



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

J&A Number: 12-003

**JUSTIFICATION AND APPROVAL (J&A)
FOR USE OF OTHER THAN FULL AND OPEN COMPETITION**

JUSTIFICATION

1. Contracting Activity

Marine Corps Tactical Systems Support Activity
Contracting Office
Box 555171, Bldg 31335B
Camp Pendleton, CA 92055-5171

2. Description of the Action Being Approved

Authority to act under this J&A for the award of a contract on a sole source basis is provided under FAR Subpart 6.302-1(a) and (c). The use of other than full and open competition to procure numerous Spirent Maintenance H/W and S/W license renewals is in support of Government-owned software and hardware from Spirent utilized by the Marine Corps Network Engineering Team (MCNET), Marine Corps Tactical Systems Support Activity (MCTSSA). The proposed action is for the procurement of a follow-on sole source, firm-fixed-price contract with Spirent Federal Systems Inc., 22345 La Palma Ave., Suite 105 Yorba Linda, CA 92887.

3. Description of Supplies/Services

The proposed contract action is to procure various Spirent renewal maintenance licenses for existing Government hardware and software located at the Program Engineering Support Group (PESG), MCTSSA.

CLIN	ITEM DESCRIPTION	QTY	UNIT PRICE
0001	ABACUS EXTENDED SUPPT 1YR RENEWAL. Provides prepaid parts & labor for HW failures, SW/FW upgrades, priority support, access to CSC. Minimum price per chassis is applicable. HW serial numbers are required. Subject to terms/conditions in the service agreement. P/N: SVC-1015AB-RENEW		
0002	HARDWARE REPAIR FOR DISCONTINUED PRODUCTS 1 YR P/N: SVC-1320		
0003	SPIRENT TESTCENTER EXTENDED SUPPT 1YR RNWL. Provides prepaid parts & labor for HW failures, SW/FW upgrades, priority support, access to CSC. Minimum price per chassis is applicable. HW serial numbers are required. Subject to terms/conditions in the service agreement. P/N: SVC-1015STC-R		
0004	SPIRENT TESTCENTER EXTENDED SUPPT 1YR RNWL. Provides prepaid parts & labor for HW failures, SW/FW upgrades, priority support, access to CSC. Minimum price per chassis is applicable. HW serial numbers are required. Subject to terms/conditions in the service agreement. P/N: SVC-1015STC-R		

0005	NETWORK ATTACKS - KNOWLEDGE BASE SUBSCRIPTION 1YR FED PROMO P/N: PR-SUB-0001
0006	CTS IPSEC SECURITY TEST BUNDLE P/N: SPK-1087
0007	CTS HIGH AVAILABILITY TEST SOLUTION P/N: SPK-1058
0008	CTS LAN SWITCHING TEST SOLUTION P/N: SPK-1062
0009	CTS IPV6 HOST TEST SOLUTION P/N: SPK-1063
0010	CTS OSPFV2 TEST PACKAGE P/N: TPK-1017
0011	DHCP CLIENT/SERVER BASE PACKAGE A P/N: BPK-1077A
0012	DHCP-PD/V6 CLIENT & SERVER BASE PACKAGE A P/N: BPK-1301A

The estimated dollar value for this procurement in its entirety is

4. Statutory Authority Permitting Other Than Full and Open Competition

The statutory authority permitting use of 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(a)(2)(ii) "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements – Follow-on Contract."

5. Rationale Justifying Use of Cited Statutory Authority

Although the original contracts to purchase Spirent commercial equipment (software and hardware) were originally competed using an unrestricted full and open competition strategy with brand-name or equal (FAR 52.211-6) a year ago, this is the first occurrence of MCNET or MCTSSA needing to renew all the maintenance licenses on its Government-owned equipment. Spirent, Inc. is the sole designer, developer, integrator, provider, and distributor of Spirent Communications products. As a result, Spirent is uniquely qualified and solely authorized to provide the complete range of licensed maintenance support services required. In addition, much of the technical data, material, and expertise required to perform these maintenance support services were developed exclusively by Spirent and are singularly provided to their customers by Spirent. These privately held renewal licenses, along with the corporate expertise of the Spirent products themselves, are the sole property of Spirent, Inc.

Spirent has the full range capability required to do network simulation and stimulation and analysis of Ipv4 and Ipv6. It would cost approximately \$1.3 million to replace this system with the competing equivalent. MCNET will be unable to test Programs of Record using the same standards as the Joint Interoperability Test Command and therefore Programs will be forced to pay for engineering and testing before attempting certifications. This procurement will allow the Ipv4 to compose testing situations required in order to mirror the same traffic load seen across a myriad of Marine Air-Ground Task Force (MAGTF) employment types.

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

Market research revealed that there were no other sources (open market or GSA/FSS) found that provided the required Spirent communications products. The Contract Specialist contacted Spirent via email and Spirent confirmed via a letter dated 17 Jul 12 that they (Spirent) were the lone distributor of Spirent products.

Spirent's letter states that "Spirent Communications and Spirent Federal do not at this time maintain any Federal reseller programs, nor have they provided a formal letter of supply to any other business entity, that would be permitted by contract, to sell these products to the United States Government or their support contractors. All products are manufactured at Spirent and are off the shelf commercial items."

The current acquisition strategy is to award a sole source contract to Spirent as a direct result of Spirent's status as the sole authorized provider of these communications products. A notice of intent to award to a sole source will be posted to FedBizOps and NECO as required by FAR Subpart 5.2.

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 Contracting Officer determined that the fair and reasonableness of the cost/price will be based on an analysis of the contractor's cost/price quotation, including backup information supporting the cost/price, with the Independent Government Cost Estimate, which was determined in March 2012. It is anticipated this analysis will be conducted using an experienced Technical Representative and Contract Specialist.

8. Actions to Remove Barriers to Future 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. Future acquisitions are planned for these same Spirent renewal maintenance support licenses beginning in August 2013.