

CUI//SP-PROCURE//DL ONLY

Determination that Only One Source is Reasonably Available (Including Brand Name) – FAR Part 13 Acquisitions under the SAT

MEMORANDUM TO THE FILE

Subj: DETERMINATION THAT ONLY ONE SOURCE IS REASONABLY AVAILABLE 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:

FSMR50 MEASURING RECEIVER 50GHZ, serial number: 101192, requires repair and calibration.

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

A. X ONLY ONE RESPONSIBLE SOURCE *(select all that apply)*:

1. X RESTRICTIVE RIGHTS. The source has established proprietary rights, limited rights in data, patent rights, copyrights or secret processes in the item or service required. Rohde & Schwarz has restrictive rights to the diagnostic and repair data to perform the services requested.
2. X 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. Rohde & Schwarz is uniquely in possession of the proprietary data and expertise required to repair and calibrate the original equipment. There are no other authorized repair centers for the service request.
3. OTHER REASONS.

B. BRAND NAME

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

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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.

Troy Livingston
Signature

Troy Livingston 760-577-7909
Name (Printed) / Phone #

11/15/2024
Date

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

Signature

Matthew Radi 229-639-8183
Name (Printed) / Phone #

2/21/25
Date

Distribution List for DL ONLY Limited Dissemination Control

- MCFCS Personnel
- LB Personnel
- Procurement Team Personnel (to include but not limited to: Legal,

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- Any other individual designated by the KO

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