



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

IN REPLY REFER TO:

J&A No. MCLC 13397

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

1. Contracting Activity.

Marine Corps Logistics Command, Contracts Department (S1922), Albany, GA.

2. Description of Action Being Approved.

The authority sought by this J&A is the approval of a sole source, firm-fixed price indefinite quantity (IDIQ) contract to L-3 Insight Technology, Inc. (Cage Code 0B107), 9 Akira Way Londonderry, NH, 03053-2000 for the rebuild of Advanced Target Pointer Illuminator Aiming Light NSN 5855-01-577-7174 and NSN 5855-01-534-5931, the Mini-Integrated Pointer Illuminator Module NSN 5855-01-550-2780 and NSN 5855-01-582-1584, and the Grenade Launcher Day/Night Sight Mount NSN 1010-01-516-0953.

3. Description of Supplies/Services.

This J&A authorizes and approves the award of a sole source, firm-fixed price, indefinite quantity contract to L-3 Insight Technology, Inc., 9 Akira Way Londonderry, NH, 03053-2000 Cage Code (0B107) for the rebuild of the items listed below in support of the Advanced Target Pointer Illuminator Aiming Light (ATPIAL), Mini-Integrated Pointer Illuminator Module (MIPIM), and Grenade Launcher Day/Night Sight Mount (GLDNSM). The period of performance is for a base year and two one-year options. O&MN funding will be applied to individual orders. The estimated value of this rebuild for all three years is [REDACTED]. Document number M9886114RC3376T and M9886114RC33Z6T applies to NSN 5855-01-577-7174/5855-01-534-5931, M9886114RC338VT and M9886114RC33ZDT applies to NSN 5855-01-550-2780/5855-01-582-1584, M9886114RC3315T and M9886114RC33W9T applies to NSN 1010-01-516-0953. Description of the items to be refurbished is below:

Base Year

NSN	P/N	NOMENCLATURE	MIN QTY PER YEAR	MAX QTY PER YEAR	U/I
*5855-01-577-7174/ *5855-01-534-5931	AN/PEQ-15	Advanced Target Pointer Illuminator Aiming Light	20	5,000	EA
*5855-01-550-2780/ *5855-01-582-1584	AN/PEQ-16A/B	Mini-Integrated Pointer Illuminator Module	50	3,000	EA
1010-01-516-0953	AN/PSQ-18A	Grenade Launcher Day/Night Sight Mount	20	1,500	EA

*Note: This is the same item. The NSN is different to distinguish the color.

SOURCE SELECTION INFORMATION --See FAR 2.101 and 3.104

Option Year One

NSN	P/N	NOMENCLATURE	MIN QTY PER YEAR	MAX QTY PER YEAR	U/I
*5855-01-577-7174/ *5855-01-534-5931	AN/PEQ-15	Advanced Target Pointer Illuminator Aiming Light	20	5,000	EA
*5855-01-550-2780/ *5855-01-582-1584	AN/PEQ-16A/B	Mini-Integrated Pointer Illuminator Module	50	3,000	EA
1010-01-516-0953	AN/PSQ-18A	Grenade Launcher Day/Night Sight Mount	20	1,500	EA

*Note: This is the same item. The NSN is different to distinguish the color.

Option Year Two

NSN	P/N	NOMENCLATURE	MIN QTY PER YEAR	MAX QTY PER YEAR	U/I
*5855-01-577-7174/ *5855-01-534-5931	AN/PEQ-15	Advanced Target Pointer Illuminator Aiming Light	20	5,000	EA
*5855-01-550-2780/ *5855-01-582-1584	AN/PEQ-16A/B	Mini-Integrated Pointer Illuminator Module	50	3,000	EA
1010-01-516-0953	AN/PSQ-18A	Grenade Launcher Day/Night Sight Mount	20	1,500	EA

*Note: This is the same item. The NSN is different to distinguish the color.

Estimated Dollar Value

NSN	Base Year O&MN Dollars	Option Year 1 O&MN Dollars	Option Year 2 O&MN Dollars	Total O&MN Dollars
5855-01-577-7174 5855-01-534-5931	██████████	██████████	██████████	██████████
5855-01-550-2780 5855-01-582-1584	██████████	██████████	██████████	██████████
1010-01-516-0953	██████████	██████████	██████████	██████████
Total	██████████	██████████	██████████	██████████
Grand Total				██████████

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 Requirements.

5. Rationale Justifying Use of Cited Statutory Authority.

The items being rebuilt are the Advanced Target Pointer Illuminator Aiming Light (ATPIAL), Mini-Integrated Pointer Illuminator Module (MIPIM) and Grenade Launcher Day/Night Sight Mount (GLDNSM) which is proprietary to L-3 Insight Technology, Inc. and has been assigned an AMC/AMSC code of 3H directing acquisition directly from the actual manufacturer. The Government physically does not have in its possession sufficient, accurate, or legible data to purchase this part from other than the current source.

In accordance with FAR 6.302-1(b)(2), "the existence of limited rights in data, patent rights, copyrights, or secret processes; make the rebuild available from only one source." The Government does not have any intellectual property rights to the Advanced Target Pointer Illuminator Aiming Light (ATPIAL), Mini-Integrated Pointer Illuminator Module (MIPIM) and Grenade Launcher Day/Night Sight Mount (GLDNSM). L-3 Insight Technology, Inc. is the prime manufacturer of these items and owns all related proprietary data and drawings. L-3 Insight Technology, Inc. is the only known source to possess the data rights to accomplish rebuild of these items back to the original manufacturer specifications. They have a cadre of personnel who have been performing the rebuild effort for other Government Agencies and are capable of providing rebuild support to the Marine Corps.

A performance specification, technical data package, specifications, or a detailed engineering description suitable for full and open competition cannot be developed because these items are proprietary to L-3 Insight Technology, Inc. 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 the proprietary parts that another vendor cannot obtain. Only the Original Equipment Manufacturer parts can satisfy the rebuild needs and like item parts normally result in less quality and faster breakage.

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

The agency's effort will be synopsisized by the contracting specialist in FedBizOps in accordance with the requirements of FAR subpart 5.2. The notice will specifically state there is no technical data available and the Government intends to negotiate a sole source contract with L-3 Insight Technology, Inc. Market research, in accordance with FAR Part 10, will be conducted by synopsis of the proposed action, advising industry, and soliciting information from interested parties. No additional market research was conducted because it is not practicable, for the reasons discussed in paragraph 5 above, for any other company other than L-3 Insight Technology, Inc. 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/services 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 proposal, including backup information supporting the cost/price such as foreword price rates from DCMA/DCAA audit and other than cost and pricing data if needed. It is anticipated this analysis will be conducted using experienced contract specialist and field pricing support to develop a negotiated price.

8. Actions to Remove Barriers to Competition.

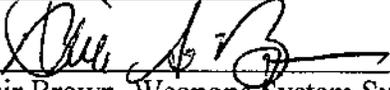
For the reasons set forth in Paragraph 5, the Marine Corps has no plans at this time to compete future contracts for the types of supplies/services covered by this J&A. If another potential source emerges, the Marine Corps will assess whether competition for future requirements is feasible. Logistics Command does not expect to obtain a technical data package or develop a performance specification that will support competition for future acquisitions of the same or similar items.

CERTIFICATIONS AND APPROVAL

Technical/Requirements Certification

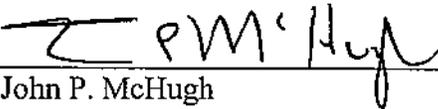
I certify that the facts and representations under my cognizance, which are included in this Justification and its supporting acquisition planning documents, except as noted herein, are complete and accurate to the best of my knowledge and belief.

Technical Cognizance:


Blair Brown, Weapons System Support Manager Date 22 JAN 2014
Phone: (229) 639-5083

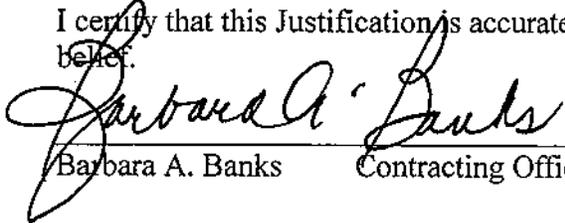
Legal Sufficiency Review

I have determined that this Justification is legally sufficient.


John P. McHugh Date 1-27-2014
Phone: (229) 639-7098

Contracting Officer Certification

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


Barbara A. Banks Contracting Officer Date 27 Jan 14
Phone: (229) 639-6761

Command Competition Advocate Approval


George B. Brown Date 6 Feb 2014
Phone: (229) 639-6573