



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: 62.167

Code: SEA02622

PR Number: N00024-11-NR-94070

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

JUSTIFICATION

1. Contracting Activity:

Naval Sea Systems Command (NAVSEA), Undersea Systems
Contracts Division (SEA 0262 - Submarine Systems Branch).

2. Description of the Action Being Approved:

The use of other than full and open competition to modify
contract N00024-07-C-6223 with L3-Chesapeake Sciences
Corporation (L3-CSC), Millersville, MD, to increase the
existing Engineering Services ceiling for the TB-34/BQ Towed
Array Sensor System.

3. Description of Supplies or Services:

This proposed contractual action would modify Contract
N00024-07-C-6223 to increase the scope by adding
approximately 25,000 hours for engineering services and
associated Other Direct Cost to include material, travel and
subsistence. Additional hours are needed to support
Engineering and Technical Support Services directed by
Government Technical Instructions to include program
management, engineering/technical support services, depot
support and repair. Single Acquisition Management Plan No.
PEOSUB/PMS401-11-011 detailing this requirement was approved
on September 2, 2011. The total estimated value of this
proposed contract action is \$3,250,000.

TB-34/BQ Contract Funding OPN Appropriation

Quantities	FY11	FY12	FY13	Total For Contract
Hours	8,000	8,500	8,500	25,000
Total Funding by Fiscal Year	1.05	1.10	1.10	3.25

Funds are in Millions

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

10 U.S.C. 2304(c)(1), as implemented by FAR 6.302-1. Only one or a limited number of responsible sources and no other supplies or services will satisfy agency requirements.

5. Rationale Justifying Use of Cited Statutory Authority.

L3-CSC is the developer and current producer of the TB-34/BQ Towed Array, and L3-CSC possesses critical data rights integral to providing support services to the TB-34/BQ Towed Array program. Thus, L3-CSC is the only source uniquely qualified to satisfy the Navy's requirements. In September 2004, two contracts were awarded to competing companies for the development, test, and manufacture of their unique Next Generation Fat Line design solution. Each contractor delivered a prototype. The Navy assessed each prototype's performance in a simulated operational environment, after making a best value determination, awarded a single production contract, N00024-07-C-6223, to L3-CSC. The winning array design was designated as the TB-34/BQ Towed Array.

Currently, L-3 CSC retains exclusive rights to the Technical Data Package and is the only source available to perform this effort. Additionally, as the manufacturer of the TB-34/BQ, L3-CSC is the only source capable of delivering the system engineering, technical services, repair and refurbishment services and logistic support for the TB-34/BQ. The capabilities required to execute this action are not currently available elsewhere in their entirety and cannot be duplicated without substantial investment over a period of years. L3-CSC's knowledge and experience cannot readily be replicated without unacceptable schedule delays and increased program cost. The minimum delay associated with acquiring the necessary data rights and competitively awarding a contract for the provision of these services would be approximately 12-24 months. Any TB-34/BQ Arrays and associated equipment returned for repair and refurbishment would not be fixed in a timely manner to meet fleet requirements. Additionally, even if the Government could procure the critical data rights and if the engineering services were to be awarded to another entity, it would require employing additional management oversight and personnel with less experience to perform these technical duties. This would increase the Government's risk due to the

work being performed by other than the technical experts who built these systems and the Non-Recurring Engineering costs required to bring these individuals up to the level of knowledge required to perform maintenance on these systems. It would increase cost in delivering to the fleet and increase risk of meeting fleet demands and ability to complete the ship's mission. Thus, L3-CSC is the only contractor able to support this effort within the program's schedule and cost constraints.

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

In accordance with FAR 5.201(b)(1)(ii) this action was synopsisized on Federal Business Opportunities on August 31, 2011. The Contracting Officer will consider any industry information made available as a result of this synopsis. However, for the reasons stated herein, it is believed L3-CSC is the only entity that possesses the unique qualifications to perform the required engineering services.

7. Determination of Fair and Reasonable Cost.

The Contracting Officer has determined that the anticipated cost to the Government of the supplies/services covered by this J&A will be fair and reasonable. It is anticipated that L3-CSC will honor the existing hourly rate for engineering services. The existing hourly rate is fair and reasonable having been proposed on a competitive basis.

8. Actions to Remove Barriers to Future Competition.

There are no plans to compete this effort for the reasons identified in paragraph 5. However, the Government is pursuing the acquisition of unlimited data rights, which would remove barriers to future competition.

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

I certify that the facts and representations under my cognizance which are included in this justification are complete and accurate to the best of my knowledge and belief.

TECHNICAL COGNIZANCE:

[Redacted Signature and Name/Title/Code]

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

REQUIREMENTS COGNIZANCE:

[Redacted Signature and Name/Title/Code]

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

LEGAL SUFFICIENCY REVIEW (NMCAG G5206.303-90)

I have determined this justification is legally sufficient.

[Redacted Signature and Name/Title/Code]

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

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

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

[Redacted Signature and Name/Title/Code]

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 Designee of the Head of the Procuring 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 PROCURING ACTIVITY

[Redacted Signature and Name/Title/Code]

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

9/8/2011