



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

IN REPLY REFER TO

CT029
J&A#:14,825
2 May 2011

JUSTIFICATION AND APPORVAL TO PROCURE USING OTHER
THAN FULL AND OPEN COMPETITION, FAR 6.302-1

Upon the basis of the following justification, I, as the Procuring Contracting Officer, hereby approve the issuance of the contractual action(s) described herein using other than full and open competition pursuant to the authority of Title 10 U.S.C. 2304(c)(1).

1. Contracting Activity

Commander
Marine Corps Systems Command (MCWL)
2200 Lester Street
Quantico, VA 22134-6050

2. Nature of Action Being Approved

The proposed action is to award a contract to Penn State University (PSU) to provide functional and technical research to include project management planning and analysis, operation and maintenance, and other technical support for the MCWL's Commercial Hunter exercises. This exercise will focus on threats that may be encountered by allied forces.

3. Description of Supplies/ Services

The Naval Research Advisory Committee (NRAC) 2008 summer study on Disruptive Commercial Technologies found that credible threats to Marine capabilities can be developed from imaginative combinations of commercial products that can be acquired via the web and distributed by the global supply network such as, but not limited to, United States Postal service, Federal Express, United Parcel Service, and DHL Aviation. They also determined that the Marine Corps has no effective methods for anticipating these unconventional threats nor access to a proactive and rapid response system for threats without identified solutions.

The NRAC recommended that the Marine Corps form a "Commercial Hunter" cell whose mission is: "...to explore and anticipate the uses of readily available commercial technologies by irregular adversaries to attack key USMC capabilities or vulnerabilities."

In response, Marine Corps Warfighting Laboratory (MCWL) established the Commercial Hunter Program which seeks educational institutions to provide functional and technical research to include project management planning and analysis, operation and maintenance, and other technical support. Each exercise will focus on threats that may be encountered by allied forces during Operational New Dawn (OND) or in any hostile environment.

The MCWL awarded a Contract (M67854-11-C-9022) on 4 February 2011 to PSU in support of the Commercial Hunter requirement. Due to transition of contracting support, the contract expired before the options were exercised.

The previous contract was for an operational assessment, analysis, and Other Direct Costs (base plus three one-year options), for a prototype based on a Commercial Hunter exercise.

The Project Officer requests PSU to build a prototype based upon the operational assessment and analysis. This contract will be a base plus three year options. The base award will build a prototype with options for continued operational assessment, prototype and data. The period of performance (including the options) will end November 2014.

4. Identification of Statutory Authority

The statutory authority permitting use of other than full and open competition is 10 U.S.C. 2304 (c)(1) as implemented by the Federal Acquisition Regulations (FAR) 6.302-1(a)(2), "Only one responsible source and no other supplies or services will satisfy agency requirements." (41U.S.C.253(C)(1)).

5. Reason for Authority Cited

PSU is completing the operational assessment and analysis of the exercise. Continuity and data integrity control will be maintained utilizing the same university. A new contractor will result in split functions, ramped up

learning curve, additional funding, and duplication of cost to balance a dual management integration of two universities, thus impacting immediate delivery and flexibility requirements.

In addition, the procurement was conducted as a full and open competition in accordance with FAR Part 12, Commercial Items. The program office sought to award to four (4) different universities; however, only two universities responded: Southern Methodist University (SMU) and PSU. Awards were made to both universities.

6. Efforts Made to Solicit Potential Sources

A combined synopsis/solicitation will be posted on FedBizOpps via NECO in accordance with FAR 12.603 and FAR 5.101(a) (1).

7. Determination of Fair and Reasonable Cost

Fair and Reasonable cost will be determined by competition and the vendors' ability to meet delivery requirements.

8. Description of Market Survey

Solicitation M67854-11-R-9001 was issued as full and open competition outlined at FAR PART 12, two offers were received at that time. SMU and PSU were the successful offeror.

9. Other Factor Supporting Use of Other Than Full and Open Competition

Because of the nature of this work effort, there would be considerable duplication of cost involved to compete the remaining options.

10. Listing of Other Interested Sources

In response to market research, two written response were received from SMU and PSU. Awards were made to both.

11. Actions Taken to Remove Barriers to Competition

The Marine Corps Warfighting Laboratory is constantly looking for new or improved products/services and performs

ongoing market research to identify sources to meet requirements.

12. Statement of Delivery Requirement

This effort shall commence upon contract award and continue for a period of base plus three one-year options.

13. Estimated Dollar Value of the Acquisition Covered by this J&A

Research and Development (R&D) funds in the amount of \$350,000.

14. Acquisition Plan (AP)

In accordance with DFARS 207.103(d)(i)(A), an Acquisition Plan is not required because it is part of a development program and the program does not exceed the \$10M threshold.

APPROVALS

TECHNICAL AND REQUIREMENTS CERTIFICATION (FAR 6.303-1(b)):

I certify the facts and representation under my cognizance which are included in this justification and which form a basis for the justification are complete and accurate.

Robert L. McKinney 703-784-1339 2 MAY 2011
Name and Title Phone Date
Robert McKinney
Deputy Director OSTI
USMC S&T Program Manager
Marine Corps Warfighting Lab

REVIEW FOR LEGAL SUFFICIENCY (NMCARS 5201.602-1):

Blane Lewis 703-432-3911 5/5/2011
Name and Title Phone Date
Blane Lewis
Legal Counsel
Marine Corps Systems Command (LAW)

CONTRACTING OFFICER CERTIFICATION (FAR 6.303-2(a)(12)):

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

Berniece Washington 703-432-0982 5/5/11
Name and Title Phone Date
Berniece Washington
Contracting Officer,
Marine Corps Systems Command