

All personnel responsible for developing, reviewing and approving a single source determination shall ensure that sound business judgment is applied in researching, documenting and approving such actions.

**SIMPLIFIED ACQUISITION PROCEDURES (SAP)
SINGLE SOURCE DETERMINATION FOR ACQUISITIONS NOT EXCEEDING THE SIMPLIFIED ACQUISITION THRESHOLD AS DEFINED IN FAR 2.101**

SOLICITATIONS MAY BE LIMITED TO ONE SOURCE ONLY IF THE CONTRACTING OFFICER (*within its warrant authority*) DETERMINES THAT ONLY ONE SOURCE IS AVAILABLE IAW FAR 13.106-1(b). THIS DETERMINATION SHALL BE SUPPORTED WITH FULL JUSTIFICATION FOR SINGLE SOURCE FROM THE CUSTOMER. THE CUSTOMER SHALL PROVIDE THE FOLLOWING INFORMATION:

QUOTE/SOLICITATION NUMBER:

ESTIMATED AMOUNT (Not exceeding \$150,000):

\$146,401.50

DESCRIPTION OF SUPPLIES OR SERVICES REQUIRED AND THE INTENDED USE: Charles R. Heckman of the Delta Consulting Group will serve as an expert witness to support the Navy's defense in the Appeal of Ameresco Select, Inc.,

UNIQUE CHARACTERISTICS THAT LIMIT AVAILABILITY TO ONLY ONE SOURCE, WITH THE REASON NO OTHER SUPPLIES OR SERVICES CAN BE USED: In accordance with the Armed Services Board of Contract Appeals (ASBCA) Rules and Rule 26(b)(4) of the Federal Rules of Civil Procedure (FRCP), these services are essential in defending an appeal filed at the ASBCA and are required to assist and advise the Navy's counsel on matters in litigation.

REASON THAT SUGGESTED SOURCE IS THE ONLY SOURCE WHICH CAN PROVIDE THE SUPPLIES OR SERVICES:

(WHEN THE CUSTOMER DESCRIBES AN ITEM WITH A PURCHASE DESCRIPTION THAT LIMITS THE AVAILABILITY TO ONE SOURCE, THE JUSTIFICATION MUST EXPLAIN WHY THE ITEM IS THE ONLY ONE THAT WILL MEET THE GOVERNMENT'S REQUIREMENT. STATEMENTS SUCH AS "ONLY KNOWN SOURCE" OR "ONLY SOURCE WHICH CAN MEET THE REQUIRED DELIVERY DATE" ARE INADEQUATE TO SUPPORT A SOLE SOURCE PURCHASE.) Full and open competition need not be provided when it is necessary to award the contract to a particular source or sources in order to acquire the services of an expert or neutral person for any current or anticipated litigation or dispute as stated in FAR 6.302-3(a)(2)(iii) for expert services. The Naval Litigation Office (NLO) has identified Charles R. Heckman of the Delta Consulting Group to support the Navy in its defense in the Appeal of Ameresco Select, Inc. Mr. Heckman is very familiar with delay claims, NAVFAC procedures, and critical path method (CPM) scheduling, and has performed numerous analyses of a similar nature. He also has significant experience in testifying before the Armed Services Board of Contract Appeals and other various forums.

EXPLAIN WHY AN ADEQUATE PURCHASE DESCRIPTION OR OTHER INFORMATION SUITABLE TO SOLICIT BY FULL AND OPEN COMPETITION HAS NOT BEEN DEVELOPED OR IS NOT AVAILABLE: The statutory authority permitting other than full and open competition is stated in 10 U.S.C. 2304(c)(3) and 41 U.S.C. 253(c)(3).

PROVIDE A STATEMENT OF ACTIONS, IF ANY, THE GOVERNMENT MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS TO COMPETITION BEFORE FUTURE ACQUISITIONS ARE REQUIRED: Full and open competition is not required for the acquisition of expert or neutral witnesses. All requirements will be handled on a case-by-case basis in the future.

I certify that the statements above are complete and correct to the best of my knowledge.

SIGNATURE, TITLE OF CUSTOMER and ACTIVITY

Pamela J. Nestell
Pamela J. Nestell, Sr Trial Attorney, Naval Litigation Office

CODE

OGC, NLO

TELEPHONE NUMBER

202-685-2136

DATE

08/26/2015

REVIEWED BY PURCHASING AGENT/CONTRACT SPECIALIST

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c=BOADO.ROXAN.CHICANO.1178686530
Date: 2015.08.28 15:28:19 -0700

CODE

ACQ71

TELEPHONE NUMBER

805-982-2740

DATE

08/28/2015

APPROVED BY WARRANTED CONTRACTING OFFICER

TORRES.LYNN.M.1231396647

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DN: cn=US, o=U.S. Government, ou=OSD, ou=PKI, ou=USN, cn=TORRES.LYNN.M.1231396647
Date: 2015.08.29 06:12:08 -0700

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