MEMORANDUM

Subj: **USE OF OTHER THAN FULL AND OPEN COMPETITION FOR AN ACQUISITION UNDER THE SIMPLIFIED ACQUISITION THRESHOLD**

I. BACKGROUND:

1. In considering the references, FAR 13.106-1(b)(1)(i) states for purchases not exceeding the simplified acquisition threshold, Contacting Officers may solicit from one source if the Contracting Officer determines that, under the circumstances of the contract action, only one source is reasonably available (e.g., urgency, exclusive licensing, brand-name, or industrial mobilization).

2. As required by FAR 13.106-3(b)(3)(i), this memorandum explains the absence of competition for this acquisition because only one source will be solicited for this requirement (or for a portion of the requirement) and the requirement is not expected to exceed the simplified acquisition threshold.

II. DESCRIPTION OF ITEM OR SERVICE:

1. Provide a description of the item or service required, to include
PUMP, SCREW

a) the name of the required source or brand name

LESISTRITZ ADVANCED TECHNOLOGIES CORPORATION

b) the required delivery date/period of performance and

c) its intended use.

DIRECT TURNOVER, FOR REPAIR TO SCREW PUMP UNIT

2. List the source(s) or known vendor(s) who are able to provide the above described item or service.

LESISTRITZ ADVANCED TECHNOLOGIES CORPORATION

III. THE DETERMINATION FOR USE OF OTHER THAN FULL AND OPEN COMPETITION IS BASED ON THE FOLLOWING (select all that apply):

A. X Only one responsible source (select all that apply):

1. X RESTRICTIVE RIGHTS: the source has established proprietary rights, limited rights in data, patent rights, copyrights, or secret processes in the item or service.

a. Explain what is subject to the restrictive rights.
LESISTRITZ ADVANCED TECHNOLOGIES CORPORATION is the OEM as stated on the SCREW PUMP UNIT drawings. Use of the Drawing is reserved exclusively for the buyer. LESISTRITZ ADVANCED TECHNOLOGIES CORPORATION, is an authorized distributor.

b. If drawings are included, who is identified as "owning" the drawings.

LESISTRITZ ADVANCED TECHNOLOGIES CORPORATION

2. _____ EXCLUSIVE LICENSING AGREEMENTS: The item or service is only available from the Original Equipment Manufacturer (OEM), or there is **ONLY ONE** authorized distributor or technical representative for the OEM.

a. Identify the OEM and explain the circumstances surrounding why the item or service is only available from the OEM.

_____

_____

b. Identify the distributor / authorized technical representative for the item or service. Provide evidence of the exclusive licensing agreement as an attachment to this document. (***NOTE:*** *If there is more than one distributor / authorized technical representative, then use Part B – Brand Name.*)

_____

_____

3. **X** OTHER REASON:

a. _____ CRITICAL SHIP EQUIPMENT: The required item is critical ship equipment, the failure of which poses a hazard to the ship, the crew or the environment.

i. SMS Procedure Number: _____

b. **X** STANDARDIZATION / BRAND NAME: Per MSCs standardization initiative, only the specified make/model of the equipment/parts will satisfy the Government's needs for additional units or replacement items.

i. Identify Make / Model Number(s): **LESISTRITZ ADVANCED TECHNOLOGIES CORPORATION / L3NG-045/070**

ii. Identify other vessels with this Make / Model:

All EPF Class Vessels

c. **X** FORM, FIT, AND FUNCTION: Item is direct replacement parts / components for existing equipment and must be compatible in terms of form, fit, and function with existing equipment / configurations.

i. Identify Make / Model of existing equipment(s): **LESISTRITZ ADVANCED TECHNOLOGIES CORPORATION / L3NG-045/070**

ii. Describe how the equipment must be compatible with the existing configuration.

The parts requested must be compatible with our SCREW PUMP UNIT. If other parts are used that's not compatible, it could cause damage to the SCREW PUMP UNIT. Costing the vessel money and time away from the mission.

d. _____ OTHER:

_____

4. _____ UNUSUAL AND COMPELLING URGENCY: The supplies or services are of such unusual and compelling urgency that the Government would be seriously injured unless the agency is permitted to limit the number of sources from which it solicits. Urgent requirements are supplies or services that will result in work stoppage, or are mission critical and the routine processing time would injure the Government. The determination that the procurement for the above is an urgent and compelling requirement is based on the following:

a. Date on which the requirement was identified: _____

b. Required delivery date / Period of Performance: _____

c. If the difference between a. and b. is more than one week, explain the delay in submitting t he requirement.

_____

_____

d. Estimated production lead time: _____

e. Explanation of why delivery / commencement of services by the date required is needed: (explain the impact to the mission, any special circumstances or conditions, etc.)

_____

_____

_____

f. CASPER N