



DEPARTMENT OF THE NAVY
NAVSUP FLEET LOGISTICS CENTER SAN DIEGO
937 NORTH HARBOR DRIVE
SAN DIEGO CA 92132-0200

IN REPLY REFER TO

J&A

**JUSTIFICATION AND APPROVAL
TO PROCURE USING OTHER THAN FULL AND OPEN COMPETITION**

Upon the basis of the following justification, I as Contracting Officer hereby approve use of the other than Full and Open competition for the proposed contractual action pursuant to the authority of 10 USC 2304(c)(1), only one responsible source and no other supplier or servicing activity will satisfy agency requirements, as implemented by FAR 6.302-1.

JUSTIFICATION

1. IDENTIFICATION OF AGENCY AND CONTRACTING ACTIVITY:

The requiring activity is the Commander Naval Air Forces (CNAF), San Diego, CA. The Contracting Activity is the NAVSUP Fleet Logistics Center, San Diego, CA (FLCSD). The FLCSD point of contact is Nick J. Giacalone, Code 240, (619) 532-2582, nick_giacalone@navy.mil.

2. NATURE AND DESCRIPTION OF THE ACTION BEING APPROVED:

This justification seeks approval for sole source procurement of Aviation Safety Assessment Program (ASAP) services with BRZ, Inc., a Veteran Owned Small Business located at 385 North Jeff Davis Ste E, Fayetteville, GA 30214-1670, in accordance with 10 U.S.C. 2304(c)(1). The procurement will be for a one-year base period, from 06 September 2011 through 05 September 2012, with four (4) one-year options estimated at \$6,308,139.00.

3. DESCRIPTION OF SERVICES REQUIRED:

The proposed requirement is to acquire Aviation Safety Awareness Program (ASAP) data collection system and analysis software engineering and technical support to include database development, user interfaces, operations support, data collection and analysis, technology sustainment, document development, comment review, and written analysis in the areas of design, development, testing, Certification and Accreditation (C&A), and emergent data calls requiring technical assessments and analysis.

4. IDENTIFICATION OF THE STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION:

The statute 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 service will satisfy agency requirements", as implemented by part 6.302-1(b)(1) of the Federal Acquisition Regulation.

5. DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATION OR THE NATURE OF THE ACQUISITION REQUIRES USE OF THE AUTHORITY CITED:

The new work is a logical follow-on to a full and open competition order N00178-05-D-4565 NW02, to which BRZ, Inc. was the sub-contractor responsible for delivery, updating, providing, and programming of ASAP for Naval Aviation.

The contractor providing this support must have personnel capable of providing Original Equipment Manufacturer (OEM) expert level software programming, testing and troubleshooting practices of the Pulse+© software, which will serve to aid in maintaining self reported human error within CNAF. Programming and updating of ASAP software was initially provided by BRZ, Inc, henceforth referred to as "OEM." The goal and purpose contracting for OEM support/services is to maximize mission readiness and to avoid costs associated with duplication of effort and the introduction of new software.

BRZ is the developer of the software that supports CNAF in its mission to avoid aircraft mishaps and save aviation assets, to include pilots and planes combat support. In the immediate past four years, PULSE+© provided underlying software and data base access to identify, record, and solve safety issues for both personnel and aircraft. The software tool itself proved to be a commercial asset that could reduce accidents through error identification prior to actual mishaps. This leading indicator capability requires installation on surface combatant vessels, of which only BRZ, Inc may perform after approval on board the

Engineering Reach-Back: "Other defense contractors" and/or government entities are unable to effectively "reach back" into and draw from BRZ, Inc software engineering code due to government and company policies dealing with proprietary information regarding BRZ, Inc-developed software. Proprietary software is owned and solely controlled by the OEM and is not available for unlicensed distribution or modification by the government, U.S. Navy, or "other contractor" entities. CNAF will have an effective conduit available to adjust critical software only by employing BRZ, Inc. Without the direct capability of OEM personnel, software would not have maintenance capability, and the backlog of fleet update requests would increase, eventually leading to complete lack of utility of this critical program due to the lack of ability to change with changing missions.

Certification and Accreditation/Installation Reach-Back: OEM access to software core code, software architecture and specification documentation, software engineering drawings, and technical publications is required in order for the vendor to certify and maintain the application This is a critical evolution step leading to application integration into government servers, which are unavailable to any entity other than the OEM as an authorized agent in re-loading newer versions of the certified application. The ASAP program is already in use by commands and Type/Model/Series aircraft Wings located throughout Navy. Only BRZ, Inc has the rights to change/modify and install the Pulse+© software, which is necessary to adhere to OPNAVINST 3710.1U, requiring use of the software after every flight – including while afloat. To change to another vendor/ different software at this time would delay of software certification and installation process for over 5 years, and would entail an intolerable implementation and development interruption to installation of the application on board U. S. Navy ships. This would set-back aviation safety nearly a decade, decreasing readiness while failing to instill a culture of acceptance and reporting of pre-mishap causal factors prior to losing and aircraft and/or aircrew.

Access to a Database of Historical Software Engineering: CNAF has identified a list of proprietary software data fields that can only be integrated into other CNAF applications by the OEM. Readiness reporting metrics associated with human error management will reduce overall training costs, and several specific applications have been targeted for integration at CNAF. A key component to gaining the capability to integrate is having and maintaining access to OEM software engineering code, historical indicator information, component configuration, configuration upgrade, and OEM databases of software engineering specifications. An OEM engineer is a repository of knowledge, and has the singular ability to effectively induct, analyze, and update the most difficult applications. Without BRZ, Inc working directly with the CNAF ASAP office, a capability gap will exist in fleet mission requirements and directives which would be difficult and costly to restart. Talented government and "other contractor" personnel are available to fill the some functions, however, when a problem is faced which requires access to OEM database and software engineering knowledge, BRZ, Inc is the only source which is able to deliver solutions without imposing additional cost.

Notwithstanding the significant mission enhancement (and corollary mission negative impacts if not acquired), costs associated with either reverse engineering and/or new software (to date, no such software has been identified)) can be significant, although hard to quantify.

6. EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY SOURCES AS POSSIBLE:

As the official OEM for the software, no other vendor has been identified who can access source codes, and other like documentation to manipulate the software to meet CNAF's requirement. In addition, only the OEM can provide the seats or passwords to use the web-based data.

7. CONTRACTING OFFICER DETERMINATION OF FAIR AND REASONABLE COST:

The Contracting Officer, with the assistance of the cognizant administration, will determine the price to be fair and reasonable through historical cost and price analysis.

8. DESCRIPTION OF THE MARKET SURVEY OR REASONS WHY ONE WAS NOT CONDUCTED:

A limited market survey was conducted via the internet to determine if there was any other commercial software that could support the ASAP program. To date, none has been identified. Accordingly, only PULSE+© can provide the software and support called out in this J&A.

9. ADDITIONAL FACTS WHICH SUPPORT THE USE OF OTHER THAN FULL AND OPEN COMPETITION:

This sole source request to utilize BRZ, Inc. for the required services supports other than full and open competition due to this contractor owning the software rights to the program currently in use. Also, BRZ, Inc has gained significant experience over the past 3 years with the deployment and administration of the Aviation Safety Assessment Program for Naval Aviation units and commands, as well as Certification and Accreditation for the Navy networks. Transition to another company and software program would result in a 6-9 year delay, degrading the level of aviation safety and readiness throughout the fleet.

10. LIST OF SOURCES THAT HAVE EXPRESSED INTEREST IN THIS ACQUISITION IN WRITING:

None.

11. ACTION TAKEN TO ENSURE THAT SUBSEQUENT ACQUISITION IS ON A COMPETITIVE BASIS:

It is anticipated future decision to standardize safety assessment tools throughout the Navy will be made at the DON/CNO level due to Echelon II acknowledgement that CNAF's ASAP efforts are not only leading both surface and sub-surface communities, but the other DOD Services as well. The program was highlighted by PACFLT as viable for DON implementation due to its success.

12. In accordance with NAPS 5206.303-2(a), the following additional information is provided:

i. DELIVERY REQUIREMENTS:

Delivery will be F.O.B. destination. San Diego CA, Norfolk, VA, and Naval Air Forces Aircraft Carriers and other Aircraft Capable Surface Ships, as specified in the work statement.

ii. ESTIMATED DOLLAR VALUE AND APPROPRIATION:

The total estimated dollar value is \$ 6,308,139 for all five (5) years, and will be financed using CNAP O&M, N funds.

iii. ACQUISITION PLAN:

Svnopsis posted: 22 July through 06 August 2011

iv. DOCUMENTATION FOR SPARE AND REPAIR PARTS: This is not an acquisition of spare parts.