U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333

JUSTIFICATION FOR SOLE SOURCE PROCUREMENT (OPEN MARKET OR GSA) UNDER $350,000

Sole source acquisitions may be used on a limited basis and only when the Contracting Officer's Representative (COR)/Program Official has provided sufficient justification and the Contracting Officer has determined that the circumstances warrant such action. The content for a justification must contain detailed facts and rationale to justify the sole source acquisition. Soliciting from a single source must be done in accordance with FAR 12.102, 12.201-1 or 8.401 (GSAR 538.7104-3). At a minimum, the following information must be included:

Identification of Program Office, Contracting Activity, and Proposed Requirement, Justification and Program Office Certification:

A. Program Office:

National Institute for Occupational Safety and Health (NIOSH)
Pittsburgh Mining Research Division
Building 3 Room 204
Centers for Disease Control and Prevention
Atlanta, GA CDC\NIOSH\PMRD\HHPB (HCCRJ)

B. Contracting Activity:

Centers for Disease Control and Prevention
Office of Financial Resources
Office of Acquisition Services CDC/OCOO/OFR/OAS

C. Identification of Requirement:

1. Nature of Action to be Approved by Contracting Officer:

   a. Sole source acquisition of: Sole source acquisition of Nicolet Summit X Fourier Transform Infrared (FTIR) spectrometer from Thermo Electron North America LLC.

   OR

   a. Competitive acquisition of brand name only items: Click here to enter text.

   b. Procurement Request (PR) Number (if available): [redacted]

2. Proposed Vendor and Estimated Procurement Amount (if available):

   a. Proposed Vendor: Thermo Electron North America LLC

   b. Estimated Procurement Amount: [redacted]

3. Is the requirement on GSA Schedule? ☐ Yes ☒ No

   If yes, provide schedule number: Click here to enter text.

D. Justification:

1. The justification for this non-competitive action is:

☒ In accordance with FAR 12.102, "only one source is available" in accordance with 41 USC 1901:

☐ Only one source available
☐ A brand-name product or service being required without allowing "equal" products
☒ The need for compatibility with existing systems, equipment, software, licenses, warranties, or support arrangements
☐ Unusual urgency
☐ Exclusive licensing or proprietary rights
☐ Continuity of operations
☐ *Other: [briefly describe]*

☐ In accordance with GSAM 538.7104-3 as required in FAR 8.401(b) I hereby determine that the circumstances of this acquisition deems only one source reasonably capable of providing this requirement on the basis that:

☐ The need is of such unusual urgency that following the procedures would result in unacceptable delays in fulfilling that need;
☐ Only one source is capable of providing the products, services, or solution required at the level of quality required because the products, services, or solutions are unique or highly specialized;
☐ The order should be issued on a sole source basis in the interest of economy and efficiency because it is a logical follow-on to an FSS order already issued on a competitive basis;
☐ It is necessary to place the order with a particular FSS contractor to satisfy a minimum guarantee established in the FSS BPA; or
☐ A law expressly authorizes or requires that the purchase be made from a specified source.
☐ *Other: [briefly describe]*

2. Market Research Conducted:
Market research identified several alternative FTIR instruments from other manufacturers, including Bruker (ALPHA II), PerkinElmer (Spectrum Two), and Agilent (Cary 630). While these instruments can also be used in the Rapid Quartz Analysis method, they do not meet the specific requirements of this acquisition. These alternatives do not use the Thermo-specific software platforms and cannot be used to generate Thermo-compatible data processing workflows for use with the Rapid Quartz Analysis method. The National Institute for Occupational Safety and Health has developed a macro for processing spectral data generated from Thermo FTIR instruments; however, this macro is not compatible with the updated software platform used by newer Thermo FTIR models. As a result, there is a need to develop and validate an updated macro that is compatible with the newer Thermo systems so it can be provided to stakeholders implementing Rapid Quartz Analysis with these instruments. Acquiring an FTIR instrument from a different manufacturer would not support this effort, as those systems use different software platforms and would require development of entirely separate tools and methods. This would

result in duplication of effort, increased cost, and lack of consistency with stakeholder instrumentation. Therefore, non-Thermo instruments do not meet the Government's requirement for compatibility, continuity, and support of existing and future research and stakeholder needs

3. Facts supporting sole source procurement: What can this product/service do that other products/services cannot do? The Nicolet Summit X FTIR spectrometer from Thermo Electron North America LLC is required to support the Rapid Quartz Analysis (RQA) monitoring approach developed by the National Institute for Occupational Safety and Health. This method relies on Fourier Transform Infrared spectroscopy for measurement of respirable crystalline silica in mine dust samples and is used to support mine operators in protecting workers from exposure. The Summit X FTIR is required due to compatibility with existing and future Thermo instrumentation platforms used by stakeholders implementing the RQA method. The National Institute for Occupational Safety and Health has developed data processing tools and workflows specific to Thermo FTIR systems. These tools are not compatible with newer Thermo software platforms unless updated instrumentation is available. Additionally, the program's existing Thermo FTIR instruments are legacy models that are no longer fully supported by the manufacturer and will reach end-of-life within approximately four years. Continued use of outdated instruments limits the ability to maintain method compatibility, support stakeholders, and ensure continuity of research. Acquisition of the Summit X FTIR ensures compatibility with current software, supports method development, and aligns with instrumentation being adopted by external stakeholders.

E. Program Office Certification:

I have reviewed this sole source justification and certify the justification is true and accurate to the best of my knowledge and adequate to support other than full and open competition.

Center/Institute/Office COR/Program Official Name: Jonathan Hrica

JONATHAN K. HRICA -S Digitally signed by JONATHAN K. HRICA -S
Date: 2026.06.04 10:12:40 -04'00'

Center/Institute/Office COR/Program Official Signature/Date

F. Contracting Office Certification:

I have fully relied on the information provided herein and hereby certify that this justification is accurate and complete to the best of my knowledge and belief:

Contracting Officer Name: Marie Claxton

MARIE CLAXTON -S Digitally signed by MARIE CLAXTON -S
Date: 2026.06.16 09:28:30 -04'00'

Contracting Officer Signature/Date