

Date: 13 March 2014

MEMORANDUM FOR SIMPLIFIED ACQUISITIONS (<\$150K)

From: Supply Officer, USNS WASHINGTON CHAMBERS (T-AKE 11)
 To: Contracting Officer, Military Sealift Command

Subj: USE OF OTHER THAN FULL AND OPEN COMPETITION (SOLE OR LIMITED SOURCE)

Ref: (a) USNS WASHINGTON CHAMBERS Procurement Request No(s) N237263299S299
 (b) Federal Acquisition Regulation 13.106-1

The supplies or services required under this requisition are available from only one or a limited number of responsible sources, and no other type of supplies or services will satisfy the Government's need. There is a reasonable basis to conclude that the Government's minimum needs can only be satisfied by **unique** supplies or services available only from one or a limited number of suppliers with **unique** capabilities. The following justification applies.

An acquisition that uses a brand name (Furuno, Motorola, Vidmar) or other description to specify a particular brand name, product or feature of a product peculiar to one manufacturer does not provide for full and open competition regardless of the number of sources solicited. Beyond that, if you choose to limit the number of sources of a particular brand name/OEM, the procurement is "sole/limited source," which is more difficult to justify. However, if the specification is brand name or equal, then the procurement is competitive.

Describe the item and/or services required:

Toilet and shower replacement parts and non-watertight door associated parts.

Known Source(s) for the item or services: List the source(s) (offeror(s)/vendor(s)) who are known to be able to provide the above described item and/or services.

BN BIP
 US Joiner, Inc.

Check which of the following applies:

"ONLY ONE RESPONSIBLE SOURCE" (example: OEM technical representative)

"LIMITED SOURCE" (example: multiple OEM authorized technical representatives)

"BRAND NAME SOLE SOURCE" (example: OEM replacement part)

"BRAND NAME LIMITED SOURCE" (example: multiple OEM authorized part distributors)

1. This determination for single/limited source procurement for this requirement is based on one or more of the following. Select all that apply:

A. RESTRICTIVE RIGHTS. The existence of proprietary rights, limited rights in data, patent rights, copyrights or secret processes make the required item or service available from only one source.

Explain what is subject to restrictive rights such as proprietary rights, limited rights in data, patent rights, copyrights or secret processes:

As shown on the drawings, who is identified as "owning" the drawing: _____

Explain why the restrictive rights make the required item or service available from only one source, i.e., why another company still couldn't satisfy the Government's need:

B. XXX EXCLUSIVE LICENSING AGREEMENTS. Due to exclusive licensing agreements and arrangements, the required repair/spare parts and/or technical representative services are only available from the Original Equipment Manufacturer (OEM) or ONLY ONE authorized distributor or technical representative.

Identify the OEM (i.e., Motorola; Schat Harding): BN BIP (BN)

Attach evidence of the exclusive licensing agreement. BN and US Joiner have a Memorandum of Understanding that authorizes US Joiner to be the sole distributor of BN parts (see Ref c).

C. CRITICAL SHIP EQUIPMENT. The required item is critical ship equipment the failure of which poses a hazard to the ship, the crew and/or the environment.

Provide the SMS procedure number:

Describe how it applies to the critical piece of equipment:

D. XXX STANDARDIZATION. In accordance with MSC's standardization initiative, only the specified make and model of equipment/parts will satisfy the Government's needs for additional units or replacement items, and only one source is available. (i.e., ship currently has 10 Motorola radios onboard and five more need to be purchased to bring onboard allowances up to 15). Provide the following information:

Identify the Make: BN BIP and Model Number: Various (see Ref d)

Identify other ships that have this same Make and Model Number: All T-AKE Class vessels

E. XXX FORM, FIT AND FUNCTION. The required items are direct replacement parts/components for existing equipment and must be compatible in terms of form, fit and function with existing equipment/configurations. Provide the following information:

Identify the Make: BN BIP and Model Number: Various (see Ref d)

Describe how new equipment must be compatible with existing ship's configurations (i.e., piping, cabling, etc.): Implementation of BN parts was provided for under the original NAVSEA contract for the construction of the T-AKE Class vessels. Continued use of these materials will ensure compatibility in terms of form, fit, and function and will prevent additional modification efforts by ship's force to conform similar products to the vessel's current specifications.

F. UNIQUE FEATURES. Similar products lack features that are necessary to meet the Government's minimum needs (i.e., Furuno radar vs. Raytheon radar). Provide the following information:

Identify the required features that are lacking from the competitor's product:

G. XXX OTHER REASONS. Other reasons not identified above (i.e., statutory requirement such as harbor pilot services): Similar parts were purchased under Purchase Order ???, but required additional modifications by ship's force in order to maintain clearances of the toilet and shower spaces. Market Survey ??? was issued on ?? March 2014 on FedBizOpps. ?? responses were received.

2. Anticipated dollar value of the procurement: \$18,345.00

I hereby certify that the above information is accurate and complete to the best of my knowledge and belief.

Technical / Requirements Certification: I certify that the facts and representation under my cognizance which are included in this justification and its supporting acquisition planning documents, except as noted herein are complete and accurate to the best of my knowledge and belief.

**Ship: requester signature required or
Shore: PPE signature required**

_____	<u>Ernesto I. Alarcon</u>	<u>619-545-6963</u>	<u>ernesto.alarcon.cov@ake11.navy.mil</u>	_____
Signature	Name (Printed)	Phone	Email	Date

**Ship: Suppo signature required or
Shore: SPE/ASPE signature required**

_____	<u>T.C.Trotman</u>	<u>619-545-6963</u>	<u>suppo@ake11.navy.mil</u>	_____
Signature	Name (Printed)	Phone	Email	Date

Contract Specialist:

_____	_____	_____
Signature	Name (Printed)	Date

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

_____	_____	_____
Signature	Name (Printed)	Date

Legal Sufficiency Review: I have determined this justification is legally sufficient.

_____	_____	_____
Signature	Name (Printed)	Date