



DEPARTMENT OF THE NAVY
NAVAL AIR WARFARE CENTER WEAPONS DIVISION
1 ADMINISTRATION CIRCLE
CHINA LAKE, CA 93555-8100

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IN REPLY REFER TO
I&A_11_11411

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

1. Contracting Activity.

Naval Air Warfare Center Weapons Division (NAWC-WD) - China Lake, CA

2. Description of the Action Being Approved.

This justification and approval authorizes and approves on a sole source basis an IDIQ type contract award. Sole source contractor is RAYTHEON COMPANY, 2000 EAST EL SEGUNDO BLVD, EL SEGUNDO, CA 90245-0902.

3. Description of Supplies/Services.

The Naval Air Systems Command, Naval Air Technical Data and Engineering Services Command (NATEC), San Diego, CA requires Contractor Engineering Technical Services (CETS) Contractor Field Services (CFS) to include on and off-site proficiency training, technical guidance and advice to resolve unusually complex technical problems. This acquisition is for Contractor Field Services – Prime (CFSP) type of Engineering Technical Services (ETS) in support of the F/A-18 and EA-18 series aircraft systems and sub-systems to include the AN/APG-73/79 radar systems.

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.

Raytheon Company is the Original Equipment Manufacturer (OEM) of the AN/APG-73 and AN/APG-79 AESA Radar system. As the OEM they designed, developed, and are manufacturing these radar systems and parts. The OEM exclusively possesses the requisite technical data, knowledge, and intellectual property necessary to fully support the AESA Radar system as well as parts obsolescent issues for the radar sets. Furthermore, the AESA radar was developed using Raytheon Company's funds, and the government does not have full, unlimited/unrestricted data rights. The Low Rate Initial Production (LRIP) III contract, which was awarded in June 2005, provided the government substantial data rights for use of AESAs engineering data developed with both Raytheon Company's and Navy's combined funds; however, engineering data developed exclusively with Raytheon Company's funds remains restricted and is currently not available to the government for unlimited use. Additionally, drawings and engineering data that

Raytheon Company holds are not in physical form and can only be viewed on Raytheon Company computer equipment and that information cannot be retained nor copied by the government. As a result, only Raytheon Company has the engineering data, software, capability, resources, and technical expertise to complete the various efforts to support the fielded AESA radar. These efforts cannot be performed by any other source other than the OEM of the radar and without these services NATEC would experience mission failure. Therefore, Raytheon Company's unique qualifications justify the use of 10 U.S.C. 2304(c)(1), FAR 6.302-1 to permit other than full and open competition for this effort.

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

In accordance with FAR 5.201(b)(1), this requirement was synopsized via the Federal Business Opportunities website on August 26, 2011. No responses or inquires have been received. Any future responses will be evaluated by the Contracting Officer.

7. Determination of Fair and Reasonable Cost.

In accordance with FAR 15.402, the Contracting Officer shall ensure that all supplies and services provided under this contract are procured at a fair and reasonable price. 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 estimate. Raytheon Company's proposal will be reviewed by experienced technical analysts and contract specialists with the aid of necessary field pricing support. The Contracting Officer will utilize cost and price analysis as the basis for negotiating a fair and reasonable price.

8. Actions to Remove Barriers to Future Competition.

None at this time. Based on the rationale identified in paragraph 5, the efforts under this J&A are sole source to Raytheon.

Appendix A

Estimated Dollar Value In Thousands

	FY11	FY12	FY13	FY14	FY15	FY16	FY17	Total
(b)(2)High	(b)(2)High							9255
Total	(b)(2)High							\$ 9255 k