MEMORANDUM TO THE FILE

Subj: **USE OF OTHER THAN FULL AND OPEN COMPETITION FOR AN 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 is not expected to exceed the simplified acquisition threshold.

II. DESCRIPTION OF ITEM OR SERVICE: (*Provide a description of the item or service required, to include its intended use, the name of the required source or brand name, and the required delivery date/period of performance.*)

Rental of one (1) Forklift capable of handling loads between 24k-36k lb for a short term performance of June 22 2026 to July 10 2026 . A need for service stemming from the upcoming drydock work that will need to be completed to proceed with any and all shipwork to be executed on the boat being serviced. Lack of Material Handling Equipment and the services to repair out of commissioned vehicles generated the need for this service contract.

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. (*Explain what rights are restricted, why the restrictive rights make the required item or service available from only one source, and why another company could not satisfy the Government's need.)*

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. (*Identify the OEM and explain the circumstances surrounding why the item or service is only available from the OEM.)*

OR

Identify the distributor(s)/authorized technical representative(s) for the item or service. Provide evidence of the exclusive licensing agreement as an attachment to this document. NOTE: If there is more than one distributor/authorized technical representative for an OEM part, then Part B, BRAND NAME SOLE SOURCE, is applicable, and Part A, ONLY ONE RESPONSIBLE SOURCE, should be left blank).

3. ☐ OTHER REASONS. *Other reason not identified above. Provide details on mission impact if requirement is not solicited from only one source.*

B. ☐ **BRAND NAME.** Item required must be a brand name product, or feature of a product, particular to one manufacturer. *Discuss why you are precluding consideration of a product manufactured by another company. Describe how the particular brand name, product, or feature is essential to the Government's requirements and why a "brand name or equal" purchase description cannot be used (see FAR 11.104). Describe how market research indicates other companies' similar products or products lacking the particular feature do not meet, or cannot be modified to meet, the agency's needs.*

C. ☑ **UNUSUAL AND COMPELLING URGENCY.** 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: ***5/30/26***
2. Required delivery date/period of performance: ***6/22/26***

3. Explanation of why delivery/commencement of services by the date mentioned above is required: *Explain the impact to the mission if the date above is not met, any special circumstances or conditions that exist which validate the requirement as "urgent," estimated production lead time for the item, etc.*

The use of Urgent and Compelling justification to procure a 12.5 - 18 Ton forklift with a period of performance of 22 June 2026 - 22 July 2026 is required. It was anticipated that the existing 12.5 Ton forklift in Dry Dock #2 could be utilized to perform movement and alignment of the Dry Dock #2 keel blocks. However, the existing 12.5 Ton forklift has maintenance issues and is awaiting parts. The estimated time for these parts will NOT meet the need date. Without a 12.5 Ton forklift in place there will be significant disruption to PHNSY's operations.

4. If appropriate, include any additional pertinent information.

N/A

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.

Signature	Name (Printed) / Phone #	Date
(b) (6) [redacted] Digitally signed by (b) (6) [redacted] Date: 2026.06.25 13:30:11 -10'00'	(b) (6) [redacted]	6/25/26

B. Certification/Approval. See FAR 13.501

Signature	Name (Printed) / Phone #	Date
IMPERIAL.LYNN.S(b) (6) [redacted] Digitally signed by IMPERIAL.LYNN.S(b) [redacted] Date: 2026.06.25 14:25:11 -10'00'	Lynn Imperial	6/25/2026