



DEPARTMENT OF THE NAVY  
NAVAL SURFACE WARFARE CENTER  
CARDEROCK DIVISION

NAVAL SHIP SYSTEMS  
ENGINEERING STATION  
3001 S. BROAD STREET  
PHILADELPHIA, PA 19112-1403

IN REPLY REFER TO:

J&A Number: 3352-11-014-00  
Code: 3352  
P.R. Number: 11-CTW-001

**JUSTIFICATION AND APPROVAL  
FOR USE OF OTHER THAN FULL AND OPEN COMPETITION**

JUSTIFICATION

**1. Contracting Activity**

The Naval Sea Systems Command, Naval Surface Warfare Center, Carderock Division (Code 3352).

**2. Description of Action Being Approved**

This is a sole source action to be awarded without providing for full and open competition. The proposed contract action is a new firm-fixed price contract to be awarded to Fairbanks Morse Engine (FME), 701 White Avenue, Beloit, WI 53511.

**3. Description of Supplies/Services**

The proposed acquisition will provide for the furnishing one STC Installation & Evaluation Kit, along with associated technical data and logistics support documentation. The STC Kit will be installed on one of the LSD 41 LBES engines as part of an ongoing project to more accurately quantify the benefits of sequential turbocharging on LSD 41/49 Class Main Propulsion Diesel Engines (MPDEs). The primary benefits of STC are reductions in fuel consumption and maintenance costs. To date, the cost reductions for LSD 41/49 Class ships have been estimated, based on data from LPD 17 Class vessels, which utilize similar MPDEs. The current project will compare pre- and post-modification fuel consumption and maintenance cost data of an LBES engine, which is configured identically to the LSD 41/49 Class MPDEs.

The total estimated dollar value of the proposed acquisition is \$1,992,500.00, and will be funded by FY2009 OPN appropriations. The Government's minimum needs have been verified by the certifying technical and requirements personnel. Parts are required to be on hand at the LSD 41 LBES no later than 30 September 2011.

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

10 U.S.C. 2304 (c) (1), Only One Responsible Source and No Other Supplier or Services will satisfy Agency Requirements (FAR 6.302-1).

**5. Rationale Justifying Use of Cited Statutory Authority**

The Government does not possess and is unable to independently develop technical data in the form of drawings or a purchase description to obtain the STC Installation & Evaluation Kit on the basis of full and open competition since the LBES STC Installation Kit consists of modified commercial items developed at Fairbanks Morse's own expense. The Government does not possess and has no legal right to the technical design data for the LBES STC Installation Kit and the contractor has indicated it is not willing to sell the prerequisite technical data and legal rights. Due to the lack of sufficient technical data, it is impossible to ensure that kit(s) obtained from any other source(s) would possess the essential design and functional properties necessary for the current requirement.

Based on the above, the items covered by the proposed acquisition are considered unique supplies available only from Fairbanks Morse Engine.

**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 (FedBizOps) website on 14 October 2010 in accordance with FAR 5.2. While to date no responses have been received to the synopsis notification, any responses obtained will be evaluated. No additional market research was conducted because it is not practicable, for the reasons discussed in paragraph 5 above, for any company other than Fairbanks Morse to provide the required supplies and services.

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

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

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

For the reasons set forth in Paragraph 5, Naval Surface Warfare Center Carderock Division 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, Naval Surface Warfare Center Carderock Division will assess whether competition for future requirements is feasible.

TECHNICAL AND REQUIREMENTS CERTIFICATION (FAR 6.303-2(b)):

I certify that the facts and representations under my cognizance, including Acquisition Plan No. N/A, that 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.

COMBINED TECHNICAL AND REQUIREMENTS COGNIZANCE:

[Redacted]

Diesel Engine Branch

LEGAL SUFFICIENCY REVIEW (NMCAG 5206.303(90)):

I have determined this justification is legally sufficient.

[Redacted]

	Legal Counsel	Code	Phone	Date
[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]

	Section Head	Code	Phone	Date
[Redacted]				

APPROVAL BLOCK (FAR 6.304 for Approving Official):

Upon basis of the above justification, I hereby approve, as Competition Advocate for the Contracting 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)(1).

[Redacted]

Karen Gutmaker Chief of the Contracting Office	Code	Phone	Date 11/2/10
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