JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN COMPETITION (OVERSEAS CONTRACTING ACTIVITIES)

1. I recommend that Embassy Panama City use other than full and open competition for the acquisition of **250HP SUZUKI OUTBOARD MOTOR ACCESSORIES**. The estimated cost is **$32,960.00**.

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

Embassy Panama INL seeks approval to procure the above-described boat motor parts, partially limiting competition to those companies that can provide the brand "SUZUKI," which is the only acceptable brand that is compatible with the current boat engines.

The purchase is part of Embassy Panama INL’s Maritime/Riverine Strategy and Capacity Building “Long-term Boat Maintenance Program” and is required to allow the Government of Panama’s National Border Service (SENAFRONT) to repair multiple Suzuki engines on boats in the Panama Joint Maritime Force.

Proprietary SUZUKI replacement parts are the only replacement parts that can be used with these engines without replacing the entire engines.

3. A description of the supplies or services required to meet the agency’s needs.

The specific commodities to be procured are:

- Four (4) Suzuki Outboard DF 250HP right lower transmission unit 25" inches long, BLACK (Part # 50040-93838-YAY)
- Two (2) Suzuki Outboard DF 250HP left lower transmission unit 30" inches long, BLACK (Part # 50060-93828-YAY)
- Eight (8) 250HP Suzuki outboard motor propellers right rotation model and pitch 3x16x20 (Part # 58700-93L21-000)
- Four (4) 250HP Suzuki outboard motor propellers left rotation model and pitch 3x16x20 (Part # 58800-93L20-000)

4. An identification of the statutory authority permitting other than full and open competition.

This request is submitted based on the following statutory authorities:
14 FAH-2 H-225.1 (5)" ... Use of a "brand name" or other type of purchase description to specify a particular brand name, product, or product feature peculiar to one manufacturer does not provide for open competition regardless of the number of sources solicited .. "

FAR Part 6.302-1 (c) (1) (i) (A)" ... Application for brand name descriptions. c) Application for brand name descriptions. (1) An acquisition or portion of an acquisition that uses a brand-name description or other purchase description to specify a brand-name, product, or feature of a product, peculiar to one manufacturer -(i) Does not provide for full and open competition, regardless of the number of sources
solicited; ... (A) if only a portion of the acquisition is for a brand-name product or item ..”

5. A demonstration that the proposed contractor’s unique qualifications or the nature of the acquisition requires use of the authority cited (for sole source acquisitions; also required for unusual and compelling urgency where more than one offer will not be solicited).

There is no proposed contractor in this request. The contract will be awarded to the vendor that submits the lowest-price technically acceptable (LPTA) offer in response to a solicitation.

6. A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable. The description should include whether a sam.gov notice was or will be publicized, as required by FAR 5.2, and if not, which exception under FAR 5.202 applies (e.g., blanket waiver provided in DOSAR 605.202-70).

A solicitation will be publicized with an invitation to a minimum of three (3) vendors and following all guidelines required for brand name use.

7. A determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.

We anticipate fair and reasonable cost as it will be competed among all interested vendors that sell the brand name SUZUKI.

8. A description of the market survey conducted and the results or a statement of the reasons a market survey was not conducted.

The Embassy Panama INL Procurement Unit conducted market research to identify available sources and price reasonability from the direct brand name company as well as national and international distributors.

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

N/A

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

None, as no solicitation has been posted.

11. A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required.
As explained above, because of the restricted installed engine, the use of the brand name cannot be overcome in future competitions. This J&A form will be published with the solicitation in accordance with FAR Section 13.501 (a)(l)(iv)
" ... Sole source (including brand name) acquisitions ... conducted under simplified acquisition procedures are exempt from the requirements in part 6. However, contracting officers must ... make publicly available brand name justifications with the solicitation ... "

CERTIFICATIONS

I certify that this justification is accurate and contains complete data necessary to support the recommendation for other than full and open competition.

__________________________  ____________________________
Date                      Name                          

Requirements Office

I certify that this submission is accurate, and that it contains complete information necessary to enable other officials to make an informed recommendation for approval or disapproval.

__________________________  ____________________________
Date                      Name                          

Contracting Officer