

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
(SOLE OR SINGLE SOURCE)**

In accordance with FAR Part 13, this request for a noncompetitive acquisition is hereby submitted for consideration for acquisition approval.

1. IDENTIFICATION OF THE AGENCY AND THE CONTRACTING ACTIVITY:

Requesting Agency:

USDA, APHIS, PPQ, FO
PGQP, Bldg. 580, BARC-East
9901 Powder Mill Road
Beltsville, MD 20705

Contracting Activity:

USDA, APHIS, MRPBS, ASD
Minneapolis Procurement Branch
Butler Square, Fifth Floor
100 North 6th Street
Minneapolis, MN 55403

2. NATURE AND/OR DESCRIPTION OF THE ACTION BEING APPROVED:

This is a sole source justification to establish a one-year preventative maintenance contract for one NextSeq sequencer, serial number NB 502027, and components with Illumina, Inc.

Due to the circumstances described below, the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) Plant Protection and Quarantine (PPQ) program requests the following service to be acquired using a noncompetitive procurement in support of program mission requirements.

3. A DESCRIPTION OF THE SUPPLIES, EQUIPMENT, OR SERVICES REQUIRED TO MEET AGENCY NEEDS (INCLUDING THE ESTIMATED VALUE OF THE ACQUISITION INCLUSIVE OF OPTIONS):

Preventative maintenance services shall be provided on the Illumina NextSeq sequencer, accessories and components, which are located at the Beltsville Agriculture Research Center in Beltsville, MD.

Based on historical data, the estimated value of this acquisition does not exceed the simplified acquisition threshold.

4. IDENTIFICATION OF THE STATUTORY AUTHORITY PERMITTING NONCOMPETITIVE ACQUISITIONS:

41 U.S. Code § 3304 as implemented by FAR 13.106-1. For purchases not exceeding the simplified acquisition threshold, Contracting Officers may solicit from one source if the contracting officer

determines that circumstances of the contract action deem only one source reasonably available (i.e. urgency, exclusive agreements, *brand name*, or industrial mobilization)

5. A DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS OR THE NATURE OF THE ACQUISITION REQUIRES USE OF THE AUTHORITY CITED:

This is a proprietary product manufactured by Illumina, Inc. This unit has been in use since 2017. Only Illumina Inc. has factory trained technicians and parts available for maintaining this equipment. Illumina does not authorize any other companies to provide services on Illumina instrumentation.

6. A DESCRIPTION OF EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS IS PRACTICABLE, INCLUDING WHETHER A NOTICE WAS, OR WILL BE, PUBLICIZED AS REQUIRED BY FEDERAL ACQUISITION REGULATION (FAR) SUBPART S.2, AND IF NOT, WHICH EXCEPTION UNDER FAR 5.202 APPLIES:

The proposed action will be synopsized in accordance with FAR Part 5.

7. A DETERMINATION BY THE CONTRACTING OFFICER THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE, AND THE BASIS FOR THAT DETERMINATION:

A determination by the Contracting Officer that the cost will be fair and reasonable and will be based on historical data and industry prices for similar items.

8. A DESCRIPTION OF THE MARKET RESEARCH CONDUCTED (FAR PART 10) AND THE RESULTS, OR AN EXPLANATION OF THE REASON MARKET RESEARCH WAS NOT PERFORMED:

Market research was performed to determine if products similar to the product being sought would meet the agency's needs. There are no known similar products that meet the requirements of the Government. This is based on review of product information published by manufacturers and distributors of similar products and the results of a sources sought notice published in 2020 on the Federal Business Opportunities website.

9. ANY OTHER FACTS SUPPORTING THE USE OF OTHER THAN FULL AND OPEN COMPETITION - FAR 6.303-2(a)(9):

None

10. A LISTING OF SOURCES, IF ANY, THAT EXPRESSED, IN WRITING, AN INTEREST IN THE ACQUISITION:

None.

11. A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS TO COMPETITION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES, EQUIPMENT, OR SERVICES REQUIRED:

The agency will continue to conduct market research and encourage small business participation to the extent consistent with the requirements of the Government.

12. I HEREBY CERTIFY THAT THE INFORMATION PROVIDED IN THIS JOFOC IS ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Joseph A. Foster 4/5/2021

Andre R. Nelson
Contracting Officer
Minneapolis Procurement Branch

Joseph A. Foster
Program Manager
Project Office, Location