



DEPARTMENT OF THE NAVY
 NAVAL EXPLOSIVE ORDNANCE DISPOSAL TECHNOLOGY DIVISION
 2008 STUMP NECK ROAD
 INDIAN HEAD MD 20640-3681

J&A Number: 13-0079

Code: A23

JUSTIFICATION AND APPROVAL
 FOR ISSUANCE OF A CONTRACT MODIFICATION

JUSTIFICATION

1. Contracting Activity

The contracting activity is the Naval Sea Systems Command, NSWC Indian Head Division, Procurement Office, Code A23. The requiring activity is the Naval Surface Warfare Center, Naval Explosive Ordnance Disposal Technology Division (NSWC, NAVEODTECHDIV) Indian Head, Maryland, 20640.

2. Description of the Action Being Approved

Award of a contract modification to contract N00174-12-C-0031 with Atlas North America, LLC, for inclusion of 60 days of Field Service Representative (FSR) support.

3. Description of Supplies/Services

This modification addresses the need for an additional FSR to support ATLAS SeaFox Portable Mine Neutralization Systems operations and repairs [REDACTED]

[REDACTED] for a period of [REDACTED]. After the issuance of this modification, the total contract ceiling will be \$9,825,767.28, pending definitization of the contract.

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

Estimated Dollar Value

	FY12	FY13	Totals
O&MN		90,851.28	90,851.28
Total			90,851.28

In accordance with 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.

4. Statutory Authority Permitting Other Than Full and Open Competition

The authority for this proposed acquisition 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

On 10 August 2012, Vice Admiral John Blake, Deputy Chief of Naval Operations for Integration of Capabilities and Resources issued an Urgent Operational Need (UON) for a portable mine neutralization system (PMNS). The UON originated with the [REDACTED]

[REDACTED]

To meet the UON objectives, the ATLAS North America SeaFox PMNS was identified as a proven system for mine countermeasures through its capability to [REDACTED]

[REDACTED]

It was imperative that the PMNS be procured and delivered immediately. The lack of augmentation to existing mine countermeasures systems seriously increases [REDACTED]

[REDACTED] Letter contract N00174-12-

C-0031 was awarded to Atlas North America on 27 September 2012 to meet this urgent requirement.

Based on this urgent need, a [REDACTED]

On 3 December 2012, Atlas NA provided a SeaFox system on loan for [REDACTED]. Additionally, [REDACTED] to support [REDACTED].

Since the beginning of the [REDACTED] period the loaned SeaFox system has required daily repairs necessitating near round the clock FSR support to operate the system during the day and effect repairs at night. The addition of another FSR will assure that [REDACTED] effort can continue to meet time line requirements in support of the UON objective.

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

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

No additional market research was conducted because it is not practicable, for the reasons discussed in paragraph 5 above, for any company other than Atlas North America, LLC to provide the required supplies and services.

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

For the reasons set forth in paragraph 5, NSWC, Indian Head has no plans at this time to compete future contracts for the types of supplies/services covered by this document. If another potential source emerges, NSWC, Indian Head will assess whether competition for future requirements is feasible.

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.

COMBINED TECHNICAL AND REQUIREMENTS 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 Contracting Officer, the solicitation of the proposed procurement described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304(c)(2).

CONTRACTING OFFICER

[REDACTED] *Renee Brown* 3/4/13
Signature Name (Print) Date