



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

COM & FTS 605-5572
DSN & EXT 430-5572
FAX # 717-605-7295
IN REPLY REFER TO:

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

1. Identification of the Agency and Contracting Activity:

- a. Agency Name: Naval Postgraduate School
Monterey, CA 93943-5000
- b. Contracting Activity: Department of the Navy
Naval Inventory Control Point-Mechanicsburg
ADP Modernization Contracting Department
Mechanicsburg, PA 17055-0788

2. Nature/Description of the action:

This justification and approval is for the procurement of maintenance and technical support of existing Percussion products for the Naval Postgraduate School (NPS), by Other Than Full and Open Competition from Percussion Software, Inc.

This acquisition will be procured in accordance with FAR Part 13 Simplified Acquisition Procedures.

3. Description of the supplies/services:

This requirement is for maintenance and technical support of existing Percussion products at the NPS for a base year and one option year. The maintenance and technical support will be provided for Percussion CM System Enterprise Edition for WCM – 1 CPU and Percussion CM System Shared Development Server – 1 CPU. The estimated value of this requirement is [REDACTED] for a base and one year option period. This estimate is based on the prices paid for the previous fiscal year (FY 2010).

4. Identification of the statutory authority:

10 U.S.C. 2304 (c) (1) – Only one responsible source and no other supplies or services will satisfy agency requirements.

5. Demonstration of contractor's unique qualifications:

Percussion Software, Inc. is the sole source and sole manufacturer of Percussion CM System (formerly known as Percussion Rhythmyx). The product is not produced or sold by any third party vendors. Similarly, Percussion Software Inc. is the only provider of maintenance and

technical support for Percussion CM System. The NPS already owns the licenses for both of the products and technical support is needed for both.

6. Commerce Business Daily Announcements:

The proposed contract award intent notice and justification for other than full and open competition will be posted at the Government wide Point of Entry.

7. Determination of fair and reasonable cost:

The Contracting Officer will determine, in accordance with FAR procedures, that this procurement represents the best value and results in the lowest overall cost (considering price, special features, administrative costs, etc.) to meet NPS's needs. All applicable procurement regulations have been followed. An Independent Government Estimate has been provided and the Contract Specialist will use this to determine price reasonableness. In addition, an analysis of pricing information will be performed, which will consider commerciality, procurement history, GSA schedules, and other available pricing information in determining that the price is fair and reasonable.

8. Description of market survey:

Both the Program Manager and Contract Specialist conducted market research into Percussion Software Inc.'s reseller program. The result of their searches was that Percussion Software Inc. is the only manufacturer for Percussion products and the sole provider for their maintenance and technical support on their products.

9. Other facts supporting the use of other than full and open competition:

Attached is a letter from Percussion Software Inc. regarding their maintenance and technical support on their products.

10. Listing of interested sources:

N/A

11. Actions to remove barriers to competition:

All future requirements will be handled on a case-by-case basis.

12. Statement of Delivery requirements:

- a. Delivery Requirement: Percussion Software Inc. shall provide the maintenance and technical support on the existing Percussion products for a period of performance of 3/30/2011 – 3/29/2012 with a one year option period.
- b. Estimated Dollar Value: Estimated dollar value is [REDACTED]
- c. Reference to Approved Acquisition Plan: Not required.
- d. Reference to ADP Approvals: Not required.

- e. Documentation for Spares and Repair Parts Acquisition: Not applicable.

TECHNICAL AND REQUIREMENTS CERTIFICATION REQUIRED BY FAR 6.303-1(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/REQUIREMENTS CERTIFICATION:

(Signature)

Name & Title:

[Redacted Signature and Name & Title]

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.

(Signature)

Name & Title:

[Redacted Signature and Name & Title]

COMPETITION ADVOCATE REVIEW AND CONCURRENCE BY FAR 6.501

(Signature)

Name & Title:

N/A _____ Date _____
NAVICP Competition Advocate
[Redacted]

EXAMINED BY COUNSEL AND FOUND TO BE LEGALLY SUFFICIENT

(Signature)

Name & Title:

N/A _____ Date _____
NAVICP - Mechanicsburg Counsel 008.3
[Redacted]