



**DEPARTMENT OF THE NAVY**

NAVAL SEA SYSTEMS COMMAND  
1333 ISAAC HULL AVE SE  
WASHINGTON NAVY YARD DC 20376-0001

IN REPLY TO

J&A Number: 20,866

Code: SEA 0222

P.R. Number: N00024-12-NR-53148

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

JUSTIFICATION

1. Contracting Activity

The Naval Sea Systems Command Shipbuilding Contracts Division (SEA 022).

2. Description of the Action Being Approved

Award of a contract modification under contract N00024-09-C-2229 to National Steel and Shipbuilding Company (NASSCO) on a sole source basis for the contract design of the Mobile Landing Platform (MLP) 3 Afloat Forward Staging Base (AFSB).

3. Description of Supplies/Services

This contract action will provide for contract design on MLP 3 AFSB, including related engineering and technical support, and special studies. The period of performance for this effort will be approximately 6 months.

The Government's minimum needs have been verified by the certifying technical and requirements personnel.

This contract action, estimated at [REDACTED]

Table 1 - Estimated Dollar Value (Millions)

	FY12	Totals
[REDACTED]	[REDACTED]	[REDACTED]

4. Statutory Authority Permitting Other Than Full and Open Competition

10 USC 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

The Navy competitively awarded Contract N00024-09-C-2229 for System Design Part 1 (SD1) with priced options for System Design Part 2 (SD2) and unpriced options for Detail Design and Construction (DD&C) of MLP 1 through MLP 3 on February 13, 2009 to NASSCO after receiving only one qualified proposal. NASSCO completed SD1 and was subsequently awarded SD2 on December 22, 2009.

On April 7, 2010, Advanced Design was awarded to NASSCO under revision two of the Acquisition Strategy, and subsequently DD&C options of MLP 1 through MLP 3 were exercised. The additional design and construction efforts were negotiated under 10 U.S.C. 2304(c)(1), only one responsible source and no other supplies or services will satisfy agency requirement, and authorized under Class Justification and Approval 20,712.

If the Navy were to modify its acquisition strategy and allow another shipbuilder to perform contract design of the AFSB, the MLP Program would experience an excessive cost increase and delay to the schedule [FAR 6.302-1(a)(ii)(B)]. Award to any source other than NASSCO would cause an unacceptable delay to the award of detail design for MLP 3 AFSB, estimated to be approximately 18 months. The time delay is based on replication of design efforts to provide a ship specification capable of supporting detail design and construction of the AFSB engineering change. In addition, the Government estimates that another shipyard would expend approximately \$20 million to gain the necessary knowledge and level of expertise to perform contract design associated with AFSB requirements, and an additional approximately \$20 million in shipyard costs associated with the delay of MLP 3 AFSB construction. It is not expected that this substantial duplication of cost to the Government would be recovered through competition.

NASSCO is the only source that has the extensive knowledge and familiarity of the requirements, design, and construction of the MLP to efficiently and effectively perform contract design of the MLP AFSB. No other source can provide the engineering expertise to address various questions/issues on the design that is unique to this shipbuilder. As a result, NASSCO is the only source capable of providing the required efforts without duplication of efforts and unacceptable impact to the ship delivery schedule and cost.

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

The proposed contract modification was synopsized on the Federal Business Opportunities (FEDBIZOPS) website on December 12, 2012. At this time, no parties other than

NASSCO have expressed interest in this pre-solicitation synopsis. No additional market research was conducted because it is not practicable, for the reasons discussed in paragraph 5 above, for any company other than NASSCO to provide the required supplies and services.

7. Determination of Fair and Reasonable Costs

The Contracting Officer has determined that the anticipated cost to the Government for the supplies/services covered by the J&A will be fair and reasonable.

8. Actions to Remove Barriers to Competition

For the reasons set forth in Paragraph 5, the Naval Sea Systems Command has no plans at this time to compete future contracts for the types of supplies and services covered by this document. If another potential source emerges, the Naval Sea Systems Command will assess whether competition for further requirements is feasible.

CERTIFICATIONS AND APPROVAL

TECHNICAL/REQUIREMENTS CERTIFICATION (FAR 6.303-2(b))

I certify that the facts and representations under my cognizance, which are included in this justification and its supporting acquisition planning data, including MLP Acquisition Strategy revision 3 of 17 August 2012, except as noted herein, are complete and accurate to the best of my knowledge and belief.

TECHNICAL COGNIZANCE:

[REDACTED]

REQUIREMENTS COGNIZANCE:

[REDACTED]

LEGAL SUFFICIENCY REVIEW (NMCAG 5206.303(90))

I have determined this justification is legally sufficient.

[REDACTED]

CONTRACTING OFFICER CERTIFICATION (FAR 6.303-2(b)(12))

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

[REDACTED]

APPROVAL BLOCK (FAR 6.304 for Approving Official)

Upon the basis of the above justification, I hereby approve, as Designee of the Head of the Contracting Activity, the solicitation of the proposed procurement(s) described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304(c)(1).

Designee of the Head of the Contracting Activity

[REDACTED]

*Michael Cotermuth*

*12/21/2012*