JUSTIFICATION FOR EXCEPTION TO FAIR OPPORTUNITY FOR REQUIREMENTS EXCEEDING THE MICRO PURCHASE THRESHOLD BUT NOT EXCEEDING THE SIMPLIFIED ACQUISITION THRESHOLD

Any order exceeding the simplified acquisition threshold placed against a multiple award contract, including any Governmentwide acquisition contract (GWAC) that does not provide for fair opportunity (see FAR 16.505(b)(1)) must be justified in accordance with FAR 16.505(b)(2)(ii). For acquisitions exceeding the micro purchase threshold but not the simplified acquisition threshold, this template may be used for this purpose. Note that no justification is needed when fair opportunity will be restricted based on small business set-aside.

1. Identification of the agency and the contracting activity, and specific identification of the document as a "Justification for Exception to Fair Opportunity for Requirements NOT Exceeding the Simplified Acquisition Threshold".

   Contracting Activity Processing the Requirement: Office of Acquisition (FA)

   Name of Organization Originating the Requirement: OFFICE OF FORENSIC SCIENCE

   Identification Number (purchase request/solicitation number): AFT Tracking # **2026-SS-00031**

2. The nature and/or description of the action being approved (e.g., new award, modification, follow-on to previous procurement, et.al.).

   THIS IS A NEW AWARD.

3. A description of the supplies or services required to meet the agency's needs and estimated value.

   Procurement of GC-FID and GC-MS instruments for the analysis of seized drugs at the DEA Field Laboratories

   Total estimated value inclusive of all options: 300,000.00

   Period of performance or final delivery date: 6/30/2026

4.

   1. Authority: FAR 16.505 (b)(2)(ii)(A)

   2. Basis for exception to Fair Opportunity

      This is a Brand Specific requirement. Only the Original Equipment Manufacturer or an authorized reseller may bid on this requirement.

   3. If applicable, explain the justification for restricting competition: the supporting rationale, including a demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the exception cited. If the contracting officer uses the logical follow-on exception, the rationale shall describe why the relationship between the initial order and the follow-on is logical (*e.g.*, in terms of scope, period of performance, or value).

      Or:

   4. Brand Name: Item peculiar to one manufacturer: (A brand-name item, even if available on more than one contract, is an item peculiar to one manufacturer. Brand-name specifications shall not

be used unless the particular brand-name, product, or feature is essential to the Government's requirements and market research indicates other companies' similar products, or products lacking the particular feature, do not meet, or cannot be modified to meet, the agency's needs): **The DEA laboratory system has developed an analytical method for the analysis of controlled substances and determination of positional isomers utilizing an Agilent (GC-MS) systems. The method utilizing this equipment will be used across the DEA laboratory system. This brand name instrument is required to maintain standardization throughout the lab system as per DEA analysis and reporting requirements. The expense and time consumed for training all DEA Forensics Chemist would cause major delays in analysis.**

5. A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.
   A combined synopsis/solicitation for commercial items will be posted to SAM.gov as one vendor can not provide all of the requested Agilent Technologies Inc brand-name products on GSA ebuy. This solicitation shall be a ALL or NONE single firm-fixed priced (FFP) purchase order to the eligible, responsible offerer based on Lowest Price Technically Acceptable (LPTA).

6. Any other facts supporting the justification.

   Consumables are specific to the Agilent equipment being used in the laboratories. This is a Brand Name Only requirement.

7. A statement of the actions, if any, the agency may take to remove or overcome any barriers that led to the exception to fair opportunity before any subsequent acquisition for the supplies or services is made.

At this time, it is not reasonable. The cost to replace all of the DEA labs special equipment that these consumable supplies use would fair out-weigh purchasing this brand name.

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