



## DEPARTMENT OF THE NAVY

### NAVAL INVENTORY CONTROL POINT

700 ROBBINS AVENUE  
PHILADELPHIA PA 19111-5098

5450 CARLISLE PIKE - PO BOX 2020  
MECHANICSBURG PA 17055-0788

## JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

### 1. IDENTIFICATION OF AGENCY AND CONTRACTING ACTIVITY:

a. Agency Name:

Department of the Navy Chief Information Officer  
1000 Navy Pentagon  
Washington, DC 20374-1000

b. Contracting Activity:

Department of the Navy  
Naval Inventory Control Point  
ADP Modernization Contract Dept.  
Mechanicsburg, PA 17055-0788

### 2. NATURE/DESCRIPTION OF ACTION:

This J&A is for the negotiation and award of a firm-fixed-price contract through other than full and open competition to A Frame LLC, a small business located in Philadelphia, PA, for expert support services in the area of Commercial-Off-The-Shelf (COTS) software licensing and technology contracting, including systems integration services.

### 3. DESCRIPTION OF SUPPLIES/SERVICES:

- a. The Department of Defense Enterprise Software Initiative (DoD ESI) requires expert services in the area of Commercial-Off-The-Shelf (COTS) software licensing and technology contracting, including systems integration services. A joint project of the DoD CIO, the DoD ESI is the only Defense and Intelligence Community (IC)-wide strategic sourcing initiative for Information Technology (IT) hardware, software and selected IT services. Accordingly, the breadth and depth of the DoD ESI's mission requirements are unique. DoD ESI is without peers. The disaggregated, decentralized customer base and execution processes create complex challenges to this DoD/IC initiative.
- b. Specifically, DoD ESI requires assistance in:
  - i. developing and deploying best practices for the negotiation of software license and maintenance agreements and technology service agreements focused on COTS systems integration;
  - ii. coordinating cross-agency market research teams;

- iii. recommending negotiation strategies and evaluation criteria;
- iv. promoting agreements awarded by ESI;
- v. providing education, training and other methods of awareness throughout DoD;
- vi. developing and delivering Web-based toolkits and tools, tutorials, customer workshops, and other communications and outreach support;
- vii. developing and delivering education and tools for the Department of the Navy (DON) Center of Excellence (CoE) for IT Hardware and Software Management;
- viii. assisting DoD ESI in the management of Enterprise Software Agreements.

c. The total estimated dollar value of this requirement is

#### **4. IDENTIFICATION OF STATUTORY AUTHORITY:**

- a. This J&A is based upon the authority of the test program for commercial items, section 4202 of the Clinger-Cohen Act of 1996, as implemented by Federal Acquisition Regulation 13.501(a)(1)(ii).
- b. There is only one source and no other supplies or services will satisfy agency requirements.

#### **5. DEMONSTRATION OF CONTRACTOR'S UNIQUE QUALIFICATIONS:**

This J&A supports a follow-on contract for the continued provision of the highly specialized services described in paragraph 3. The required services are available only from A-Frame, LLC. These highly specialized services were previously provided by Panaro Dynamics, LLC. In 2009, Panaro Dynamics merged with A-Frame, LLC. Now, all the accumulated DON CIO-DoD ESI-specific knowledge, skills, and abilities reside with A-Frame, LLC. These specialized knowledge, skills, and abilities have accumulated over the course of eight years in such areas as Enterprise Resource Planning (ERP) software licensing strategies and best practices, Enterprise Integration Toolkit (and related toolkit) design, development and deployment, Reports, Interfaces, Conversions, and Extensions (RICE) complexity definitions and pricing methodologies, alignment of the Business Capability Lifecycle to the Baseline Services Framework, etc. As such, it is likely that award to any other source would result in substantial duplication of costs to the Government that are not reasonably expected to be recovered through competition. Further, there would be unacceptable delays in fulfilling the agency's requirements. Since FAR 6.302-1 is cited for follow-on acquisition, as described in 6.302-1(a)(2)(iii), an estimate of the cost to the Government that would be duplicated and how the estimate was derived is provided in paragraph 9 below.

#### **6. COMMERCE BUSINESS DAILY ANNOUNCEMENTS:**

The Contracting Officer will synopsise the requirement in NECO and FedBizOpps.

#### **7. DETERMINATION OF FAIR AND REASONABLE COST:**

- a. The Contracting Officer anticipates that the cost to the Government will be fair and reasonable. A complete analysis of the contractor's prices will be performed in accordance with FAR Part 15. Cost and pricing data will be obtained as necessary and analysis will be performed considering field pricing reports, commerciality, procurement history and other available cost and pricing information.
- b. A determination of fair and reasonable pricing as required by statute and regulation will be made by the Contracting Officer.

**8. DESCRIPTION OF MARKET SURVEY:**

Market research, in accordance with FAR Part 10, was conducted through communication with other activities and major IT research and advisory service companies.

**9. ANY OTHER SUPPORTING FACTS:**

- a. The Government estimates that award to any other source would result in incurring an additional \_\_\_\_\_ in duplication of costs. The estimate comprises \_\_\_\_\_ for any other company to acquire the identical knowledge, skills and abilities needed to perform these highly specialized services.
- b. As shown above, the Government could reasonably expect a new service provider to take over two years to acquire a similar level of knowledge skills and abilities to meet the Government's needs based on the timeframe when intense market research, numerous interviews and lessons learned meetings, extensive preparation and planning meetings with DoD ESI and the DoD Business Transformation Agency, etc., commenced. The Government needs these services in FY2010 so it cannot tolerate any delay caused by lack of the specialized expertise. As such, award to any other source would result in unacceptable delays in fulfilling the agency's requirement.

**10. LISTING OF INTERESTED SOURCES:**

**11. ACTIONS TO REMOVE BARRIERS TO COMPETITION:**

- a. The DoD ESI is continuously engaged with industry to stay abreast of best practices and commercial trends. At this time, there are no known competitors that possess the unique skill sets of AFrame LLC and do not have any affiliations which create an organizational conflict of interest.
- b. This continuous market research will be considered prior to awarding a follow on contract to AFrame LLC.

**12. STATEMENT OF DELIVERY REQUIREMENTS:**

- a. Delivery Requirements: Performance period is for twelve months.
- b. Ship To/Place of Performance: DON CIO and contractor facility.
- c. Estimated Value:

**13. REFERENCE TO APPROVED ACQUISITION PLAN:**

The Acquisition Strategy covering this requirement is attached.

**14. DOCUMENTATION FOR SPARE/REPAIR PARTS ACQUISITION:**

Not Applicable.

**TECHNICAL AND REQUIREMENTS CERTIFICATION REQUIRED BY FAR 6.303-2(b)**

I certify that the facts and representations under my cognizance which are included in this justification and which form the basis for this justification are complete and accurate.

**TECHNICAL CERTIFICATION:**

FLOYD V. GEORGE  
TEAM LEAD ENT. IMP/PLANNING 7-23-09  
(Signature) (Name and Title) (Code) (Phone) (Date)

**REQUIREMENTS CERTIFICATION:**

TEAM LEAD  
ENT. IMP/PLANNING 9-22-09  
(Signature) (Name and Title) (Code) (Phone) (Date)

**COMPETITION ADVOCATE REVIEW AND CONCURRENCE**

Reviewed 11-18-09  
(Signature) (Name and Title) (Code) (Phone) (Date)

**CONTRACTING OFFICER CERTIFICATION REQUIRED BY FAR 6.303-2(a)(12)**

I certify that this justification is accurate and complete to the best of my knowledge and belief. (Represents approval if less than \$550K.)

ANNE F. RINE  
CONTRACTING OFFICER 10/28/09  
(Signature) (Name and Title) (Code) (Phone) (Date)

**REVIEWED FOR LEGAL SUFFICIENCY BY COUNSEL (OVER \$550K)**

Rick Martirelli 11/16/09  
(Signature) (Name and Title) (Code) (Phone) (Date)

**APPROVAL REQUIRED BY FAR 6.304 (OVER \$550K)**

M. SHORTALL, Competition Advocate 11/18/09  
(Signature) (Name and Title) (Code) (Phone) (Date)

**\*Approval Levels:**

Contracting Officer: Up to \$550,000  
Competition Advocate: \$550,001 to \$11,500,000  
HCA: \$11,500,001 to \$78,500,000  
DASN ACQ (RD&A): over \$78,500,000