

Justification And Approval for Other Than Full and Open Competition

RFQ 9RB1022Q0684

Reference DOSAR 606.303-2

1. I recommend that the Department of State use other than full and open competition for an Apple iPad device. The approximate cost is \$1,600

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

Acquisition of an Apple iPad which needs to be interoperable with existing Apple equipment installed at the American Corners in Serbia.

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

Apple iPad 256 GB, WiFi

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

41 U.S.C. 253 (c) (2), FAR 6.302-2; Unusual and Compelling Urgency; (Based on the available time and urgency of the requirement as detailed below)

41 U.S.C 253 (c) (1), FAR 6-302-1; Only One Responsible Source and No Other Supplies or Services will Satisfy Agency Requirements; (Based on limitations to competition because of unique security and other requirements detailed below)

FAR 13.106-1(b)(1) Soliciting competition - 1) For purchases not exceeding the simplified acquisition threshold Contracting Officers may solicit from one source if the Contracting Officer determines that the circumstances of the contract action deem only one source reasonably available (e.g., urgency, exclusive licensing agreements, brand-name or industrial mobilization).

The American Corners use certain Apple equipment to implement programs which use their proprietary operating system Apple OS) which is incompatible with other operating systems (Windows, Linux, Android, etc.). Any additional equipment which must interface with their existing Apple equipment must be manufactured by Apple and use their proprietary/compatible operating system (OS).

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

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required for unusual and compelling urgency where more than one offer will not be solicited).

The proposed contractor is the only manufacturer utilizing the Apple OS operating system.

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 FedBizOpps 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 FedBizOpps notice was not publicized because the value of the purchase order is below the WTO threshold and in accordance with the blanket waiver provided in DOSAR 605.202-70.

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

Fair and reasonable will be determined through competition.

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

The requirement will be competed in accordance with the FAR.

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

None.

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

None.

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.

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CERTIFICATIONS

I certify that the information in this justification is accurate and complete to the best of my knowledge and belief.

7/26/2022

Date:



Philip Beekman
PAO

I certify that this justification is accurate and complete to the best of my knowledge and belief. Based on my assessment, I conclude that other than full and open competition is justified, and the proposed price is fair and reasonable.

26 JUL 2022

Date:



Contracting Officer