

JUSTIFICATION FOR AN EXCEPTION FAIR OPPORTUNITY

Upon the basis of the following justification, I, [REDACTED] Contracting Officer of Military Sealift Command, hereby approve the Exception to Fair Opportunity pursuant to FAR 16.507-6.

JUSTIFICATION

1. Agency and Contracting Activity. Department of the Navy, Military Sealift Command.
2. Nature/Description of Action. This is a fair opportunity exception to place an order with Everllence Middle East and Africa, LLC, under contract number N3220526D1008 utilizing the [Diesel Engine Support Services] Multiple Award Contract (N3220526D1008/1010).
3. Description of Supplies/Services. The purpose of this requirement is to complete an End-of-Life study for [REDACTED] which will provide MSC with the necessary data to reach an informed decision regarding diminishing manufacturing sources and material shortages related to the 48/60A engine. The anticipated value of this requirement is [REDACTED]
4. Identification of the Exception to Fair Opportunity.

Identification/Justification for Exception:

- ☐ FAR 16.507-6(b)(1) The agency's need for services is of such urgency that providing fair opportunity would result in unacceptable delays.
- ☒ FAR 16.507-6(b)(2) Only one such awardee is capable of providing such services at the level of quality required because the services ordered are unique or highly specialized.

Everllence is the only manufacturing source available for the 48/60A and 51/60R engines on the diesel engine IDIQ. Everllence maintains and owns the design rights as the Original Equipment Manufacturer (OEM), and they own and maintain and own all the proprietary engineering data to perform a life-study assessment for these engines. There is no other source that can supply this proprietary data. Therefore, they are the only capable entity of providing the information required to complete this engineering assessment.

- ☐ FAR 16.507-6(b)(3) The order must be issued on a sole-source basis in the interest of economy and efficiency as a logical follow-on to an order already issued under the MAC, provided that all the awardees were given fair opportunity to be considered for the original order.
- ☐ FAR 16.507-6(b)(4) It is necessary to place an order to satisfy a minimum guarantee.
- ☐ FAR 16.507-6(b)(5) For orders exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source.
- ☐ FAR 16.507-6(b)(6) The order satisfies one of the exceptions permitting the use of other than full and open competition listed in FAR 6.103 (10 U.S.C. 3406(c)(5)). The public interest exception shall not be used unless Congress is notified in accordance with 10 U.S.C. 3204(a)(7).

5. Determination of Fair and Reasonable Cost. The Contracting Officer has determined the anticipated cost to the Government of the supplies/services covered by this justification will be fair and reasonable. A price analysis with supporting fair and reasonable information will be documented with the contract file.

6. Any Other Facts Supporting the Justification. N/A

7. Actions Taken to Remove or Overcome Barriers that Led to the Exception to Fair Opportunity. For the reasons set forth in Paragraph 4, MSC has no plans at this time to compete future contracts for the types of services covered by this document, and there are no actions planned to remove or overcome the brand name requirement. If another potential source emerges, MSC will assess whether competition for future requirements is feasible.

TECHNICAL AND REQUIREMENTS CERTIFICATION

I certify that the facts and representations under my cognizance, which are included in this justification, and which form a basis for this justification are complete and accurate.

