

Contracts Documentation

J&A Number 09-210C MH-60S AMCM

J&A Template: Ktrs v1F

Justification for Other than Full and Open Competition

Please fill in all of the required details below.

C1. J&A Description:

J&A Number: 09-210C

Acquisition Name: MH-60S AMCM

The estimated total dollar amount is: \$ 14,150,000.00

Class J&A?:

C2. Exception to full and open competition:

FAR 6.302-1 "Only One Responsible Source".

C3. Contracting Activity:

Naval Air Systems Command

Naval Air Systems Command Headquarters

Aircraft Support Contracts Department (AIR 2.3.4.1)

47123 Buse Road, Bldg 2272

Patuxent River, MD 20670-1547

C4. Synopsis: Was a synopsis describing this action(s) released in FEDBIZOPPS?

Yes

If Yes:

▪ The synopsis was posted on 6 May 2009 (allow adequate time before submitting the J&A for review).

▪ Which companies responded in writing?

None

▪ Describe action(s) taken with responses received:

N/A

▪ Any future responses to the synopsis will be evaluated by the contracting officer.

No, a synopsis was not released because:

Each action will be synopsisized individually.

Of an Unusual and Compelling Urgency under FAR 6.302-2.

This action(s) is the result of an international agreement.

Other, explain:

C5. Determination of Fair and Reasonable Cost / Price:

In accordance with (IAW) FAR 6.303-2 (a) (7), the PCO will take the following action(s) to ensure that Cost / Price is reasonable.

Obtain Field/ DCAA Audits.

Obtain Certified Cost and Pricing Data.

Utilize Independent Government Estimate.

Utilize Historical Data.

Conduct Price Analysis IAW FAR 15.404-1.

Other, explain:

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Justification for Other than Full and Open Competition

6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.

T1. J&A Description:

J&A Number: **09-210C**

Acquisition Name: **MH-60S AMCM**

T2. Technical Point of Contact: [REDACTED]

WHAT is being acquired?

T3. Concisely describe the nature of this acquisition (i.e. What the item or service is and what function it will perform):

Sikorsky Aircraft Corporation (SAC) will support the MH-60S Airborne Mine Countermeasures (AMCM) AN/AQS-20A flight test efforts including correction of deficiencies during flight tests and as a result of test. SAC shall also modify the MH-60S AMCM aircraft to incorporate the Block 2A and the Block 2B mission sensor/weapon systems on the air vehicle structure, mechanical, electrical, hydraulic and flight control associated systems. The AMCM Block 2B sensor/weapon systems includes the Airborne Mine Neutralization System (AMNS), Organic Airborne Surface Influence Sweep (OASIS), Rapid Airborne Mine Clearance System (RAMICS) and Airborne Laser Mine Detection System (ALMDS) and other related systems.

T4. The estimated total dollar amount, including options, of this action is:

\$ 14,150,000.00

T5. This J&A approves the following type of action(s): (Coordinate with PCO)

Single action

- **New Cost Plus Incentive fee type Modification of Contract**

Class of actions. If this is a Class J&A, it covers actions through **30 June 2012.**

- **New Cost Plus Incentive fee type Modifications of Contract**

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WHO is the only source?

T7. Sikorsky Aircraft Corporation (SAC) is the only source that can provide the above supplies or services and no other supplies or services will satisfy the program's requirements.

WHY is the source above the only one that can fulfill the requirement?

In accordance with Title 10 U.S.C 2304(c)(1) as cited in FAR 6.302-1, "Only one responsible source and no other supplies or services will satisfy agency requirements."

T8. Only the specified source can provide the above described supplies or services due to: (Select from the following).

Insufficient Technical Data and / or Rights: The Government does not possess adequate data and / or the rights necessary to competitively award this requirement.

- Explain why the technical data is necessary for this acquisition:

Five highly complex weapon systems are being integrated into the MH-60S. The integration of the AMCM Block 2A AN/AQS-20A and Block 2B sensor/weapon systems into the MH-60S will require modification and enhancements to the MH-60S aircraft's mechanical, electrical and hydraulic systems. As the sole developer and manufacturer of the MH-60S, SAC is the only responsible source with the experienced personnel for this procurement and support of flight test. Additionally, this effort will leverage existing structural, mechanical, electrical, hydraulic, flight control and associated systems efforts already developed by SAC for the MH-60S AMCM Block 2A program.

- Does the Government possess all the technical data required to competitively award this requirement?

Yes

- If Yes, explain why the Government does not possess sufficient data rights to competitively award this requirement:

- Could the necessary rights to the data be purchased?

Yes, the necessary rights could be purchased for an estimated \$

This amount was determined by

This amount is economically unfeasible due to

No, explain:

No

- If No, explain why the Government does not possess sufficient technical data to competitively award this requirement.

The MH-60S helicopter design is a composite of the SAC built U.S. Army UH-60L and U.S. Navy HH-60H helicopters. Due to cost constraints, neither the Army nor the Navy procured a Level III technical data package that is required to support full and open competition; therefore, the Government does not have adequate data rights to compete this requirement. SAC is the sole

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developer and manufacturer of the MH-60S. Additionally, SAC is the only company that has the expertise, technical data, equipment, and experienced personnel necessary to perform the required engineering studies, design, and logistics support services to produce a MH-60S production aircraft in accordance with the ORD and performance specifications, as set forth in the contract.

- If No, could the necessary technical data and rights be purchased?
 - Yes, the necessary data and rights could be purchased for \$
This amount was determined by
This amount is economically unfeasible due to
 - No, explain: **The same cost constraints exist today as when the original contract was awarded and as stated above**

Special Tooling: Only the referenced source has access to special tooling which is necessary to fulfill this requirement.

- Explain why the special tooling is necessary for this acquisition:
 - Could the necessary special tooling be purchased?
 - Yes, the necessary tooling could be purchased for an estimated \$
This amount was determined by
This amount is economically unfeasible due to
 - No, explain:

Substantial Duplication of Cost (for follow-on actions only): The above source is deemed to be the only source available because an award to a source other than the original provider would result in a substantial duplication of cost which would not be recovered through competition.

- An estimated \$ **94,528,529.00** worth of work would be duplicated.
- Explain in detail how this amount was determined.
This is the amount of RDT&E money expended to date to design and incorporate the modification necessary to integrate the Block 2A and Block 2B mission sensor/weapon systems.

Unacceptable delay of work (for follow-on actions only): The above source is deemed to be the only source available because an award to a source other than the original provider would result in an unacceptable delay in fulfilling the Government's requirements.

- Going to another source would create a delay of **Five years.**
- Explain in detail how this delay estimate was determined.
Due to the evolutionary acquisition strategy using block upgrades and the government's lack of a data package, it would require at least 5 years for a new source to gain the thorough understanding of the earlier developed capabilities. A thorough understanding of the earlier capabilities would be necessary prior to developing a performance based specification and to design, develop and integrate the remaining

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requirements.

- Explain in detail how the Government would be unable to meet its requirements by this delay.

This delay would result in an unacceptable delay of the Congressionally mandated AMCM program.

- Describe the specified source's ability to provide the needed supplies / services within the necessary timeframe.

As the sole developer and manufacturer of the MH-60S, SAC is the only responsible source with the expertise, technical data, equipment, and experienced personnel for the procurement and support of flight test.

Other:

- Specify why only the stated source can provide the above supplies or services.

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Background (Additional information)

T9. Is there a supporting acquisition planning document for this program?

Yes

- If Yes, is the supporting acquisition planning document current?
(ensure legal counsel has a copy of the latest document)

Yes, it is current as of **May 2009**.

No, explain:

- If Yes, is this J&A consistent with the content of the supporting acquisition planning document, including MOPAS?

Yes, it is consistent.

No, explain: **This J&A is not consistent with the current AP. The additional RDT&E funding is in the DoN 11 budget. The AP will not be updated until PB11 is officially released.**

No

- If No, why is there not a supporting acquisition planning document?

A supporting acquisition planning document is not required in accordance with DFARS 207.103 (d)(i).

Other, explain:

T10. Market Research and / or Survey:

Performed

- Describe the research and / or survey that was conducted:

In accordance with FAR Part 10, Market Research, the MH-60S Integrated Product Team (IPT) continues to conduct market research to determine the extent to which commercial items or Non-Developmental Items (NDI) could be incorporated at the component level. Commercial items and NDI products that are part of the current configuration of the MH-60S are purchased via other NAVAIR program offices and provided as GFE .

Not Performed

- No market research or survey was conducted due to:

T11. Follow-on Contract Information: (Required for all actions)

Will this requirement be acquired again?

Yes

- If Yes, what is being done to remove barriers to competition?

Nothing, explain: **For the reason noted in T8 above, the Navy cannot acquire the data packages necessary for competitive procurement. At present, SAC is not willing to release proprietary technical data necessary for the government to conduct competitive procurements. This CJ&A expires on 30 June 2012**

Actions such as:

- If Yes, will it be competed in the future?

No, explain:

Yes, on **When**.

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No, this is a one time buy.

No, this a final buy.

Is this for a follow-on requirement?

Yes

▪ If Yes, is the previous J&A attached?

Yes

No, explain:

No

