



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: 2079-0012

Code: [REDACTED]

P.R. Number: TBD

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

Justification

1. Contracting Activity:

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

2. Description of the Action Being Approved:

NSWC PCD recommends award of a sole source contract to L-3 Communications Maripro Inc., of 1522 Cook Place, Goleta, CA 93117 (hereafter L-3) for the purchase of new MK 8 MOD 1 SEAL Delivery Vehicle (SDV) Hydro-Acoustic Information Link Manned Underwater Vehicle (HAIL MUV) Assemblies. Additionally, authorization is needed for the repair of existing units in the fleet.

3. Description Of Supplies/Services:

This procurement is for the acquisition of up to [REDACTED] SDV HAIL MUV Assemblies (Part Number 8436769-1) and repair support for up to [REDACTED] existing units over a period of five (5) years.

The estimated amount for the purchase of up to [REDACTED] SDV HAIL MUV Assemblies over five (5) years is [REDACTED] at a unit estimated cost of [REDACTED] each. The estimated amount for repair of up to [REDACTED] HAIL MUV Assemblies over a period of five (5) years is \$1,300,000 at an estimated unit repair cost of [REDACTED] each.

The anticipated contract will be a Firm Fixed Price Indefinite Delivery Indefinite Quantity contract (IDIQ) with provisions for Firm Fixed Price (FFP) delivery orders for both purchase and repair. The period of performance will be for five (5) years with an estimated [REDACTED] new units purchased and [REDACTED] units repaired each year of the contract. The Government's minimum needs have been verified by the technical and program personnel. The contract will be funded

100% with fiscal year 2012 through 2016 Operation and Maintenance Navy (O&MN) funds as follows:

Type Funds	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	TOTAL
O&MN ██████████	\$320,000	\$320,000	\$320,000	\$320,000	\$320,000	\$1,600,000.00
O&MN ██████████	\$260,000	\$260,000	\$260,000	\$260,000	\$260,000	\$1,300,000.00
TOTAL per year	\$580,000	\$580,000	\$580,000	\$580,000	\$580,000	\$2,900,000.00

4. Statutory Authority Permitting Other Than Full and Open Competition:

10 U.S.C. 2304(c) (1) - Only one responsible source and no other supplies or services will satisfy agency requirements, FAR 6.302-1.

5. Rationale Justifying Use of Cited Statutory Authority:

Pursuant to 10 U.S.C. 2304(c) (1), L-3 Communications Maripro Inc. is the only responsible source capable of providing the required MK 8 MOD 1 SEAL Delivery Vehicle (SDV) Hydro-Acoustic Information Link Manned Underwater Vehicle (HAIL MUV) Assemblies. The NSWC PCD Maritime Mission Systems Division has the responsibility as the In-Service Engineering Agent (ISEA) for the SDV MK 8 MOD 1 to provide for logistics, maintenance, and repair support. This requirement provides for the purchase and repair of the SDV HAIL MUV Assembly that is a critical component of the SDV communication systems. This acquisition is unsuitable for full and open competition for the following reasons:

(a) All of the SDV communication system's HAIL MUV Assemblies were implemented as a result of a Class 1 Engineering Change Proposal (ECP) approved by the Naval Sea Systems Command. The L-3 HAIL MUV assembly was selected, tested, and approved because it provides the SDV with an underwater communication capability that allows the SDV

██████████ Reliable communication during these mission phases is critical to avoiding equipment damage and personnel injury, due to the orchestrated sequence of maneuvers that must take place. System incompatibilities or unreliable hardware/software would render

the system unsafe and jeopardize national missions conducted by SDV platoons. The capability to [REDACTED] is wholly dependent on the L-3 HAIL MUV proprietary waveform technology.

(b) The HAIL MUV Assembly is designated as a critical safety item (CSI) identified on Naval Sea Systems Command (NAVSEA) approved Source Control Drawing 53711-7110328D. As such the HAIL MUV was extensively tested to ensure product performance, quality, reliability, and configuration compatibility to the SDV and host submarines prior to approval of the source control drawing in 2010. This NAVSEA approved source control drawing designates L-3 as the only NAVSEA approved source for this item.

(c) As the original equipment manufacturer (OEM), L-3 is the only source with sufficient in-depth knowledge of the HAIL MUV design and configuration that could provide the required items as well as accomplish repairs.

In summary, there are no other possible sources that can satisfy this requirement.

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

The proposed contract was synopsisized via posting on the Federal Business Opportunities (FEDBIZOPPS) website on 27 April 2012 in accordance with FAR 5.2. The synopsis expressed the government's intent to contract on a sole source basis. There have been no inquiries to this synopsis. No additional market research was conducted because it is not practicable, for the reasons discussed in paragraph 5 above, for any company other than L-3, the original equipment manufacturer (OEM), to provide the equipment and repairs.

7. Determination Of Fair And Reasonable Cost:

Based on historical cost/price information, the Contracting Officer has adequate information to ensure that the cost/price to the government for this acquisition will be fair and reasonable.

8. Actions Taken To Remove Barriers To Competition:

The planned contract is required in order to provide new SDV communications system components and provide for repair support. These items are sole source for the reasons specified in paragraph 5.0 above. The SDV MK8 MOD 1 configuration has been tested using these items and any attempt to substitute an item repaired by other than the OEM is unacceptable to the SDV program and could compromise the lives of the SEAL team using the SDV.

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, 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 Signature Block]

Signature Name (Print) and Title (Code) Phone Date

REQUIREMENTS COGNIZANCE:

[Redacted Signature Block]

Signature Name (Print) and Title (Code) Phone Date

LEGAL SUFFICIENCY REVIEW

I have determined that this justification is legally sufficient.

[Redacted Signature Block]

Signature Name (Print) and Title (Code) Phone Date

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 Signature Block]

Signature Name (Print) and Title (Code) Phone Date

APPROVAL BLOCK (FAR 6.304 for Approving Official)

Upon the basis of the above justification I hereby approve, as Designee of the Head of the Procuring Activity, for the solicitation of the proposed procurement using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304(c)(1).

(TITLE OF APPROVING OFFICIAL)

[Redacted Signature]

CINDY R. SHAWER 6/19/2012

Signature Name (Print) Date