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

IN REPLY REFER TO

J&A NO: 13168
CS13-11
N00178-13-D-3007

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 Division(NSWCDD), Contracts Division.

2. Description of the Action Being Approved

This justification establishes the basis for award of a four (4) year Indefinite Delivery/Indefinite Quantity commercial contract on a sole source basis for continuing software maintenance services and procurement of new software products from The Mathworks, 3 Apple Hill Drive, Natick, MA 01760-2098.

3. Description of Supplies/Services

This proposed acquisition provides Matlab and Simulink licenses, continued updates and technical support required to maintain compatibility with existing Mathworks software. This acquisition of maintenance of The Mathworks family of products that are currently in use at NSWCDD (as detailed in Attachment 1) and it provides an option for the purchase of software products, on an as needed basis, from The Mathworks product line. The estimated cost of the proposed contract action is [redacted] for the base year with a ceiling amount not to exceed [redacted] for additional licenses and software added during the period of performance. Three option periods are recommended at the same ceiling amounts for each option year for a total contract value of [redacted]. The use of [redacted] funds is anticipated. The

period of performance is four (4) years with a base period of twelve months and three (3) option periods of twelve months.

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

FUNDS	FY13	FY14	FY15	FY16	TOTAL
[redacted]					

4. Statutory Authority Permitting Other Than Full and Open Competition

This justification is based upon the authority of 10 U.S.C. 2304(c)(1), as implemented by FAR 6.302-1. Only one responsible source and no other suppliers or services will satisfy agency requirements.

5. Rationale Justifying Use of Cited Statutory Authority

Full and open competition is not possible for this contract, as it supports Mathworks software currently in use [redacted]. This requirement will enable continuity of tasks and compatibility with existing software so as not to jeopardize existing [redacted] efforts. The Mathworks software is an essential part of the [redacted].

Mathworks is the sole provider of Matlab and Simulink licenses. Standard commercial software could result in the Government incurring the expense of reinstating the software support to meet standard commercial update requirements to be compatible with existing software. At the time the decision was made to use Mathworks software, a market survey was conducted to find expert software and services to meet the needs of each user. The market research indicated that other companies' similar products lacked the particular features,

did not meet or could not be modified to meet the agency's needs. Literature searches and vendor interaction revealed that only Mathworks could provide this support and licenses. Award to another vendor would require changing to a [redacted]. This would result in a substantial duplication of costs to the Government that is not expected to be recovered through competition. Utilizing another vendor would result in disruption or stoppage of maintenance support; require extensive training for the Government on the new software, and increased system development, recovery and sustainment costs as well as the loss of valuable time.

The Mathworks is the designer, developer, and manufacturer of the currently fielded software, they hold the proprietary rights. The Mathworks is the only source available that meets the Government's minimum requirements and allows NSWCDD to effectively fulfill their mission.

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

The proposed contract was synopsized on the Federal Business Opportunities (FEDBIZOPS) website on 15 February 2013 in accordance with FAR 5.2. There were no potential sources or interested parties resulting from this notice. The compatibility required and the requirement for the best value to NSWCDD through the greatest discount available dictates the minimum requirements. The lack of any responses to the synopsis for the planned sole source contract validates NSWCDD's determination.

7. Determination of Fair and Reasonable Costs

The Contracting Officer will utilize cost and price analysis to determine that the anticipated fixed price to the Government is fair and reasonable.

8. Actions to Remove Barriers to Competition

For the reasons set forth in Paragraph 5, NSWCDD has no plans at this time to compete future contracts for the types of supplies/services covered by this document. If a future requirement should arise, a reappraisal will take place to determine whether competition is feasible. If another potential source emerges, NSWCDD will assess whether competition for future requirements is feasible.

Subj: JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN COMPETITION

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 documents, except as noted herein, are complete and accurate to the best of my knowledge and belief.

TECHNICAL/REQUIREMENTS COGNIZANCE:

[redacted]

LEGAL SUFFICIENCY REVIEW (NMCARS 5206.303(90))

I have determined this justification is legally sufficient.

[redacted]

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]

LARRY D. GILLMAN / Code CS13 [redacted] Date

Subj: JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN COMPETITION

APPROVAL BLOCK (FAR 6.304)

Upon the basis of the above justification, I hereby approve, as the Competition Advocate for 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]