MEMORANDUM TO THE FILE

SUBJECT: 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

Manufacturer or Service Provider: Airgas Honolulu

Point of Contact: Patrick Punzal Phone Number: (808) 368-9071

Street: 2305 Kamehameha Hwy

City: Hon State: Hi Zip Code: 96819

****

Dealer Representative (*if applicable*): _____

Point of Contact: _____ Phone Number: _____

Street: _____

City: _____ State: _____ Zip Code: _____

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Estimated Cost: [redacted]

Required Delivery Date or Period of Performance: continuous requirement

Provide a description of the item or service required, to include its intended use. If applicable, provide manufacturer part number.

Liquid Nitrogen in support of CNO, FMB, FMR, SY medical, PS1, P302. Specifically, for O2, DI, VLS systems and at least 4500psi on every boat.

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.

   Explain the circumstances surrounding why the item or service is only available from the manufacturer or service provider.

   OR

   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.

The listed service provider is the only local source with the capacity to provide the quantity and purity of liquid nitrogen in the frequency and short time notice required for Shipyard operations. The company is also able to provide OQE to validate product purity.

Only this supplier is listed on the AUL for this LSN.
AUL is supplier/vendor specific.

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: continuous requirement

2. 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.

   We would not be able to support: CNO, FMB, FMR, SY medical, PS1, and P302. Specifically, for O2, DI, VLS systems and at least 4500psi on every boat prior to deployment.

3. If appropriate, include any additional pertinent information.

IV. CERTIFICATIONS/APPROVALS

A. Technical / Requirements Certification (Requiring Activity):

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.

Name: [redacted] Title/Position: Nitrogen Shop Supervisor

Activity: JBPHH

Phone Number: [redacted]

Signature: [redacted] Date: 4/21/2026

B. Approval (Contracting Activity):

Contracting Officer's Name: Angela Morrelli

Signature: Angela Morrelli Date: 05/01/2026