



DEPARTMENT OF THE NAVY
NAVAL AIR WARFARE CENTER AIRCRAFT DIVISION

IN REPLY REFER TO:
J&A_13_23371

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

1. Contracting Activity.

Naval Air Warfare Center Aircraft Division (NAWC-AD) Lakehurst, NJ

2. Description of the Action Being Approved.

This Justification and Approval authorizes and approves the issuance of fixed price orders for Custom Made Shelters (CMS) integrated onto a Government Furnished Chassis (GFC) on a sole source basis under a three year Indefinite Delivery Indefinite Quantity (IDIQ) contract with MBF Industries, Inc., located in Sanford, FL (Cage Code: 1XFA5). This effort will support the NAWC-AD Patuxent River, St. Inigoes, Special Communications Requirements (SCR) Division National Guard Civil Support Team (CST) Advanced Liaison block 2 (ADVONb2) project.

3. Description of Supplies/Services.

The SCR Division of the NAWC-AD, St. Inigoes, MD has been tasked by the National Guard Bureau (NGB) to design and deliver (66) ADVON vehicles (CMS integrated onto a GFC) in support of the ADVONb2 project. The ADVON was established as part of the Weapons of Mass Destruction (WMD) CSTs to provide mutual aid response to WMD incidents and other Chemical, biological, radiological, nuclear and explosive events Response Enterprise (CRE) systems that interface with first responders, National Guard teams, military tactical components, law enforcement, and other Department of Defense (DoD) entities. The ADVON provides a rapid response fully-mobile command and control unit for responding CSTs while providing a communications link with other responding agencies.

The CRE is an overarching umbrella of programs consisting of, but not limited to, the Joint Incident Site Communication Capability, Unified Command Suite (UCS), and Transportable Communication Package (TCP) also known as CST ADVON package. An overarching programmatic approach was taken by NGB to consolidate all CRE systems architecture whenever possible to ensure complete system to system interoperability, reduce design and engineering costs, reduce sparing and sustainment cost, and increase operator proficiency between all CRE systems.

This three year, fixed price IDIQ type contract shall be for the procurement of up to a qty of sixty-six (66) CMS mounted and integrated onto a Ford F-450 GFC. The total estimated value of this action is

will be funded with

The initial qty required by the NGB is a qty of fifty (50) with the first five (5) ADVONS to be delivered no later than 128 days after date of contract award to meet existing NGB fielding schedules.

See Appendix A for Estimated Dollar Value

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.

5. Rationale Justifying Use of Cited Statutory Authority.

In accordance with the Capability Production Document (CPD) dated 17 August 2006, the Joint Requirements Oversight Council has approved the WMD-CST UCS and validated key performance parameters, to include a TCP. As such, a Program of Record (POR) and resulting approved functional baseline was established for the UCS. Clarification Memorandum, dated 30 August 2011, from the Maneuver Support Center of Excellence Capabilities Development and Integration Directorate, Requirements Determination Division, Combating WMD Branch, provides clarification to the UCS Increment I CPD. The Clarification Memorandum specifies the ADVON system as fulfilling the TCP requirement, making the ADVON a component of the UCS Program. All CRE systems, including the ADVON, have subsequently been mandated to adhere to the UCS POR whenever possible to maintain interoperability and compatibility within the approved and fielded CRE systems baselines.

This procurement is in accordance with FAR 6.302-1 (a) (2) (ii) (A), "Supplies may be deemed to be available only from the original source in the case of a follow-on contract for the continued development or production of a major system or highly specialized equipment, including major components thereof, when it is likely that award to any other source would result in substantial duplication of cost to the Government that is not expected to be recovered through competition." This highly specialized equipment has been procured previously via contract N68335-10-A-0063, DO 0001 totaling approximately \$1.2M. This follow on effort is to acquire additional units that have proven to meet the requirements of the mission. The resulting IDIQ contract will enable NAWC-AD SCR to procure the exact equipment to continue full-rate production of NGB ADVON systems, while maintaining configuration management with those previously fielded. Awarding a contract for the same equipment will also enable the SCR Division to work towards achieving the DoD goal of reducing life cycle costs as stated in Sect. 805 2010 National Defense Authorization Act.

The previous procurement for CMS to support the ADVON project was solicited on a lowest price technically acceptable basis amongst existing Rack Ready Blanket Purchase Agreement holders: Balforn, Incident Communication Solutions, L-3, MBF, Nomad, and Premier. The requirement called for contractors to provide a commercially available shelter modified to Government specified requirements. MBF was awarded Contract # N68335-10-A-0063-0001 for quantity (1) prototype for a total of \$93K with an option for an additional quantity (13). The option was exercised for the additional quantity via contract # N68335-10-A-0063-00102 for a total of \$1.2M and included required Engineering Change Proposal (ECP) changes (ECP# UCS-13-0075-ADVON2). Contract Data Requirements List A006 under contract # N68335-10-A-0063-0001 required the contractor to provide final as-built drawings which tracked changes. The drawings were to be used for technical manuals and training purposes. However, they are not detailed enough for another manufacturer to build a new CMS in the approved baseline. The current CMS is based upon an MBF designed shelter. Therefore, MBF currently holds all pertinent detailed drawings and designs for the

shelter. Without the detailed drawings, no other contractor is capable of providing the CMS in the current approved baseline. MBF is the sole manufacturer and distributor of the required equipment.

If equipment is selected outside the current ADVON systems baseline, the Government would incur significant duplication of costs, in the estimated amount of \$3.5M, that are not expected to be recouped through competition due to additional developmental testing, additional operational testing, Joint Interoperability Test recertification, Army Test and Evaluation Command (ATEC) recertification, purchase of additional spares, training, developing additional configuration management baseline, and changes to technical manuals and drawing packages. Additional cost and effort will be incurred for maintaining multiple system baselines, training, and maintaining additional spares. A change in baseline would also result in a total programmatic delay of approximately 14 months. This delay is not acceptable as all ADVON systems being procured under this effort must be fielded prior to December 2014 or the program risks facing a failure of a critical Key Performance Parameter as identified in the CPD.

Estimated efforts include:

- Proposed Solution Analysis -\$250k Estimated two month delay
- Developmental testing - \$150k Estimated three week delay
- Operational testing - \$120k Estimated three month delay
- ATEC Testing - \$550k Estimated six - eight month delay
- Sparing - \$115k
- Technical Manual Updates - \$140k
- Training Package Updates - \$100k
- Technical Drawing Package - \$250k
- Additional Training for Support Desk - \$100k
- Configuration Management - \$250k
- Additional Operator On-site Training - \$175k
- Retrofit all Fielded Systems for New Configuration Equipment \$1.3M

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

Searches were conducted through General Services Administration Advantage and FEDSTOCK. The required solution was not available via these avenues.

Internet search engines, including google.com and yahoo.com were utilized to conduct market research for this effort. Numerous queries were made by searching heavy duty CMS. Searches were conducted specifically targeting salient requirements such as size and the need to integrate onto a Ford F-450 chassis. Additionally, searches were conducted for companies that specialize in vehicle integration and custom vehicular shelter design. Search phrases used on both search engines included the following: Vehicle Integrators, Specialty Vehicle Manufacturers, Commercial and Specialty Vehicle Manufacturers, and Vehicular CMS Integrator. A search on google.com utilizing the Commercial and Specialty Vehicle Manufacturer search phrase resulted in over one million links. However, one link, Specialty Vehicle Manufacturer and Industry Links (www.vehiclessuccess.com) provided a directory of over sixty specialty and special purpose manufacturers. While the search results revealed that there are many manufacturers that can provide a CMS integrated onto a vehicle, none can provide a CMS that meets the form, fit, and

function of the CMS required for this follow on contract without a significant cost impact due to duplication of costs totaling approximately \$3.5M and a substantial schedule delay of approximately 14 months.

In accordance with FAR 5.201, this procurement was synopsisized on the FedBizOpps webpage. The synopsis was posted on 17 April 2013 and closed on 01 May 2013. During this time, inquiries were received from the following vendors: Nomad Global Communication Solutions, Incident Communications Solutions, and Brothers Body and Equipment. A response was provided to each vendor advising that an approved ECP was established under the previous contract and that the Government does not possess the technical data rights for the detailed drawings to compete the follow-on production effort. No additional inquiries were received.

7. Determination of Fair and Reasonable Cost.

In accordance with FAR 15.402, the Contracting Officer shall ensure that the price negotiated for this acquisition is fair and reasonable. An independent Government cost estimate has been provided for this effort. The Contractor will submit a formal price proposal with certified cost or pricing data and sufficient information to support the accuracy and reliability of the proposal. The proposal will be reviewed by experienced Government technical personnel at SCR, and the Contract Specialist. The Contract Specialist will utilize cost and price analysis in accordance with FAR 15.404-1, including a review of historical data, as the basis for negotiating a fair and reasonable price.

8. Actions to Remove Barriers to Future Competition.

For the reasons set forth in paragraph 5 and 6, NAWC-AD has no plan at this time to compete future contracts for the CMS with the integrated GFC as described in this document. If another potential source emerges, NAWC-AD will assess whether competition for future requirements is feasible.

Appendix A

Estimated Dollar Value in Thousands

	FY13	FY14	FY15	FY16	FY17	FY18	FY19	Total
				0	0	0	0	
Total				0	0	0	0	