



DEPARTMENT OF THE NAVY

NAVAL SURFACE WARFARE CENTER
DAHLGREN DIVISION
6149 WELSH ROAD, SUITE 203
DAHLGREN, VIRGINIA 22448-6117

IN REPLY REFER TO

J&A Number: DL 12924
CXS11-11
N00178-10-R-1018

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

1. CONTRACTING ACTIVITY

The Naval Sea Systems Command, Naval Surface Warfare Center, Dahlgren Division, Contracts Division.

2. DESCRIPTION OF THE ACTION BEING APPROVED

Award of an indefinite delivery/indefinite quantity contract on a sole source basis to Frontier Electronics Systems Corp. (FES) 4500 W 6th Ave, Stillwater, OK 74074-1522 for the production of the AN/SPQ-14(V) Advanced Sensor Distribution System (ASDS) and AN/SPQ-15(V) Data Distribution System (DDS) to include logistics support and engineering services for the ASDS and DDS for a five year period.

3. DESCRIPTION OF SUPPLIES/SERVICES

The proposed acquisition is for the production of the AN/SPQ-14(V) Advanced Sensor Distribution System (ASDS) and AN/SPQ-15(V) Data Distribution System (DDS) to include logistics support and engineering services for the ASDS and DDS for a five year period. Delivery Orders will be placed for various radar distribution equipment for the AN/SPQ-15(V) Data Distribution System (DDS) and the AN/SPQ-14(V) Advanced Sensor Distribution System (ASDS). DDS was developed as a replacement for AN/SPQ-14(V) ASDS. The intended use of the equipment is to provide RADAR and sensor distribution onboard U.S. Navy ships and to a lesser extent to Foreign Military Sales (FMS) customers as requested. The Government's minimum needs have been verified by the certifying technical and requirements personnel.

Planned funding types for this contract include:

Appropriation	FY10	FY11	FY12	FY13	FY14	Total
SCN	2.10	2.70	3.40	1.70	1.70	11.60
OPN	4.10	6.80	6.80	10.90	10.90	39.50
FMS	1.50	2.00	2.00	2.00	2.00	9.50
OMN	0.05	0.05	0.05	0.05	0.05	0.25
RDT&E	0.90	0.00	0.00	0.00	0.00	0.90
Total (\$M)	8.65	11.55	12.25	14.65	14.65	61.75

4. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION

10 U.S.C. 2304(c)(1), Only one responsible source and no other supplies or services will satisfy agency requirements.

5. RATIONALE JUSTIFYING USE OF CITED STATUTORY AUTHORITY

Frontier Electronics Systems Corporation owns the rights to the software embedded in the DDS and key components of the ASDS along with resident knowledge of the design, development and production of both systems and related equipment. ASDS was developed for the U.S. Navy by FES under sole source contract N00024-03-D-4041. DDS was developed for the U.S. Navy by FES under sole source contract N00024-06-G-5200. This is a follow on to N00024-03-D-4041 and N00024-06-G-5200 in accordance with FAR 6.302-1-(a)(2)(ii) for the continued production and support of highly specialized equipment. An award to any other source would result in a substantial duplication of cost in excess of \$9 million, which was the cost to develop the ASDS and DDS systems. The government would not expect to recover these costs through competition. As the ASDS parts are approaching obsolescence it would not be economical to compete. A recompetete would result in unacceptable delays in fulfilling the U.S. Government's requirements.

FES informed the Government that even with a full set of drawings for the DDS the Government would not be permitted to use the drawings to compete production due to FES' Intellectual Property Rights. FES went further to say that at the current time the drawings are not for sale.

The following components are proprietary to FES and are not available through other distributors:

a. The baseboard design utilized in the Radar Interface, IFF Interface and Display Interface Modules. These modules utilize the Gigabit Data Engine PPC S/W, Gigabit Data Engine Xilinx F/W, and Gigabit Data Engine Circuits which were developed by FES. They also utilize the DDS data format which was developed by FES.

b. The Interface Personality Circuits used in the Radar Interface, IFF Interface and Display Interface Modules. These circuits translate azimuth and timing information.

c. The Software that utilizes the DDS data format. This includes the Scan Converter, the Variable Dwell Simulator, and the DDS Video API.

d. The Converter-Receiver Controller and the Radar Signal Distribution Switchboard, both AN/SPQ-15(V) units, have a unique AN/UPX-24 IFF interface and a specific Guns Weapons System multiple scan converter format requirements embedded in the proprietary software. These functions were developed specifically for the DDS and are not available from another distributor.

e. No company other than FES can provide the needed material required by this contract.

6. DESCRIPTION OF EFFORTS MADE TO SOLICIT OFFERS FROM AS MANY OFFERORS AS PRACTICABLE

This requirement was synopsised in Federal Business Opportunities (FEDBIZOPS) on April 27, 2010. No responses were received from the synopsis.

A market survey has been conducted by NSWC Dam Neck in January 2009 and verified in April 2010. Market survey specific to ASDS or DDS produced only one source, that source being Frontier Electronic Systems. The market survey for two similar system identification noun names of RADAR Distribution Systems and Navy RADAR Distribution Systems produced three results. Cambridge Pixel (aka Primagraphics) has a capability to distribute radar video and data. EDO Corp. of Chesapeake, VA advertises a COTS-based radar distribution system. A Patent-Applied-For, and possible patents with Patent numbers (indeterminable), for Lockheed-Martin for a networked-based radar sensor distribution system. Though these companies have radar distribution

capabilities, the products offered will not meet the specific requirements as explained in paragraph 5.

For this and the reasons discussed in paragraph 5 above, it is not practicable for any company other than Frontier Electronic Systems Corporation 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, NSWCCD 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, the NSWCCD will assess whether competition for future requirements is feasible.

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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 data, including Acquisition Plan No. NSWCDD 10-001, except as noted herein, are complete and accurate to the best of my knowledge and belief.

TECHNICAL AND REQUIREMENTS COGNIZANCE:

[Redacted Signature Block]

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

LEGAL SUFFICIENCY REVIEW (MCMCAG 5206.303(90))

I have determined this justification is legally sufficient.

[Redacted Signature Block]

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 Block]

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

APPROVED:

Upon the basis of the above justification, I hereby approve, as Designee of the Head of the Procuring Activity, 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)(1).

[Redacted Signature Block]

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

6/04/10