



DEPARTMENT OF THE NAVY
NAVAL SEA SYSTEMS COMMAND
1333 Isaac Hull Ave
Washington Navy Yard, D C 20376-0001

IN REPLY REFER TO

J&A Number: 63.477
Code: 0263
DEC 05 2008

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

JUSTIFICATION

1. **Contracting Activity**

The Naval Sea Systems Command, Contracts Division 026

2. **Description of the Action Being Approved**

Award a firm fixed price and cost-type Basic Ordering Agreement (BOA) on a sole source basis for repair services, material and spares for the Quick Reaction Dismounted (QRD) Counter Radio Controlled Improvised Explosive Device Electronic Warfare (CREW) systems to BAE Systems. [REDACTED]

3. **Description of Supplies/Services**

The HQ Naval Sea Systems Command intends to award a cost-type and firm fixed price BOA on a sole source basis to BAE systems, 65 Split Brook Road, P.O. Box 868, Nashua NH 03061-0868. The contractor shall provide up to an additional [REDACTED] total repair services hours, spares, and material/ODC to support the 1400 fielded QRD systems currently deployed and in use by the U.S. Military [REDACTED]

[REDACTED] The sustainment support and services are essential to ensuring that these systems meet the threat posed by IEDs until they are replaced by JCREW 3.1 or 3.3. The contractor shall provide technical, engineering services and products to include material and services to perform and accomplish the sustainment of the [REDACTED] QRD CREW systems that are fielded [REDACTED] from contract award through September 2012 as follows:

Supplies/ Services	FY 09	FY 10	FY 11	FY 12
Depot Repair	████████	████████	████████	████████
Hours	██████	██████	██████	██████
Depot Material	████████	████████	████████	████████
Spares	████████	████████	████████	████████
TOTAL	████████	████████	████████	████████

Operation and Maintenance, Navy funding in the amount of ██████████ will be utilized as outlined above by Fiscal Year.

The items being procured represent the Government's minimum needs and 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.

5. Rationale Justifying Use of Cited Statutory Authority

United States military forces operating within the OEF and OIF theaters of operation encounter very adaptive and innovative insurgents that leverage commercial radio frequency technology for strategic effect. The United States Government is actively procuring and developing counter CREW systems to protect the soldier/marine on foot, motorized vehicles and fixed site compounds. In early FY-06 the Government issued a Request for Information (RFI) to assess the Technology Readiness Level (TRL) of industry to provide the immediate, critically needed force protection capabilities to patrol personnel within the OEF and OIF theaters of operation. In April 2006, five (5) letter contracts were awarded using Statutory Authority 10 U.S.C.2304(c)(2) Unusual and Compelling Urgency to five (5) contractors . The contracts requirements were for five (5) test units, documentation, training and repair services. Using Statutory Authority 10 U.S.C. 2304(c)(1) one or a limited number of responsible sources, a limited competition among the 5 QRD T&E contractors was conducted.

BAE Systems, 65 Spit Brook Road, P.O. Box 868, Nashua NH 03061 is the Original Equipment Manufacturer (OEM) for the Quick Reaction Dismount (QRD) Dismounted Counter Radio Controlled Improvised Explosive Device Electronic Warfare (JCREW) system. BAE systems was awarded a competitive contract NU0024-06-C-6353 for ██████████ production systems.

This proposed follow on contract action is for supplies/services for which the Government intends to solicit and negotiate with only one source under the authority of FAR 6.302-1. Only one responsible source and no other supplies or services will satisfy agency requirements. The vendor is the OEM who has developed and produced the systems. This contractor is the only manufacturer with the requisite knowledge and expertise to continue to support the fielded systems. The Government does not own the rights to the data necessary to repair the product or produce the requisite material and spares. In addition, the circumstances surrounding the need to obtain the required supplies and services without providing for full and open competition will be reviewed annually by the PCO. It is estimated that it would take approximately \$2,000,000 and 1-2 years to bring another source in. This estimate is based on the time line and costs to recomplete, establish capital investments, obtain proprietary software licenses and retool.

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

The proposed contract was synopsisized on the FEDBIZOPS website on 28 AUG 08. Any interested sources will be addressed prior to contract award.

No additional market research was conducted due to the fact that it is not practical for any company other than BAE Systems to provide the required Government supplies and services for the Quick Reaction Dismounted system. The QRD system will be removed from the Government inventory as soon as the JCREW (CREW 3.3) System of Systems is fielded.

Individual or classes of orders issued under this BOA will be published on the FEDBIZOPS website. Any responses received will be considered.

7. Determination of Fair and Reasonable Costs

The Contracting Officer has determined that the anticipated cost to the Government for the supplies/service covered by the J&A will be fair and reasonable.

8. Actions to Remove Barriers to Competition

The CREW Program mission is to provide countermeasures against RCIEDs. The QRD CREW contract was awarded as part of the initial CREW spiral development process. This process implemented spiral development using current technology to address near term threats to infantry and marines. Additional spirals have been implemented (spiral 2.1, 3.1 and 3.2) that will further mature the CREW technology. The outcome of spiral development process will culminate in a full development program to design, fabricate, test and deliver a full system of systems providing infantry, motorized convoys and fixed locations comprehensive protection from Radio Controlled Improvised Explosive Devices. Future increments of the dismounted JCREW system are being competitively pursued under the CREW 3.1 and JCREW 3.3 full and open competition efforts. The QRD system will be removed from the Government inventory upon fielding of the JCREW 3.3 technology

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

I certify that the facts and representations under my cognizance, which are included in this justification and its supporting data, including Acquisition Plan No. [REDACTED] currently in the review process at HQNAVSEA, except as noted herein, are complete and accurate to the best of my knowledge and belief.

TECHNICAL COGNIZANCE:

MDK _____ 11/24/08
Signature Name (Print) and Title (Code) Phone No. Date

REQUIREMENTS COGNIZANCE:

MDK _____ 11/20/08
Signature Name (Print) and Title (Code) Phone No. Date

LEGAL SUFFICIENCY REVIEW (NMCAG 5206.303(90))

I have determined this justification is legally sufficient.

[Signature] _____ 12/03/08
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.

[Signature] _____ 12/03/08
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 Contracting Activity, the solicitation of the proposed procurement(s) using of other than full and open competition, pursuant to the authority of 10 U.S.C. 2304(c)(1).

(TITLE OF APPROVING OFFICIAL)

[Signature] _____ 12/5/08
Signature Name (Print) Date