



DEPARTMENT OF THE NAVY

NAVAL SURFACE WARFARE CENTER
DAHLGREN DIVISION
6149 WELSH ROAD, SUITE 203
DAHLGREN, VIRGINIA 22448-5130

IN REPLY REFER TO

CXS11-15
N00178-11-C-1056
J&A DL# 13069

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, Dahlgren Contracts Division.

2. Description of the Action Being Approved

Award of a firm fixed price contract on a sole source basis for the procurement of uninterruptible power supply (UPS) units manufactured by Mill Power Source.

3. Description of Supplies/Services

This procurement is for the purchase of 46 each, P/N: M359-1-0-0-1-1, UPS units. Delivery is required no later than 60 days after receipt of contract.

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

The estimated dollar value of this contract is \$400,660. OPN funding will be utilized for this requirement. The below table provides a breakdown of the funding:

| Funding Type | FY11 |
|---------------|------------------|
| SCN | \$86,000 |
| OMN OM | \$314,660 |
| Total: | \$400,660 |

4. Statutory Authority Permitting Other Than Full and Open Competition

Section 4202 of the Clinger-Cohen Act of 1996.

5. Rationale Justifying Use of Cited Statutory Authority

This acquisition is under the authority of the test program for commercial items. The equipment being procured meets the definition of a commercial item as defined by FAR 2.101. [REDACTED]

[REDACTED] The testing included comparable UPS units from Energy Technologies, PowerStar, and Mill Power Source. The equipment from Mill Power Source was the only one that meets Environmental Qualification Testing requirements, with regard to form, fit and function [REDACTED]

Any UPS other than the product manufactured by Mill Power Source would be required to undergo system compatibility and environmental qualification testing for integration [REDACTED]. Unbudgeted costs of approximately \$210,000 for [REDACTED] associated testing and labor to revise the configuration, gain necessary approvals and develop provisioning documentation would result in unacceptable delays of approximately 6-9 months, which would significantly delay scheduled delivery of a new construction [REDACTED]

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

In accordance with FAR 5.201, the proposed action was synopsisized in both the Federal Business Opportunities (FBO) and the Navy Electronic Commerce Online (NECO) as a sole source procurement. The synopsis posted on June 3, 2011. No other parties expressed an interest.

Market research was conducted by Combat Direction Systems Activity (CDSA) Dam Neck, F31 via web searches, discussions with industry experts and other technical colleagues. The research revealed three potential companies who manufactured UPS units (Energy Technologies, Inc., Powerstar and Mill Power Source).

The analysis concluded that the product manufactured by Energy Technologies was not suitable, as the chassis does not satisfy rack fit requirements. Also, in order to better serve the Fleet, a field replaceable battery was desired to improve Operational Availability (OA) by reducing the Mean Time to Repair. Energy Technologies' current product does not offer this capability. PowerStar offered a product that does not meet the technical requirements. Mill Power Source is the only known manufacturer who has the capability to produce the required items in the time required [REDACTED] environmentally qualified for shock resistance per MIL-S-901D and electromagnetic compatibility per both MIL-STD 1399, Section 300 and MIL-STD 461R.

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, the Naval Surface Warfare Center, Dahlgren Division has no plans at this time to compete future contracts for the type of supplies covered by this document. If another potential source emerges, the Naval Surface Warfare Center, Dahlgren Division will assess whether competition for future requirements is feasible.

TECHNICAL AND 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, are accurate to the best of my knowledge and belief.

TECHNICAL/REQUIREMENTS COGNIZANCE:

[Redacted] Code [Redacted] Telephone 29 July 11 Date

LEGAL SUFFICIENCY REVIEW (NMCAG 5206.303(90))

I have determined this justification is legally sufficient.

[Redacted] Code [Redacted] Telephone 2 Aug 11 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] Code [Redacted] Telephone Linda D. Wilkes 8 Aug 11 Date