



DEPARTMENT OF THE NAVY
NAVSEA, INDIAN HEAD DIVISION
PROCUREMENT DEPARTMENT
4072 North Jackson Road Ste. 132
INDIAN HEAD, MD 20640-5035

J&A Number:

Code: C13

P.R. Number:

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

JUSTIFICATION

1. Contracting Activity

The Contracting Activity is the Naval Sea Systems Command, Naval Surface Warfare Center, Indian Head Division, Procurement Division, Code C1. This requirement is for the Naval Explosive Ordnance Disposal Technology Division (NAVEODTECHDIV), Indian Head, Maryland.

2. Description of the Action Being Approved

This action is for the use of other than full and open competition to issue a new contract based on Unusual and Compelling Urgency for [REDACTED]. The prime contractor for this request is Field Forensics, INC. 7887 Bryan Road, Suite 510. Largo, Florida 33777.

3. Description of Supplies/Services

This action is for the use of other than full and open competition to award an urgent Firm Fixed Priced purchase order to procure a quantity [REDACTED] from Field Forensics, Inc. This quantity is based on the two Letters of Offer and Acceptance (LOA) submitted to fund the Memorandum of Requests (MOR) for this item. If during negotiations the unit price is lower than the Government estimate, the Government reserves the right to increase the quantity within the limits of the overall dollar ceiling.

The total combined cost for the contract is estimated at \$907,053.54. This includes the following [REDACTED]

Estimated Dollar Value

	FY10	Totals
FMS/ O&MN	\$907,053.54	\$907,053.54
RDT&E		
O&MA		
Total	\$907,053.54	\$907,053.54

The Government's minimum needs 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)(2). Unusual and Compelling Urgency, as implemented through Federal Acquisition Regulation (FAR) 6.302-2.

5. Rationale Justifying Use of Cited Statutory Authority

[REDACTED]

[REDACTED] were selected due to the functionality, reliability and positive test parameters obtained from [REDACTED] alternate [REDACTED] recommendations through GSA for consideration however the companies did not have any in stock or the item was tested and found not to be effective and reliable. [REDACTED]

Field Forensics, Inc. maintains all proprietary data rights to their [REDACTED] [REDACTED] The Government does not own the technical data packages (TDP) necessary for procurement or for logistics support. Based on ongoing Government market surveillance, there are no other available [REDACTED] that can be supplied in a timely manner that would also meet the FMS requirements [REDACTED]

[REDACTED] There are no qualifying additional sources that are in stock and can be shipped within the required timeframe.

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

Due to urgency, this requirement has not been synopsisized via posting on the FedBizOps website

7. Determination of Fair and Reasonable Costs

The Contracting Officer has determined in accordance with FAR Part 15.4 that the anticipated cost to the Government for the supplies/services covered by the J&A will be fair and reasonable.

8. Actions to Remove Barriers to Competition

For the reasons set forth in Paragraph 5, the Naval Sea Systems Command, Naval Surface Warfare Center, Indian Head Division has no plans at this time to compete future contracts for the types of supplies covered by this document. Field Forensics, Inc. is the original equipment manufacturer and the sole provider of the [REDACTED]. Due to the proprietary nature and the highly specialized systems the government does not possess the rights to openly compete the requirements.

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. 0003 Rev. 2, except as noted herein, are complete and accurate to the best of my knowledge and belief.

TECHNICAL COGNIZANCE:

[REDACTED]

REQUIREMENTS COGNIZANCE:

[REDACTED]

LEGAL SUFFICIENCY REVIEW (NMCARS 5206.303-90)

I have determined this justification is legally sufficient.

[REDACTED]

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]

APPROVAL BLOCK (FAR 6.304 for Approving Official)

Upon the basis of the above justification, I hereby approve, as, Competitive Advocate for the Procuring 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)(2).

COMPETITION ADVOCATGE FOR THE PROCURING ACTIVITY

[REDACTED]