J&A Number: 12-0060
Code: A23

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

Justification and Approval
For Other than Full and Open Competition

1. Contracting Activity

The Naval Sea Systems Command (NAVSEA), Naval Surface Warfare Center NSWC, Indian Head Division, Procurement Department, Code A23. The requiring activity is the Naval Explosive Ordnance Disposal Technology Division (NAVEODTECHDIV) Indian Head, Maryland 20640 [redacted] Offer and Acceptance (LOA), UK-P-LTX.

2. Description of the Action Being Approved

This is a follow-on effort of the FSR support currently being performed under contract N00019-09-C-0004 awarded 3 November 2008. The initial contract was awarded to provide production, maintenance support, and FSR support to the Navy and the UK for the T-Hawk™ Block II Micro Air Vehicle (MAV) RQ-16B systems.

The primary purpose of this acquisition is to acquire the technical services of five (5) Field Service Representatives (FSRs) from Honeywell International, Inc. (Honeywell), 9201 San Mateo Blvd. NE, Albuquerque, NM 97113-2227. The duties of the FSRs will entail providing continued technical support for Honeywell equipment/systems associated with the RQ-16B. Specifically the FSRs will allow Joint Service Members and UK personnel to work with an individual who possesses expert knowledge and first-hand experience in working with Honeywell's RQ-16B systems, providing technical advice, and on hand demonstration of installation, and maintenance and repair techniques.

3. Description of Supplies/Services

The RQ-16B is a rugged, field-repairable, single operator, vertical launched, Unmanned Air System (UAS) that provides near real-time Tactical Reconnaissance, Surveillance,

Targeting and Acquisition (TRSTA) for Explosive Ordnance Disposal (EOD) technicians. The system is capable of employing interchangeable payloads through a modular interface.

This effort is to provide continuing support to OEF with five (5) FSRs personnel to be in place for approximately nine (9) months from 1 Sep 2012 through 31 May 2013 at an average of 84 hours per week.

[redacted]

FSRs provide support to both the UK and Joint Service Members by providing immediate technical advice on all aspects of the RQ-16B. FSRs have responsibilities that include; providing training and demonstrations to end users and processing equipment failure reporting and damage reports, tracking data on all RQ-16B systems, coordinating, recording and packaging line replaceable units (LRUs), and monitoring in theater stock levels.

[redacted] Previous contract N00019-09-C-0004 has supported and sustained both USN and UK requirements for the RQ-16B. The UK FSR requirement is a continuation of the support currently being provided under the N00019-09-C-0004 contract.

The total estimated cost is $4,000,000.

Estimated Dollar Value

Fund Type	FY12
O&M (OCO)	$4M

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

4. <u>Statutory Authority Permitting Other Than Full and Open Competition</u>

10 U.S.C. 2304(c) (1) as implemented through Federal Acquisition Regulation (FAR) 6.302-1 entitled "Only One

Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements."

5. Rationale Justifying Use of Cited Statutory Authority

This requirement represents a follow-on effort to the FSR support portion of the production, maintenance support, and FSR support contract currently with Honeywell International, Inc. The current sole source contract N00019-09-C-0004 with Honeywell International, Inc. which will expire on 31 Aug 2012. The FSR follow-on is a sole source requirement which represents the continuing need for FSR support to OEF.

Honeywell was awarded N00019-09-C-0004 in the amount of $106.7M for a base plus four (4) option periods. In Aug 2011, modification P00023 was executed to extend the FSR support in OEF for a total of 12 months in the amount of $4,586,535.00; which did not include the UK FSR support. This requirement is to continue FSR support in OEF until a multi-year contract is executed in May 2013 for a base plus two (2) option periods.

Pursuant to FAR 6.302-1(a)(2)(iii), for DoD, NASA, and the Coast Guard, services may be deemed to be available only from the original source in the case of follow-on contracts for the continued provision of highly specialized services when it is likely the award to any other source would result in: (A) substantial duplication of cost to the Government that is not expected to be recovered through competition or (B) unacceptable delays in fulfilling the agency's requirements.

Awarding a contract to a source other than the OEM would also create an unacceptable delay and gap in service in delivering life saving equipment to deployed U.S. forces. OEF has a need for all five (5) FSRs to be in place on 1 Sep 2012. JUONS CC-0100 was issued in Jun 2006 for initial procurement. In Nov 2008 a contract was awarded in support of sustainment, which is approximately two (2) years. Procuring a similar system and support services from another source would result in a delay of award of approximately two (2) years for testing, approval, and replacement resulting in a duplication of approximately $106.7M which is not expected to be recovered through competition.

Honeywell International, Inc. retains all proprietary data rights to the RQ-16B and expressed in Dec 2011 that they would not sell or license any proprietary rights to the

government or the commercial sector. Honeywell International, Inc. is the vendor that can provide certification. All FSRs currently in OEF are certified technicians and engineers; they have the unique knowledge, special skills and data required to fulfill the Government's continual need for support services.

For these reasons, Honeywell International, Inc. is the only source capable of providing five (5) FSRs in OEF on 1 Sep 2012 to support the ongoing OEF efforts. To compete this requirement at this time would delay meeting OEF mission and leaving a gap in the FSR support until a new system is brought up to speed to meet the government's mission.

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

NAVAIR PMA-263 has been supporting Small Unmanned Aircraft Systems (SUAS) operations since 2006. As the majority of the RQ-16B systems are forward deployed to Joint Service Explosive Ordnance Disposal (JSEOD) forces in OEF, program management responsibilities are shared with PMS 408.

PMA-263 has extensive knowledge through multiple contracts with other SUAS vendors and is continually canvassing the market to determine if other vendors can provide similar technology to meet current requirements. Based on this expertise and intimate knowledge of SUAS systems, it has been determined that Honeywell International, Inc is the only vendor capable of meeting the current sustainment needs of the RQ-16B systems.

Honeywell International, Inc. also maintains all intellectual property rights to the RQ-16B and has not agreed to sell or license the intellectual property to any other vendor. As a result, no other vendor is capable of providing the necessary support services to sustain the 135 RQ-16B systems.

A synopsis was issued on 8 March 2012. No parties expressed interest in the synopsis.

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 or overcome barriers to competition

The Naval Sea Systems Command, Naval Surface Warfare Center, Indian Head Division has no plans at this time to compete future requirements in support of the FSR effort until the RQ-16B is replaced with a new system.

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TECHNICAL / REQUIREMENTS CERTIFICATION (FAR 6.303 - 12(b))

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

TECHNICAL / REQUIREMENTS COMBINED COGNIZANCE:

[redacted] [redacted] 3/30/2012

Dawn Wood Telephone Date

PMA-263, Group 1 UAS

RQ-16B Team Lead

LEGAL SUFFICIENCY REVIEW (NMCAG 5206.30390)

I have determined this justification is legally sufficient.

[redacted] [redacted] 4/2/12

Marvin Rampey Telephone Date

NSWCIH

Associate Counsel

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CONTRACTING OFFICIER 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] [redacted] 4/3/12

[redacted] Telephone Date

NSWCIH A23I
Procuring Contracting Officer

APPROVAL BLOCK (FAR 6.304 for Approving Official)

Upon the basis of the above justification, I hereby approve, as the Competition Advocate for the Procuring Activity, the solicitation of the proposed procurement using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304(c)(1).

COMPETITION ADVOCATE FOR THE PROCURING ACTIVITY

[redacted] Renee Brown 4/3/12

Signature Name (Print) Date