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: 20,658
Code: SEA 0223
P.R. No: N00024-09-FR-53116

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

The use of other than full and open competition to award a modification to Contract N00024-09-C-2229 with National Steel and Shipbuilding Company (NASSCO), 2796 Harbor Drive, San Diego, CA 92113, that increases the number of manhours under Provisioned Items Order (PIO) CLIN 0016 for additional Special Studies in support of the Maritime Prepositioning Force (F) MPF(F) Mobile Landing Platform (MLP) Program.

3. Description of Supplies/Services

The planned contract modification increases the manhours available to perform special studies under Provisioned Items Orders (PIO) CLIN 0016 during the two Systems Design development phases of MLP, (SD1 and SD2), which are planned for completion by 31 Oct 2010. These special study hours will be used to task NASSCO to perform additional special studies, including, but not limited to, Key Performance Parameters (KPP)/Key System Attributes (KSA) trade studies, cost reduction studies, special design studies, etc. The [redacted] estimated hours associated with this J&A have an estimated value of [redacted] and will be funded with FY09 NDSF RDT&E funds.

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 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 the System Design Part 1 (SD1) of the lead ship of the MLP Class to NASSCO on 13 Feb 2009. NASSCO has completed 50% of the work required for SD1, and is required under the contract to complete the SD1 effort by 15 Oct 2009. These engineering services are only available from the original source for the continued provision of highly specialized services. Since NASSCO has completed 50% of SD1, only NASSCO has the extensive knowledge of and the familiarity with the requirements, design, and eventual construction of the MLP to efficiently and effectively design the MLP. Therefore, no other source can provide the engineering expertise to address various questions/issues on the design that is unique to the contractor.

Another source would incur significant non-recurring cost to develop its own system design. The Government estimates another shipyard would expend [redacted] to gain the necessary knowledge and level of expertise to perform the required special studies. This estimate includes the combined amounts awarded for SD1 and special study efforts to date. Additionally, the delay in delivery of the special study results would create a minimum of a 4-month delay to the award of the Detail Design and Construction contract, based on the time elapsed since the award of SD1. This increased cost and schedule delay would most likely not be recovered through competition.

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

The efforts addressed by this J&A were synopsized via the Federal Business Opportunities (FEDBIZOPS) web portal, www.fbo.gov on site on 20 July 2009. No responses have been received to date and no responses are anticipated. 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, along with the fact that the Navy has no plans at this time to compete future contracts for the types of supplies/services covered by this document.

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CERTIFICATIONS AND APPROVAL

[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 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]

TERESA RYAN — 18 AUG 09

Name (Print) — Date