FORM CD-492
(REV. 12-15) OAM

U.S. DEPARTMENT OF COMMERCE

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

I recommend that the Department of Commerce negotiate only with Kurt J. Lesker Company

(Proposed Contractor(s))

for purchase of three (3) Torus MagKeeper 4" sputter guns with dome shutters.

(Description of Supplies or Services)

Requisition No. NB687010-17-02264 **Cost Estimate**

(Include basic contract period and all options or total systems life costs)

Requesting Activity Boulder MicroFabrication Facility **Contracting Activity** Acquisitions Management Division (AMD), Team E

CERTIFICATION REQUIREMENTS

I certify that the attached narrative justification is accurate and contains complete data necessary to support the recommendation for other than full and open competition.
The requisitioner further certifies that the attached narrative justification verifies the Government's minimum needs or schedule requirements and any rationale used to justify other than full and open competition procedures.

Requisitioner (Name and Title)	hone No.	Date
		01/24/2017

Before requesting this acquisition, state the statutory authority for conducting this acquisition under "other than full and open competition" procedures in the following blank 41 USC 3304(a)(1) (use only one statutory authority). Also provide a narrative justification to this form. In accordance with FAR Subpart 6.3, the narrative justification must include the facts necessary to reasonably and legitimately lead to the use of the specific authority for other than full and open competition; including adequate information on the nature and/or description of the action being approved and a description of the supplies or services required to meet the agency's needs.

Use of this form is optional when: the justification contains all information required by FAR 6.303-2, is certified by the requisitioner and contracting officer and is approved at the appropriate levels.

STATUTORY AUTHORITY

41 USC 3304(a)(1) - Only one responsible source and no other supplies or services will satisfy agency requirements.

The supplies or services required by the agency are available from only one responsible source and no other type of supplies or services will satisfy agency requirements.

41 USC 3304(a)(2) - Unusual & compelling urgency

The agency's need for the supplies or services is of such an 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. (NOTE: This authority will not be approved if it is determined that the urgency is due to a lack of advance planning by the requiring activity. Solicitation from as many potential sources as is practicable under the circumstances is required.)

41 USC 3304(a)(3) - Industrial mobilization; engineering, developmental, or research capability; or expert services

It is necessary to award the contract to a particular source or sources in order (a) to maintain a facility, producer, manufacturer, or other supplier available for furnishing supplies or services in case of a national emergency or to achieve industrial mobilization; (b) to establish or maintain an essential engineering, research, or development capability to be provided by an educational or other nonprofit institution or a federally funded research and development center; or (c) to acquire the services of an expert or neutral person for any current or anticipated litigation or dispute.

41 USC 3304(a)(4) - International agreement

The terms of an international agreement or a treaty between the United States and a foreign government or international organization, or the written directions of a foreign government reimbursing the agency for the cost of the acquisition of the supplies or services for such government, have the effect of requiring the use of procedures other then competitive procedures.

41 USC 3304(a)(5) - Authorized or required by statute

A statute expressly authorizes or requires that the acquisition be made through another agency or from a specified source, or the agency's need is for a brand-name commercial item for authorized resale.

41 USC 3304(a)(6) - National security

The disclosure of the agency's needs would compromise the national security unless the agency is permitted to limit the number of sources from which it solicits bids or proposals.

41 USC 3304(a)(7) - Public interest

The agency head (Secretary of Commerce) determines that it is not in the public interest to use full and open competition in the particular acquisition concerned, and notifies Congress in writing of such determination not less than 30 days before award of the contract.

APPROVAL REQUIREMENTS

Contracting Officer (CO)	Signature	Phone No.	Date

Operating Unit (OU) Competition Advocate - Not exceeding $700,000:

OU Competition Advocate (Name and Title)	Signature	Phone No.	Date

Department of Commerce (DOC) Competition Advocate - Over $700,000 but not exceeding $68 million:

DOC Competition Advocate (Name and Title)	Signature	Phone No.	Date

Senior Procurement Executive (SPE) - Over $68 million:

SPE (Name and Title)	Signature	Phone No.	Date

NOTE: Use the total cost estimate specified on the front of this document in determining the necessary approvals. Each review must be preceded by lower level approval(s), e.g., over $68 million all approvals are required.

Sole Source Justification:

This procurement is an upgrade to an existing cleanroom tool that is critical for the fabrication of the Josephson Voltage Standard. The tool being upgraded is a Kurt J. Lesker Company CMS-18 Sputtering System [illegible] Upgraded sputter guns must be plug and play compatible with existing hardware, software, and electronics. Dome shutters that open up and away from the sputter target and necessary for chamber space considerations. No other sputter gun manufacturer offers magnetic keeper guns with dome shutters that are compatible with this existing tool. The cost of qualifying and developing processes for sputter guns from other manufacturers would be significantly more than the price of these sputter guns.

Many years of development have gone into this system and the products that are requisite from it constitute a major part of the output of the Quantum Voltage Project as well as the Flux Quantum Electronics Project. Films from this system have contributed to the majority of publications and other research output from the Superconductive Electronics Group for almost 20 years. Any risk of substandard quality films from substandard sputter guns should be avoided if at all possible.

List the proposed contractor (name, contact, and phone number) and describe the unique knowledge or capabilities of the proposed contractor:

Kurt J. Lesker Company
1925 Route 51
Jefferson Hills, PA 15025 US