

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION (INCLUDING
BRAND NAME)**

1. AGENCY AND CONTRACTING ACTIVITY (FAR 6.303-2(a)1)). Bureau of Land Management, Medford Interagency Office, Medford, Oregon 97504.
2. NATURE/DESCRIPTION OF ACTION(s) (FAR 6.303-2(a)2)). The Bureau of Land Management, Medford Interagency Office, Medford, Oregon 97504, requires a maintenance contract for two Liebert UPS's (Uninterruptable Power Supply) to be purchased for the two Liebert UPS's to service and maintain insuring proper function which will enable the Bureau to keep power to the server and phone exchange system in event of power failure, avoiding the potential damage from abrupt shutdown.
3. DESCRIPTION OF THE SUPPLIES/SERVICES (FAR 6.303-2(a)3)). This service is to the UPS and the batteries that it uses for a power supply. Proper function is tested and battery viability are checked. All new programming updates are installed.
4. IDENTIFICATION OF STATUTORY AUTHORITY (FAR 6.303-2(a)4)). The statutory authority that will be used is 10 U.S.C. 2304(c)1 - Only one responsible source and no other supplier or services will satisfy the agency requirements as outlined
5. DEMONSTRATION OF CONTRACTOR'S UNIQUE QUALIFICATIONS (FAR 6.303-2(a) (5)). This requirement is for sole source procurement with **Emerson Network Power, Climate and Power Conditioning Inc. 7180 SW Sandburg St., Suite 100, Tigard, Oregon 97223**. They are the closest authorized Liebert Company. Due to the *proprietary equipment* of these systems and the need to stay current with the many *updates in the programming and maintenance protocols*, using the *manufacture certified technicians* are the logical choice. Liebert technicians are the only ones that get the current field change notices and updated software on a timely and regular basis. Their technicians receive current training as these updates occur, plus undergo an annual recertification per manufactures requirements. *Liebert also guarantee a 4 hour emergency response time*. Our past experience has shown that they can in fact do this. The final issue is parts availability. Liebert is the only manufacture of parts for their equipment and have ready access to replacement parts. I think that these reasons should justify sole sourcing this service as a failure in the UPS system would result in a great deal of added expense and loss of productivity.
6. FEDERAL BUSINESS OPPORTUNITIES AND ELECTRONIC COMMERCE FOR POTENTIAL SOURCES (FAR 6.303-2(a)6)). Publication of a notice of intent is required if the action is expected to exceed \$25,000.
7. DETERMINATION OF FAIR AND REASONABLE COST (FAR 6.303-2(a)7). As reflected in #8 Market Research, similar UPS maintenance by other contractors indicate that Emerson/Liebert price(s)is/are fair and reasonable. Additional sources identified offer similar service but can not satisfy this requirement.

8. DESCRIPTION OF MARKET RESEARCH (FAR 6.303-2(a)(8)). As reflected in the table below, market research indicates that there are no qualified companies within the range of need response time. Response time is critical in event of power loss as temperatures range from 20 degrees to 112 degrees during the summer months. Temperatures can damage this equipment if the system is not maintained per Liebert's specifications.

9. ANY OTHER SUPPORTING FACTS (FAR 6.303-2(a)(9)). This type of equipment is very specialized and sensitive to the quality of care it receives. The level of expertise needed, access to all technical and software updates and access to new parts (as opposed to used or reconditioned) are strong reasons of sole source acquisition of this service

11. ACTIONS, TAKEN TO REMOVE BARRIER TO COMPETITION (FAR 6.303-2(a)(11)). For future needs I shall continue to look for other qualified vendors the area. The short emergency response time and the specialized nature of this service is the primary barrier.

12. CONTRACTING OFFICERS CERTIFICATION THAT THE JUSTIFICATION IS ACCURATE AND COMPLETE. (FAR 6.303-2 (a)(12)). See certifications below.

TECHNICAL AND REQUIREMENTS CERTIFICATION (FAR 6.303-1(b))

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

Signature: Gregory J. Martin Date: 06/16/2011
Name/Title/Office Code/Phone Number
Maintenance Worker CRM010 541/618-2383

CONTRACTING OFFICER CERTIFICATION (FAR 6.303-1(a) 6.303-2(a)(12))

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

Signature: Steve Squid Date: 6/20/11
Name/Title/Office Code/Phone