

JUSTIFICATION FOR URGENCY
(SIMPLIFIED ACQUISITIONS FROM \$10,000 TO \$100,000.00)

Ref: NAVSUP 4200.85C Chapter 4 Paragraph 5(b)(2)

The service or material listed on (Document number) _____ is urgent and advertising requirements are precluded for reasons indicated below. If the service/material is not received by the Required Delivery Date (RDD), specific damages to the Navy will result.

1. Suggested Source:

(1) Source # 1 - Original Equipment Manufacturer (OEM) And Patent Holder:

*Applied Innovative Technologies, Inc. (AIT) (Cage Code 3E3E7)
1310 Factory Circle (P.O. Box 754)
Fort Lupton, CO 80621*

*Contact: Robert C. "Bob" Ballew
Director - Government Sales
P: (817) 244-3647
F: (817) 244-3647
C: (817) 929-8758*

(2) Source # 2 - Not applicable.

(3) Source # 3 - Not applicable.

Note: No market survey is attached or applicable because Source # 1's issued patents, copyrights, trademarks, and other AIT proprietary data limits competition.

2. Brief descriptive narrative of service or material required:

2.A. General Information:

These Renewable Energy Flashlights can only be obtained from AIT which is the Original Equipment Manufacturer (OEM) and holder of issued U.S. Patents # 5,975,714 - Renewable Energy Flashlight, dated 11/02/99 and Patent # 6,220,719 - Renewable Energy Flashlight, dated 04/24/01. AIT will not release its proprietary data to the government and no other contractor can reasonable supply any required quantities of the items without infringing AIT's patents and triggering legal action by AIT against anyone importing, selling or buying any item that infringes upon AIT's proprietary data rights and intellectual properties.

*The unique features of this OEM's patented item enables a combat soldier to be deployed without a reliance on logistical support for flashlights, batteries or bulbs during extended periods of mission performance. One leg of the historically significant "Warrior's Code" of "what mix of water, food, fire and light" must be planned, provisioned, issued **and personally carried** can be solved when an indefinite quantity of light from a renewable energy flashlight can be purchase and issued to combat and support soldiers and civilians.*

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2.B. Specific Information:

NightStar® Magnetic Force Emergency Flashlight - MSRP = \$39.95 per each. 20 each per case.

<i>DELIVERY REQUIRED</i>	<i>NAT'L STOCK NUMBER</i>	<i>OBSOLETE BBA P/N</i>	<i>OEM'S P/N</i>	<i>ITEM / DESCRIPTION</i>
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FLASHLIGHTS - FULL SIZE (NightStar® / NS-N):

_____	6230-01-494-0286	N01C	N01C	Flashlight, Stealth Black Body, White LED, 1 Each.
_____	6230-01-516-9439	N01R	N01R	Flashlight, Stealth Black Body, Red LED, 1 Each.
_____	6230-01-516-9441	N01G	N01G	Flashlight, Stealth Black Body, Green LED, 1 Each.
_____	6230-01-494-0585	N02C	N02C	Flashlight, Marine Yellow Body, White LED, 1 Each.
_____	6230-01-494-0603	N03C	N03C	Flashlight, Hi-Tech Clear Body, White LED, 1 Each.

FLASHLIGHTS - COMPACT SIZE (NightStar® / NS-CS):

_____	0000-00-000-0000	CSCW	CSCW	Flashlight, Compact Series, Hi-Tech Clear Body, White LED, 1 Ea.
_____	0000-00-000-0000	CSCR	CSCR	Flashlight, Compact Series, Hi-Tech Clear Body, Red LED, 1 Ea.
_____	0000-00-000-0000	CSCG	CSCG	Flashlight, Compact Series, Hi-Tech Clear Body, Green LED, 1 Ea.

ACCESSORIES:

_____	6230-01-516-9442	NWM	NWM	Wall Mount, 1 Ea.
_____	6230-01-516-9444	NBLH	NBLH	Belt Holster, 1 Ea.

3. Required Delivery Date (RDD): _____

4. Describe the resulting damages if the above required delivery date is not met.

The supply shortage of all batteries and bulbs in combat is well known. The life threatening dangers of isolating a squad of soldiers in hostile territories without light at night does not require explanation. Any flashlight that requires no logistical support after the initial procurement is a deployed, combat soldier's "must have." Military lives always depend on available light; just as they depend on water, food and fire.

The damages could easily be the loss of the soldiers' lives. Even one day's delay, allowing a step in the dark that triggers an anti-personnel mine, could kill military personnel. The inability to excite the reflective face of a compass in nighttime evasion and escape situations (especially where the extended and unintentional deployment is logistically unsupported) is life threatening and critical. This piece of equipment's infinite life and usability mitigates that specific problem. Any light source that provides maintenance-free, no-supply-support-required, operational light for an infinite period of time addresses the improvement, and possible elimination, of every peacetime and wartime problem related to operational darkness (caves, tunnels, building interiors and basements, etc.) or chronological darkness (night, moonless nights, storms, rain and snow at night, etc.) The reliability of this OEM's equipment, confirmed by proprietary

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design and rigorous successful, independent, third-party testing, mitigates or eliminates the following documented, current military problems:

- A. Corrosion of steel flashlights in marine environments;*
- B. Ionization of aluminum flashlights in desert environments;*
- C. 20 hour vibration destruction and failure in high-vibration aircraft(C-130, etc.);*
- D. Bulb breakage in rugged and hostile environments;*
- E. Battery failure and leakage (desert heat destroying the flashlight);*
- F. Environmental and logistical problems related to planning, distribution, collection and disposal of hazardous waste materials in accordance with current regulations (dead batteries - single use and rechargeable);*
- G. Recurring and excessive cost to support current flashlights using bulbs and batteries - Cost to plan and distribution replacement bulbs and batteries, and leaking-battery damaged flashlights.*

Finally, the introduction and implementation of this equipment, where applicable, reduces the total cost of ownership, that is, procurement and operational costs of military and civilian flashlights and makes current appropriations available for other areas of military need.

5. Lack of prior planning does not support urgency. Please provide a time-line beginning on the date the need was first identified and ending on the date the requisition was submitted to the Purchase Branch. Why is the claimed "urgency" not the result of a lack of advanced planning?

MFG / OEM has only recently brought its newly redesigned and released patented items to the open market. Items were immediately identified as required and necessary. There is no purchase price impact to the government associated with a designation of urgency because the OEM uses an internal price list with a constant, all quantity, most-favored-customer price offer that is substantially lower than the Manufacturer's Suggested Retail Price (MSRP). Most configurations of the flashlights are in stock at the factory and can be shipped fast. Increased usage will initiate increased quantities on hand at the OEM's Colorado and Texas locations. A history of approvals of urgency designations would aid in the elimination of the recurring bureaucratic requirement to justify items that the government cannot buy from anyone but the sole source, OEM / patent holder.

6. Only our **minimum current** requirements can be purchased under conditions of urgency. What is the minimum quantity that must be obtained by the RDD? Why can't *some* of the total required quantity be procured under urgency while procuring the remaining items/services through the normal procurement process?

All procurements from AIT, Inc. (AIT)(Cage 3E3E7) are the same. AIT, as the (1) Inventors, (2) patent holders, and (3) Original Equipment Manufacturer (OEM), sells their patented items directly to the government. They have established a price, lower than their MSRP, for the government as the most favored customer. This price applies to all quantities of a specific Defense Logistics Agency / Philadelphia, national stock number (NSN) and applies to all quantities procured. All items received the same constant treatment - urgent or non-urgent.

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AIT, as the sole source of its patented products, will not release its proprietary data to the government. AIT's supply and pricing of the items procured directly from the AIT remains the same and, while their procedures and regularly established terms and conditions eliminate any competitive procurements, this also would seem to eliminate the need for the normal procurement process.

There is no AIT imposed penalty in price or performance, other than any increased shipping cost, dependent upon a customer's designation of "Urgent" or "Non-urgent." Procurement all of the required quantities, at one time, is recommended to eliminate or reduce the cost of multiple procurements under different urgency categories. This would reduce the U.S. Governments "total cost of ownership".

7. Additional Comments:

CERTIFICATION AND SOLE SOURCE ACKNOWLEDGEMENT

I certify that statements checked above are complete and correct to the best of my knowledge. I understand that processing this urgency statement could preclude the full advertisement of this procurement.

Signature: _____ Date: _____

Title: _____

Contracting Officer Signature: _____ Date: _____

FISCP 4200/181 (12-01)