

Date: 22 September 2022

MEMORANDUM

Subj: USE OF OTHER THAN FULL AND OPEN COMPETITION FOR AN ACQUISITION UNDER THE SIMPLIFIED ACQUISITION THRESHOLD

Ref: (a) PR Number(s): 1301036250

I. BACKGROUND:

1. In considering the references, 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, under the circumstances of the contract action, only one source is reasonably available (e.g., urgency, exclusive licensing, 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 because 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.

II. DESCRIPTION OF ITEM OR SERVICE:

1. Provide a description of the item or service required, to include

a) the name of the required source or brand name

Sperre Air Power AS

b) the required delivery date/period of performance and

01 December 2022

c) its intended use.

Sperre Air Compressor replacement repair parts on USNS JOHN L CANLEY

2. List the source(s) or known vendor(s) who are able to provide the above described item or service.

Sperre Air Power AS
Ocean Power & Equipment CO, Inc.
Lee Engineering Supply Company, Inc.

III. THE DETERMINATION FOR USE OF OTHER THAN FULL AND OPEN COMPETITION IS BASED ON THE FOLLOWING (select all that apply):

A. 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.

a. Explain what is subject to the restrictive rights.

-
- b. If drawings are included, who is identified as “owning” the drawings.
-

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.

- a. Identify the OEM and explain the circumstances surrounding why the item or service is only available from the OEM.
-
-

- b. Identify the distributor / authorized technical representative for the item or service. Provide evidence of the exclusive licensing agreement as an attachment to this document. (*NOTE: If there is more than one distributor / authorized technical representative, then use Part B – Brand Name.*)
-
-

3. _____ OTHER REASON:

- a. _____ CRITICAL SHIP EQUIPMENT: The required item is critical ship equipment, the failure of which poses a hazard to the ship, the crew or the environment.

- i. SMS Procedure Number: _____

- b. X STANDARDIZATION / BRAND NAME: Per MSCs standardization initiative, only the specified make/model of the equipment/parts will satisfy the Government’s needs for additional units or replacement items.

- i. Identify Make / Model Number(s):

Make: Sperre Air Power AS / Model: Model LL2/120 General Service Compressor and
HL2/105A Start Air Compressor

- ii. Identify other vessels with this Make / Model:

USS LEWIS B PULLER (TESB 3), USS HERSHEL WILLIAMS (TESB 4) and
USS MIGUEL KEITH (T ESB 5).

- c. X FORM, FIT, AND FUNCTION: Item is direct replacement parts / components for existing equipment and must be compatible in terms of form, fit, and function with existing equipment / configurations.

- i. Identify Make / Model of existing equipment:

Make: Sperre Air Power AS / Model: Model LL2/120 General Service Compressor and
HL2/105A Start Air Compressor

- ii. Describe how the equipment must be compatible with the existing configuration.

Sperre Air Power AS as the original equipment manufacturer and Ocean Power & Equipment CO, Inc. and Lee Engineering Supply Company, Inc. as factory-authorized agents, provide parts and technical data/drawings as required by the USCG and ABS regulations. This mandatory regimen maintains all OEM warranties, ensures equipment reliability, and ensures crew safety, therefore precluding consideration of non-OEM parts and not-OEM authorized technical representative services. In order to maintain consistency across the class for installation and logistics, the same model of Sperre Air Power AS Air Compressor repair parts are required to be procured. The engineering, construction drawings, and technical characteristics for the manufactured parts for these air compressors are proprietary to Sperre Air Power AS and its authorized distributors.

d. X OTHER:

MSC does not have manufacturing and technical information required to evaluate and determine whether non-OEM components and replacement parts offered are equivalent to the OEM components and replacement parts. This system requires special tools, specialized repair parts and technical expertise unique to these air compressors. Only approved OEM parts are authorized to be installed for this highly sophisticated equipment. The OEM representative and its authorized parts provider and service technicians have access to provide parts and technical data / drawings for manufacturer, and as required to properly repair and maintain the equipment.

4. 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. Urgent requirements are supplies or services that will result in work stoppage, or are mission critical and the routine processing time would injure the Government. The determination that the procurement for the above is an urgent and compelling requirement is based on the following:

- a. Date on which the requirement was identified: _____
- b. Required delivery date / Period of Performance: _____
- c. If the difference between a. and b. is more than one week, explain the delay in submitting the requirement.

- d. Estimated production lead time: _____
- e. Explanation of why delivery / commencement of services by the date required is needed: (explain the impact to the mission, any special circumstances or conditions, etc.)

- f. CASREP Number: _____

IV. ANTICIPATED DOLLAR VALUE OF PROCURMENT:

V. CERTIFICATIONS AND APPROVALS:

