DEFENSE LOGISTICS AGENCY
CONTRACTING SERVICES OFFICE
700 ROBBINS AVENUE
PHILADELPHIA PENNSYLVANIA 19111-5092

Justification for Other than Full and Open Competition
SP8000-26-Q-0012
[redacted] Services Subscriptions + Forecasts + Consulting Data

1) **Identification of the agency and contracting activity:**

Requiring Activity: Defense Logistics Agency, (DLA) Strategic Materials, 8725 John J Kingman Road, Ft Belvoir, VA 22060, Point of Contact: John Dustin, john.dustin@dla.mil

Contracting Activity: DLA Contracting Services Office – Columbus Division #3, 3990 East Broad Street, Columbus, OH 43218, Point of Contact: Stacy Clark, [redacted] Contract Specialist, Ronald E. Fairley, [redacted], Contracting Officer.

2) **Nature and/or description of the action being approved:**

This Justification and Approval (J&A) authorizes a sole-source acquisition [redacted] Services Subscriptions, Forecasts, and Consulting Data. The resulting contract will be awarded as a Firm-Fixed-Price (FFP) action to secure the following specialized data:

[redacted]:
Base Metals, Minor Metals (10 Users)
Ores & Alloys (10 Users)
Scrap (10 Users)
Industrial Minerals (10 Users)

[redacted]
Base Metals, Ores & Alloys (10 Users)
Battery Raw Materials (Minor Metals & Industrial Minerals) (10 Users)
[redacted] Consulting Data for SMART Non-Ferrous Markets (10 Users)

DLA Strategic Materials proposes to procure the products mentioned above by other than full and open competition. The nature of this requirement will be a new FFP sole source contract that consists of a 12-month Base Period, followed by two (2) 12-month Option Periods.

3) **Description of the supplies or services required to meet the agency's needs (including the estimated value):**

The [redacted] products and datasets included in this contract offer critical insights and have varying applications that are essential to both the Department of War (DoW) and the civilian sector of the U.S. economy. Specifically, this subscription will provide granular, high-fidelity pricing data and market intelligence. This information is vital for modeling material shortfall estimates, directly supporting the National Defense Stockpile (NDS) program and fulfilling its congressionally mandated biennial stockpiling requirements report. The Total Estimated Contract Value is [redacted].

[redacted]

4) **Identification of statutory authority permitting other than full and open competition:**

The statutory authority for this non-competitive action is 10 U.S.C. 3204(a)(1) as implemented by Federal Acquisition Regulation (FAR) 6.103-1(b), which states that agencies may contract without providing for full and open competition when the supplies or services required by the agency are available from only one or a limited number of responsible sources and no other type of supplies or services will satisfy agency requirements.

5) **Demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited:**

[redacted] is the only source who can provide the required subscriptions. The data supplied by these [redacted] is uniquely developed by [redacted] through direct industry contacts via certified price discovery methods, analyst research, and proprietary modeling techniques[redacted] can provide data regarding critical and strategic materials and also provides unique market analyses based on their compiled data sets, analyst research, and discussions with industry experts. The data supplied is uniquely developed through direct industry contacts via certified price discovery methods, analyst research, and proprietary modeling techniques. This information is required to determine future research and development requirements in the minor metals market as well as other critical and strategic material supply chains. No other provider offers combined datasets at the required technical level necessary for DLA Strategic Materials to fulfill its mission.

6) **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 Subpart 5.3 and, if not, which exception under 5.301(b) applies:**

This proposed action will be issued as a Request for Proposals (RFP) under FAR Parts 12 and 15. By using the combined synopsis/solicitation procedure (FAR 12.202(b)), the requirement will be posted on SAM.gov for approximately one week to provide potential offerors a reasonable opportunity to respond.

7) **A determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable:**

The Contracting Officer anticipates that the final price for the [redacted] in this justification for other than full and open competition will be determined fair and reasonable based on either a comparison of proposed prices with the independent government cost estimate (IGCE) or other means outlined in FAR 15.404-1(b). An IGCE was provided that sufficiently demonstrates the market research that was conducted, the basis of estimates, cost calculations, and the appropriate validations. In addition, the material being provided by [redacted] is considered "commercial" and the terms and conditions found at FAR 52.212-4 contain the same and/or similar language found in most commercial agreements used within the industry and defined as "commercial" in accordance with FAR 2.101. The Contracting Officer will only proceed with the planned action after evaluating and confirming that the resulting price is fair and reasonable in accordance with FAR 15.404-1. The government may require other than certified cost / price data if deemed appropriate.

8) **Description of market research conducted and results or a statement of the reason market research was not conducted:**

Market research was conducted via a combination of efforts including discussions with U.S. Geological Survey (USGS) and with [redacted]. [redacted] can provide data regarding critical and strategic materials and also provides unique market analyses based on their compiled data sets, analyst research,

and discussions with industry experts. The data supplied is uniquely developed through direct industry contacts via certified price discovery methods, analyst research, and proprietary modeling techniques. [redacted]: [redacted] intended for use by DLA must be contracted directly between the DLA and [redacted]. No third party is authorized to act on [redacted] behalf, or to resell, distribute, or facilitate access to [redacted] products for the DLA's benefit. [redacted] is the only supplier capable of providing its brand name data. This is consistent with our market research.

9) **Other facts supporting the use of other than full and open competition:**

None.

10) **Listing of sources that expressed, in writing, an interest in the acquisitions:**

[redacted]

11) **Actions, if any, the agency will take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required:**

None.

12) **Certifications and approval**

Requirements / Technical Certification

I hereby certify that the supporting data for which I am responsible, and which form a basis for this justification are complete and accurate to the best of my knowledge and belief.

[redacted]

Contracting Certification

I hereby certify that the information contained in this justification is accurate and complete to the best of my knowledge and belief.

[redacted]