JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION (JOFOC)
National Weather Service Hydrogen Generator
Maintenance Supplies and Factory Maintenance Training

Identification Number: REQUIREMENTS-25-2938

1. **Identification of the agency and contracting activity.**

   The National Oceanic and Atmospheric Administration (NOAA), Acquisition and Grants Office (AGO), Western Acquisition Division (WAD), proposes to enter into a contract on the basis of other than full and open competition in support of the National Weather Service (NWS), Pacific Region Headquarters (PRH), Alaska Region Headquarters (ARH), and Program Management Office (PMO), Upper Air (UA) Program.

2. **The nature and/or description of the action being approved.**

   NOAA intends to award a new contract to Proton Energy Systems, Inc., d/b/a NEL Hydrogen US (hereinafter referred to as Proton/NEL).

   An Indefinite-Delivery, Indefinite-Quantity (IDIQ) contract with Firm-Fixed-Price (FFP) orders is contemplated for award.

3. **A description of the supplies or services required to meet the agency's needs (including the estimated value).**

   The NWS mission is to provide weather, hydrologic, and climate forecasts and warnings for the United States, its territories, adjacent waters and ocean areas, for the protection of life and property and the enhancement of the national economy. In support of this mission, the NWS operates and maintains a network of UA observing stations with some sites that rely on on-site hydrogen generation and storage systems to support routine weather balloon launches used to collect meteorological data, which is utilized as a basis for weather forecasts and warnings.

   The purpose of this requirement is to provide maintenance supplies to include annual maintenance kits, recommended spare parts kits, high use parts (i.e. filters, blower fans, power supplies), and factory maintenance training for the Proton/NEL S-Series Hydrogen Generators (HOGEN) for all NWS UA observing stations to include, but not limited to NWS PRH, ARH, and PMO. These supplies, kits, and training will allow the Government to properly maintain the equipment by adhering to the Proton/NEL annual maintenance plan based on a rotating four-year maintenance cycle.

   This IDIQ contract is anticipated to have a five-year ordering period from July 1, 2026 through June 30, 2031. The total estimated value for orders placed on this vehicle is $1,500,000.00.

4. **An identification of the statutory authority permitting other than full and open competition.**

   The statutory authority permitting other than full and open competition is 41 U.S.C. 1901 as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.103-1, Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.

5. **A statement demonstrating the unique qualifications of the proposed contractor or the nature of the action requiring the use of the authority.**

   Proton//NEL is the only responsible source that can provide these supplies to NWS based upon the following:

   a. **Factory-Certified Maintenance Training -** The Proton/NEL S-Series HOGEN is a complex, specialized system. To ensure all service, maintenance, and part replacement is performed correctly, upholding the system's operational integrity, warranty, and critical safety certifications, the Proton//NEL S-Series HOGEN Maintenance Manual specifically states that, "only authorized personnel, as certified by the factory, should be carrying out these (maintenance) procedures and have access to this manual." Using non-factory certified personnel introduces a significant risk of incorrect maintenance, resulting in component damage, system failure, compromising the system's safety compliance, and a loss of manufacturer's warranty and liability.

b. **Warranty and Technical Support -** The Use of non-Original Equipment Manufacturer (OEM) parts will void the manufacturer's warranty and liability, exposing the government to 100% of the financial risk associated with component or system failure, as stated in the Proton/NEL warranty terms and conditions.

c. **Safety and Regulatory Compliance -** Hydrogen is an extremely flammable gas that is colorless, odorless, and highly combustible, posing a significant risk of fire or explosion if not properly contained and controlled. The potential for catastrophic failure underscores the absolute necessity of using only verified, quality-controlled OEM parts to ensure the integrity of the safety systems.

- **Equipment Certification** - The National Fire Protection Association (NFPA) Standard 2, Hydrogen Technologies Code, governs the safe installation, operation, and maintenance of hydrogen generation and utilization systems. NFPA 2, Section 13.2.1 requires the installation of listed or approved hydrogen generation equipment installed in accordance with the listing or approval requirements and manufacturer's instructions. The Proton/NEL Hydrogen S-Series HOGENs have been certified to conform with TUV Rheinland cTUVus and the International Organization for Standardization ISO 22734-1. These certifications apply to the specific configuration and components as supplied by the manufacturer. Substituting OEM parts with non-OEM equivalents will automatically void the unit's certification and compliance with NFPA 2.

- **NFPA 70, NFPA 79, and NFPA 496 Compliance** - The Proton/NEL Hydrogen S-Series HOGEN is also certified to meet NFPA 70, The National Electrical Code, NFPA 79, the Electrical Standard for Industrial Machinery, and NFPA 496, Standard for Purged and Pressurized Enclosures for Electrical Equipment using specific configuration and components as supplied by the manufacturer. Substituting OEM parts with non-OEM equivalents will automatically void the manufacturer’s certification of compliance with these critical safety codes and standards.

6. A description of efforts made to ensure that offers are solicited from as many potential sources as possible, including whether a notice was or will be publicized as required by FAR Part 5 and, if not, which exception under FAR Part 5 applies.

Due to the proprietary nature of this acquisition, this requirement did not utilize SAM.gov to solicit available capabilities from industry. However, a presolicitation notice was posted to SAM.gov on February 10, 2026 in accordance with FAR 5.101. No responses were received.

7. Determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.

The contracting officer determines that the anticipated price(s) will be fair and reasonable based on FAR 12.204(a), Price Reasonableness, based on comparison of the proposed price with prices found reasonable on previous purchases as well as a comparison to an independent Government estimate. Prior to award of any task order resulting from the proposed IDIQ contract, price information shall be obtained from the contractor, and a price analysis will be performed and documented to sufficiently determine that the price to the government is fair and reasonable.

8. The market research conducted (see FAR Part 10) and the results or a statement of the reason market research was not conducted).

Market research was conducted to identify available sources and to evaluate the availability of the marketplace to meet the requirement. Methods included the conducting searches of AbilityOne, UNICOR, Small Business Administration (SBA) Small Business Search, and General Services Administration (GSA) e-library. On January 20, 2026, the government contacted Proton/NEL to verify they still hold proprietary designs and are the only source for the maintenance supplies and factory maintenance training required. Based on the answers obtained by Proton/NEL, further market research was not conducted. Their response identified them as the only available source capable of providing the required supplies to successfully perform the requirement.

9. Any other facts supporting the use of other than full and open competition.

All supporting facts have been documented herein. There are no additional facts to be reported in this section.

10. A listing of any sources that expressed a written interest in the acquisition.

No sources expressed verbally or in writing an interest in this acquisition.

11. A statement of any actions the agency may take to remove or overcome any barriers to competition, if subsequent acquisitions are anticipated.

The government will continue to conduct market research by confirming active proprietary designs with Proton NEL, as well as reaching out to the marketplace to gauge capabilities for future requirements.

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