Attachment 3

DEFENSE LOGISTICS AGENCY
DISTRIBUTION
5430 MIFFLIN AVENUE
NEW CUMBERLAND, PENNSYLVANIA 17070-5008

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
TITLE: IDIQ, Single Award for Brand Name Only Toner Cartridges for DLA Enterprise.

1. IDENTIFICATION OF AGENCY AND CONTRACTING ACTIVITY:

DLA DISTRIBUTION ACQUISITION OPERATIONS (J7)
5430 MIFFLIN AVE
NEW CUMBERLAND, PA 17070-5008

Contracting Officer: [redacted]
Acquisition Specialist: [redacted]

2. NATURE/DESCRIPTION OF ACTION BEING APPROVED:

This is a Single Sole Source (Brand Name) action, that will utilize the procedures in FAR 12 and be awarded as a New, Firm Fixed Price IDIQ Award for a five (5) Year Ordering Period contract to TBD.

Expected Number of quotes/offers: More than One (1)*

3. DESCRIPTION OF SUPPLIES/SERVICES REQUIRED TO MEET AGENCY'S NEEDS:

Brand Name Only Items: Konica Minolta, Kyocera, Ricoh, Hewlett Packard (HP), Lexmark, and Xerox.
DLA Distribution Enterprise has requirements to purchase the above Brand Name Only toner cartridges to be used for documenting shipping and transportation of items for the Defense Logistics Agency Enterprise Wide. These specific brand name toner cartridges are made to function in specific printers associated with each brand listed above. The exact part numbers and estimated quantities can be found on Attachment 1 – Schedule of Supplies. The total estimated value of this requirement is [redacted] This estimated price is based on the Governments projected need over the next five (5) years and the stated yield output and quality listed for each OEM cartridge. This acquisition is being conducted under Commercial Acquisition Terms in accordance with FAR Part 12 Simplified Acquisitions Procedures for Brand Name Only items. The performance period consists of five (5), one (1) year ordering periods with a start date of September 28, 2026, through September 27, 2031.

Controlled By: DLA Distribution
CUI Category: DLA Distribution J7AF
Distribution/Dissemination Controls: FED ONLY
POC: Name: Michael Minto (717) 329-2208

4. TOTAL ESTIMATED DOLLAR VALUE OF THE ACQUISITION(S) COVERED BY THIS JUSTIFICATION:

The total estimated value of this requirement is $[redacted] Funding will be provided at the Delivery Order Level.

5. PROCUREMENT HISTORY:

This is a follow-on effort to Contract SP330021D0021. Awarded to Supplies Now (3WCJ9) for $2,990,194.00. This contract was solicited and awarded as a Small Business set aside under NAICS 325992 for Brand Name Toner Cartridges (Brands: Kyocera, Brother, HP and Xerox) DLA Enterprise Wide using FAR 13.501(a)(2) as the authority for Brand Name Justification. When procuring commercial supplies not to exceed [redacted] the Government was authorized to use simplified acquisition procedures in accordance with FAR subpart 13.5. Furthermore, the use of simplified acquisition procedures in FAR part 12 allowed the Government to use streamlined solicitation procedures as prescribed at FAR subpart 12.6. These streamlined procedures allow the Government to combine both the synopsis and solicitation in a single document. Therefore, the requirement was publicized in accordance with FAR subpart 12.603(a) providing for a combined synopsis/solicitation. This acquisition had seven (7) vendors providing quotes. DLA can expect to receive multiple-qualified vendors to provide a quote on this effort.

6. IDENTIFICATION OF STATUTORY AUTHORITY:

The statutory authority permitting other than full and open competition is:

_X_ 10 U.S.C. 2304(c)(1) or 41 U.S.C. 3304(a)(1), Only one responsible source and no other supplies or services will satisfy agency requirements *(FAR 6.103-1, DFARS/DFARS PGI 206.103-170)*

_X_ Brand Name Only *(FAR 6.103-1 (d))*

___ Brand Name or Equal *(DFARS 206.103-170 (c))*

___ 10 U.S.C. 2304(c)(2) or 41 U.S.C. 3304(a)(2), Unusual and compelling urgency *(FAR 6.103-2, DFARS/DFARS PGI 206.103-270)*

___ 10 U.S.C. 2304(c)(3) or 41 U.S.C. 3304(a)(3), Industrial mobilization; engineering, developmental, or research capability; or expert services *(FAR 6.103-3, DFARS 206.103-370)*

___ 10 U.S.C. 2304(c)(4) or 41 U.S.C. 3304(a)(4), International agreement *(FAR 6.103-4, DFARS 206.103-4)*

___ 10 U.S.C. 2304(c)(5) or 41 U.S.C. 3304(a)(5), Authorized or required by statute *(FAR 6.103-5, DFARS 206.103-5)*

___ 10 U.S.C. 2304(c)(6) or 41 U.S.C. 3304(a)(6), National security *(FAR 6.103-6)*

___ 10 U.S.C. 2304(c)(7) or 41 U.S.C. 3304(a)(7), Public Interest *(FAR 6.103-7, DFARS 206.103-7)*

7. DEMONSTRATION OF CONTRACTOR'S UNIQUE QUALIFICATIONS OR NATURE OF ACQUISITION THAT REQUIRES USE OF THE CITED AUTHORITY:

This is a brand-name requirement to acquire various quantities of toners to include (Konica Minolta, Kyocera, Ricoh, Hewlett Packard (HP), Lexmark, and Xerox) for various warehouse locations that support the DLA Distribution logistics, world-wide mission. The various toners should be OEM brand name or approved by the manufacturer to successfully and safely operate in this equipment. Use of an unapproved brand toner could severely impact the printer replenishment life cycle timeline by incurring hidden damage that is not immediately apparent

but could shorten the printers' usable life. Using the manufacturer-approved brand toners follows a formula with an expected page count per toner cartridge based on coverage. That formula is used to determine the life expectancy of the printer's maintenance kit (rebuild)/warranty based on that specific brand name toner model. Using an alternative brand could give inaccurate toner coverage, varied page expectancies per non-brand name and void the longer-term warranty coverage negotiated by DLA when the printers are procured. Finally, the use of a non-manufacturer approved toner could potentially cripple DLA's print plant operations with damaged drums or voided warranty coverage which will leave DLA with damaged printers in critical areas and no recourse for their replacement or repair. The manufacturer-approved toners are recyclable, not considered hazardous waste, and can be discarded without any extra processing of the expended toner waste cartons or shipping to an external recycling center. The use of other than the following brand name toners (Konica Minolta, Kyocera, Ricoh, Hewlett Packard (HP), Lexmark, and Xerox) will ultimately result in work stoppages, mission delays, and additional excessive expenses to the Government. These toner cartridges are needed to be used and depleted toner cartridges.

Toner Cartridges are sold as OEM (new), Clone (new but not OEM), Remanufacture (used), and Refurbished (used).

Several studies by the manufacturers as well as independent and respected third-party labs were reviewed for this determination to evaluate if Remanufactured or Refurbished toners would meet the government's needs. These studies conclude that use of non-OEM toners have led to problems with page yield, reliability, wasted pages, print quality and printer damage throughout the life cycle of cartridges.

Using OEM brand toner follows a formula with an expected page count (yield) per toner cartridge based on coverage. This formula is used to determine the life expectancy of the printer and toner coverage needed by DLA based on that specific brand name toner model. Using an alternative brand gives inaccurate toner coverage and produces varied page expectancies. This will cause a greater need in the quantity of toner produced and increasing costs to the Government. A study commissioned by Hewlett Packard (HP) with SpencerLabs Digital Color Laboratory entitled: HP LaserJet Cartridge Reliability Comparison Study – 2026 (See Limited Source Justification Attachment 1 – Spencer Lab, HP Laser Jet Cartridge Reliability Comparison Study – 2026) found the following: Testing of the Original HP toner cartridges yielded no problem cartridges, whereas all of the Remanufactured cartridges tested exhibited some type of reliability problem, such as Dead on Arrival (DOA), premature failures, and low quality. Original HP toner cartridges had no low-quality cartridges, whereas 55% of the Remanufactured cartridges were categorized as low quality. The original HP toner cartridges had no DOAs or premature failures, whereas 10% of the Remanufactured cartridges were DOA and 35% experienced Premature Failures. HP cartridges had the larger percentage of External Use Print Quality samples at 96%, whereas the tested Remanufactured brands exhibited no External Use Print Quality samples and 100% Limited Use pages (DOA, premature failure, or low quality).

A similar study conducted by Xerox with Buyers Laboratory Inc (See Limited Source Justification Attachment 2 – Comparative Performance Evaluation), found that Xerox OEM cartridges delivered up to 27% higher page yield than non-OEM cartridges. In addition, the study

found that the overall image quality from OEM cartridges was superior with better text, line art and consistency leading to less reprinting and word duplication.

Another Xerox commissioned study with SpencerLabs Digital Color Laboratory (See Limited Source Justification Attachment 3 – Xerox & Third-Party Toners – Reliability Test Report), found that over half the printers using non-Xerox toner cartridges could not complete the reliability test because the buildup of leaked toner cartridges used premature failure of critical printer components like imaging units and fusers. The use of a non-manufacturer approved toner, and supplies will cripple DLA's print plant operations with damaged drums. This would leave DLA with damaged printers in critical areas and no immediate recourse for their replacement or repair.

DLA based its estimated quantity need and projected price on the OEM yield volume. These studies suggest that using non-OEM products for this effort will increase costs for DLA with the need to procure more toner cartridges to produce the same volume and quality of printed work by an OEM product. This will lead to greater costs and waste for the Government.

The manufactures of the OEM brand toner cartridges and their resellers are the only responsible sources that can satisfy the Governments requirements without experiencing lower yield volumes, damage and poor quality products, substantial duplication of cost to the Government through reprinting that is not expected to be recovered through competition, and delays to Governmental operations (FAR 6.103-1(b). Based on the information above and using the lowest percentage stated of 27 percent reduced production per Non-OEM Carriages, this would increase the funding for this effort from [redacted] to [redacted] to produce the same quantity of printed material when using OEM products. This increase of [redacted] for this effort of non-OEM products would be financially burdensome to the Government and would not be recoverable through competition.

In an effort to identify any small business vendors who could supply "Clone" Toner Cartrideges, a Sources Sought Notice SP3300-26-SS-5004 (See Attachment 4 – Analysis of RFQ Responses) was posted to SAM on May 28, 2026 seeking information from vendors who would be able to provide quotes on Non-Refurbished, Non-OEM printer toner cartridges that will function properly and effectively in various brand named printers. Vendors were asked to provide a capability statement demonstrating the ability to perform the efforts above as well as relevant experience within the last five (5) years, including contract numbers, indication of whether a prime or subcontractor, contract value, contract type and pricing structure, Government/Agency point of contact and current telephone number, and a brief description of how the contract referenced is relevant to the scope of work described above. They were also requested to provide Technical data sheets demonstrating that the suggested Non-Refurbished, Non-OEM Printer Toner Cartridges (and the CLIN Number associated with each New, Non-Remanufactured, Non-Refurbished, Non-OEM toner cartridge) will fit the printer listed for use, be of the correct color, be New, Non-Remanufactured, Non-Refurbished, and have the same if not better yield counts. The deadline for responses was June 5, 2026. On June 5, 2026, this deadline was extended to June 9, 2026.

On June 8, 2026, this deadline was further extended to June 12, 2026, and the information being requested was updated to state the Government is seeking information on New (never been used), Non-Remanufactured, Non-Refurbished, Non-OEM Printer Toner Cartridges.

DLA received 13 vendor responses to this Sources Sought Notice. Below is the analysis of this effort.

[redacted] is a small business toner cartridge provider whose response shows an in-depth knowledge of providing toner cartridges and other printer-related items to the Federal Government and its processes with 54 years' experience. [redacted] has several GSA, FBI, TSA, IHS and NASA contracts to provide Printers and Printer Supplies to the Federal Government. [redacted] recommends that DLA only proceed with the purchase of OEM Toner Cartridges only. [redacted] outlines problems with remanufactured, refurbished and New Clone (non-remanufactured, non-refurbished, non-OEM) toner cartridges such as, performance issues, low yield quality, damage to equipment, and that Clone toner cartridges are primarily (if not exclusively) manufactured in China, and they pose multiple (serious) security, compliance, and performance risks due to computer chips inside the cartridges.

[redacted] is a small business toner cartridge provider whose response shows an interest in providing New "Clone", non-remanufactured, non-refurbished, non-OEM toner cartridges. They did not provide any information to demonstrate their previous experience in supplying the Federal Government with toner cartridges or specification sheets for the new, non-remanufactured, non-refurbished, non-OEM toner cartridges that they can offer. [redacted] did not list the brands they could provide nor supply and technical data sheets on specifications of these toners.

[redacted] Inc is a small business toner cartridge provider whose response shows an interest in providing New "Clone", non-remanufactured, non-refurbished, non-OEM toner cartridges. They state they have an in-depth knowledge of providing toner cartridges and other printer related items to the Federal Government and it processes with 25 years of experience however; [redacted] did not list any recent or relevant Federal Government contracts it has worked for Toner in the last five years. [redacted] provided specification sheets for the toner cartridge Brand "Clover". Clover provides remanufactured toner cartridges and is therefore outside the scope of the products being requested.

[redacted] is a small business toner cartridge provider whose response shows an interested in providing New "Clone", non-remanufactured, non-refurbished, non-OEM toner cartridges. They did not provide any information to demonstrate their previous experience in supplying the Federal Government with toner cartridges. [redacted] did not list the brands they could provide nor supply or technical data sheets on specifications of these toners.

[redacted] is a small business toner cartridge provider whose response shows an interest in providing New "Clone", non-remanufactured, non-refurbished, non-OEM toner cartridges. They state they have provided printer services for the United States Army but does not list corresponding contract numbers. [redacted] did not list the brands they could provide nor supply and technical data sheets on specifications of these toners.

[redacted] is a small business toner cartridge provider whose response shows an interest in providing New "Clone", non-remanufactured, non-refurbished, non-OEM toner cartridges. They have in-depth knowledge of providing toner cartridges and other printer related items to the Federal Government and DLA over the last five years. [redacted] provided specification sheets for toner cartridges from PCI. PCI is a remanufactured cartridge and is outside the scope of the products being requested.

[redacted] is a small business toner cartridge provider whose response shows an interest in providing New "Clone", non-remanufactured, non-refurbished, non-OEM toner cartridges. They stated they have an in-depth knowledge with over 12 years' experience of providing toner cartridges and other printer-related items, however; they did not list any contracts they have supported in the last five years for this effort. [redacted] provided specification sheets for ITC Brand Toner Cartridges. [redacted] stated that ITC brand toner cartridges are manufactured in the USA but also China and are Remanufactured and are therefore outside the scope of the products being requested.

[redacted] is a small business toner cartridge provider whose response shows an interest in providing New "Clone", non-remanufactured, non-refurbished, non-OEM toner cartridges. They did not provide any information to demonstrate their previous experience in supplying the Federal Government with toner cartridges. [redacted] provided specification sheets for the toner cartridges from Clover, PGI and PCI. Clover, PGI and PCI all provide Remanufactured Toner Cartridges and are therefore outside the scope of the products being requested.

[redacted] is a small business toner cartridge provider whose response shows an interest in providing New "Clone", non-remanufactured, non-refurbished, non-OEM toner cartridges. They did not provide any information to demonstrate their previous experience in supplying the Federal Government with toner cartridges. [redacted] provided specification sheets for the Toner Cartridge Brand "Clover". Clover provides Remanufactured Toner Cartridges and is therefore outside the scope of the products being requested.

[redacted] is a small business toner cartridge provider whose response shows an interested in providing New "Clone", non-remanufactured, non-refurbished, non-OEM toner cartridges. [redacted] provided relevant information on contracts they have held with the Federal Government over the last five years for toner/printer needs to include Department of State--[redacted] and DLA – [redacted] provided specification sheets for True Color Brand Toner Cartridges. [redacted] confirms that True Color Brand provides both New "Clone", as well as remanufactured non-OEM toner cartridges depending on the part being purchased but could not guarantee which products would be delivered. The specification sheets provided for True Color brand did not sufficiently show that they meet and or exceed the standard set forth for each corresponding Brand Name Toner Cartridge. This response falls outside the scope of the products being requested.

[redacted] is a small business toner cartridge provider whose response shows an interested in providing New "Clone", non-remanufactured, non-refurbished, non-OEM toner cartridges.

[redacted] did not provide any information to demonstrate their previous experience in supplying the Federal Government with toner cartridges or specification sheets for the new, non-remanufactured, non-refurbished, non-OEM toner cartridges that they can offer. [redacted] did not list the brands they could provide nor supply and technical data sheets on specifications of these toners.

[redacted] is a small business toner cartridge provider whose response shows an interested in providing New "Clone", non-remanufactured, non-refurbished, non-OEM toner cartridges however they did not provide any information to demonstrate their previous experience in suppling the Federal Government with toner cartridges or specification sheets for the new, non-remanufactured, non-refurbished, non-OEM toner cartridges that they can offer. [redacted] did not list the brands they could provide nor supply or technical data sheets on specifications of these toners.

[redacted] is a small business toner cartridge provider whose response shows an interested in providing New "Clone", non-remanufactured, non-refurbished, non-OEM toner cartridges. They did not provide any information to demonstrate their previous experience in supplying the Federal Government with toner cartridges or specification sheets for the new, non-remanufactured, non-refurbished, non-OEM toner cartridges that they can offer. [redacted] did not list the brands they could provide nor supply and technical data sheets on specifications of these toners

[redacted] response shows No SAM registration. The information they provided was not utilized for this analysis.

Based on the responses provided to RFI SP3300-26-SS-5004, these sources do not have the knowledge, experience or ability to provide New (never been used) Non-Remanufactured, Non-Refurbished, Non-OEM products that will meet the Government's needs. Recommend proceeding with the follow-on acquisition as a sole source (brand name only) requirement.

By restricting this acquisition to Brand Name Only, DLA will procure a product that will provide the proper security measures, page yield, print quality, and limit damage to existing Government

8. AGENCY ACTIONS TO TAKE TO REMOVE BARRIERS:

None

9. DESCRIPTION OF MARKET RESEARCH:

In accordance with FAR Part 10, Market Research (Market Research Report) was performed by DLA Distribution J7 to arrive at the most suitable approach for the purchase of various quantities of toners to include (Konica Minolta, Kyocera, Ricoh, Hewlett Packard (HP), Lexmark, and Xerox) for various warehouse locations that support the DLA Distribution logistics mission. The market research information establishes that the DLA Distribution Supply Ops needs for various quantities of toners to include (s: Konica Minolta, Kyocera, Ricoh, Hewlett Packard (HP), Lexmark, and Xerox) can be met through commercial marketplace availability, and that the definition of a "commercial item" at

FAR Part 2 has also been met. Therefore, solicitation and award of any resultant contract using the policies and procedures in FAR Part 12 is recommended. The market research information reveals there are several potential sources available that regularly, in the normal course of business, provide the required products to the general public and competition in the open market exists among many authorized distributors.

10. OTHER SUPPORTING FACTS:

___Explanation of why technical data packages, specifications, engineering descriptions, statements of work, or purchase descriptions suitable for full and open competition have not been developed or are not available.

_X_ When FAR 6.103-1, only one responsible source, is cited for follow-on acquisitions as described in FAR 6.103(b), an estimate of the cost to the Government that would be duplicated and how the estimate was derived *(FAR 6.103-1(c)(1))*.

_X_ When FAR 6.103-1, only one responsible source, is cited, as described in DFARS PGI 206.103-170(d), include the results of the request for information or sources sough notification, unless the requirement to post has been waived by the HCA or designee.

_X_ When FAR 6.103-1, only one responsible source is cited, indicate that the use of such descriptions (brand-name description or other purchase description to specify a particular brand-name, product, or feature of a product, peculiar to one manufacturer) in the acquisition or portion of an acquisition is essential to the Government's requirements, thereby precluding consideration of a product manufactured by another company.

___ When FAR 6.103-2, unusual and compelling urgency, is cited, provide data, estimated cost, or other rationale as to the extent and nature of the harm to the Government. Additionally, ensure the criteria associated with the circumstances identified in DFARS PGI 206.103-270 are fully addressed.

___ When FAR 6.103-6, national security, is cited, describe how disclosure of the Government's needs would compromise the national security (e.g., would violate security requirements). This authority must not be used merely because the acquisition is classified, or merely because access to classified matters will be necessary to submit a proposal or to perform the contract.

___ For non-competitive follow-on acquisitions of supplies or services previously awarded on a non-competitive basis, include a copy of the previous justification to assist the approval authority in determining whether the planned actions to remove any barriers to competition cited on the previous justification were completed.

___ Other facts supporting the justification:

11. LISTING OF SOURCES, IF ANY, THAT EXPRESSED IN WRITING AN INTEREST:

13 Vendors responded to the Sources Sought Notice SP330026SS5004. See official contract file for Sources Sought Notice SP330026SS5004 Package.
No other vendors have expressed an interest in writing, but all offers received shall be considered.

12. DETERMINATION OF FAIR AND REASONABLE PRICE/COST:

The Contracting Officer, using price analysis technique(s) at FAR Part 12, will make an affirmative fair and reasonable price determination based on total overall Lowest Price Technically Acceptable. As the Contracting Officer, by my signature below, I hereby determine that the anticipated price/cost to the Government for this contract action will be fair and reasonable.

ENDORSEMENT(S)

13. TECHNICAL/REQUIREMENTS PERSONNEL CERTIFICATION *(FAR 6.104(b):*

I certify that the facts, representations, and any supporting data under my cognizance which are included in this justification and its supporting acquisition plan *(e.g., verifying the Government's minimum needs, schedule requirements, technical rationale)* which form a basis for this justification are complete and accurate.

(Requirements originator)

[redacted]

Name *Title* *Phone* *Signature* *Date*

14. CONTRACTING OFFICER CERTIFICATION *(FAR 6.104.2(a))*

(Note: Pursuant to FAR 6.104.2(a), this certification also serves as approval for justifications not exceeding $900,000, unless a higher approval is established IAW agency procedures)

I certify that this justification, including its supporting acquisition plan, is accurate and complete to the best of my knowledge and belief.

[redacted]

Name *Title* *Phone* *Signature* *Date*

15. APPROVAL OF THE JUSTIFICATION:

(Note: If Head of the Procuring/Contracting Activity or SPE approval of the J&A is required, DLA Acquisition Letterhead as opposed to DLA Distribution Letterhead shall be utilized).

(FAR 6.104.2(a)/DFARS 206.304/DFARS PGI 206.304)

(717)770-

Name *Title* *Phone* *Signature* *Date*