



## DEPARTMENT OF THE NAVY

REGIONAL CONTRACTING DEPARTMENT  
NAVSUP FLEET LOGISTIC CENTER PUGET SOUND  
467 W STREET  
BREMERTON, WASHINGTON 98314-5120

**CONTROL NUMBER 2012-7**

**N00406-11-P-6724**

**JUSTIFICATION AND APPROVAL  
FOR SOLE SOURCE PROCUREMENT  
Under Commercial Item Test Program FAR 13.5**

**1. Contracting Activity.**

NAVSUP Fleet Logistic Center Puget Sound (FLCPS)

**2. Description of Action Being Approved.**

This is a sole source requirement action to be issued as a modification to contract N00406-11-P-6724 awarded to E.H. Wachs.

**3. Description of Supplies/Services.**

The contract was awarded to E.H. Wachs on 21 September 2011 in the amount of \$331,425.00 under FAR 13.5, Commercial Simplified Acquisition Procedures as a sole source procurement for 1 Hull Cutting System and 1 Hull Beveling System.

The modification supported by this J&A is to make changes to the specifications to increase accuracy and reduce set-up time of the beveling system. The estimated total value of this modification is (b) (5). The total cost of the contract after issuance of the modification is (b) (5) FY12 Funding is to be provided through the NAVSEA Corporate Initiative Charter.

**4. Statutory Authority Permitting Sole Source.**

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 Cited Statutory Authority.**

Under subject contract, E.H. Wachs was the original equipment manufacturer. During discussions on functionality of the saw and

beveling system, E.H. Wachs proposed changes to the contract's beveling system that could be significantly improved to reduce set-up time, increase accuracy, etc., based on the 3-D CAD models developed by E.H. Wachs. The beveling system will be used on hull cuts that are on the critical path of a submarine overhaul, so the time savings have a considerable impact.

Thorough market research was conducted on the original contract (N00406-11-P-6274) and E.H. Wachs was determined to be the only vendor that could produce these cold cutting systems specifically designed for submarines and capable of meeting NAVSEA's requirements (research provided by B. Derr, C/2312.1 from 10/5/10 - 3/15/11). Additionally, all Corporate Shipyards were contacted to determine if other systems were available for use. The only system found was the E.H. Wachs cutting system. No other proposals were received in response to the original solicitation.

The E.H. Wachs Company manufactured a hydraulically powered reciprocating saw that successfully cut the Sail area on the SSN-768 USS Hartford by Electric Boat in Groton Connecticut, cutting through 688 Class submarine frames and 2-inch thick hull to remove and reinstall a 20-ft x 28-ft Sail. The saw was transferred to Puget Sound Naval Shipyard in April 2011. Contract (N00406-11-P-6724) was initiated to augment and complement the existing custom built saw (Personal Property - E.H. Wachs Saw 4523AC0953). The purpose is to utilize two saws in tandem, each cutting on opposite sides and in opposite directions to very quickly create a critical path refueling hull cut. In addition, the new hull cutting saw, is designed to either be independent and/or work with some of the same parts as the new beveling system.

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

The proposed action will be synopsised on the NECO website. No additional market research was conducted because it is not practicable, for the reasons discussed in paragraph 5 above, for any company other than E.H. Wachs to provide the required supplies.

**7. Determination of Fair and Reasonable Cost.**

The contracting officer has determined the anticipated cost to the Government of the supplies/services covered by this J&A will be fair and reasonable.

**8. Actions to Remove Barriers to Future Competition.**

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

**CERTIFICATIONS AND APPROVALS**

**CONTRACT SPECIALIST/NEGOTIATOR (NAVSUPINST 4200.83G)**

(b) (6)  
 Signature: [Redacted]      Name (Printed): Justin DeVoe      Phone No.: 360 476 7080      Date: 12/12/11

**CONTRACTING OFFICER CERTIFICATION (FAR 6.303-2(a)(12) & 6.304(a)(1))**

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

(b) (6)  
 Signature: [Redacted]      Name (Printed): Dianne L Palmater      Phone No.: 360 476 0374      Date: 11/29/11

**LEGAL SUFFICIENCY REVIEW (NMCARS 5206.303-90, NAVSUPINST 4200.83G & 5801.1)**

I have determined this justification is legally sufficient.

(b) (6)  
 Signature: [Redacted]      Name (Printed): MATTHEW HAWKINS      Phone No.: 360-476-2490      Date: 12/1/11

**APPROVAL REQUIRED BY FAR 13.501(a)(2)(i) thru (iv)**

Upon the basis of the above justification, I hereby approve, the solicitation of the proposed procurement(s) described herein using other than full and open competition under the authority of the test program for commercial items (section 4202 of the Clinger-Cohen Act of 1996).

(b) (6)  
 Signature: [Redacted]      Name (Printed): Dianne L Palmater      Phone No.: 360 476 0374      Date: 11/29/11

FLCPS Contracting Officer (</>=\$650K)  
 FLCPS Competition Advocate (>\$650K, </>=\$6.5M)

J&A Number: 2012-7

CERTIFICATIONS AND APPROVALS

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 and do not contain classified information.

TECHNICAL COGNIZANCE

(b) (6)

Signature *[Handwritten Signature]* Name (Printed) RONALD W. ZMJEWSKI Phone No. (360) 340-1226 Date 11/29/11

REQUIREMENTS COGNIZANCE

(b) (6)

Signature *[Handwritten Signature]* Name (Printed) RONALD W. ZMJEWSKI Phone No. (360) 340-1226 Date 11/29/11

(Note that this page includes certification that the acquisition planning documents are complete and accurate.)

(If a single individual has cognizance over both technical and requirements information included in the J&A, the individual may sign both signature blocks.)