United States Department of Agriculture
Justification to Restrict Competition
Identification Number: 1174222

In accordance with the Revolutionary Federal Acquisition Regulation (FAR) 12.102 (b), the following justification documents the decision to restrict competition for this acquisition.

(1) Mission Area and Contracting Activity.

The United States Department of Agriculture, Research, Education, and Economics (REE) mission area, proposes to enter into a contract on a basis other than full and open competition for the emergency rental and installation of a 1,000-ton chiller at the National Center for Agricultural Utilization Research, Peoria, Illinois. This justification is submitted in accordance with FAR 6.302 for other than full and open competition.

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

The action is a new, firm-fixed-price commercial services contract to rent, install, commission, maintain, and demobilize a temporary water-cooled chiller system providing ≥900 tons of cooling for approximately four (4) months to restore/maintain facility cooling capacity during the emergency outage of Chiller No. 3. Competition will be restricted to a small set of qualified HVAC/chiller rental contractors who can mobilize and install within the accelerated schedule specified in the Government's SOW 2026 Emergency Rental Chiller Procurement.

The acquisition will be conducted under FAR Part 12 procedures for commercial services and awarded as a firm-fixed-price order.

Thermosystems, LLC, 25320 Spring Creek Rd, Washington, IL 61571 is a suggested vendor that has provided a quote [redacted] demonstrating local availability of a 1,000-ton rental chiller meeting the capacity and schedule requirements.

(3) A description of the supplies or services required to meet the agency's needs (including the estimated value).

The requirement per SOW, is a complete temporary water-cooled chiller system (≥900 tons) including delivery/return freight; setup; temporary piping and electrical work; wall penetrations; commissioning; glycol sampling/restoration; weekly inspection; 24/7 emergency service; operator training; and demobilization/restoration. The SOW also requires mobilization with full operational status within three (3) weeks of NTP and includes performance and code references (IMC/IBC/NEC/NFPA/ASHRAE) to ensure a safe, compliant installation.

Estimated total value: [redacted].

(4) Identify the statutory authority permitting other than full and open competition.
The statutory authority permitting other than full and open competition is FAR 6.103-2, Unusual and Compelling Urgency.

The critical failure of the primary chiller, combined with extreme temperatures and the risk of facility closure, constitutes an urgent and compelling need.

(5) Demonstrate that the proposed contractor's unique qualifications or the nature of the acquisition requires using the authority cited.

The urgency is driven by extreme temperatures predicted to continue for at least 10 days, which threatens the remaining chillers and could force facility closure.

The immediate procurement and installation of a temporary chiller are of paramount importance to prevent severe negative impacts on the facility's operations and mission. Without adequate cooling:

Operational Equipment at Risk: Critical equipment, which relies on a stable temperature environment, faces a high risk of overheating, malfunction, and potential damage. This could lead to costly repairs, extended downtime, and disruption of essential services.

Compromised Research Activities: Research laboratories and sensitive instrumentation require precise climate control. A lack of cooling will directly impede ongoing research projects, potentially destroying samples, invalidating experimental results, and causing significant financial and scientific setbacks.

Unacceptable Comfort and Safety Conditions: Maintaining minimum comfort levels for personnel within the facility will become impossible during summer temperatures. This can lead to decreased productivity, health and safety concerns, and an inability to sustain a suitable working environment.

Potential Facility Closure: The cumulative effect of these impacts could force the closure of major sections of the facility, or even the entire facility, leading to significant operational losses, missed deadlines, and a severe disruption of government functions and services.

(6) Provide a description of efforts made to ensure that offers are solicited from as many potential sources as possible, including whether a notice was or will be publicized as required by Part 5 and, if not, which exception under Part 5 applies.

Targeted local outreach: The Government contacted several local HVAC/chiller rental companies in the Peoria area and provided SOW to obtain competing quotes. Market research was also conducted using sam.gov to search for contractors who have provided rental chillers to the Government in the past. Five contractors were found to have provided rental chillers within the last year. In addition to those five, the request for quotations was also sent to Thermo Systems, LLC, who is uniquely qualified due to their local presence, familiarity with the facility's existing chillers, and immediate availability of the required equipment.

SAM synopsis exception (pre-award): Due to unusual and compelling urgency, the Government intends to rely on FAR 5.101(b)(2) to not synopsize the proposed action prior to award; complying with standard synopsis time periods would risk serious injury to the Government under present heat conditions. The J&A will be made publicly available within 30 days after award, consistent with FAR Subpart 6.3 posting requirements for urgent circumstances.

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

The Contracting Officer will determine the price to be fair and reasonable by comparing multiple quotes received under this limited competition against the Government's SOW performance requirements and schedule constraints.

(8) A description of the market research conducted, and the results or a statement of the reason Market Research was not conducted.

The program office performed targeted market research via phone/email outreach to multiple local HVAC/chiller rental firms to assess capacity (≥900 tons), near-term availability, mobilization/installation timelines, and pricing; the Government shared SOW to standardize requirements and schedule expectations. Market research was also conducted using sam.gov to search for contractors who have provided rental chillers to the Government in the past. Five contractors were found to have provided rental chillers within the last year.

(9) Any other facts supporting use of other than full and open competition, such as:

Temporary, performance-based requirement: The SOW frames the need around performance and schedule (≥900 tons; operational within three weeks) rather than a permanent technical data package; a permanent replacement is planned for FY2027, where full competition will be used.

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

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 of the supplies or services required.

Execute the FY2027 permanent chiller replacement using full and open competition, eliminating the temporary capacity gap and restoring routine competitive conditions for long-term operations.

Develop a pre-competed BPA/IDIQ for emergency HVAC/chiller rentals in the region, with performance-based specs (capacity bands, mobilization timelines) to broaden industry participation while preserving rapid response.

Maintain periodic market research (FAR Part 10) to track regional rental inventory, lead times, and pricing, updating vendor lists and ensuring future actions can be competed swiftly.

(12) Certifications & Approvals

Technical / Requirements Personnel Certification
I certify this requirement meets the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

[redacted]

7/7/26
Date

Contracting Officer's Certification
I certify that the data supporting the recommended use of other than full and open competition accurate and complete to the best of my knowledge and belief.

Digitally signed by JOSHUA DOBEREINER
Date: 2026.07.07 13:52:31 -05'00'

Joshua J. Dobereiner
Contracting Officer

7/7/26
Date