

USE OF OTHER THAN FULL AND OPEN COMPETITION LESS THAN SIMPLIFIED ACQUISITION THRESHOLD MEMO

FROM: [REDACTED]
CODE: 7411
SUBJECT: Sole Source/Brand Name Justification / Limited Source Justification for Use of Other than Full & Open Competition for an Acquisition under the Simplified Acquisition Threshold (SAT)

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.
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.
3. This memorandum is derived from Enclosure 3, Department of Navy Simplified Acquisition Procedures Guide (April 2018) and is only applicable to acquisitions under the SAT.

II. DESCRIPTION OF ITEM OR SERVICE

L3Harris BNVD AN/PVS-31A - White Phosphorous Night Vision Goggles with a 2376+ Figure of Merit.

MANUFACTURER: L3 Harris

ADDRESS: 1025 W. NASA Boulevard, Melbourne, FL 32919

WEBSITE: L3Harris.com

III. BASIS FOR DETERMINATION FOR USE OF OTHER THAN FULL & OPEN COMPETITION

☒ **A. BRAND NAME:**

Item required must be a brand name product, or feature of a product, particular to one manufacturer.

☐ **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.

☐ **2. Exclusive Licensing Agreements:** The item or service is only available from the Original Equipment Manufacturer (OEM).

☒ **3. Other Reasons:**

The AN/PVS-31A is the current model that the customer currently has in their active inventory. Purchasing this matching brand and part number is required to ensure that the data Carderock is collecting is representative of the data that will be reported to the customer. Additionally, using substitute party models can cause data degradation and potentially result in Code 7411 reporting erroneous results, preventing Carderock from receiving future work from the customer.

In order to ensure that Carderock is providing the most representative data products as the customer has requested, it is necessary to procure the L3 Harris BNVD AN/PVS-31A

☐ **B. SOLE 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.

☐ **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.

☐ **3. Other Reasons:**

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]

Customer/Requestor Signature

Name / Title / Phone

Date

[Redacted Signature Area]

First Line Supervisor Signature

Name / Title / Phone

Date

B. Certification/Approval per FAR 13.501: Upon the basis of the above justification, I hereby approve the solicitation of the proposed procurement(s) described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304(c).

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Date: 2022.08.10 06:20:06 -04'00'

Barbaraann Witz/Contracting Officer 8/10/2022

Contracting Officer Signature

Name / Title / Phone

Date