



*Note: This MFR is only applicable to acquisitions under the Simplified Acquisition Threshold. Acquisitions using FAR Subpart 13.5 shall follow the special documentation requirements at FAR 13.501.*



## **MEMORANDUM FOR RECORD**

**SUBJECT:** Use of a Single Source below the Simplified Acquisition Threshold (SAT)

### **I. BACKGROUND**

- A. FAR 13.106-1(b)(1)(i) states 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).
- B. As required by FAR 13.106-3(b)(3)(i), this memorandum explains the absence of competition for this acquisition, as only one source will be solicited for this requirement (or for a portion of the requirement) and the requirement is not expected to exceed the simplified acquisition threshold.

### **II. DESCRIPTION OF THE SUPPLIES/SERVICES REQUIRED**

*This requirement is for cubicle reconfiguration and installation services for Building 50 located at Scott Air Force Base, Illinois.*

*CLIN 0001 - Cubicle Reconfiguration & Installation Services; Qty 1 Lot*

*The 375th Contracting Squadron (375 CONS) front office is requesting the reconfiguration of its cubicle furniture and the addition of 15 cubicles in Building 50. This need is a result of the combination of 375 CONS personnel from Buildings 52 and 50 merging into Building 50. This merge resulted in the addition of another 25+ individuals in Building 50. Previously Building 50 was shared with 375 CONS PKB flight, NAIL Union personnel, and the building was also used as swing space. The building will now be utilized solely by 375 CONS; therefore, resulting in the need for additional cubicles to house personnel. There are currently 35 cubicles in place, which will need to be moved to make room for the additional 15 cubicles needed. The new cubicles will be the same, to match the existing cubicles installed in 2020, and will be the same size.*

*The requested delivery date is No Later Than (NLT) 12 weeks After Date of Contract (ADC).*

### **III. RATIONALE FOR SOLICITING FROM A SINGLE SOURCE OR BRAND NAME (select all that apply):**

A. ONLY ONE RESPONSIBLE SOURCE (select all that apply):

1. RESTRICTIVE RIGHTS

The source has established proprietary rights, limited rights in data, patent rights, copyrights or secret processes in the item or service required.

2. EXCLUSIVE LICENSING AGREEMENTS

The item or service is only available from the Original Equipment Manufacturer (OEM), or there is only one authorized distributor or technical representative for the OEM.

3. BRAND NAME

Item required must be a brand name product, or feature of a product, particular to one manufacturer.

4. OTHER REASONS

*Allsteel furniture is unique in design, and finish, which is needed to exactly match current existing 375 CONS furniture in Building 50. No other manufacturer's cubicle finishes are compatible with the Allsteel furniture. This new furniture will integrate with the*



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*existing furniture and only Allsteel brand furniture will be compatible with parts and assembly with the existing.*

*Henricksen installed the current office configuration for Building 50 under contract number FA440718FM034 [REDACTED] specific to the 375 CONS work space. Due to the system configuration that is already in place and the materials being reconfigured, only Henricksen could perform the tasks required of the reconfiguration as outlined in the Statement of Work (SOW). However, in order not to bypass the Department of Defense (DoD) mandatory source (UNICOR), the Contracting Officer on 17 August 2022 reached out to the Government representative for confirmation they cannot perform the work required. Per Ms. Natalie Beck, the UNICOR Representative, since this requirement is a system reconfiguration, only the original installer can work on it; no other furniture company including UNICOR can work this acquisition. Additionally, she said that the industry standard is that the initial installer does all the follow-on work, thus confirming that Henricksen is the only vendor who can satisfy this requirement.*

*Additionally, the cost to build new office configurations rather than rearranging and adding to the current system would be \$157,000. This cost is not expected to be recovered through competition should another vendor be awarded the reconfiguration and replacement of all current assets.*

*In order to ensure the price to the Government is fair and reasonable, the CO will use the price analysis technique described at FAR 15.404-1(b)(2)(ii), Comparison of the proposed prices to historical prices paid, whether by the Government or other than the Government, for the same or similar items. The CO will compare the initial/current install under FA440718FM034 as the basis for comparison. Since three years has passed since the original installation, the CO will adjust the prior price to account for inflation, COVID-19 supply chain issues, quantity/material differences etc, to ensure a valid and complete comparison is conducted.*

*Internet searches indicate that no other manufacturer's products match the existing 375 CONS cubicles in Building 50. However, prior to the next procurement for cubicle furniture, the Government will assess whether another company can do the work or if it is time for a replacement system.*

**B. UNUSUAL AND COMPELLING URGENCY.**

The supplies or services are of such unusual and compelling urgency that the Government would be seriously injured unless the agency is permitted to limit the number of sources from which it solicits bids or proposals. Urgent requirements are supplies or services that will result in a work stoppage, or are mission critical and the routine processing time would result in injury to the Government. The determination that the procurement for the above item/service is an urgent and compelling requirement is based on the following:

1. Date on which the requirement was first identified.
2. Required delivery date/period of performance.
3. Explanation of why delivery/commencement of services by the date mentioned above is required:
  
4. If appropriate, include any additional pertinent information.

#### **IV. CONTRACTING OFFICER'S DETERMINATION**

I have determined, in accordance with FAR 13.106-1(b)(1), that the circumstances of this contract action deem only a single source is reasonably available.

Refer to [FAR 5.102\(a\)\(6\)](#) for the requirement to post the brand-name justification or documentation.



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<b>Typed Name and Rank/Grade of Contracting Officer</b> CARLEEN R. CLINGER, SSgt, USAF 375 CONS/PKB2 618-256-9260 Carleen.clinger@us.af.mil	<b>Signature of Contracting Officer</b> [Redacted Signature] [Redacted Name]
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