



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: 0068-0019

Code: [REDACTED]

PR No: N61331-00674839

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

Justification

1. Contracting Activity

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

2. Description of the Action Being Approved

Authorization to solicit Axis Products, Incorporated on the basis of other than full and open competition for urgently required parts to support fabrication of Mine Roller Systems (MRS) for the U.S. Marine Corps (USMC).

3. Description of Supplies/Services.

This acquisition is for the purchase of the following commercial welded suspension assemblies for use in supporting MRS for the USMC [REDACTED]

<u>Item Nomenclature</u>	<u>Part Number</u>	<u>Quantity</u>
Welded Assy (Right)	40180-1	[REDACTED]
Welded Assy (Left)	40180-2	[REDACTED]
Torsion Arm Assy (Right)	41230-1	[REDACTED]
Torsion Arm Assy (Left)	41230-2	[REDACTED]

The suspension assemblies must be black powder coated [REDACTED]

[REDACTED]

The government's minimum needs have been verified by the certifying technical and requirements personnel. The total

estimated amount of this acquisition is \$962,000.00, which will consist of Fiscal Year 2010 USMC procurement funds. A firm-fixed-price commercial item contract is expected to be issued under the authority of the Test Program for Commercial Items FAR Subpart 13.5. Section 4202 of the Clinger-Cohen Act of 1996.

Delivery of these items will be incremental [REDACTED] until delivery is completed. Delivery will be to the assembly Contractor, L-3 Communications (Attn: [REDACTED] 9308 Panama City Beach Parkway, Panama City Beach, Fl 32407 as Government Furnished Equipment under contract N61331-08-D-0007.

4. Statutory Authority Permitting Other Than Full and Open Competition

10 U.S.C. 2304(c)( 2 ) - Unusual and Compelling Urgency in accordance with FAR 6.302-2.

5. Rationale Justifying Use of Cited Statutory Authority

The U.S. Marine Corps Combat Development and Integration Command have tasked the Naval Surface Warfare Center, Panama City Division (NSWC PCD) Code [REDACTED] to develop, demonstrate, and deploy Mine Countermeasures capabilities. The objective of the effort is to provide an improved countermine capability to [REDACTED]

[REDACTED] NSWC PCD Code [REDACTED] is currently in the process of building mine rollers for mine clearance operations that are urgently required in support of [REDACTED]. NSWC PCD Code [REDACTED] was notified on 05 March 2010 by the U.S. Marine Corps Systems Command (MARCORSYSCOM) that an additional [REDACTED] Mine Roller Systems (MRS) of the Panama City (PC) GEN III Production Baseline 2010-02 configuration are required to be delivered to [REDACTED]. This requirement is to provide suspension system parts required to complete this urgent order to [REDACTED]. [REDACTED]

This requirement is urgent and compelling in accordance with Deputy Commandant, USMC Combat Development and Integration [REDACTED] reference (a) (copy provided). Upon delivery of these items, [REDACTED]. Significant harm to life may [REDACTED]

occur with delay procuring the requested parts. Failure to expedite this requirement will put lives at risk.

NSWC PCD Code [REDACTED] has done a recent market survey for manufacturers and has identified the following sources as being capable of potentially meeting the delivery requirements:

Axis Products Incorporated  
23720 Reedy Drive  
Elkhart, IN 46515  
[REDACTED]

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

Synopsis will be waived in accordance with FAR 5.202(2) due to the urgent and compelling nature of the requirement. Based on the urgency of this requirement, as stated in the Deputy Commandant's letter referenced above, one offeror is the maximum practicable number of offerors for this requirement.

7. Determination of Fair and Reasonable Costs

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

8. Actions to Remove Barriers to Competition

An informal market survey was briefly conducted for this acquisition resulting in identification of the source as noted in paragraph 5 above. Due to the urgent nature of this requirement there was not time to perform a more complete market survey therefore only this source has been identified as capable of meeting the rigorous delivery requirements.

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NOTHING FURTHER ON THIS PAGE

**TECHNICAL AND REQUIREMENTS CERTIFICATION REQUIRED (FAR 6.303-1(b)) :**

I certify that the facts and representations under my cognizance, which are included in this justification and its supporting data, including Acquisition Plan No. N/A, except as noted herein, are complete and accurate to the best of my knowledge and belief.

TECHNICAL COGNIZANCE

[Redacted] 3/10/10  
[Redacted] Division Head [Redacted] Date

REQUIREMENTS COGNIZANCE:

[Redacted] 3/11/10  
[Redacted] Department Head [Redacted] Date

LEGAL SUFFICIENCY REVIEW (FAR 6.303-2(a) (12))

I have determined this justification is legally sufficient.

[Redacted] 3/12/10  
Name and Title Code Phone Date

CONTRACTING OFFICER CERTIFICATION REQUIRED (SEE FAR 6.303-2(a) (12)):

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

[Redacted] 19 MAR 10  
Contracting Officer, Code [Redacted] Phone Date

APPROVAL BLOCK (FAR 6.304 for Approving Official)

Upon the basis of the above justification, I hereby approve, as the Competition Advocate for the Procuring Activity, the solicitation of the proposed procurement(s) described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304(c) (\_1\_).

[Signature] 22/MAR/2010  
Name and Title Competition Advocate Code Phone Date