



DEPARTMENT OF THE NAVY
NAVAL SURFACE WARFARE CENTER
PANAMA CITY DIVISION
110 VERNON AVENUE
PANAMA CITY, FL 32407-7001

IN REPLY REFER TO:

J&A Number: 0167-0041

Code: [REDACTED]

PR Number: N61331-01666906

JUSTIFICATION AND APPROVAL (J&A)
TO PROCURE USING OTHER THAN FULL AND OPEN COMPETITION

JUSTIFICATION

1. Contracting Activity

The Naval Sea Systems Command (NAVSEA), Naval Surface Warfare Center, Panama City Division (NSWC PCD), 110 Vernon Avenue, Panama City, FL 32407-7001, Acquisition Services Division, Code [REDACTED]

2. Description of the Action Being Approved

This justification is for a modification to contract N61331-08-D-0007 which will provide additional contract ceiling to allow for the continuance of services and materials until competitive replacement contracts can be awarded. The action will be processed through other than full and open competition.

3. Description of Supplies/Services

This acquisition is for a continuation of services and materials provided on N61331-08-D-0007 with L-3 Services, Inc., 11000 Commerce Parkway, Mount Laurel, New Jersey 08054-2233, in support of U.S. Marine Corps (USMC) Mine Roller Systems (MRS) currently [REDACTED]

[REDACTED]. The services and materials being acquired will provide ceiling for an additional [REDACTED] for Field Service Representative (FSR) support and [REDACTED] of production support. This will assure continuance of engineering and material support for the USMC Mine Roller In-Service Program for [REDACTED]

The modification has an estimated value of \$22,659,220. This increase has been certified by technical and requirements personnel as meeting the Government's minimum needs and fiscal year 2010 Procurement Marine Corps (PMC) funding in the estimated amount and is currently available.

4. Statutory Authority Permitting Other Than Full and Open Competition

10 U.S.C. 2304(c)(2) "Unusual and compelling urgency" IAW FAR 6.302-2(a)(2)

5. Rationale Justifying Use of Cited Statutory Authority

a. Background - Contract N61331-08-D-0007 was awarded on 31 March 2008, with a period of performance through 30 March 2012, to provide for production and In-Service Engineering (ISEA) support of USMC MRS. This included [REDACTED] contractor FSRs to [REDACTED]

[REDACTED] Contract N61331-08-D-0007 was not covered by an Acquisition Plan. Subsequent to its award, the Marine Corps Systems Command (MARCORSYSCOM) issued an Acquisition Decision Memorandum, dated 05 September 2008, designating the MRS as an abbreviated acquisition program with approval to proceed to production and fielding. U.S. Marine Corps Single Acquisition Management Plan (MC-SAMP) was approved by MARCORSYSCOM on 15 March 2010, providing authority to continue production and support of the MRS. NSWC PCD has initiated new competitive contract actions for production, spare parts, and FSRs under the authority of the MC-SAMP, however, these new contract actions are encountering significant delays due to Defense Contract Audit Agency (DCAA) audits. These delays are such that a disruption in services is imminent. Contract N61331-08-D-0007 current Delivery Order requirements are such that the contract ceiling of \$49,426,149.00 has been expended well prior to the original planned completion date primarily due to the [REDACTED] surge in combat operations in Afghanistan. The increased [REDACTED] [REDACTED] has resulted in the accelerated utilization of this contract to protect the lives of U.S. Marines and our allies.

b. Proposed Action and Justification - The ceiling increase will address the urgent needs associated with two delivery orders discussed in sub-paragraphs (1) and (2) below.

(1) Delivery order 0003, which provides FSR support in-theater, [REDACTED] with reconstitution to commence on [REDACTED]. The competitive replacement contract, which includes a [REDACTED] mobilization period, is anticipated for award within the next [REDACTED].

(2) Delivery order 0009, which provides MRS production, expires [REDACTED]. The competitive replacement contract has an anticipated award date of [REDACTED].

however, it includes a [REDACTED] mobilization period and an additional [REDACTED] for delivery and acceptance of a first article.

In an effort to ensure continuity of services, while awaiting the award of the aforementioned new contracts, the current contract will need to be modified to include additional [REDACTED] ceiling. This ceiling increase will provide the [REDACTED] of continued FSR support and [REDACTED] of production support

This requirement is urgent and compelling in accordance with Deputy Commandant, USMC Combat Development and Integration's Statement of Need Letter, [REDACTED] and revisions, reference (a) (copies provided). The FSRs provide a vital service in maintaining and repairing the MRSs used almost daily by the warfighter to [REDACTED]. Failure to expedite this requirement will put lives at risk. Due to the urgent requirement for the services (and the potential loss of life and limb associated with a potential lapse in the services) only the incumbent has the capability to meet the needs of the Government.

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

Synopsis of this requirement will be waived due to its urgency. No additional market research was conducted because it is not practicable for the reasons discussed in paragraph 5 above, and no other sources than the one specified can meet the requirements.

7. Determination of Fair and Reasonable Costs

The Contracting Officer will determine that the anticipated prices to the Government for the supplies/services covered by the J&A will be fair and reasonable.

8. Actions to Remove Barriers to Competition

This is a one-time requirement to provide interim support until new competitive contracts are awarded for MRS production, spare parts, ISEA and FSR support are completed. There are no additional actions relative to this contract modification that the Government can practically take to promote competition.

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 data, except as noted herein, are complete and accurate to the best of my knowledge and belief.

TECHNICAL COGNIZANCE

[REDACTED]

REQUIREMENTS COGNIZANCE:

[REDACTED]

LEGAL SUFFICIENCY REVIEW (NMCAG 5206.303(90))

This justification is determined to be legally sufficient.

[REDACTED]

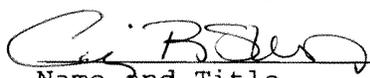
CONTRACTING OFFICER CERTIFICATION (FAR 6.303-2(a)(12))

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

[REDACTED]

APPROVAL BLOCK (FAR 6.304 for Approving Official)

Upon the basis of the above justification, I hereby approve, as the Designee of the Head of the Procuring Activity, the solicitation of the proposed procurement using of other than full and open competition, pursuant to the authority of 10 U.S.C. 2304(c)(2).



Name and Title

[REDACTED]

Phone

7/14/2010

Date