



UNITED STATES MARINE CORPS
 MARINE CORPS LOGISTICS COMMAND
 814 RADFORD BLVD
 ALBANY, GEORGIA 31704-1128

IN REPLY REFER TO:

MCLC J&A 13601

**JUSTIFICATION AND APPROVAL FOR
 USE OF OTHER THAN FULL AND OPEN COMPETITION**

1. Contracting Activity.

Marine Corps Logistics Command, Contracts Department (S1930), Albany, GA

2. Description of Action Being Approved.

The authority sought by this Justification and Approval (J&A) is the approval of a sole source, firm-fixed price contract to L-3 Communications Cincinnati Electronics Corporation, (Cage Code: 80045), 7500 Innovation Way, Mason, OH 45040-9699, Tel: (513) 573-6100 to repair the Thermal Elbow (NSN: 1240-01-554-1735) of the M36E-T1 Thermal Sighting System (TSS) in support of Amphibious Assault Vehicles (AAV).

3. Description of Supplies/Services.

This J&A authorizes and approves the award of a sole-source, firm-fixed price, contract to L-3 Communications Cincinnati Electronics Corporation, (Cage Code: 80045), 7500 Innovation Way, Mason, OH 45040-9699, Tel: (513) 573-6100, for the repair and service of the below listed items in support of the Amphibious Assault Vehicle (AAV), TAMCN E08467K. The period of performance is 180 days after date of award. Navy Working Capital Funds (NWCF) will fund the contract. The estimated value of this contract is

CLIN	Nomenclature	NSN / Part Number	Qty	Unit Price	Total Price
CLIN 0001	Repair of Thermal Elbow Assembly at contractor plant	1240-01-554-1735; P/N 777767	111 Ea.	Est. Repair Price	
CLIN 0002	Estimated Labor Services for On-Site Teardown and Evaluation (TD&E) and minor repair of the Thermal Elbow Assembly	1240-01-554-1735; P/N 777767	111 Ea.		

Estimated Dollar Value

Item	FY16
TOTAL NWCF	

4. Statutory Authority Permitting Other Than Full and Open Competition.

The statutory authority permitting other than full and open competition is 10 U.S.C. Section 2304(c)(1), as implemented by the Federal Acquisition Regulation (FAR) 6.302-1, Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Urgent Requirements.

Source Selection Information – See FAR 2.101 and 3.104

5. Rationale Justifying Use of Cited Statutory Authority.

The M36E-T1 TSS was fielded in 2008 as part of an urgent Universal Needs Statement (UNS). The TSS, which consists of the Thermal Elbow, Head and Body, is expected to be sustained for the duration of the AAV operation, which has an expected end item exit date of 2035. The M36E-T1 TSS, produced by L-3 Communications Cincinnati Electronics (L-3 CE), is an upgrade to the legacy M36E3 Periscope and has drastically improved operational capabilities. The primary function of the TSS is to enable the Vehicle Commander to observe the battlespace around the vehicle and engage battlefield targets, if necessary.

This repair effort is intended to satisfy urgent backorders to the Maritime Positioning Ships located at Blount Island Command and the Repairable Issue Points at Camp Pendleton. In addition, this will decrease the balance of old lower priority backorders while allowing wholesale to stock some replaceable units. This includes all aspects of stated equipment necessary to return the Thermal Elbow Assembly to the Marine Corps in like new condition that will provide continued support without any restrictions. Additionally this repair is intended to ensure that the Thermal Elbow Assembly will meet the requirements of the Marine Corps for the intended life cycle of the Marine Corps.

In accordance with FAR 6.302-1(b) (2), "The existence of limited rights in data, patent rights, copyrights, or secret processes: make the supplies and services available from only one source." The Government does not have any intellectual property rights to the Thermal Elbow Assembly. L-3 Communications Cincinnati Electronics Corporation is the prime manufacturer of the Thermal Elbow Assembly and owns all related proprietary data and drawings. L-3 Cincinnati Electronics Corporation is the only known source who possesses the data rights to accomplish repair of the Thermal Elbow Assembly back to the original manufacturer specifications. They have personnel who have performed these services for other government and commercial customers and are capable of providing the repair support to the Marine Corps.

A performance specification, technical data package, specifications, or detailed engineering description suitable for full and open competition cannot be developed because the Thermal Elbow Assembly is proprietary to L-3 Communications Cincinnati Electronics Corporation. The government does not expect any savings in cost to be gained through competition and expects that competition will cause unacceptable delays in fulfilling the requirement due to proprietary parts that another vendor cannot obtain. Only the Original Equipment Manufacturer's parts can satisfy the repair needs and like items normally result in less quality and increased breakage.

6. Description of Efforts Made to Solicit Offers from as Many Offerors as Possible

Market research, in accordance with FAR Part 10, was conducted by a sources sought synopsis, M67004-16-Q-0024 issued on 24 February 2016 with a response date of 4 March 2016. This resulted in two responses: one from L-3 Communications Cincinnati Electronics Corporation who is the OEM of the item, the second from , RVI/RITALKA, Inc. The second vendor's information, RVI/RITALKA, Inc., was sent to the customer for approval, in which the customer Weapons Systems Management Center (WSMC), PEO/Land Systems and the PdM of AAV Sustainment all concurred this vendor would not be able to repair the Thermal Elbow due to lack of drawings available and urgency of this requirement. By utilizing L-3 Communications, the OEM, the government is saving time and money therefore the war fighter is getting a quality product delivered in a timely manner. No additional market research will be conducted because it is not practical, for the reasons discussed in paragraph 5 above, for any company other than L-3 Communications Cincinnati Electronics Corporation to provide the required supplies.

7. Determination of Fair and Reasonable Cost.

The Contracting Officer has determined the anticipated cost to the Government of the supplies covered by this J&A will be fair and reasonable. The fair and reasonableness of the cost/price will be based on an analysis of the contractor's cost/price proposal, including backup information supporting the cost/price and previous history. It is anticipated this analysis will be conducted using experienced technical representative, contract specialist, and field pricing support.

8. Actions to Remove Barriers to Future Competition.

For reasons set forth in Paragraph 5, the Marine Corps has no plans at this time to compete future contracts for the types of supplies covered by this J&A. If another potential source emerges, the Marine Corps will assess whether competition for future requirements is feasible.

CERTIFICATIONS AND APPROVAL

REQUIREMENTS CERTIFICATION

I certify that the facts and representations under my cognizance, which are included in this Justification and its supporting acquisition planning documents, except as noted herein, are complete and accurate to the best of my knowledge and belief.

Requirements Cognizance:

Brenda G. Shy Date 17 Mar 16

BRENDA G. SHY, Director, WIPD (229) 639-5790

LEGAL SUFFICIENCY REVIEW

I have determined that this Justification is legally sufficient.

Robert J. Drone Date 21 Mar 2016

ROBERT J. DRONE, (229) 639-7096

CONTRACTING OFFICER CERTIFICATION

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

Barbara A. Banks Date 21 Mar 16

BARBARA A. BANKS, (229) 639-6761

COMMAND COMPETITION ADVOCATE APPROVAL

George B. Brown Date 30 MARCH 2016

GEORGE B. BROWN, (229) 639-6573