



DEPARTMENT OF THE NAVY  
NAVSUP FLEET LOGISTICS CENTER NORFOLK  
PHILADELPHIA OFFICE  
700 ROBBINS AVENUE BUILDING 2B  
PHILADELPHIA PA 19111-5083

IN REPLY REFER TO  
270.3C  
J&A 15-081

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

- 1. CONTRACTING ACTIVITY:** The contracting activity for this action is NAVSUP Fleet Logistics Center Norfolk, Philadelphia Office.
- 2. DESCRIPTION OF THE ACTION BEING APPROVED:** This is a sole source action for services in support of Commander, United States Naval Observatory (USNO) Washington, DC. The requirement will be awarded as a new contract to Lowell Observatory, 1400 W. Mars Hill Road, Flagstaff, AZ 86001.
- 3. DESCRIPTION OF SUPPLIES/SERVICES:** The proposed acquisition is to provide for the operation and maintenance of the Navy Precision Optical Interferometer (NPOI). Specifically, to maintain equipment instrumentation support as necessary for NPOI's accuracy and: prepare the NPOI for night observations and operation of the instruments to achieve USNO specified observations. The resultant contract will be a firm fixed priced type with a one year period of performance of 01 October 2015 through 30 September 2016. The Independent Government Cost Estimate (IGE) is \$815,772.00. It is anticipated that the requirement will be funded with FY16 OM&N appropriated funds. This is a follow-on requirement to contract N00189-10-C-Z081, which was awarded to Lowell Observatory on a sole source basis.
- 4. STATUTORY AUTHORITY PERMITTING USE OF OTHER THAN FULL AND OPEN COMPETITION:** The statutory authority permitting other than full and open competition is 10 U.S.C.2304(c) (1), "Only one responsible source and no other supplies or services will satisfy agency requirements", as implemented by FAR 6.302-1.
- 5. RATIONALE JUSTIFYING USE OF CITED STATUTORY AUTHORITY:** Lowell Observatory is the sole manufacturer of the unique infrastructure, extending over 9 acres, which houses and supports the NPOI. In 1992, Lowell obtained an exclusive 20 year Special Use Permit (SUP) from the US Forest Service to build, operate, and maintain the NPOI infrastructure next to the USNO site in Flagstaff, AZ. Under the SUP, which was extended by the Forest Service in 2012 for another 20 years, only Lowell Observatory has the right to operate and maintain the facility. The details of the infrastructure design, and the related technical manuals, and maintenance procedures are all proprietary to Lowell Observatory. Based on this information, no other source can gain access to the NPOI facility and perform the required services. Maintenance of the support equipment includes maintaining extensive temperature control, high vacuum pump, and electronic systems that support the interferometer instrumentation. In addition, support also includes maintaining site internet connectivity, repair and replacement of signal cables, electronics testing and repairs, maintaining instrument support software, and the cleaning and alignment of delicate, high-precision optics. Due to the critical adjustments and alignments required to maintain and operate the NPOI, it is imperative that highly skilled and trained experts are used to accomplish the require support services. Lowell Observatory is the only known source capable of providing the required support services at this time.
- 6. DESCRIPTION OF EFFORTS MADE TO SOLICIT OFFERS FROM AS MANY OFFERORS AS PRACTICABLE:** Market research has indicated there are no other known sources that can satisfy this requirement. In addition, Lowell Observatory does not operate nor maintain any other optical interferometer other than the NPOI. The required services are so unique it has been determined the

Source Selection Information – See FAR 2.101 and 3.104

*PRE-SOLICITATION STRATEGY  
ATTACHMENT 5*

services are not of a commercial type. Historically, a synopsis announcement has been placed in the Government Point of Entry (GPE) with only Lowell Observatory responding. A sources sought notice for the instant requirement was posted at FEDBIZOPS on 10 June 2015; to date no other sources have expressed an interest in this acquisition. In addition to the sources sought notice, a synopsis of this requirement was posted at FEDBIZOPS on 04 August 2015 to date no other sources have expressed an interest in this requirement.

**7. DETERMINATION OF FAIR AND REASONABLE COST:** The contracting officer will determine the anticipated cost to the Government of the services covered by this J&A to be fair and reasonable pursuant to FAR Part 15. The IGCE was developed based upon historical prices for this exact requirement.

**8. ACTIONS TO REMOVE BARRIERS TO FUTURE COMPETITION:** For the reasons set forth in Paragraph 5, NAVSUP FLC Norfolk has no plans at this time to compete future contracts for the types of supplies covered by this document. If another potential source emerges, NAVSUP FLC Norfolk will assess whether competition for future requirements is feasible. This requirement is a non-competitive follow-on to a non-competitive award. In accordance with PGI 206.303-2 (b) (i) a copy of the prior sole source J&A is included in the contract file. (See Pre Solicitation Strategy Attachment 5A)

It is noted that paragraph 6 of the prior sole source J&A mentions two vendors other than Lowell Observatory which appear to be potential sources under the prior contract. It was determined, through research with the contract specialist who awarded the current contract, that the information contained in prior J&A paragraph 6 was erroneously copied from another sole source J&A from a similar requirement into the prior J&A for the instant requirement. The end result is no other potential sources existed for the prior NPOI requirement.

As stated in paragraph 6 above, attempts were made to find alternate sources for the instant requirement, both a sources sought notice and a synopsis were posted at FEDBIZOPS; to date no other sources have expressed an interest in this requirement. Additional actions taken in an attempt to remove barriers to competition for the instant requirement are included in the Market Research Memorandum included in the contract file. (See Pre Solicitation Strategy Attachment 4)

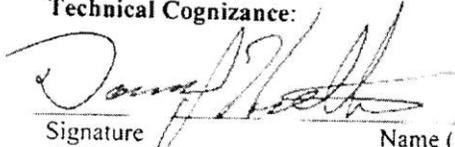
**9. CONTRACTING POINT OF CONTACT:** The contracting activity point of contact is Michael Placido, Code 270.3C, who can be reached by phone at 215-697-9654 or by email at michael.placido@navy.mil.

**CERTIFICATIONS AND APPROVAL**

**TECHNICAL/REQUIREMENTS CERTIFICATION**

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 Cognizance:**

 DONALD J. HUTTER (928) 779-5132 8-20-15  
Signature Name (Printed) Phone No. Date

**Requirements Cognizance:**

 DONALD J. HUTTER (928) 779-5132 8-20-2015  
Signature Name (Printed) Phone No. Date

**LEGAL SUFFICIENCY REVIEW**

I have determined this Justification is legally sufficient.

 STEPHANIE BEATY 215-697-9862 8-27-15  
Signature Name (Printed) Phone No. Date

**CONTRACTING OFFICER CERTIFICATION**

I certify that this Justification is accurate and complete to the best of my knowledge and belief. To the extent that the J&A/LSJ value is between \$150K and \$650K, the Contracting Officer's signature below also represents approval of the J&A/LSJ.

 K. B. (K) 25 (69) 9640 8-20-15  
Signature Name (Printed) Phone No. Date

**CONTRACTING ACTIVITY COMPETITION ADVOCATE REVIEW**

To the extent that the J&A/LSJ value is between \$650K and \$12.5M, the Competition Advocate's signature below also represents approval of the J&A/LSJ.

SIRAVO.ROCCO.D.1 Digitally signed by SIRAVO.ROCCO.D.1229167231  
229167231 DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,  
ou=USN, cn=SIRAVO.ROCCO.D.1229167231  
Date: 2015.08.26 14:29:00 -04'00'  
Signature Name (Printed) Phone No. Date