furniture that is already in place that [REDACTED] in the contract from 2017. The period of performance for this contract will be approximately [REDACTED].

All design and items are requested to be of the same quality as the existing new systems office furniture located in the District Office in downtown St Louis. The intent is that this request for office furniture will create unity throughout the district to increase effectiveness as personnel work in different locations. This will also ensure that all employees of the St. Louis District are being provided uniform workspace conditions, staying within a standard. Current District Office furniture is Knoll, Inc. brand.

4. Authority Cited: 10 U.S.C. 3204(f) as implemented by FAR 6.302-1(c) and in accordance with DFARS 206.302-1(c)(2), an acquisition or portion of an acquisition that uses a brand-

name description or other purchase description to specify a particular brand-name, product, or feature of a product, peculiar to one manufacturer.

Note: FAR effective Jan 30, 2022, cites to 10 U.S.C §2304(c)(1)(B) as authority for DoD. 10 U.S.C. §2304 was repealed effective Jan 1, 2022. Pub. L. 116-283, div. A, title XVIII, §1881(a), Jan. 1, 2021, 134 Stat. 4293. Authority for use of procedures other than competitive procedures is now set forth in 10 U.S.C. 3204. See, 10 U.S.C.§3204(a)(1) and 10 U.S.C. §3204(b)(B) for statutory authority.

5. Reason for Authority Cited: In accordance with FAR 8.405-6(a)(1)(i)(C) For a proposed order with an estimated value exceeding the micro-purchase threshold not placed or established in accordance with the procedures in FAR 8.405-2, the only circumstances that may justify the action are (C) in the interest of economy and efficiency, the new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order or BPA was placed in accordance with the applicable Federal Supply Schedule ordering procedures. The original order or BPA must not have been previously issued under sole-source or limited-sources procedures.

The authority to require the brand name of Knoll, Inc. for the U.S. Army Corps of Engineers, St. Louis District furniture requirement is provided by FAR 8.405-6(a)(1)(i)(C). This order's estimated cost falls within the dollar thresholds of this regulation. This is a logical follow-on for the St. Louis District Office to obtain the same office furniture already in place, to maintain continuity and effectiveness of workstations. The District Office previously issued BPA W912P916A0007 to Knoll, Inc. from GSA contract GS-03F-078DA to order office furniture. This BPA was competed on GSA using procedures under FAR 8.405-3.

6. Efforts to Obtain Competition: Market research was conducted, and it was determined that no other products would be acceptable for use at the U.S. Army Corps of Engineers, St. Louis District. CI Select, LLC is one of three businesses in the Greater Saint Louis Area for Knoll Workplace package office furniture. Based on the mission requirement to ensure the new systems office furniture will create uniformity in the district building Knoll, Inc. brand furniture is to be furnished and installed.

7. Actions to Increase Competition: Strategic and tactical Market Research was conducted 04 November 2022 through 08 February 2023. Utilizing internet searches the Knoll furniture website was found and then used to determine that there are multiple vendors in the Greater Saint Louis Area that sell Knoll furniture. [REDACTED]

[REDACTED] This acquisition has increased the available vendors of Knoll furniture in the Greater Saint Louis Area as some vendors now offer both. Additionally, the vendors in the area were contacted to verify that they provided office furniture if they were listed as residential retailers. There are additional Workplace Dealers outside of the Greater Saint Louis Area located in Missouri and Illinois that may also be interested in this opportunity.

8. Market Research: Strategic and tactical Market Research was conducted 04 November 2022 through 08 February 2023. There are 3 contractors in the Greater Saint Louis Area that supply Knoll Workplace office furniture and an additional contractor that only supplies Knoll home furniture. It was determined that there are small business contractors that met the requirement of being able to supply and install Knoll Workplace package office furniture. This requirement will be set aside for small businesses, in accordance with the approved DD2579 – Small Business Coordination Form.

[REDACTED]
[REDACTED] is on the GSA Schedule for Systems Office Furniture, FSC Class, Product Code: 33721P, NAICS: 337214, Service Code: 7110. Company is registered in SAM, and is Women Owned as well as a Small Business on the GSA Schedule.

Market research was completed using online searches and phone calls.

<https://www.knoll.com/location/?findBy=state&stateOption=MO&locationTypeIds=17,4>
Using Knoll Government Dealer online search [REDACTED]

9. Interested Sources: During Market Research using online searches and phone calls it has been determined that of the four Knoll furniture vendors in the Greater Saint Louis Area only three vendors provide Knoll Workplace Strategic. [REDACTED]

[REDACTED] It is believed that all of these vendors are small businesses, but cannot be verified currently in SAM.

10. Other Facts:

a. Procurement History

(1) W912P916A0007 is the Blanket Purchase Agreement (BPA) for US Army Corps of Engineers St Louis District (MVS) District System Furniture contract signed 6 JUL 2016. The following order and its modifications occurred off of this BPA:

W912P917F0048 for 4th Floor Furniture

W912P917F0048P00001 to add Millington as the contract payment office

W912P917F0048P00002 for increase of price for additional removal of furniture CLIN 0002 that was services within the SOW

W912P917F0048P00003 for decrease of price for purchase of furniture CLIN 0001

W912P917F0048P00004 for Mailroom Furniture not originally identified

W912P917F0048P00005 for Additional Parts for 4th Floor not originally identified

(2) W912P916A0007 was a BPA awarded to CI Select after being competitively bid on using GSA eBuy in which 18 furniture vendors were emailed a notice to provide an RFQ. The following submitted bids and were compared for technical evaluation:

[Redacted]

(3) Full and open competition was used through GSA eBuy.

(4) The previous contract was full and open resulting in \$2,157,512.71 of Knoll brand furniture purchased for the St. Louis District's offices. Additional furniture now needed needs to match the current furniture and is estimated to be [Redacted]

b. Other facts. N/A.

A determination will be made by the contracting officer that the anticipated cost to the Government will be fair and reasonable.

11. Technical Certification I certify that the supporting data under my cognizance, which are included in the justification are accurate and complete to the best of my knowledge and belief.

Signature: [Redacted] Date: _____

Typed Name: [Redacted] Title: LMS

12. Requirements Certification:

I certify that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

Signature: [Redacted] Date: _____

Typed Name: [Redacted] Title: DLM

13. Fair and Reasonable Cost Determination: I hereby determine that the anticipated cost to the Government for this contract action will be fair and reasonable. Each call order will be determined to be fair and reasonable prior to award of the order.

Signature: [Redacted] Date: _____

Typed Name: [Redacted] Title: Contracting Officer

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

Signature [Redacted]

Date: _____

Typed Name: [Redacted]

Title: Contracting Officer

Approval

Based on the foregoing justification, I hereby approve the procurement of office furniture for a total dollar value of [REDACTED] on another than full and open competition basis pursuant to the authority of 10 U.S.C. 3204(f) as implemented by FAR 6.302-1(c) and in accordance with DFARS 206.302-1(c)(2), subject to availability of funds, and provided that the services and property herein described have otherwise been authorized for acquisition.

Signature: [REDACTED]

Date: _____

Typed Name: [REDACTED]

Title: Contracting Officer