



UNITED STATES MARINE CORPS  
MARINE CORPS SYSTEMS COMMAND  
2200 LESTER STREET  
QUANTICO, VIRGINIA 22134-6050

Code CT- 2.8  
J&A Number: 15,135.1

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

JUSTIFICATION

1. Contracting Activity

Marine Corps Systems Command (MCSC)  
Joint Program Office (JPO) Mine Resistant Ambush Protected  
(MRAP)  
2200 Lester Street  
Quantico, VA 22134-6050

2. Description of the Action Being Approved

The use of other than full and open competition to procure three (3) months of Field Service Representative (FSR) in support of the Z-Backscatter Van (ZBV) Military Trailer (Mil-Trailer) sustainment efforts. The intent is to extend the American Science and Engineering (AS&E) contract M67854-10-C-5031 starting 27 February 2012 for 30 days at a time to enable Smiths Detection to transition into full FSR support. Approval of this J&A will extend the contract up to 26 May 2012. The Government's intent is to close out this contract as soon as Smiths Detection is able to fully support the ongoing effort.

3. Description of Supplies/Services

A protest by AS&E halted the work required to transition the existing sustainment effort from AS&E to the awarded vendor, Smiths Detection. The original J&A no. 15135 authorized continued AS&E FSR efforts for this effort is for three (3) months from September to 26 December 2011. The Competition Advocate, Mr. Stephen J. Caracciolo, gave verbal approval to extend FSR Sustainment Support to 26 February, 2012.

This J&A will authorize AS&E FSRs to continue to train users and perform maintenance on the ZBV Mil-Trailers,

keeping the systems fully mission capable to support the warfighter's mission while Smiths Detection ramps up to meet the requirement.

The estimated dollar value for this amended J&A providing the three (3) month extension; based on AS&E's historical data and current FSR costs, is \$2,063,030.61. The extension(s) will be funded using Fiscal Year (FY) 12 Operation and Maintenance (O&M) funds, delineated in the chart below. As such, the AS&E contract would be increased \$2,063,030.61 bringing the total amended J&A total value to \$5,930,509.83.

ESTIMATED J&A DOLLAR VALUE					
Contract Line Item Number (CLIN)	Nomenclature	Unit of Issue	Quantity	Unit Price	Total
0001	In-Theater Travel (I-TT)	Lot	1	\$15,000.00	\$5,000.00
0004	Field Service Representative (FSR) Support	Month	█	█	\$1,361,241.60
0005	Replacement Parts & Consumables	Month	3	\$178,929.67	\$536,789.01
0006	Other Direct Costs (ODC)	Lot	1	\$100,000.00	\$150,000.00
				<b>Sub Total</b>	<b>\$2,063,030.61</b>
<b>Original J&amp;A dated 20 September 2011 Contract Dollar Amount</b>					<b>\$2,492,126.48</b>
<b>COC verbal extension December 2011</b>					<b>\$1,375,352.74</b>
<b>Total Value of three (3) J&amp;As</b>					<b>\$5,930,509.83</b>

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. 2304(c)(1) as implemented by the Federal Acquisition Regulation (FAR) 6.302-1(a)(2)(iii)

"Only one responsible source and not other supplies or services will satisfy agency requirements".

5. Rationale Justifying Use of Cited Statutory Authority

This is a highly specialized follow-on service for which any interruption is an unacceptable delay because the failure to maintain our mobile IED scanning equipment continuously and reliably operational would put lives at risk in combat operations occurring in Afghanistan. Sources other than the current Vendors (AS&E and Smiths Detection) cannot deploy qualified FSRs without the Marine Corps experiencing a gap in FSR services. Such a delay is unacceptable. Loss of FSR services would severely inhibit the functionality of the ZBV Mil-Trailer's IED scanning capability, putting the Warfighter at a disadvantage. The Government absolutely cannot risk the potential loss of life, limb, and/or property that could result because the ZBV Mil-Trailer systems are being unsupported during this protest period. There are no known alternative sources who could acquire the necessary technical data needed to maintain the ZBV Mil-Trailer equipment in a timely manner and at a reasonable pass-through cost to the Marine Corps.

AS&E's price for FSR support is within the IGCE for the new contract award and as such is determined to be fair and reasonable. It is the Government's intent to only use the AS&E FSR support until Smiths Detection is able to meet the Government's requirement.

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

Other than AS&E and Smiths Detection, there are no other viable options for the procurement of FSR support.

This effort was synopsisized on 7 December 2009 as well as 29 January 2010 on FedBizOps in accordance with FAR 5.2. Two responses were received: one response from AS&E and one response from SAIC. After the synopsis was posted and vendors responded, it was discovered the Marine Corps did not own the rights to manuals or have any maintenance data. Marine Corps Systems Command's Contracts Department then solicited a quote from AS&E for the purchase of rights to

the restricted data and received a quote of [REDACTED]  
Subsequently, the purchase of data rights was declined.

Given this fact, the responses were not evaluated based on legal decision that a sole source environment exists for this procurement. Additionally, a notice of intent to award sole source was publicized via FedBizOps on 13 July 2010 and no responses were received.

Formal market research was conducted. Due to the findings, a full and open competitive solicitation, numbered M67854-11-R-5022, was released on 25 February 2011 and closed on 25 March 2011. Three (3) offers were received and evaluated. A contract supporting this requirement was awarded on 29 July 2011 to Smiths Detection, Inc. This award was protested by AS&E and Rapiscan Systems.

7. Determination of Fair and Reasonable Cost

AS&E's price for FSR support is within the IGCE for the new contract award and as such is determined to be fair and reasonable.

8. Actions to Remove Barriers to Future Competition

PM CIED and MCSC's Legal Department have reviewed the US Army's contract number W911QY-10-C-0078/P00002. In the statement of work paragraph 2. SCOPE OF WORK, subparagraph f. that the US Army procured commercial manuals for both operation and maintenance of the ZBV Mil-Trailer Systems. The Undersigned Contracting Officer has contacted the Army PCO and he has agreed to allow the Marine Corps to purchase the maintenance manuals using the Army contract. It is estimated the maintenance manuals will be available by the end of April. Acquiring the maintenance manuals will guarantee the Marine Corps can compete any future sustainment efforts.

**CERTIFICATION AND APPROVAL**

**TECHNICAL AND REQUIREMENTS CERTIFICATION:**

I certify the facts and representation under my cognizance, which are included in this Justification and its supporting acquisition planning documents, except as noted herein, are complete and accurate.

**TECHNICAL AND REQUIREMENTS COGNIZANCE:**

  
\_\_\_\_\_  
MARK J. BILLOW, Program Manager, CIED      703-432-2874      2/21/2012  
Phone      Date

**REVIEW FOR LEGAL SUFFICIENCY:**

I have determined this Justification is legally sufficient.

  
\_\_\_\_\_  
Michael S. Martin, Counsel      432-3536      22 FEB 12  
Phone      Date

**CONTRACTING OFFICER CERTIFICATION:**

I certify that this justification is accurate and complete to the best of my knowledge and belief:

  
\_\_\_\_\_  
WILLIAM M. CARTIS, Contracting Officer      (703) 432-2757      21 Feb 12  
Phone      Date

**COMPETITION ADVOCATE APPROVAL:**

Upon the basis of the above justification, I hereby approve, as the Competition Advocate for the Marine Corps Systems Command the proposed modification extending this current work for up to three (3) months in order to facilitate the Smiths Detection's transition, described herein, using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304(c)(1) as implemented by the Federal Acquisition Regulation(FAR).

**COMPETITION ADVOCATE APPROVAL:**

  
For

(703) 432-5704 23 FEB '12

VALERIE J. MOSQUEIRA  
Assistant Commander for Contracts  
Marine Corps Systems Command

Phone

Date