



DEPARTMENT OF THE NAVY
NAVAL AIR SYSTEMS COMMAND
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IN REPLY REFER TO
CJ&A_15_24589

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

1. Contracting Activity.

Naval Air Systems Command (NAVAIR) Headquarters

2. Description of the Action Being Approved.

This Class Justification and Approval (CJ&A) authorizes and approves the issuance of fixed price type orders against a Basic Ordering Agreement (BOA) with Martin Baker Aircraft Company, Ltd. (MBA) for supplies and services related to the Navy Aircrew Common Ejection Seat (NACES) program and subsystems for F/A-18 and T-45 aircraft on behalf of the United States Navy (USN) and Foreign Military Sales (FMS) customers. Authority to act under this CJ&A expires September 30, 2019.

3. Description of Supplies/Services.

NACES is the primary means of aircrew escape from disabled aircraft and provides the seated platform for the aircrew, in-flight aircrew restraint, and necessary cockpit interfaces to meet mission performance. This CJ&A will support efforts of PMA202, PMA265 and PMA273 whose requirements may include procurement of supplies, components, engineering, testing, manufacturing, change kits for NACES end-items, change kits for support equipment, change kits for spare and repair parts, installation of change kits, support equipment, spare and repair parts, services and materials necessary to bring existing equipment up to standard, software support, Repair of Repairables (ROR), contractor technical support, technical manuals, provisioning technical documentation, training, training materials, engineering analysis and investigations, integrated logistics support, engineering drawings, and data for the USN and FMS customers. Delivery requirements will be established in the individual orders issued under the BOA.

See Appendix A for Estimated Dollar Value

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

10 U.S.C. 2304(c)(1), Only one responsible source and no other supplies or services will satisfy agency requirements.

5. Rationale Justifying Use of Cited Statutory Authority.

As the sole designer, developer and manufacturer of NACES, only MBA has the requisite knowledge, technical expertise, required technical data, production tooling, facilities, and experience necessary to support engineering, manufacturing, testing and logistics tasks associated with the ejection seat. Ejection seats are critical to aircrew safety and survivability in the event of a mishap. Under DFARS 209.270, the

unique safety nature of an ejection seat mandates that it be manufactured only by a qualified source. Another contractor could not produce and qualify an ejection seat without resulting in significant duplication of costs to the USN and unreasonable delays to schedule and deliveries. It is estimated that it would take, at a minimum, three to four years to perform the efforts necessary to qualify another source. Based on current Joint Strike Fighter (JSF) qualification costs, the estimated amount of Government funding it would take to qualify a second source for NACES is approximately \$57.4 million, including basic design engineering, validation of the data package, build of a limited production quantity for component and system testing and conducting system testing across multiple aircraft. These costs would not be recovered through competition.

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

The PMA maintains a constant survey of the ejection seat industry and can identify no other source capable of satisfying the Government's requirement. No additional market research was conducted as it is not practicable, for the rationale discussed in paragraph 5, for any source other than MBA to provide the required supplies and services. A notice required by FAR 5.201(b) will be released to Federal Business Opportunities for each order stating the USN's intention to award a sole source contract. Any inquiries received as a result of this notice will be given full consideration prior to award.

7. Determination of Fair and Reasonable Cost.

Per FAR 15.402, the contracting officer is required to procure supplies and services from a responsible source at a fair and reasonable price. In assessing price, the contracting officer will receive information and support from the United Kingdom Ministry of Defense, Defense Contract Audit Agency, Naval Air Systems Command technical personnel, and the Naval Air Systems Command Cost Analysis Group. Thereby the contracting officer will have sufficient information to conduct cost and price analysis and ensure fair and reasonable prices are negotiated.

8. Actions to Remove Barriers to Future Competition.

MBA was selected as a prime contractor for NACES on 3 May 1985 as the result of full and open competition. For the reasons set forth in paragraph five, NAVAIR 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, NAVAIR will assess the feasibility of competing future requirements.

Appendix A

Estimated Dollar Value in Millions

[REDACTED]	Total
	57.5