

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

FROM: [REDACTED]
CODE: 611
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

In order to accurately perform thermal and mechanical tests pursuant to multiple ongoing research and development programs and ensure quality and accuracy of the resultant test data, annual acquisition of maintenance and calibration services for the Gleeble 3500 (N0016710P0250) is necessary. Dynamic Systems Inc. is the manufacturer and sole provider for the maintenance and calibration of the Gleeble 3500. These services will require five days of on-site work by one service engineer per year over the next four years. The estimated total value of these services and associated materials is [REDACTED] with the price per year [REDACTED] for 2022 to 2025 respectively. Performance of the service shall be completed yearly until 2025.

MANUFACTURER: Dynamic Systems Incorporated (DSI, Inc)
ADDRESS: 323 Route 355 Poestenkill, NY 12140
PHONE: (518) 283-5350
POC: David Jacon

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

The Gleeble 3500 is a highly specialized piece of equipment, so no other company produces its accessories or installs and calibrates them. If an attempt were made to replicate the capabilities that this purchase will provide by purchasing the maintenance and calibration from another source, it could result in damages to the equipment that would could easily exceed the cost of this purchase. It must be stressed, however, that such an alternate purchase is not actually a viable option because DSI Inc. is the sole company that has access to calibration fixtures and internal wiring diagrams that are necessary to perform the calibration and troubleshoot any problems that arise. True replication of the capabilities provided by this purchase would necessitate ground-up design of a testing system at an even higher cost than described above.

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:

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.

DSI, Inc. is the sole provider of this service because they are the only company that has access to calibration fixtures and internal wiring diagrams that are necessary to perform the calibration and troubleshoot any problems that arise. In addition, the Gleeble 3500 is a highly complex piece of equipment, and DSI is the only company with the up-to-date knowledge of its internal electrical and mechanical components required to service the apparatus. Finally, many of the Gleeble's components are custom manufactured, and since DSI owns the mechanical drawings for these components and has experience in their fabrication, they are uniquely capable of rapidly providing replacement parts that are required for the completion of maintenance and calibration. DSI, Inc. does not have authorized resellers trained for this service. Therefore, in accordance with FAR 6.302-1(b)((1)(i) DSI, Inc. offers "unique supplies or services available from only one source"

A June 2022 search of the marketplace for laboratory equipment calibration did not identify any companies other than DSI, Inc. that are currently providing Gleeble maintenance and calibration services. The cost to replace the Gleeble rather than perform these maintenance and calibration services would exceed [REDACTED].

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]

Customer/Requestor Signature

Name / Title / Phone

Date



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: 2022.07.26 09:39:13 -04'00'

Contracting Officer Signature

Name / Title / Phone

Date