

Technical Documentation

J&A Number 09-158, Plasma Wiffleball WB-8

J&A Template: One Source v1F

**Justification for Other than Full and Open Competition**

**6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.**

T1. J&A Description:

J&A Number: **09-158**

Acquisition Name: **Plasma Wiffleball WB-8**

T2. Technical Point of Contact: (b)(6)

**WHAT is being acquired?**

T3. Concisely describe the nature of this acquisition (i.e. What the item or service is and what function it will perform):

The requirement is for fabrication of the next generation wiffleball (WB) fusion device (WB-8), using the lessons learned and the patented processes developed during the execution of the prior contracts, and prior independent research. Specifically, the magnetic electron containment coils shall be redesigned to limit electron losses from the polywell and maximize plasma confinement.

This acquisition will continue the research of Advanced Gaseous Electrostatic Energy technology previously explored under Broad Agency Announcement contracts (b)(5) contract N68936-03-C-0031 with Energy Matter Conversion Corporation (EMCC) of Santa Fe, New Mexico.

T4. The estimated total dollar amount, including options, of this action is:

**\$10,000,000**

T5. This J&A approves the following type of action(s): (Coordinate with PCO)

Single action

- New **Cost Plus Fixed fee New Contract Action**

Class of actions. If this is a Class J&A, it covers actions through **When**.

- New **Select Type of Contract type Select Action Type**



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**WHO is the only source?**

**T7. Energy Matter Conversion Corporation (EMCC)** is the only source that can provide the above supplies or services and no other supplies or services will satisfy the program's requirements.

**WHY is the source above the only one that can fulfill the requirement?**

In accordance with Title 10 U.S.C 2304(c)(1) as cited in FAR 6.302-1, "Only one responsible source and no other supplies or services will satisfy agency requirements."

**T8. Only the specified source can provide the above described supplies or services due to: (Select from the following).**

**Insufficient Technical Data and / or Rights:** The Government does not possess adequate data and / or the rights necessary to competitively award this requirement.

▪ Explain why the technical data is necessary for this acquisition:

▪ Does the Government possess all the technical data required to competitively award this requirement?

Yes

• If Yes, explain why the Government does not possess sufficient data rights to competitively award this requirement:

• Could the necessary rights to the data be purchased?

Yes, the necessary rights could be purchased for an estimated \$

This amount was determined by

This amount is economically unfeasible due to

No, explain:

No

• If No, explain why the Government does not possess sufficient technical data to competitively award this requirement.

• If No, could the necessary technical data and rights be purchased?

Yes, the necessary data and rights could be purchased for \$

This amount was determined by

This amount is economically unfeasible due to

No, explain:

**Special Tooling:** Only the referenced source has access to special tooling which is necessary to fulfill this requirement.

▪ Explain why the special tooling is necessary for this acquisition:

▪ Could the necessary special tooling be purchased?

Yes, the necessary tooling could be purchased for an estimated \$

This amount was determined by

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This amount is economically unfeasible due to

No, explain:

Substantial Duplication of Cost (for follow-on actions only): The above source is deemed to be the only source available because an award to a source other than the original provider would result in a substantial duplication of cost which would not be recovered through competition.

- An estimated \$ worth of work would be duplicated.
- Explain in detail how this amount was determined.

Unacceptable delay of work (for follow-on actions only): The above source is deemed to be the only source available because an award to a source other than the original provider would result in an unacceptable delay in fulfilling the Government's requirements.

- Going to another source would create a delay of
- Explain in detail how this delay estimate was determined.
- Explain in detail how the Government would be unable to meet its requirements by this delay.
- Describe the specified source's ability to provide the needed supplies / services within the necessary timeframe.

Other:

- Specify why only the stated source can provide the above supplies or services.

**This procurement is funded by the American Recovery and Reinvestment Act (ARRA) of 2009 as a Research, Development, Test and Evaluation (RDT&E) plan to demonstrate a fusion plasma confinement system for shore and shipboard applications and it follows research based on a unique concept of Energy Matter Conversion Corporation (EMCC) founder (b)(6)**

**The research involves fabrication of wiffleball 8, which is direct descendant of previous WB devices created under contract N68936-03-C-0031. The design, fabrication and underlying science are dependant on essential discoveries, patents and copyrights that were used in developing the wiffleball concept and which are the property of EMCC. As a result, only EMCC can provide this research as the essential fusion approach being researched and the critical design of the wiffleball.**

(b)(5)

(b)(5)

**No other company has the**

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**essential personnel with the requisite knowledge and direct wiffleball plasma physics experience.**

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**Background** (*Additional information*)

T9. Is there a supporting acquisition planning document for this program?

Yes

- If Yes, is the supporting acquisition planning document current?  
(*ensure legal counsel has a copy of the latest document*)

Yes, it is current as of

No, explain:

- If Yes, is this J&A consistent with the content of the supporting acquisition planning document, including MOPAS?

Yes, it is consistent.

No, explain:

No

- If No, why is there not a supporting acquisition planning document?

A supporting acquisition planning document is not required in accordance with DFARS **207.103 (d)(i)**.

Other, explain:

T10. Market Research and / or Survey:

Performed

- Describe the research and / or survey that was conducted:

Not Performed

- No market research or survey was conducted due to:

**In communications with the sponsor (Office of Naval Research) of this ARRA funded requirement, this requirement is specifically an advancement of EMCC's plasma fusion concept approved by the ARRA of 2009.**

T11. Follow-on Contract Information: (*Required for all actions*)

Will this requirement be acquired again?

Yes

- If Yes, what is being done to remove barriers to competition?

Nothing, explain:

Actions such as:

- If Yes, will it be competed in the future?

No, explain:

Yes, on

No, this is a one time buy.

No, this a final buy.

Is this for a follow-on requirement?

Yes

- If Yes, is the previous J&A attached?

Yes

No, explain:

No

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Contracts Documentation

J&A Number #09-158 Plasma Wiffleball WB-8

J&A Template: Ktrs v1F

**Justification for Other than Full and Open Competition**

Please fill in all of the required details below.

C1. J&A Description:

J&A Number: #09-158

Acquisition Name: **Plasma Wiffleball WB-8**

The estimated total dollar amount is: **\$\$10,000,000**

Class J&A?:

C2. Exception to full and open competition:

**FAR 6.302-1 "Only One Responsible Source".**

C3. Contracting Activity:

Commander

NAVAIRWARCENWPNDIV

429 E. Bowen Rd. - Mail Stop 4015

China Lake, CA 93555-6108

POC: (b)(6)

C4. Synopsis: Was a synopsis describing this action(s) released in FEDBIZOPPS?

Yes

If Yes:

- The synopsis was posted on \_\_\_\_\_ (allow adequate time before submitting the J&A for review).
- Which companies responded in writing?  
**Please List**
- Describe action(s) taken with responses received:
- Any future responses to the synopsis will be evaluated by the contracting officer.

No, a synopsis was not released because:

- Each action will be synopsized individually.
- Of an Unusual and Compelling Urgency under FAR 6.302-2.
- This action(s) is the result of an international agreement.
- Other, explain:

C5. Determination of Fair and Reasonable Cost / Price:

In accordance with (IAW) FAR 6.303-2 (a) (7), the PCO will take the following action(s) to ensure that Cost / Price is reasonable.

- Obtain Field/ DCAA Audits.
- Obtain Certified Cost and Pricing Data.
- Utilize Independent Government Estimate.
- Utilize Historical Data.
- Conduct Price Analysis IAW FAR 15.404-1.
- Other, explain:

