[redacted]

Control No: LRN-FY26-14

Contracting Officer's Determination – Limiting Competition at or below the Simplified Acquisition Threshold

1. Contracting Activity: Department of the Army, U.S. Army Corps of Engineers (USACE), Nashville District 110 9th Ave. South, Nashville, Tennessee 37203

2. Description of Action: This requirement is for the purchase and installation of two packaged water source heat pumps (WSHP) for the Old Hickory Powerhouse. The Powerhouse has two existing packaged WSHPs (AHU-1 & AHU-2) which are to be removed and replaced. This also includes the installation of two modernized 15-ton packaged air handling units with water source heat pumps. The replacement systems will utilize low-GWP, A2L-class refrigerants, integrate 30kW of auxiliary electric heating, and strictly adhere to EM 385-1-1 safety and UL 60335-2-40 standards. Executing this immediate action is vital to mitigating imminent operational risks to the facility. The total estimated value of this acquisition is approximately [redacted]

This acquisition will be awarded as a Firm-fixed priced contract. The Nashville District will solicit as an other than full and open, sole source for the procurement.

Nature: ■ New Requirement ☐ Follow-on Requirement

Contract Vehicle:
- ■ Purchase Order
- ☐ Blanket Purchase Agreement (BPA)
- ☐ Order/BPA against FSS Contract #_____ _____
- ☐ Order against Multiple Award IDIQ Contract #_____
- ☐ Order against a single award IDC Contract # _____
- ☐ Modification to existing PO/TO/DO/Call Order #_____

Pricing/Contract Type: ■ **Fixed Price** ☐ Time & Materials/Labor Hours ☐ Cost Reimbursable ☐ Hybrid

Funds:
- ■ Operations & Maintenance, Army (OMA)
- ☐ Other Funds: FY26 Civil Works

Name of Proposed Contractor(s) and Address:

[redacted]

[redacted]

[redacted]

Brand Name Buy: ☐ **Yes** ■ **No**

3. Description of Services or Supplies: This requirement is for the turn-key procurement and installation of two 15-ton packaged water source heat pump units (AHU-1 and AHU-2) at the Old Hickory Powerhouse. These supplies include 460V/3-phase units featuring a minimum 20.1 EER, low-GWP A2L-class refrigerants, and integrated 30kW auxiliary electric heaters. The procurement encompasses all necessary ancillary components, including flexible connectors, wye strainers, and mounting pads. All supplies must comply with UL 60335-2-40 and EM 385-1-1 standards. This action includes the removal of legacy units to ensure immediate restoration of critical facility environmental controls.

4. Authority:

☐ *RFO 12.102(a): For acquisitions valued at or below the simplified acquisition threshold (SAT), document the decision that only one source is available and the basis for that decision.*

Or

RFO 6.103 Competition Requirements for Other than Full and Open Competition

☐ RFO 6.103-1 Only One Responsible Source
■ RFO 6.103-2 Unusual and Compelling Urgency
☐ RFO 6.103-3 Expert Services
☐ RFO 6.103-4 International Agreement
☐ RFO 6.103-5 Authorized or Required by Statue
☐ RFO 6.103-6 National Security
☐ RFO 6.103-7 Public Interest

Or

RFO 16.507-6 Exceptions to Fair Opportunity for Orders or BPAs valued above Micro-Purchase Threshold

☐ RFO 16.507-6(b)(1) Urgency
☐ RFO 16.507-6(b)(2) Items Peculiar to One Manufacturer/Supplier (Brand Name)
☐ RFO 16.507-6(b)(3) Logical Follow-on
☐ RFO 16.507-6(b)(4) Minimum Guarantee

☐ RFO 16.507-6(b)(5) Orders Over SAT Items Peculiar to One Manufacturer/Supplier
☐ RFO 16.507-6(b)(6) Public Interest

5. Reasons for Authority Cited:

The Old Hickory Powerhouse is in need of new HVAC systems and due to a seven (7) month delay and subsequent termination of the previous contract, the employees at the Powerhouse are now at risk of performing their duties under extreme temperatures as we enter the summer season. To mitigate the potential health and wellness issues employees face while performing their duties, the Contracting Officer has determined that this situation falls under the "unusual and compelling urgency" exception for competition requirements for other than full and open competition. It is vital that the Government re-procure in the most expedient manner possible.

6. Publicizing Contract Actions: For proposed contract actions, the pre-solicitation and synopsis requirements of RFO 5.101 and RFO 5.301 ☐ do not apply due to the threshold (<$20K), ☐ apply and will be followed, or do not apply due to an exception at:

☐ RFO 5.101(b)(1)(i) Is valued at or below the simplified acquisition threshold (SAT) and the solicitation will—
(A) Be posted to the GPE in accordance with 5.201; and
(B) Permit the public to respond to the solicitation electronically;

☐ RFO 5.101(b)(1)(ii) Compromise National Security

☐ RFO 5.101(b)(1)(iii) Would result from acceptance of—
(A)An unsolicited proposal that is unique and innovative, and sharing details would reveal confidential or proprietary information or original ideas; or
(B)A proposal under the Small Business Innovation Development Act of 1982 (Pub. L. 97-219);

☐ RFO 5.101(b)(1)(iv) Is an order issued under a requirements contract, a task order contract, or a delivery order contract;

☐ RFO 5.101(b)(1)(v) Is for perishable subsistence supplies;
☐ RFO 5.101(b)(1)(vi) Is for utility services (other than telecommunications) for which only one source is available

☐ RFO 5.101(b)(1)(vii) Is for the services of an expert for use in any litigation or dispute

☒ RFO 5.101(b)(2) Using other than full and open competition (see 6.103), except for the authorities at 6.103-1 (only one responsible source) and 6.103-6 (national security)

☐ RFO 5.101(b)(3) The head of the agency determines in writing, after consulting with the Administrator for Federal Procurement Policy and the Administrator of the Small Business Administration, that advance notice is not appropriate or reasonable.

7. Requirement to Post Justification IAW RFO 6.301, RFO 16.507-6(f):

☐ RFO 6.301(a): Agency must make publicly available as required by RFO 6.104 (10 U.A.C. 3204(f) and 41 U.S.C. 3304(f)

☒ RFO 6.301(b): Agency must make publicly available within 14 days after contract award, except-

(1) Justifications under 6.103-2 must be posted within 30 days after contract award; and

(2) Justifications for brand-name descriptions under 6.103-1(d) must be posted with the solicitation (see part 5).

☐ RFO 6.301(c): Agency must make publicly available-

(1) At the Government Point of Entry (GPE);

(2) On the website of the agency, which may provide access to the justifications by linking to the GPE; and

(3) For a minimum of 30 days.

☐ RFO 6.301(d): Agency will not make publicly available due to exemption to disclosure of information contained in the Freedom of Information Act (5 U.S.C 552) and prohibitions against disclosure in RFO Part 24.

☐ RFO 6.301(e) Agency will not make publicly available due to National Security or other security risks.

8. Market Research: Market Research was conducted and is filed in the PCF cabinet.

Although Market Research data reflects sufficient small businesses being capable of competing for this acquisition, the Government has determined that the delay of seven (7) months and termination of the original contract has resulted in the unusual and compelling urgency to re-procure the HVAC units is an expedited manner. The potential negative health and wellness risks associated with employees' current working conditions inside the powerhouse and experiencing extreme heat is not a risk the Government is willing to take just to fulfill the full and open competition requirement. It is vital that the Government re-procure in the most expedient manner possible for the safety of both its people and the proper care of its equipment.

is a local small business vendor that routinely provides maintenance for the existing HVAC units at the Old Hickory Powerhouse. is a registered Small Business and is capable and willing to fulfill the re-procurement requirements. Due to the fact that is familiar with the existing HVAC units and has provided routine maintenance at the powerhouse, the Contracting Officer is confident that they can fulfill the requirements of this re-procurement.

By sole-sourcing this re-procurement, will expedite delivery and are ready to install the units immediately upon delivery. It has been determined that it is in the best interest of the Government to sole-source this re-procurement requirement to

9. Other Facts*:* N/A

10. Legal Review: I have reviewed this justification and find it adequate to support other than full and open competition.

Date

11. Technical/Requirements Certification: I certify that the supporting data under my cognizance which are included in the justification is accurate and complete to the best of my knowledge and belief.

Date

12. Contracting Officer Certification/Approval:

I hereby determine that the anticipated cost or price to the Government for this contract action will be fair and reasonable based on familiarity with the sole-source vendor and the historic reasonable pricing they have consistently provided for maintenance of the HVAC units in the past.

I certify that this justification is accurate and complete to the best of my knowledge and belief, and that completing this purchase as a sole source is in the best interest of the Government. Additionally, I approve this justification subject to the availability of funds and herein described have otherwise been authorized for acquisition.

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Control No: LRN-FY26-14

Bridget L. Passatore
Contracting Officer

Date

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