Justification and Approval for Other than Full and Open Competition under FAR Part 13

In accordance with FAR 13.106-1(b), 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.

Per FAR 13.106-1(b)(2), this requirement is for supplies and services and exceeds the Simplified Acquisition Threshold (SAT) but is not greater than $9 million and the Contracting Officer reasonably expects, based on the nature of the supplies or services sought and on market research, that offers will only include commercial items.

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

   Uniformed Services University of the Health Sciences (USUHS), Acquisitions Directorate

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

   Issuance of a firm fixed price sole source award

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

   The Government requires support services to provide qualified plumbing and HVAC support to assist with critical work required at USU. The contractor shall provide support capable of performing preventive maintenance, service call/work order response, and emergency maintenance on plumbing and HVAC systems based on needs that arise around the University

   The period of performance is a 12-month base year with one 12-month option year. The total estimated value, including option year, [redacted]

4. **Demonstration that the proposed contractor's unique certifications or the nature of the acquisition requires use of the authority cited:**

   Nature of Urgency. The in-house Government wage grade workforce responsible for the plumbing and HVAC maintenance at USU has experienced a significant reduction of force due to retirements and voluntary separations. These departures have created critical staffing shortfalls that directly affect the Government's ability to perform required preventative maintenance, respond to service calls and provide emergency maintenance coverage for mission critical building systems, including but not limited to domestic water, sanitary waste, medical gas, heating, ventilation, air conditioning, and refrigeration systems.

The remaining in-house workforce is insufficient to sustain the required maintenance tempo, resulting in a growing backlog of deferred maintenance and increased risk of unplanned system failures.

In conjunction with this, the University's infrastructure is currently experiencing a surge of critical failure across many systems. The failures of these critical systems could directly impact facility operations, regulatory compliance, and mission readiness. Deferred preventive maintenance on HVAC and plumbing systems accelerates equipment degradation.

BryMak has been identified as the source for this requirement because they currently work via contract USU's AFRRI facilities and have an established on-site presence, security clearances, and familiarity with government CMMS and facility systems, enabling rapid mobilization without the lead time required for a new contractor. Therefore, BryMak has been determined as the only source reasonably available to meet the urgent Government requirement.

5. **Procedures of FAR 13.5 were or will be used in accordance with 41 USC 1901 or the authority of 41 USC 1903 (including publicizing required justifications):** ___X___Yes _____ No

If the notice to the Governmentwide Point of Entry (GPE) will not be publicized, indicate which exception applies:

☐ **This requirement is under $25,000. No synopsis to the GPE is required. (FAR 5.101(a)(1))**

X **The following exception under FAR 5.202 applies:**

FAR 5.02(a)(2). The proposed action is urgent to ensure that all support can be brought in as soon as possible to reduce the number of infrastructure failures of critical systems around the University.

6. **Determination by the Contracting Officer that the anticipated cost/price to the Government will be fair and reasonable.**

The anticipated cost or price to the Government for the items acquired under this justification will be fair and reasonable. This determination shall be made by methods described at FAR 13.106-3(a)(2). No award will be made prior to a determination of fair and reasonable pricing by the Contracting Officer.

7. **Description of market research conducted and the results, or a statement of the reason market research was not conducted:**

Formal market research was not conducted for this requirement due to the unusual and compelling urgency of the Government's need. Due to various reasons there is an immediate risk to the maintenance and operability of mission-critical facility systems. The time required to conduct formal market research activities, such as posting a source sought notice on SAM.gov, soliciting and evaluating capability statements, and conducting a pre-solicitation conference, would further delay support and compound the risk of facility operations.

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

In the last 14 months, the Government's in-house plumbing Operations and Maintenance program has lost roughly 50% of internal support. The remaining workforce is insufficient to sustain both day-to-day reactive maintenance operations and the required preventive maintenance program.

As a direct result, the Government has been unable to complete preventive maintenance on critical building systems, including but not limited to HVAC, domestic water, sanitary waste, and medical gas systems. The growing preventative maintenance backlog accelerates equipment degradation, increases the likelihood of unplanned system failures and raises the long-term cost of deferred maintenance.

9. Listing of the sources, if any, that expressed, in writing, an interest in the acquisition:

No other sources have expressed an interest, in writing, in the proposed acquisition.

10. Statement of the actions, if any, the agency may take to remove or overcome any barrier to competition before any subsequent acquisition for the supplies or services required:

The Government will continue to monitor the marketplace to attempt to remove the current barriers due to the urgency surrounding the failing infrastructure. Any potential subsequent requirements will work toward removing the barriers to competition.

PROCUREMENT SENSITIVE INFORMATION – FOR OFFICIAL USE ONLY

Certifications

Technical/Requirements Personnel: [redacted]

As evidenced by the signature below, the technical/requirements personnel have certified that any supporting data contained herein which is their responsibility is both accurate and complete.

[redacted]

Contracting Officer: [redacted]

I hereby certify that the justification is accurate and complete to the best of my knowledge and belief, and I have determined that the anticipated cost to the Government will be fair and reasonable.

[redacted]

Signature Date

☒ Approved ☐ Disapproved

Competition Advocate: [redacted]
Small Business

☒ Approved ☐ Disapproved

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