

J&A Number: 3323-09-003
Code: 6170
P.R. Number: 09-HLV-080

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

JUSTIFICATION

1. Contracting Activity

Naval Sea Systems Command, Naval Surface Warfare Center, Carderock Division (Code 3323).

2. Description of the Action Being Approved

This is a sole source action to be awarded without providing for full and open competition. The proposed contract action is a new Firm Fixed Price (FFP) Indefinite Delivery, Indefinite Quantity (IDIQ) contract to be awarded to Air Products and Chemicals, Inc. located in Allentown, PA.

3. Description of Supplies/Services

This procurement is for Versalink P1000 polymer material with string resonance testing certification. The Versalink P1000 is a two part adhesive used as a standard Navy bonding agent called Versathene. The total estimated amount of this procurement is \$490,650.00, as follows:

<u>Item Description</u>	<u>Est. Quantity</u>	<u>Est. Total Price</u>
Versalink P1000 polymer material		
Pallet charge		
Shipping Costs		
Total Cost		

The period of performance for this procurement will be from the effective date of the contract through three (3) years thereafter.

The Government's minimum needs have been verified by the certifying technical and requirements personnel.

The below table details the anticipated funding to be provided under the contract. All funding will be issued under fully funded delivery orders placed against the base contract.

	FY09	FY10	FY11	FY12	Total
O&MN	\$98,130	\$147,195	\$147,195	\$98,130	\$490,650

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 (FAR 6.302-1).

This J&A satisfies the FAR 13.501(a)(2) requirement to justify a sole source acquisition being conducted pursuant to the Clinger-Cohen Act test program for commercial items.

5. Rationale Justifying Use of Cited Statutory Authority

Air Products and Chemicals, Inc. is the only manufacturer of lot qualified Versalink P1000 polymer material with string resonance testing certification, and no substitutes are acceptable. Versalink P1000 must be lot qualified (i.e. pass acoustic qualification testing per NAVSEA DWG NO. 6726597 and 6726598) to be used under US Navy programs.

The Versalink P1000 polymer will be utilized to manufacture DURA-1 TILE, seam filler, and incompressible wedges. The Versalink P1000 polymer is a required constituent material in the manufacture of the above DURA-1 components. The manufactured polymer components will be used to make repair hull treatment components for external repairs on US Navy SEAWOLF class submarines. These external repairs are being made using the same special hull treatment material specification that already exists on this class of submarine. The Versalink P1000 polyurethane pre-polymer is a constituent ingredient described in the special hull treatment polyurea material specifications (NAVSEA DWG NO. 6726597 and 6726598).

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

This action was synopsised on 20 April 2009 in the Governmentwide Point of Entry (GPE) as required by FAR 5.2. To date, no other sources have expressed an interest in this procurement. If any responses are received, they will be evaluated.

Market research was not conducted on this procurement because it is not practical, for the reasons discussed in paragraph 5 above, for any company other than Air Products and Chemicals, Inc. to provide the required supplies.

7. Determination of Fair and Reasonable Costs

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

8. Actions to Remove Barriers to Competition

For the reasons set forth in Paragraph 5, the Naval Surface Warfare Center, Carderock Division (NSWCCD) has no plans at this time to compete future contracts for the types of supplies covered by this document. If another potential source emerges, NSWCCD will assess whether competition for future requirements is feasible.

CERTIFICATION, REVIEW AND APPROVAL PAGE FOR J&As

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

I certify that the facts and representations under my cognizance, that are included in this justification and its supporting data, including Acquisition Plan No. NA, except as noted herein, are complete and accurate to the best of my knowledge and belief.

TECHNICAL COGNIZANCE:

[Redacted Signature and Name]

Signature Branch Head, Code 617
Name (Print) and Title (Code) Phone No. Date

REQUIREMENTS COGNIZANCE:

[Redacted Signature and Name]

Signature Work Group Leader, Code 617
Name (Print) and Title (Code) Phone No. Date

LEGAL SUFFICIENCY REVIEW (NMCAG 5206.303(90))

I have determined that this justification is legally sufficient.

[Redacted Signature and Name]

Signature Name (Print) and Title (Code) Phone No. Date

CONTRACTING OFFICER CERTIFICATION - FAR 6.303-2(a)(12) (Note: Pursuant to FAR 6.304(a)(1)), this certification also serves as approval of J&A's not exceeding \$550,000)

I certify that this justification is accurate and complete to the best of my knowledge and belief.

Signature [Redacted] Kathleen C. Bonter, Contracting Officer (3323) 5/01/09
Name (Print) and Title (Code) Phone No. Date