

**BRAND NAME JUSTIFICATION**  
**(Simplified Acquisition Procedures under FAR Part 13 Not Exceeding \$700K)**

**1. Agency/Contracting Activity:** U.S. Army Corp of Engineer, Portland District, 333 SW 1<sup>st</sup> Ave #200, Portland, OR 97204

**2. Description of Action: Procure New Door Rod Flow Meters For Essayons.**

Nature: ☒ New Requirement ☐ Follow-on Requirement  
☐ Mod to Existing Purchase Order/Contract Number \_\_\_\_\_

Pricing: ☒ Firm-Fixed Price ☐ Time & Materials  
Funds: ☐ OMA ☐ Other Funds: \_\_\_\_\_

Proposed Contractors:

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**3. Description of Services or Supplies:**

The total estimated value of the proposed action is █████

*Background:* Hopper door rod hydraulic cylinder flow meters are worn, no longer accurate and near the end of their service life. They have been in service many years and require replacement.

*Supplies:* New VSE flow meters are the required supplies.

**4. Authority:**

**Action using simplified acquisition procedures (select one):**

☒ FAR 13.106-1(b)(1): For purchases not exceeding the simplified acquisition threshold (SAT), 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)

☐ FAR 13.501(a)(1): For actions for commercial supplies or services greater than the SAT but not exceeding \$7M, the requirements of FAR 13.501(a) apply to sole-source acquisitions conducted pursuant to Subpart 13.5 (Reference: FAR 13.106-1(b)(2)). Subpart 13.5 is the Test Program for Certain Commercial Items (see 41 USC 1901; or for contingencies see 41 USC 1903)

## 5. Reasons for Authority Cited:

*Justification:* VSE manufactured flow meters are required for safe operation and system compatibility. VSE flow meters contain proprietary design and information. The use of alternative flow meters require significant modifications to existing equipment that are not beneficial to the government.

*Impact:* This equipment is mission critical and involves high value government assets. The potential impact to the government if the flow meters fail could result in a loss of production up to \$200,000.00 per day. These flow meters determine whether the hopper, and thus the dredge itself is operational. While an individual failure would not completely disable the dredge efficiency would be greatly compromised. Component failure could result in additional components requiring repair or replacement.

*Alternatives:* There are no practical alternatives. There are no drop in replacements. Other flow meters advertised as having the same input and output values may be available. They would require modification of piping and electrical connections at great cost and inconvenience to the government. The VSE flow meters have a proprietary and patented internal mechanism with proven performance of lower pressure and flow loss thus assuring greater system accuracy. The VSE meters also provide a unique and proven superior waterproof design, essential in this application. No other product meets agency needs.

**6. Actions to Increase Competition:** The flow meters must be VSE. They may be available from multiple suppliers.

**7. Market Research:** Market research was conducted, however, no manufacturers other than VSE possess the required proprietary design and information relating to the flow meters.

## 8. Procurement History:

Previous Purchase Order(s) or Contract(s): ☒ Yes ☐ No

If "Yes", for each purchase order or contract provide:

Purchase order or contract number: \_W9127N18P0170

Was action competed? ☒ Yes ☐ No

If action was not competed, state the cited authority, summarize rationale:

## 9. Additional Facts and/or Information to support the justification.

These components are installed in the severest environment imaginable. The requested products have been proven reliable. The vessels crew has also researched alternatives and found nothing worthy of consideration. These are mission critical components.

**10. Technical / Requirements Certification:** I certify that the supporting data under my cognizance which is included in this abbreviated J&A is accurate and complete to the best of my knowledge and belief.

Submitted By: Jon Sandstrom  
Position Title: Mech. Engineering Tech.  
Email address:  
jon.j.sandstrom@usace.army.mil

Signature: \_\_\_\_\_

DATE:

**11. Fair and Reasonable Price Determination:** As contracting officer, I hereby determine that the anticipated cost to the Government for this contract action will be fair and reasonable. Basis for the determination is as follows:

There is little competition given the proprietary nature. However costs are verified and it is expected standard shop rates apply and the price is expected to be fair and reasonable. In accordance with FAR 13.106-3(a)(2)(ii) and FAR 13.106-3(a)(2)(vi), the Government will compare the proposal to the Independent Government Estimate to ensure price reasonableness.

**12. Contracting Officer's Approval (actions less than \$700K):** I hereby certify that this justification is accurate and complete to the best of my knowledge and belief. Based on the foregoing, I approve this sole source justification subject to availability of funds, and provided that the services and supplies herein described have otherwise been authorized for acquisition.

SIGNATURE: \_\_\_\_\_

DATE:

NAME: David Dvorak

TITLE: Procuring Contracting Officer