

MEMORANDUM TO THE FILE

**Subj: JUSTIFICATION FOR USE OF OTHER THAN FULL AND OPEN
COMPETITION FOR A FAR PART 13 ACQUISITION UNDER THE
SIMPLIFIED ACQUISITION THRESHOLD**

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 (e.g., urgency, exclusive licensing agreements, 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, as only one source will be solicited for this requirement (or for a portion of the requirement) and the requirement (or portion of the requirement to be sole-sourced) is not expected to exceed the simplified acquisition threshold.

II. DESCRIPTION OF ITEM OR SERVICE:

**Purchase of hazardous materials from Amentum, contracted to manage the
Okinawa Hazardous Materials Management Center (HMMC) under
N0018919D0001. List of materials provided in the attachment.**

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 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. The material being purchased was purchased by the contractor under the HMMC contract as “Never out list” material that was intended to be paid for by the Government upon receipt. Since contract award, Navy Supply Command Fleet Logistics Center, Yokosuka (NAVSUP FLCY) modified the contract to remove ordering from the contract. As a result, the Government has an obligation to purchase these materials from Amentum, but no mechanism to order and pay for them. The purpose of this requirement and the resulting purchase order is to procure these “Never out list” materials. The prices were determined fair and reasonable in contract N0018919D0001.

B. BRAND NAME

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

C. URGENT AND COMPELLING. 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 bids or proposals. Urgent requirements are supplies or services that will result in a work stoppage, or are mission critical and the routine processing time would result in injury to the Government. The determination that the procurement for the above item/service is an urgent and compelling requirement is based on the following:

1. Date on which the requirement was first identified:
2. Required delivery date/period of performance:
3. Explanation of why delivery/commencement of services by the date mentioned above is required.

V. CERTIFICATIONS:

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.

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NIO.1128436223 23
Date: 2021.01.26 16:52:49 -05'00' Antonio Zambrano/619-804-3951 26 Jan 2021
Signature Name (Printed) / Phone # Date

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

Juan Hernandez Sgt Hernandez, Juan A./ 20210322
Signature Name (Printed) / Phone # Date
645-7642