

Date: 9/11/2026

PR Number: 20153350

**JUSTIFICATION AND APPROVAL FOR OTHER
THAN FULL AND OPEN COMPETITION
Simplified Procedures for Commercial Products and Services
41 U.S.C. 1901**

1. Agency and Contracting Activity.

The U.S. Department of Homeland Security, U.S. Customs and Border Protection, Office of Acquisition proposes to enter into a contract modification on a basis other than full and open competition using simplified procedures in accordance with Federal Acquisition Regulation (FAR) 12.201-1, FAR Class Deviation 25-21 R1 for FAR Part 12, and 41 U.S.C. 1901.¹

2. Nature and/or description of the action being approved.

(a) Nature of action. CBP intends to modify a current Purchase Order 70B06C25P00000120 on an other than full and open competition basis for the continued ability to fingerprint finished cotton products for determination of geographic origin in accordance with 19 USC 1307.

(b) Name and address of the contractor. ORITAIN USA INC. 120 I Street Northwest, Suite 850, Washington DC 20005-6008

(c) Contract type. Firm Fixed Price

(d) Estimated total value and period of performance, including options.

<u>Period</u>	<u>Months</u>	<u>Total</u>
Base Period	12 mo.	[REDACTED]
Option Period 1	6 mo.	
Option Period 2 (NEW)	8 mo.	
Total (NEW)		\$ [REDACTED]

(e) Type of funding. Operations and Support funds.

(f) Year of funding. Fiscal Year 2026.

(g) Solicitation number. 70B04C26R00000164

3. Description of Supplies/Services.

CBP/LSS is seeking services for light element stable isotopic fingerprinting of cotton for determination of geographic origin. CBP/LSS requires a service provider who has the capability to enable CBP to isotopically fingerprint cotton, compare analytical data against a global

¹ In this document, citations to RFO Parts 5, 10, 12, and 25 are citations specifically to FAR Class Deviation 25-17 for FAR Part 5, FAR Class Deviation 25-06 for FAR Part 10, FAR Class Deviation 25-21 R1 for FAR Part 12, and FAR Class Deviation 26-09 R1 for FAR Part 25, which were issued as part of the Revolutionary FAR Overhaul (RFO), implemented in response to Executive Order 14275, *Restoring Common Sense to Federal Procurement*, signed April 15, 2025.

reference database/library, and ascertain the region or country of origin, as appropriate, to assist CBP/LSS and CBP in detecting illegal goods, as well as provide technical support in this effort.

CBP/LSS has built an internal capability for analyzing finished cotton goods for geographical attribution by Isotope Ratio Mass Spectrometry (IRMS) analysis. CBP/LSS is seeking services for specialized IRMS testing methods, IRMS analytical training, access to validated statistical models, and access to a global reference database/library of known cotton to include regions subject to forced labor and other trade priority issues.

4. Identification of Statutory Authority Permitting Other Than Full and Open Competition.

The statutory authority permitting other than full and open competition is 41 U.S.C. 1901. This acquisition is using simplified procedures as authorized and implemented by RFO 12.102(b).

5. Identification of Exception to the Buy American Statute.

Not applicable, there is no exception to the Buy American Statute for this procurement.

6. Demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires restricting competition.

A competitive solicitation was released to small business vendors identified through the market research report on August 31, 2026. Solicitation amendments were released to these vendors on September 4, 2026, and September 8, 2026. Proposals were due to the Government by 5pm ET September 14, 2026. A solicitation protest challenging the RFP's NAICS code was received by a interested party on September 9, 2026. Official notification from the Small Business Administration (SBA) / Office of Hearings and Appeals (OHA) was received September 11, 2026, (Docket No. NAICS-2026-09-09-322) notifying the procuring contracting officer to issue a stay in solicitation pending resolution of the NAICS code appeal notice. This resolution is not expected until September 28, 2026. As of September 11, 2026, the contracting officer is in coordination with the CBP Office of Chief Counsel and is awaiting the SBA/OHA response.

No alternative to authorizing continued service under the current purchase order exists. The current competitive procurement is under a stay pursuant to Docket No. NAICS-2026-09-09-322; no action on the competitive solicitation can occur until resolution by the SBA/OHA. A separate competitive procurement would not be admissible as the underlying issues of the initial protest have not yet been resolved or deemed frivolous. The only available course of action for services to continue while the protest is resolved by the SBA/OHA is to issue a modification to the current purchase order for a period of up to eight months.

If this J&A were not approved, the purchase order would expire September 16, 2026. The ability to inspect and test the geographic origin of imported cotton would be severely diminished. This would run CBP out of compliance with numerous regulations, to include the Uyghur Forced Labor Prevention Act of 2021, the CBP Withhold Release Order against cotton products produced in the Xinjiang Uyghur Autonomous Region (XUAR), and 19 USC 1307. This J&A will allow

for continuation of mission-critical services for the Office of Trade while the solicitation protest is reviewed by the SBA/OHA and a decision is made for the follow-on competitive procurement.

7. Description of efforts made to ensure that quotations are solicited from as many potential sources as is practicable.

An announcement of the proposed contract action will be posting in SAM.gov no later than September 17, 2026.

8. Determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.

The contracting officer determines that the anticipated price will be fair and reasonable based on prior acquisition history and through comparison of the independent government cost estimate.

9. Description of market research.

In accordance with RFO Part 10, market research has been continuously performed for this requirement from 2020 and was last updated in the winter of 2026. Market research primarily relied on email or phone conversations with previously identified vendors within the testing of cotton for provenance environment, CBP IRMS subject matter experts, and industry professionals. This information, along with a previous RFI posted in November 2024 (Notice ID: 20140606) indicated three small businesses capable of providing these services to the Government. As discussed in section six above, the intent for this requirement was to solicit in accordance with FAR Part 13 procedures to the small business vendors identified in the market research report. The pre-solicitation NAICS protest has dictated the need to issue a modification to the current purchase order to ensure no lapse in service while the protest is decided by the SBA/OHA.

10. Any other facts supporting the use of other than full and open competition.

None.

11. A listing of the sources, if any, that expressed, in writing, an interest in the acquisition.

Interested parties of the competitive procurement have been notified of the stay in solicitation pending SBA/OHA outcome.

12. A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for supplies or services required.

This justification is issued for the purposes of continuing use of the Cotton IRMS while the SBA/OHA reviews and announces a decision on the solicitation NAICS Protest. This decision is not expected until September 28, 2026, past the current period of performance of the contract. This J&A is to allow for continued services while either a protest dismissal or corrective action to the solicitation can occur. It should be noted that one potential outcome for the NAICS protest is to cancel said solicitation and resolicit in Fiscal Year 2027.

13. Contracting Officer Certification. I certify that this justification is accurate and complete to the best of my knowledge and belief, and legal review was obtained when required based on dollar value.

MARY W CARSON

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CARSON

Date: 2026.09.11 18:47:23 -04'00'

Contracting Officer

Date



APPROVAL:

MARY W CARSON

Digitally signed by MARY W CARSON
Date: 2026.09.14 07:58:02 -04'00'

Contracting Officer

Date

