DEPARTMENT OF THE NAVY
INDIAN HEAD DIVISION
NAVAL SURFACE WARFARE CENTER
3767 STRAUSS AVE, SUITE 201
INDIAN HEAD, MD 20640-5150

J&A Number:11-0300
Code:C13

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, Procurement Division, Code C13. The requiring activity is the Naval Explosive Ordnance Disposal Technology Division (NAVEODTECHDIV), Indian Head, Maryland 20640.

2. Description of the Action Being Approved

An award of a modification to contract N00174-10-C-0045 on a sole source basis for Battery Boxes and external regeneration circuits in support of MK 2 Battery Box system procurement through Battelle Memorial Institute.

3. Description of Supplies/Services

The MK 2 Battery Box is an enabling vehicle power source for the Robot, EOD, MK 2. Without a primary power source on the robotic vehicle, the EOD technician is not able to remotely interrogate items of interest, further increasing the level of danger he or she is exposed to.

Battelle Memorial Institute was previously tasked to produce 1900 Battery Boxes under contract [W911SE-07-D-0011, Delivery Order FG01], which was successfully completed. Shortly after fielding, a fundamental design issue was found in the Battery Box, so a retroactive fix was developed (external regeneration circuit) to augment the units already fielded.

In addition to this retroactive fix, a need for additional 98 Battery Boxes was identified. In response to this request, a follow-on contract was awarded [N00174-10-C-0045] to support this urgent need. The total delivery at that time was 590 additional Battery Boxes. To date none of these units have been delivered, with production held up after the design issue was noted. For these new units being produced and any new ones past this point, an onboard design change will incorporate the fix (internal regeneration circuit). At present, a modification is required for N00174-10-C-0045 to accommodate the necessary changes for both the internal and external regeneration circuits, as well as increasing the total production units by a quantity of 98 units.

Funding for this requirement is outlined below, broken out by type of funding. [redacted]

Estimated Dollar Value[1]

	FY11	Totals
OPN	$352,140	$352,140
OPA	$105,205	$105,205
FMS	$84,300	$84,300
OMN	$225,050	$225,050
Total	$766,695	$766,695

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(d)(1)(B), as implemented in Federal Acquisition Regulation (***FAR) 6.302-1,*** Only one responsible source and no other supplies or services will satisfy agency requirements.

[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.

5. Rationale Justifying Use of Cited Statutory Authority

The Battery Box serves as the primary vehicle power source for Talon robotic vehicles used by EOD, without which the system would be non-operational. Without use of this platform, we risk putting the EOD technician at greater risk by not providing an ability to remotely interrogate objects of interest. Delay in issuing a contract modification will in turn push the delivery schedule out and put the warfighter at greater risk.

For this joint warfighter need [redacted] full and open competition cannot be completed because of the urgency required to receive units to pair with Talon robotic vehicles. The Government does not currently have a completed technical development package (TDP) available to put out for solicitation. This along with Battelle Memorial Institute's unique knowledge of the key components of this system gives them the technical expertise necessary to perform the stated work.

Pursuant to FAR 6.302-1(a)(2)(ii)(A), supplies may be deemed to be available only from the original source in the case of a follow-on contract for highly specialized equipment when it is likely that an award to any other source would result in substantial duplication of cost to the Government that is not expected to be recovered through competition or would result in unacceptable delays in fulfilling the agency's requirement. Conducting a competition for the unit would result in a substantial duplication of costs of approximately $450,000.00 over a 2-year timeframe, which does not include lead time for contracting. The Government does not expect to recover these costs through competition, and the delay caused by the competition is unacceptable.

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

The end intention of this government owned drawing package is to solicit industry and find the lowest competent manufacturer to issue a build-to-print contract, however since that effort has not yet been completed it cannot be released as an interim incomplete drawing package.

Releasing the incomplete drawing package in FEDBIZOPS would only solicit responses from production facilities that have not been in this specific development spiral, requiring additional funding to bring the package to production quality, additional testing to verify the changes made to the interim package, and more importantly delay in the overall delivery of additional Battery Boxes. This would also be considered a duplication of effort, as Battelle is currently under contract to deliver this final drawing package.

No additional market research was conducted because it is not practicable, for the reasons discussed in paragraph 5 above.

7. Determination of Fair and Reasonable Costs

The Contracting Officer has determined 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

Naval EOD Technology Division fully intends to let future contracts for the Battery Box through full and open competition on FEDBIZOPPS. This will be enabled as soon as the Government has a complete technical drawing package to let a build-to-print contract. Future procurements are expected to start in late FY11.

J&A Number: 11-0300
Code: C13

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/RREQUIREMENTS COMBINED COGNIZANCE:

[redacted]

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

LEGAL SUFFICIENCY REVIEW (NMCARS 5206.303(90))

I have determined this justification is legally sufficient.

[redacted]

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.

[redacted]

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 ***Competition Advocate for the Contracting 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)(_1_).

Competition Advocate for the Contracting Activity

[redacted] Penny S. Kennedy 7/29/11

Date