



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: 40,916  
Code: 02433  
P.R. Number: N00024-13-NR-92200

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

JUSTIFICATION

1. Contracting Activity

The Naval Sea Systems Command, Fleet Support Contracts Division, SEA 024.

2. Description of the Action Being Approved

Contracting without providing for full and open competition.

3. Description of Supplies/Services

The proposed action is to establish a one ship contract for the planning and execution efforts for the FY14 Drydocking Continuous Maintenance Availability (DCMAV) for USS SPRINGFIELD (SSN 761) homeported in New London, Connecticut. In accordance with SECNAV Waiver of Ship Depot Maintenance Policy for Submarine Short-Term Availabilities, dated 1 April 2003, the intention is to award the USS SPRINGFIELD DCMAV to General Dynamics Electric Boat (EB) without utilizing full and open competition. The Firm Fixed Price (FFP) award will provide for advance planning, engineering and design efforts, prefabrication, and shipyard execution work necessary to prepare and accomplish maintenance and modernization work in support of the USS SPRINGFIELD DCMAV. The estimated value of this effort is [REDACTED]. The Government's minimum needs have been verified by the certifying technical and requirements personnel.

4. Statutory Authority Permitting Other Than Full and Open Competition

10 U.S.C. 2304(c)(1). Only one or a limited number of responsible sources and no other type of supplies or services will satisfy agency requirements.

5. Rationale Justifying Use of Cited Statutory Authority

The procurement of the supplies/services described above using other than full and open competition is appropriate because, in accordance with Federal Acquisition Regulation (FAR) 6.302-1(b)(1)(ii), there are only two qualified sources with unique capabilities to satisfy these requirements:

Electric Boat Corporation (EB), A General  
Dynamics Company  
75 Eastern Point Road  
Groton, CT 06340-4989

Huntington Ingalls Industries, Newport News  
Shipbuilding  
(HII-NNS)  
4101 Washington Avenue  
Newport News, VA 23607

Through their extensive previous experience with nuclear-powered submarine programs, EB and HII-NNS have developed unique expertise and facilities for the design, engineering, construction, and maintenance of these submarines. Only EB and HII-NNS have the knowledge and expertise required to perform intermediate and depot-level nuclear submarine maintenance, modernization and repairs during the operational phase.

EB is the Design Agent and the designated planning yard contractor for TRIDENT, SSBNs, and all unique SSN classes. Additionally, EB operates the Reactor Plant Planning Yard for all nuclear powered submarines. EB also maintains the repository for all as-built engineering data for TRIDENT, SSBNs, and all unique SSN classes. HII-NNS has acquired similar expertise through their work on various nuclear submarine programs.

Under the homeport statute, (10 USC 7299a), where competition exists at a vessel's homeport for short term availabilities (e.g., 6 months or less in length), the contract for that work must be awarded to a firm that will perform the work in the vessel's homeport. USS SPRINGFIELD (SSN 761) is homeported in New London, Connecticut. EB is the only source possessing the expertise necessary to perform the required DCMVAV effort in the designated homeport area. The Navy's Ship Depot Maintenance Solicitation Policy would normally require that the geographic area for solicitation be expanded until "adequate competition" is achieved. However, because of the demand created by the global war on terrorism for maximum submarine deployment availability, and retention and recruitment of sailors, and recognizing that performance of submarine overhaul and repair outside the homeport area will have an adverse impact on mission availability, the Secretary of the Navy has waived the above-stated requirement, thereby permitting all short-term submarine availabilities to be performed in the homeport area even if adequate competition is not present. In addition, a synopsis was issued and HII-NNS did not express interest in this procurement. Therefore, because EB is the only source with the expertise to perform the DCMVAV in the homeport of the vessel, the work will be sole sourced to EB.

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

The proposed contract action was synopsisized on 14 January 2013 on the Federal Business Opportunities (FEDBIZOPPS) website in accordance with FAR 5.201. No additional market research was conducted because it is not practicable, for the reasons discussed in paragraph 5 above, for any company other than EB to provide the required supplies and services.

7. Determination of Fair and Reasonable Costs

In accordance with FAR 15.402(a), the Contracting Officer must ensure all supplies and services are procured at a fair and reasonable price. The contractor will submit cost and pricing data in accordance with FAR 15.403-4. Analysis of the proposal will be performed by technical analysts and contract specialists, with the assistance of the Supervisor of Shipbuilding Groton analysts and the Defense Contract Audit Agency auditors. The Contracting Officer will use cost and price analysis to determine that the final price is 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/services covered by this document.

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 Acquisition Plan No. 392-11, Rev 2, except as noted herein, are complete and accurate to the best of my knowledge and belief.

TECHNICAL & REQUIREMENTS COGNIZANCE:

[Redacted Signature Name and Title]

Signature Name (Print) and Title (Code) Phone No. Date

LEGAL SUFFICIENCY REVIEW (NMCARS 5206.303-90)

I have determined this justification is legally sufficient

[Redacted Signature Name and Title]

Signature Name (Print) and Title (Code) Phone No. Date

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 Signature Name and Title]

Signature Name (Print) and Title (Code) Phone No. Date

APPROVAL BLOCK (FAR 6.304 for Approving Official)

Upon the basis of the above justification, I hereby approve, as the 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).

DIRECTOR OF CONTRACTS

[Redacted Signature]

Signature

Jerome Punderson  
Name (Print)

1/23/13  
Date