



DEPARTMENT OF THE NAVY

NAVAL AIR SYSTEMS COMMAND
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IN REPLY REFER TO
CJNA 11_2843

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 procurement is a firm fixed price requirements contract with CAM LOCK, LTD. (UK), to fulfill a procurement of approximately 7,414 A/P22P-14(V)1 through (V)5 aircrew Chemical Biological Radiological (CBR) protective respirator assemblies and the associated spares, repair parts, batteries, training assets, and technical data. This procurement is for replacing Fleet assets that have exceeded the 5 year shelf life or service life. The CBR respirator assembly is a critical component of the Aviation Life Support System (ALSS) that provides the aircrew with protection when flying in a CBR contaminated area. This procurement includes a base year and four one-year options for FY11 through FY15.

3. Description of Supplies/Services.

CBR Respirator Assemblies (to include spares, repair parts, training assets, batteries, canisters and technical data).

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.

Only the specified source can provide the above described supplies or services due to insufficient technical data and or rights. NAVAIR does not possess adequate technical data and or the rights necessary to competitively award this requirement. CAM LOCK, LTD. has been the prime contractor for the design and production of the CBR respirator since 1996. CAMLOCK, LTD has retained the technical data rights on all data packages, drawings, and software associated with the CBR respirator and does not intend to make the technical data packages available to the U.S. Government and/or other vendors. NAVAIR never purchased the technical data from CAM LOCK, LTD due to budgetary constraints. Through email correspondence dated June 10, 2010, CAM LOCK, LTD. has confirmed that CAM LOCK, LTD. is not willing to sell or release such proprietary data to NAVAIR to compete this requirement. The technical data contains the production drawings, including the specifications necessary to fabricate the respirator components, spare parts, and test assets. As a result, neither

NAVAIR nor any other vendor can produce this product without the technical data rights held exclusively by CAMLOCK, LTD.

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

The US Air Force and US Army currently do not have a qualified supplier of CBR respirator assemblies. NAVAIR has sought to develop, through the Joint Service Aircrew Mask (JSAM) program, a CBR respirator assembly that would meet or exceed the capabilities of the current respirator assembly in use and designed by CAM LOCK, LTD. Through the JSAM competition, only two other companies were recognized as being capable of fulfilling the requirement and both are yet to develop a qualified respirator assembly. Fielding of CBR respirator assemblies was to be replaced by the JSAM program, which was scheduled for Initial Operating Capability (IOC) in FY02. Due to the complexity of integrating the JSAM into all DoD aircraft, the IOC is now delayed until at least FY15. This delay necessitates the continued procurement of CBR respirator assemblies in the interim to maintain Fleet readiness. During JSAM's development, NAVAIR has attended trade-shows, symposiums and other gatherings related to Chemical-Biological protection and has found no replacement to fulfill NAVAIR's current requirements before the US Navy (USN) & US Marine Corps (USMC) transitions to the JSAM respirator assembly. A pre-solicitation synopsis for this effort was posted in FEDBIZOPPS on July 28, 2010, and no parties responded to the solicitation indicating any interest.

7. Determination of Fair and Reasonable Cost.

NAVAIR is able to determine fair and reasonable cost by examining historical pricing data that exists from the current contract with CAM LOCK, LTD. that purchases the same items. Additionally, DCAA will be performing a full audit of CAM LOCK, LTD. prior to negotiation and award of this contract.

8. Actions to Remove Barriers to Future Competition.

The Government has competitively awarded contracts under the Joint Service Aircrew Mask (JSAM) program to develop CBR respirator assemblies, which when completed will replace the current CBR respirator assembly. JSAM has been in the Engineering & Manufacturing Development phase since 1997 and will begin ground testing in January 2011. JSAM deliveries are not scheduled to begin until FY16 for the USN and USMC. It is NAVAIR's intention to transition to JSAM in FY16.