



DEPARTMENT OF THE NAVY
NAVSUP FLEET LOGISTICS CENTER NORFOLK
1968 GILBERT STREET - SUITE 600
NORFOLK, VIRGINIA 23511-3392

IN REPLY REFER TO:
230
30 July 2015
J&A Number: 15757

**JUSTIFICATION AND APPROVAL
FOR OTHER THAN FULL AND OPEN COMPETITION**

1. IDENTIFICATION OF AGENCY AND CONTRACTING ACTIVITY:

This requirement is in support of the Commander, Naval Surface Force U.S. Atlantic Fleet. The contracting activity is the Naval Supply Systems Command (NAVSUP) Fleet Logistics Center Norfolk (FLCN), Norfolk, Virginia.

2. DESCRIPTION OF THE ACTION BEING APPROVED:

Award of a firm-fixed-price contract on a brand name basis for Emerson Network Power, Liebert Services, Inc. uninterruptable power supply (UPS) batteries and technical representative services in support of maintenance services on Emerson Network Power, Liebert Services, Inc. UPS and high-volume air conditioning (HVAC) equipment. This estimated value of this award is [REDACTED] for three new UPS batteries plus maintenance services for a base period of one (1) year and four (4) one-year option periods.

3. DESCRIPTION OF SUPPLIES/SERVICES:

Commander, Naval Surface Force U.S. Atlantic Fleet requires the Original Equipment Manufacturer (OEM), Emerson Network Power, Liebert Services, Inc., or an OEM authorized reseller and service provider to provide three (3) new UPS batteries and maintenance services for the Emerson Network Power, Liebert Services, Inc. UPS and HVAC equipment. The equipment is located in Building D-29 on 1751 Morris Street, Norfolk, VA.

4. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION:

This acquisition will be negotiated pursuant to 10 USC 2304(c)(1), Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements, as implemented by Federal Acquisition Regulation (FAR) 6.302-1. The statutory authority for commercial procurements greater than \$150,000.00 will be Section 4204 of the Clinger Cohen Act of 1996 as implemented by Federal Acquisition Regulation (FAR) Part 13.501(a).

5. RATIONALE JUSTIFYING USE OF CITED AUTHORITY:

The OEM of the UPS and HVAC equipment is Emerson Network Power, Liebert Services, Inc. Proper maintenance of the equipment is critical to the operation of the building's power supply as the uninterruptable power supply provides emergency power to a load when the input power source fails. OEM parts and technical services from the original manufacturer or authorized reseller and service provider are required to ensure reliability and maintenance of equipment, therefore precluding consideration of a product manufactured by another company or services provided by other than OEM authorized technicians. The engineering and technical characteristics for the manufacturer of equipment and maintenance of equipment are propriety to Emerson Network Power, Liebert Services, Inc.

Commander, Naval Surface Force U.S. Atlantic Fleet does not have the manufacturing and technical information required to evaluate and determine whether non-OEM components and replacement parts offered, as well as maintenance services, are equivalent to the OEM components and replacement parts and maintenance services. OEM representatives have access to provide parts and technical data from the original manufacturer, as required to properly repair and maintain the equipment. Maintenance services provided by Emerson Network Power, Liebert Services, Inc. or authorized resellers and service providers are the only authorized services available for the UPS, HVAC system, power distribution, and site monitoring products.

6. DESCRIPTION OF EFFORTS MADE TO SOLICIT OFFERS FROM AS MANY OFFERORS AS PRACTICABLE:

In accordance with FAR Part 10, market research has been conducted for this requirement. Efforts to identify potential sources of supply consisted of using the Navy Electronic Business Opportunities (NECO) to issue a Sources Sought Notice on 19 June 2015. The Notice requested responses from interested sources who are authorized Emerson Network Power, Liebert Services, Inc. resellers and service providers. Two (2) firms submitted capability statements in response to the Sources Sought Notice. The results of the market research indicate that there is market interest in this requirement among Emerson Network Power, Liebert Services, Inc. authorized resellers and service providers. Based on the above, it is reasonably anticipated that significant competition will be obtained for this procurement effort.

7. **DETERMINATION OF FAIR AND REASONABLE COST:**

The Contracting Officer will determine the price for the supplies and services is fair and reasonable pursuant to FAR Part 13.106-3.

8. **ACTIONS TO REMOVE BARRIERS TO FUTURE COMPETITION:**

For reasons set forth in Paragraph 5, brand name Emerson Network Power, Liebert Services, Inc. uninterruptable power supply (UPS) batteries and technical representative services in support of maintenance services on Emerson Network Power, Liebert Services, Inc. UPS and high-volume air conditioning (HVAC) equipment are required. This requirement will be produced on an Other Than Full and Open Competition basis in accordance with FAR 6.302-1.

9. **CONTRACT POINT OF CONTACT:**

The point of contact at NAVSUP Fleet Logistics Center Norfolk is Ms. Kate Petti, Code 230, at (757) 443-1618 or by e-mail at kate.petti@navy.mil.

