



DEPARTMENT OF THE NAVY
FLEET LOGISTICS CENTER
1968 GILBERT STREET
SUITE 600
NORFOLK, VIRGINIA 23511-3392

IN REPLY REFER TO:
240C
11 June 2015
J&A # 15616

JUSTIFICATION AND APPROVAL
FOR OTHER THAN FULL AND OPEN COMPETITION
(SOLE SOURCE)

1. **IDENTIFICATION OF AGENCY AND CONTRACTING ACTIVITY:**

Requiring Activity: Navy and Marine Corps Public Health Center
Occupational and Environmental Medicine Department
620 John Paul Jones Circle Suite 1100
Portsmouth, Virginia 23708

Contracting Activity: Commanding Officer
NAVSUP Fleet Logistics Center Norfolk
Acquisition Department, Code 200
Norfolk, Virginia 23511-3392

Requisition Number: N6854615RCSF011

2. **NATURE/DESCRIPTION OF CONTRACT ACTION:** This is a non-competitive action submitted for approval to award a contract for Benson Medical Hearing Conservation Program (HCP) audiometers and matching bio-acoustic simulators. Benson Medical HCP audiometers were previously purchased under contract W81XWG-08-C-0071 and are currently used and approaching the end of their manufacturer's warranty period (2015) and the end of their service life. Audiometers and matching bio-acoustic simulators are used to perform hearing tests on Navy and Marine Corps service members and Department of the Navy Civilian employees that are exposed to hazardous noise. The requirement to perform hearing tests for employees that are exposed to hazardous noise is codified in Part 1910 of Title 29 of the Code of Federal Regulations. The Department of Defense requirement (DoD) is specified in DoD Instruction 6055.12, OPNAVINST 5100.23 and 5100.19 tasks BUMED to provide audiometric support to all military and civilian personnel.

3. **DESCRIPTION OF REQUIRED SUPPLIES/SERVICES:** The proposed acquisition is to provide Benson Medical CCA-200mini hearing conservation audiometers and accessories. The proposed estimate is \$1,623,730.00 to replace approximately 260 primary audiometers, 740 expansion audiometers, and 1000 bioacoustic simulators. Defense Health Programs (DHP) funds in the amount of \$1,623,730.00 have been provided. The first drop shipment shall be delivered approximately 3-4 months ADC and then every month thereafter until complete. Additionally, the required audiometers and simulators are manufactured in the United States and are Buy American Act compliant.

4. **STATUTORY AUTHORITY PERMITTING OTHER THAN FULL & OPEN COMPETITION:** Section 4202 of the Clinger-Cohen Act of 1996, a sole source acquisition under the authority of the Test Program for Certain Commercial Items, as implemented by FAR 13.501(a).

5. **RATIONALE JUSTIFYING USE OF THE CITED STATUTORY AUTHORITY:** Benson Medical has standardized HCP equipment and software in order to meet compatibility requirements with the DoD-mandated Defense Occupational and Environmental Health Readiness System - Hearing Conservation (DOEHRS-HC) software and Data Repository (DR). Currently, the Benson Medical software that automates hearing testing across the DoD (over 450K annual hearing tests for the Navy alone) is the only software integrated into the DOEHRS-HC utility. The DoD-mandated DOEHRS-HC currently has invested millions of dollars in the development of standardizing hardware and software capabilities, including the integration of Benson Medical audiometer software.

Benson Medical supplies must be used to ensure full compatibility with existing infrastructure and are the only supplies that will provide full form, fit and function. It would cause undue hardship to the government and excessive additional cost to procure new equipment and attempt to integrate within the infrastructure of DOEHRS-HC.

6. **DESCRIPTION OF EFFORTS MADE TO SOLICIT OFFERS FROM AS MANY OFFERORS AS PRACTICABLE:** Market research was performed through review of previous acquisitions for the same or similar requirements, discussions with the requiring activity and potential providers, and internet searches including a review of System for Award Management (SAM). Based on these results, it has been determined that no other vendor can meet the Government's requirement as the equipment must be compatible with existing infrastructure established by Benson Medical. A synopsis of this requirement and solicitation will be posted to the Government Point of Entry (GPE) in accordance with FAR 5.201. Any sources who express interest will be evaluated for consideration.

7. **DETERMINATION OF FAIR AND REASONABLE COST:** A determination of fair and reasonableness of price will be based on the Procuring Contracting Officer's price analysis in accordance with FAR 13.106-3 paragraph (a) subparagraph (2) (i)(ii)(iii)(iv) or any combination thereof.

8. **ACTIONS TAKEN TO REMOVE BARRIERS TO COMPETITION:** The initial contract, W81XWG-08-C-0071, issued to Benson Medical Instruments Company, was competed for the acquisition of audiometers, implementation of the compatible software and provided user training. For the aforementioned reasons and those set forth in Paragraph 5, Benson Medical supplies are the only supplies that will interface with existing infrastructure. If another potential source emerges, NAVSUP FLC Norfolk will assess whether competition for future requirements is feasible.

9. **CONTRACTING POINT OF CONTACT:** The point of contact at the NAVSUP Fleet Logistic Center Norfolk is Mrs. Caitlin King, who can be reached at (757) 443-1324, or by email at Caitlin.King@navy.mil.

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:

Brian W Hobbs BRIAN W HOBBS (757) 953 0761 12 June 15
Signature Name (Printed) Phone No. Date

Requirements Cognizance:

David L. Bailey David L. Bailey, Comptroller 757 953-0918 15 JUN 15
Signature Name (Printed) Phone No. Date

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

Monica Flynn Monica Flynn 757-443-1093 6/16/15
Signature Name (Printed) Phone No. Date

CONTRACTING OFFICER CERTIFICATION (\$100K to \$650K)

I certify that this Justification is accurate and complete to the best of my knowledge and belief.

Tara Dean Tara Dean 757-443-1977 6/15/15
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.

Marlene K. Chambley Marlene K. Chambley 757-443-1362 6/17/2015
Signature Name (Printed) Phone No. Date