



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

IN REPLY REFER TO:

J&A Number: 2283-0001

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), 110 Vernon Avenue, Panama City, FL 32407-5000.

2. Description of the Action Being Approved:

Authorization to modify contract N61331-12-C-0022 with Ocenco Incorporated, 10225 82nd Avenue, Pleasant Prairie, WI 53158-5800, on a sole source basis, to acquire additional Emergency Escape Breathing Devices (EEBD).

3. Description of Supplies/Services:

This requirement is to modify contract N61331-12-C-0022 to acquire an additional 6,034 EEBD units, part number M20.2. The EEBD is designed to provide respiratory and eye protection in an atmosphere that will not support life. The EEBD provides the wearer with 15 minutes of breathing air. The estimated value of this contract modification is \$ [REDACTED]. Funding will be fiscal year 2013 Other Procurement, Navy funds. All EEBDs will be delivered within six (6) months after contract modification. The Government's minimum needs have been verified by the certifying technical and requirements personnel. This J&A does not authorize acquisition for other requirements.

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:

This procurement is sole source for the following reasons. This contract modification will provide an additional 6,034 EEBDs to

refit several Navy ships that have expired or near-expired EEBDs. It will also provide EEBDs for outfitting new ships being commissioned into the fleet. These EEBDs are urgently needed in FY13 in order to meet the projected deployment schedule for U.S. Navy ships. The Ocenco M20.2 EEBD is currently the only National Institute for Operational Safety and Health (NIOSH)-approved device that meets U.S. Navy stowage and use requirements. The U.S. Navy currently owns over 300,000 EEBDs. Ocenco has been the only source of supply since the award of a competitive contract in 1997. Alternate EEBDs would be required to undergo shock testing and, depending on unit weight, each approved stowage locker may also require shock retesting with the new unit. Awarding to a different source and having a new EEBD model would require generating new training materials, documentation, and logistic support. It is estimated that it will cost approximately \$237,000 dollars to conduct the shock testing and generate the logistics documentation and take approximately 18 months to complete. The time estimate was derived from the amount of time which was required by Ocenco Incorporated to perform these identical tasks. None of the shock testing, training or logistic elements could be in place prior to mission needs due to the small window of opportunity to replace expiring units or outfit new ships. The EEBD is a life-saving device and fielding a new model of EEBD without adequate training or support elements poses a direct risk to health and life of the sailor. Service life extension of existing onboard EEBDs is not a viable or an acceptable option. The degrading of EEBD components are time dependent, and as a result, service life extension is not permitted because it would put unwarranted risk upon sailor safety. EEBDs are life support equipment and are "underway restrictive", which means that the ship must be outfitted with functioning, operable, and unexpired EEBDs prior to getting underway.

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

The proposed contract modification was synopsisized via posting on the Federal Business Opportunities (FedBizOps) website on 29 October 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.

7. Determination of Fair and Reasonable Cost:

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

8. Actions Taken To Remove Barriers to Competition:

The governing body for Code of Federal Regulations has drafted a new specification that will govern the operational and functional requirements of the EEED. The final document was approved and released during the fourth quarter of FY12 and after the estimated quantities for contract N61331-12-C-0022 was established. Existing EEED devices and those acquired under contract N61331-12-C-0022 do not meet the new regulations without some redesign. However, EEEDs in service or procured during the transition will retain their NIOSH approval and service life. That is, they will be grandfathered in and will be replaced when they expire or no longer meet operational requirements. NSWC PCD Code [REDACTED] is the depot for the EEEDs and has initiated a competitive contracting effort with the new NIOSH regulations. Until that contract is awarded, expiring fleet EEEDs will continue to be replaced with the original NIOSH standards. It is anticipated that competitive follow-on contract for the next-generation EEED will be awarded during the fourth quarter of FY13.

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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 area]

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

REQUIREMENTS COGNIZANCE:

[Redacted signature area]

Signature Name (Print) and Title (Code) Phone Date 11/16/12

LEGAL SUFFICIENCY REVIEW (NMCAG 5206.303(90))

I have determined this justification is legally sufficient.

[Redacted signature area]

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 area]

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 the Competition Advocate for the Procuring Activity, 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).

[Redacted signature area] MARY LANGFELDT [Redacted signature area] 19 Dec 12

Signature Name (Print) Phone Date