

**JUSTIFICATION AND APPROVAL (J&A)  
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 DLA Aviation at San Diego. The Contracting Activity is the Fleet and Industrial Supply Center (FISCSD), San Diego, CA.

**2. NATURE AND DESCRIPTION OF THE ACTION BEING APPROVED:**

This Justification and Approval (J&A) authorizes and approves the issuance of a contract to Hawker Beechcraft Corporation (HBC), T-34 and T-44 Original Equipment Manufacturer (OEM), to procure piece parts to support FRCSW in the depot level repair of four (4) T-34 Landing Gear Components, and seven (7) T-44 Landing Gear Components.

**3. DESCRIPTION OF SERVICES/SUPPLIES REQUIRED:**

The seven (7) T-44A landing gear components that require repair parts are: (1) Nose Gear, (2) Nose Gear Actuator, (3) Main Gear, Left, (4) Left Main Gear Actuator, (5) Main Gear, Right, (6) Right Main Gear Actuator, and (7) Retract Gearbox. The T-44A repair parts consist of parts listed on 2276 documentation based on Landing Gear Bills of Materials.

The four (4) T-34C landing gear components that require repair parts are: (1) Main Gear, Left, (2) Main Gear, Right, (3) Main Gear Actuator, and (4) Nose Gear. The T-34C repair parts consist of - parts listed on 2276 documentation based on Bills of Materials.

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

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

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

T-34 and T-44 aircraft were designed and built to Federal Aviation Administration (FAA) commercial specifications and OEM data. The initial program support decisions were based upon a commercial life type of support concept. Technical data rights for aircraft engineering data were not procured with the aircraft. Significant cost avoidance was achieved as a result of a Commercial Off the Shelf (COTS) acquisition and acceptance of existing OEM commercial data, therefore avoiding OEM data (Level III drawings) rights acquisition costs. HBC considers Level III drawings to be proprietary. At the present time, the program office does not intend to purchase HBC's proprietary data due to its high cost.

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

The requirement was not synopsisized in FedBizOpps. to determine if any other sources are qualified and interested in providing the repair parts. Only HBC expressed an interest in providing requirements. No other responses have been received. A market survey was not conducted due to OEM proprietary data and services procured by a sole source acquisition.

#### 7. CONTRACTING OFFICER DETERMINATION OF FAIR AND REASONABLE COST:

In accordance with FAR 15.402(a), the Contracting Officer must ensure that all services ordered under the resultant contract are procured at a fair and reasonable price. The Contractor will submit cost or pricing data in accordance with FAR 15.402-4. Analysis of the proposals will be performed by NAVAIR technical analysts, contract specialists and cost analysts with support from Defense Contract Management Agency (DCMA) and Defense Contract Audit Agency (DCAA). The Contracting Officer will analyze the various cost elements that are presented in the proposal, as well as reviewing the actuals from previous procurements. The Contractor's use of escalation will be reviewed.

#### 8. ACTIONS TO REMOVE BARRIERS TO FUTURE COMPETITION: (CONTRACTS ONLY)

For the reasons set forth in Section 5, NAVAIR has no plan at this time to compete future contracts for the requirement covered by this document.

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

Delays in the procurement of material required to perform said necessary maintenance on T-34 / T-44 Landing Gear Components will negatively impact the ability of FRCSW to provide scheduled repair services to the US Navy Aviation Repair Program. Existing repair schedules would be pushed back and have a detrimental impact on Fleet Readiness.

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

None.

#### 11. IN ACCORDANCE WITH NAPS 5206.303-2(a), THE FOLLOWING ADDITIONAL INFORMATION IS PROVIDED:

- i. DELIVERY REQUIREMENTS: Delivery will be F.O.B. origin and inspection will be performed by the cognizant DCMA under this contract.
- ii. ESTIMATED DOLLAR VALUE AND APPROPRIATION: The total estimated dollar value is \$ 99,145.96. The contract to be awarded will be fully funded and will cite Navy Working Capital Funds (NWCF), 97X4930 NC1A 000 28003 0 069117 7R 000000 3PP1Q6S00000
- iii. ACQUISITION PLAN: An Acquisition Plan is not required for this requirement, as it does not exceed the \$5M threshold shown in DFAR 207.103(c)(2).
- iv. DOCUMENTATION FOR SPARE AND REPAIR PARTS: The specifications for spare and/or repair parts have been reviewed by qualified DLA representatives and this material is not considered spare parts.

**CERTIFICATIONS AND APPROVALS**

**LEGAL COUNSEL REVIEW AND CERTIFICATION REQUIRED BY NAPS 6.303-92**

I certify that this justification has been reviewed and is hereby approved as to form and legality.

Legal Counsel	Code	Telephone	Date
---------------	------	-----------	------

**TECHNICAL AND REQUIREMENTS CERTIFICATION REQUIRED BY FAR 6.303-2(b)**

I certify that the facts and representations under my cognizance which are included in this justification and which form a basis for this justification are complete and accurate.

**TECHNICAL COGNIZANCE (Requiring Activity):**

<i>Keith Latulippe</i>			6/28/11
------------------------	--	--	---------

Keith Latulippe, Equipment Specialist	Code: AFCCB	Telephone (619) 767-7434	Date: 6/8/11
---------------------------------------	-------------	--------------------------	--------------

**REQUIREMENTS (Requiring Activity):**

<i>Sylvia Geering</i>			6/28/11
-----------------------	--	--	---------

Sylvia Geering, Supv. Inventory Management	Code: AFDB	Telephone (619) 545-9569	Date: 6/8/11
--	------------	--------------------------	--------------

**CONTRACTING OFFICER CERTIFICATION REQUIRED BY FAR 6.303-2(a)(12)**

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

<i>Luis de la Fuente</i>	240	619.532.2889	6/30/11
--------------------------	-----	--------------	---------

Name	Contracting Officer	Code	Phone	Date
------	---------------------	------	-------	------

**COMPETITION ADVOCATE REVIEW REQUIRED BY FAR 6.304(a)(2)**

Name	Competition Advocate	Code	Phone	Date
------	----------------------	------	-------	------