



DEPARTMENT OF THE NAVY

NAVAL SURFACE WARFARE CENTER
INDIAN HEAD DIVISION
3767 STRAUSS AVENUE
SUITE 201
INDIAN HEAD, MD 20640-5150

Procurement Office - Form 13 (Rev 05/12)

J&A Number: 13-0008

Code: A22

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

JUSTIFICATION

1. Contracting Activity

The Naval Sea Systems Command, Naval Surface Warfare Center (NSWC) Indian Head Division, Procurement Division Code A22. This requirement is in support of the Applied Technology (T) department at NSWC IHD.

2. Description of the Action Being Approved

Award an Urgent, Sole Source contract without full and open competition for the fabrication, inspection and delivery of 14,500 each M423 fuzes, less booster and lead to:

Action Manufacturing Company
190 Rittenhouse Circle
Bristol, PA 19007

3. Description of Supplies/Services

NSWC IHD has been tasked by Naval Air Systems Command (NAVAIR) to provide 13,875 MK 152 Mod 0 Warheads. [REDACTED]

[REDACTED] In order to provide 13,875 Code A MK 435 fuzes, 14,500 sets of M423 fuze hardware must be procured. The additional hardware is used up in fuze lot acceptance testing and warhead lot acceptance testing.

The estimated contract value is \$962,886.97. Procurement of Ammunition Navy Marine Corporation (PANMC) funding from the sponsor will be utilized.

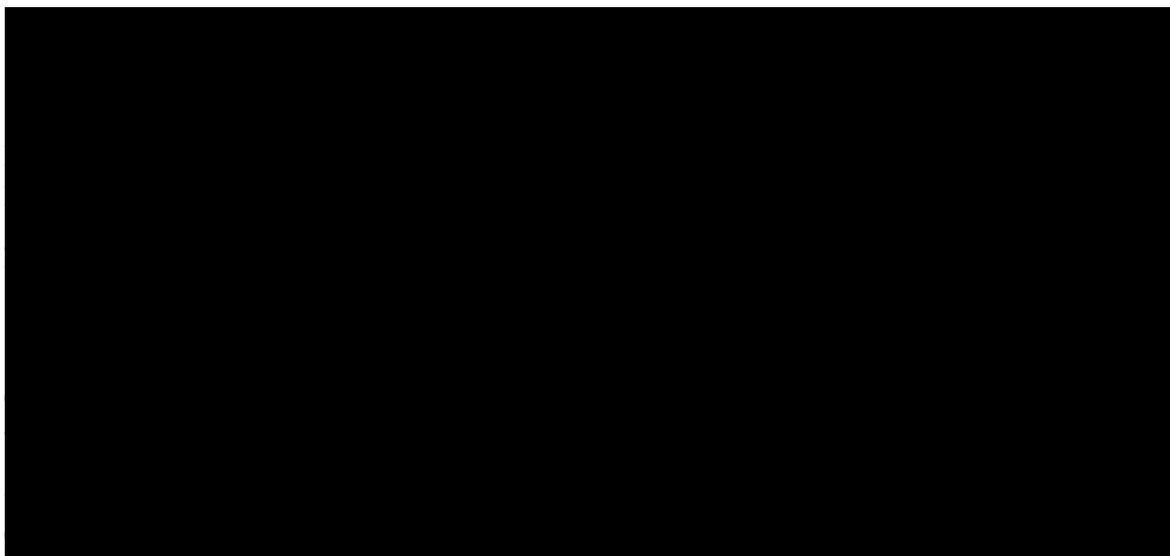
The Government's minimum needs have been verified by the certifying technical and requirements personnel.

Estimated Dollar Value ¹		
	FY12	Totals
SCN		
OPN		
PANMC	\$962,886.97	\$962,886.97
O&MN		
FMS		
Total		

4. Statutory Authority Permitting Other Than Full and Open Competition

The statutory authority cited for this Urgent procurement is 10 U.S.C. 2304 (c) (2) as implemented by Federal Acquisition Regulation (FAR) 6.302-2, Unusual and Compelling Urgency.

5. Rationale Justifying Use of Cited Statutory Authority



Once a fuze hardware contract is awarded, the contractor requires 6 months lead time to produce, test, and deliver

¹ IAW NMCARS 5206.304(a) If the dollar value of the contract is negotiated at a level that exceeds the dollar threshold of the original justification approval authority, a new justification approval shall be obtained from the appropriate approval authority prior to award.

the fuze hardware. After receipt of hardware, Indian Head requires 1 month to load, assemble, perform fuze lot acceptance tests (LAT) and begin delivering code A fuzes. Indian Head then requires 3 months to assemble fuzes to warheads, perform radiographic inspection, perform final warhead LAT and begin delivering code A fused warheads. Based on the above lead times, the contract must be awarded no later than 30 December 2012 so that fuze hardware can be received no later than 30 March 2013 to support delivery of the Mk 152 Mod 0 Warhead no later than 30 July 2013.

These warheads were qualified using fuzes from Action Manufacturing Company. To use fuzes from another vendor would require First Article and qualification testing, which is estimated to take approximately 6-12 months.

Action Manufacturing Company has been the sole manufacturer of these fuzes for the Army and the Navy. NSWC IHD has released solicitations for two multiyear contracts (N00174-07-C-0001 and N00174-11-R-0008) and Action Manufacturing Company has been the only bidder. If this contract is not awarded on an urgent basis, the Navy's supply of M151 warheads will be depleted before the replacement M152 Mod 0 warheads are delivered. We are unable to modify the most recent contract because the change in scope would be too great.

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

NSWC IHD has released solicitations for two Full and Open Competition multiyear contracts (N00174-07-C-0001 and N00174-11-R-0008). As part of solicitation process on prior procurements, we have searched for and directly contacted other suppliers that could possibly perform this work, but none have ever submitted an offer. Since no other contractor has been interested in prior procurements for the manufacture of these fuzes, since no other fuzes are currently approved and because of the urgency, Action was the only contractor considered for this requirement.

In accordance with FAR 5.202(a)(2), notice of this proposed contract action was not transmitted to the GPE because the Government would be seriously injured if the agency complies with the time periods specified in 5.203.

7. Determination of Fair and Reasonable Costs

The Contracting Officer will make a determination whether the anticipated cost to the Government for the supplies/services covered by the J&A will be fair and reasonable, in accordance with FAR Part 15.4.

8. Actions to Remove Barriers to Competition

The Naval Sea Systems Command, Naval Surface Warfare Center, Indian Head Division, Procurement Department, Code A2, intends to pursue a competitive procurement in the future.

CERTIFICATIONS AND APPROVAL

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 acquisition planning data, including Acquisition Plan No. N/A, except as noted herein, are complete and accurate to the best of my knowledge and belief.

TECHNICAL COGNIZANCE:

[REDACTED]

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

[REDACTED]

CONTRACTING OFFICER CERTIFICATION (FAR 6.303-2(a)(12))

I certify that this justification is accurate and complete to the

[REDACTED]

LEGAL SUFFICIENCY REVIEW (NMCARS 5206.303-90)

[REDACTED]

APPROVAL BLOCK (FAR 6.304 for Approving Official)

Upon the basis of the above justification, I hereby approve, as Competition Advocate for the Procuring Activity, the solicitation of the proposed procurement(s) described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304(c)(2).

[REDACTED]

OFFICIAL)

Bonny S. Kennedy
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[REDACTED]

03 Jan 2013

INFORMATION - SEE FAR 2.101 and 3.104"