USE OF OTHER THAN FULL AND OPEN COMPETITION SAT

1. Identification of Agency and Contracting Activity

Naval Supply Systems Command (NAVSUP) Fleet Logistics Center (FLC) Pearl Harbor, on behalf of Commander, Navy Region Hawaii (CNRH) Regional Dispatch Center (RDC).

2. Nature and/or Description of the Action Being Approved

Request for a sole-source firm-fixed-price contract with Priority Dispatch Corp for the procurement of the renewal of the Platinum Level One Plan Maintenance Package, ProQA software licensing, and EMD training/certification support.

3. Description of Supplies/Services to Meet the Agency's Needs Including Estimated Value

The CNRH RDC requires continued software maintenance and professional certification for its emergency medical dispatch in support of 9-1-1 Public Safety Answering Point operations.

[redacted]

Is the requested material or service represents the minimum requirements of the Government Estimated Dollar? Yes

Estimated Dollar Value:

FY/Option/Ordering Period	OM&N	OPN	RDT&E
Base Period	[redacted]	0.00	0.00
Option Year 1	[redacted]	0.00	0.00
Option Year 2	[redacted]	0.00	0.00
Option Year 3	[redacted]	0.00	0.00
Option Year 4	[redacted]	0.00	0.00
Subtotals	[redacted]	0.00	0.00
		Total	[redacted]

4. Statutory Authority Permitting Other Than Full and Open Competition

41 U.S.C. 1903 as implemented by FAR 13.106-1(b)(1)(i) One Source Reasonably Available

Additional Information Regarding Statutory Authority if Applicable

Procurement Request/Solicitation/Purchase Order Number:

Control Number:

I. Background

1. FAR 13.106-1(b)(1)(i) states for purchases not exceeding the simplified acquisition threshold, Contracting Officers may solicit from one source if the Contracting Officer determines that the circumstances of the contract action deem only one source reasonably available (e.g., urgency, exclusive licensing agreements, 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, as 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

Provide a description of the item or service required, to include its intended use, the name of the required source or brand name, the estimated cost/price, and the required delivery date/period of performance

Please reference item 3 above (Description of Supplies/Services to Meet the Agency's Needs Including Estimated Value).

III. THE DETERMINATION FOR USE OF OTHER THAN FULL AND OPEN COMPETITION IS BASED ON THE FOLLOWING:

A. ONLY ONE RESPONSIBLE SOURCE Yes

1. Restrictive Rights Yes — The source has established proprietary rights, limited rights in data, patent rights, copyrights or secret processes in the item or service required.

Explain what rights are restricted, why the restrictive rights make the required item or service available from only one source, and why another company could not satisfy the Government's need.

Proprietary Software: The ProQA software is a proprietary product designed and maintained exclusively by Priority Dispatch Corp. No other vendor can provide the source code updates, patches, or 24/7 technical "Platinum Level" support required for the integrated Computer Aided Dispatch (CAD) system used by CNRH.

Certification Authority: The International Academies of Emergency Dispatch (IAED) is the standard-setting body for EMD. Priority Dispatch is the sole provider of IAED-sanctioned training materials, exams, and instructor kits required for RDC dispatchers to maintain legal and professional certification.

Operational Continuity: Switching to an alternative dispatch protocol would require a total replacement of the existing CAD software interface, resulting in significant "duplication of cost" that is not expected to be recovered through competition.

Mission Jeopardy: Without the software license renewals, the RDC would not be able to operate the current software for the RDC call takers who provide emergency medical pre-arrival instructions to the E-911 medical emergency callers, thereby jeopardizing compliance to medical protocols.

2. Exclusive Licensing Agreements No — 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.

3. Other Reasons No — Provide details on mission impact if requirement is not solicited from only one source

B. BRAND NAME No

Item required must be a brand name product, or feature of a product, particular to one manufacturer. Discuss why you are precluding consideration of a product manufactured by another company. Describe how the particular brand name, product, or feature is essential to the Government's requirements and why a "brand name or equal" purchase description cannot be used (see FAR 11.104). Describe how 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

C. UNUSUAL AND COMPELLING URGENCY No

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 bids or proposals. Urgent requirements are supplies or services that will result in a work stoppage, or are mission critical and the routine processing time would result in injury to the Government. The determination that the procurement for the above item/service is an urgent and compelling requirement is based on the following:

Discuss why you are precluding consideration of a product manufactured by another company. Describe how the particular brand name, product, or feature is essential to the Government's requirements and why a "brand name or equal" purchase description cannot be used (see FAR 11.1014). Describe how market research indicates other companies similar products and products lacking the particular feature do not meet, or cannot be modified to meet, the agency's need.

1. Date on which the requirement was first identified:

2. Required delivery date/period of performance: to

3. Explanation of why delivery/commencement of services by the date mentioned above is required: Explain the impact to the mission if the date above is not met, any special circumstances or conditions that exist which validate the requirement as "urgent," estimated production lead time for the item, etc.

4. If appropriate, include any additional pertinent information:

CERTIFICATIONS/APPROVALS:

TECHNICAL CERTIFICATION

I certify that the facts and representations under my cognizance which are included in this Exception to Fair Opportunity and its supporting acquisition planning documents, except as noted herein, are complete and accurate to the best of my knowledge and belief.

Technical Cognizance

[redacted]

I certify that the facts and representations under my cognizance which are included in this Exception to Fair Opportunity and its supporting acquisition planning documents, except as noted herein, are complete and accurate to the best of my knowledge and belief.

Requirements Cognizance

CONTRACTING OFFICER CERTIFICATION

I certify that this Exception to Fair Opportunity is accurate and complete to the best of my knowledge and belief. The Contracting Officer's signature below represents approval of this document.

Contracting Officer's Signature

[redacted]

LEVEL ABOVE CERTIFICATION

I certify that this Justification is accurate and complete to the best of my knowledge and belief. The Level Above the Contracting Officers signature below represents approval of this document.

Level Above the Contracting Officer

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

Legal Sufficiency Review

CONTRACTING ACTIVITY COMPETITION ADVOCATE REVIEW

Contracting Activity Approval

HEAD OF CONTRACTING ACTIVITY APPROVAL

Upon the basis of the above justification, I hereby approve, as Head of Contracting Activity, the solicitation of the proposed procurement described herein using other than full and open competition, pursuant to the authority of (Placeholder for US code citation)

HCA Approval