DEPARTMENT OF THE NAVY

NAVSUP WEAPON SYSTEMS SUPPORT

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MECHANICSBURG PA 17055-0788

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

Folder Number: 15133-0076

Requisition/PD# N0038315X3223

The format of this Justification and Approval (J&A) was reviewed by NAVSUP WSS Office of Counsel. No Change to the format or content of the preprinted portion of this document is allowed. Any revision to the preprinted portion of this document must be individually reviewed and approved in writing by NAVSUP WSS Office of Counsel.

[redacted]	[redacted]	N98211.53
Item Manager's Name	Extension	Code
[redacted]	[redacted]	N98214.02
Technician's Name	Extension	Code
[redacted]	[redacted]	N761.02
Buyer's Name	Extension	Code

1. **CONTRACTING ACTIVITY:** (●) NAVSUP WSS Philadelphia ( ) NAVSUP WSS Mechanicsburg

2. **DESCRIPTION OF THE ACTION BEING APPROVED:** Negotiation and award of a contract through other than full and open competition.

3. **DESCRIPTION OF SUPPLIES/SERVICES:** This J&A covers the acquisition of the following article(s):

Nomen: Cooler, Hydraulic, OI

Quantity: [redacted]

NSN: 1R D 1650-01-453-6061 SY

CAGE Code: 99207

P/N: 5117T50P01

Unit Price: $[redacted]

The required delivery date is: 8/2017

Estimated Value (include option): $[redacted]

Option: ( ) YES ( ) NO % Days

Ship To: [redacted]

Line of Accounting

[redacted]

4. **STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION:** This J&A is based upon the authority of 10 USC 2304(c)(1), one source or limited sources, as implemented by FAR 6.302-1.

5. **RATIONALE JUSTIFYING USE OF CITED STATUTORY AUTHORITY:**

The current Acquisition Method Code/Acquisition Method Suffix Code (AMC/AMSC) is: 2 B

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AMC 2. Suitable for competitive acquisition for the first time.

AMSC B. This part must be acquired from a manufacturing source(s) specified on a source control or selected item drawing as defined by the current version of DoD-STD-100. Suitable technical data, Government data rights, or manufacturing knowledge are not available to permit acquisition from other sources, nor qualification testing of another part, nor use of a second source part in the intended application. Data review discloses that required data or data rights are not in Government possession and cannot be economically obtained.

This acquisition will be negotiated with: [redacted]

Full and open competition is not possible for this procurement because the Government has only "limited rights" to the technical data. Material is GE Source Controlled, Critical Safety Item (CSI) and requires OEM Vendor Substantiation Engineering (VSE) approval. The government has the right to use and disseminate the data internally, but lacks the right to distribute that data outside the government to conduct full and open competition among other potential offerers."

6. DESCRIPTION OF EFFORTS MADE TO SOLICIT OFFERS FROM AS MANY OFFERORS AS PRACTICABLE: The proposed contract action was synopsized and included a Sources Sought Notice on the FedBizOpps website for government-wide point of entry on

6/18/2015

and as a result:

[redacted]

Market Research was conducted in accordance with FAR part 10. The results of the Market Research conducted (or the reason market research was not conducted) is as follows:

The oil cooler is AMC/AMSC 2B Vendor Substantiation Required (source controlled) drawing by General Electric and Triumph Thermal Systems Inc. is the only approved source of supply. All interested sources must qualify IAW the Design Control Activity (GE) procedures as approved by NAVAIR prior to contract award. Available data including publications, drawings and specifications required to manufacture and maintain the quality of this item are not available to the Government for purchase. The Government does not possess the manufacturing data necessary to support full and open competition. The configuration and criticality of this item was verified using current maintenance publications, DCA drawing and the JDRS website. There are no (SAR) Source Approval Requests currently being reviewed by NAVSUP WSS Engineering concerning this item.

7. DETERMINATION OF FAIR AND REASONABLE COST: The contracting officer determines that the anticipated cost to the Government of the supplies covered by this J&A will be fair and reasonable.

8. ACTIONS TO REMOVE BARRIERS TO FUTURE COMPETITION:

As stated above in Paragraph (5) & (6), the government does not and cannot obtain the technical data, data rights, or manufacturing knowledge to permit acquisition from other sources, nor qualification testing of another part, nor use of a second source part in the intended application. To promote competition the NAVSUP WSS will continue to encourage manufacturers with the expertise to manufacture the subject item to submit a complete technical data package for review and source approval by the appropriate engineering source approval authority General Electric (99207). Also future requirements will be advertised in the FedBizOps website (www.fedbizops.gov) in order to encourage potential suppliers to submit Source Approval Requests. If another potential manufacturing source emerges, NAVSUP WSS will assess whether competition for future requirements is feasible.

9. REFERENCE TO THE APPROVED ACQUISITION PLAN:

A Formal Acquisition Plan / Pre-Solicitation Strategy Form is required for this acquisition.