



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

IN REPLY TO

J&A No. 40,834  
 Code: SEA 02443  
 Date: 26 May 2011

**JUSTIFICATION AND APPROVAL  
 TO PROCURE USING OTHER THAN FULL AND OPEN COMPETITION**

1. Contracting Activity.

Naval Sea Systems Command, Fleet Support Contracts Division

2. Description of the Action Being Approved.

The use of other than full and open competition to enter into a contract with General Dynamics Electric Boat (GDEB) for non-nuclear submarine repair work under the New England Maintenance Manpower Initiative (NEMMI).

3. Description of Supplies/Services.

This effort will include services and incidental supplies for non-nuclear maintenance, modernization and repair of operational nuclear-powered submarines, floating dry docks, support and service craft, and associated platforms and plant equipment as assigned by Fleet Forces Command (FFC) and Commander, Submarine Force to Naval Submarine Support Facility (NSSF) New London, CT. The scope of this effort covers non-nuclear repair services required to support Submarine Modernization Programs, Ship Alterations, temporary modifications and field changes, and corrective and preventive maintenance which will require the contractor to be certified to accomplish SUBSAFE, Deep Submergence Systems-Scope of Certification (DSS-SOC) and Fly-By-Wire (FBW) work. The contractor should also be certified to work inside all designated nuclear propulsion spaces as well as with systems that interface to nuclear systems of submarines in order to conduct non-nuclear maintenance actions, without having to obtain specific permission, on a case-by-case basis, as required by NAVSEAINST 4350.2C and COMFLTFORCMINST 4790.3. [REDACTED]

[REDACTED] The estimated value of this procurement is \$46,419,000. The estimated number of man-hours for this effort is 514,498.

<b>TYPE FUNDS: O&amp;MN</b>	<b>BRIDGE CONTRACT FY-12</b>
Man-Hours/ Price	514,498 \$46,419 K

4. Identification of Statutory Authority

The statutory authority permitting other than full and open competition for this effort is 10 U.S.C. § 2304(c)(1), limited number of responsible sources. No other supplies or services will satisfy agency requirements as implemented by FAR 6.302-1.

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.

Contractors:           General Dynamic Electric Boat Corporation (GDEB)  
                              75 Eastern Point Road  
                              Groton, CT 06340 4989

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

These firms alone have the highly technical and specialized research resources and manpower necessary to support the size and scope of services for this program. Of the two, only GDEB is currently located in the New London, CT area. Since all maintenance, modernization and repair will be performed during submarine availabilities at NSSF New London, the vendor's workforce must be located in the New London area. Awarding this contract to a vendor outside the New London area would result in substantially higher costs to the Government than are necessary. Although limited competition exists between the two private yards in CNO mandated submarine availabilities, limited competition is not feasible in this scenario as the work is of a supplemental and emergent nature, requiring immediate and continuous support. HII-NNS was contacted to determine a willingness to participate in this acquisition of services. The company declined to participate citing a lack of feasibility and impracticability to establish itself as a sufficient presence geographically in New London to adequately support the scope and duration of this effort. The geographic location of GDEB makes them the only reasonable nuclear-qualified yard, with SUBSAFE certification, to sustain the manning initiative required by NEMML.



Submarine systems are extremely complicated and require the use of highly technical expertise especially for systems that are electrical, hydraulic or mechanical in nature. To minimize the potential of having an undesirable schedule impact associated with unresolved engineering and technical problems, it is necessary to expeditiously restore or maintain nuclear-powered submarines to a fully-operational level at all times.

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

A synopsis was published on FedBizOps on 09 May 2011 and amended on 27 May 2011, notifying industry of the intent to solicit this requirement on a sole-source basis to GDEB. The synopsis stated that the reason this solicitation will be made on a sole-source basis is due to the fact that GDEB is the only SUBSAFE certified and nuclear-qualified shipyard in the New London, CT area and is thus the only responsible offeror. No other source expressed an interest in the acquisition.

A formal market survey was not conducted; however, this procurement was synopsized in FedBizOps. A market survey was not conducted because it is not practicable to establish competition beyond the qualified sources as discussed in paragraph 5 above. In this case, the FedBizOps synopsis is considered

to be equivalent to a market survey, advising industry of the pending procurement and soliciting inquiries from interested parties.

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.

8. Actions to Remove Barriers to Future Competition.

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

**TECHNICAL/REQUIREMENTS CERTIFICATION**

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 Line]

Signature      Name(Printed)      Phone No.      Date

Requirements Cognizance:

[Redacted Signature Line]

Signature      Name(Printed)      Phone No.      Date

**LEGAL SUFFICIENCY REVIEW**

I have determined this Justification is legally sufficient.

[Redacted Signature Line]

Signature      Name(Printed)      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 Line]

Signature      Name(Printed)      Phone No.      Date

**APPROVAL (FAR 6.304(a)(4) and DFAR 206.304)**

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 described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304(c)(1).

[Redacted Signature]      *Jerome Rado*      6/27/11

Signature      Name(Printed)      Date