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IN REPLY REFER TO
J&A_11_6233

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

1. Contracting Activity.

Naval Air Systems Command
Naval Air Warfare Center Weapons Division –
Point Mugu, CA

2. Description of the Action Being Approved.

This Justification and Approval authorizes and approves the award of a follow-on contract to Raytheon Company (Raytheon) in support of the ALR-67(V)3 Radar Warning Receiver (RWR) for Tactical Aircraft Electronic Warfare Integrated Product Team (TACAIR EW IPT), Point Mugu, CA.

3. Description of Supplies/Services.

This contract provides software products for the ALR-67(V)3, an advanced special receiver (ASR), also called a radar warning receiver (RWR). The ALR-67(V)3 RWR is digitally controlled and designed to provide visual and aural warning signals when threat radar signals are detected. The system can detect and identify multiple threat radar signals and display an approximate bearing to each signal source.

The contract requirements will include: software development, anomaly investigations and tracking, laboratory and flight test support, on-site support, and user instruction (including syllabus and presentation material). The contractor shall be required to enhance the Operational Flight Program (OFP), the User Data File (UDF), the User Data File Generator (UDFG), firmware, and develop tools when applicable to support the ALR-67(V)3 currently in the Navy's fleet on the F/A-18A through F aircraft and on Foreign F/A-18A through D and F/A-18E/F aircraft and provide software products and services for Foreign Military Sales (FMS).

This will be a Cost Plus Fixed Fee, Indefinite Delivery Indefinite Quantity contract with an ordering period of five years starting approximately 27 Feb 2012 and ending 26 Feb 2017 for a total value of approximately $48,513,189.

The software acquired in this procurement will satisfy the Government's minimum needs. In addition, this effort is consistent with the most recent Acquisition Strategy dated 24 Oct 2011.

See Appendix A for Estimated Dollar Value

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

The statutory authority permitting other than full and open competition is 10 U.S.C. 2304(c)(1), as implemented by the Federal Acquisition Regulation (FAR) 6.302-1 "Only one responsible source and no other supplies or services will satisfy agency requirements."

5. Rationale Justifying Use of Cited Statutory Authority.

Raytheon (formerly Hughes) is the original equipment manufacture of the ALR-67(V)3 RWR, and is the only source capable of performing this effort to meet fleet needs. Additionally, Raytheon is the sole repository of the software architecture required to compile the OFPs and UDFGs. As such, Raytheon has the unique combination of technical data, production tooling, special tools, test equipment, knowledge, expertise and in-depth integration knowledge needed to perform the required mission support.

As the sole designer, developer, integrator, manufacturer, and supplier of the ALR-67(V)3, Raytheon is the only source that possesses the requisite knowledge of the ALR-67(V)3 and its unique systems. Raytheon has developed both hardware and software architecture for the ALR-67(V)3 subsystems at private expense. The proprietary software architecture consists of file structures, file locations, compiler instructions, and compiler switches. Laboratory facilities have also been developed at Raytheon for the ALR-67(V)3.

Only Raytheon can ensure compatibility between the ALR-67(V)3 software architecture and the ALR-67(V)3 systems. Each major capability upgrade to the ALR-67(V)3 software requires modifications to the base software architecture which is proprietary to Raytheon. The software upgrades are provided to the Government with limited data rights. Purchase of unlimited data rights for the base architecture with all upgrades to date included is (b)4 Raytheon provided the estimate to the TACAIR EW IPT Chief Engineer.

The Government has determined that in order to meet fleet readiness requirements, and avoid delays and significant duplication of costs, a competitive environment does not exist and that Raytheon is the only source who can provide the software product.

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 15 Sep 2011. No responses or inquiries have been received. Any future responses will be evaluated by the Contracting Officer prior to award.

7. Determination of Fair and Reasonable Cost.

In accordance with FAR 15.402(a), the Contracting Officer must ensure that all supplies and services are procured at a fair and reasonable price. Analysis of the proposal will be performed by technical analysts and contract specialists, with the assistance of DCMA analysts and DCAA auditors as needed. The Contracting Officer will analyze the various cost elements that are

presented in the proposal, as well as review the actuals from previous procurements. The Procuring Contracting Officer (PCO) will use Government expertise, including DCMA, DCAA, the PMA, and other Government resources, to evaluate the proposed material, labor, and subcontract positions. There is not currently a rate agreement in place between Raytheon and DCMA for the time period covered under this procurement. The PCO will work with DCMA and DCAA to establish a rate position for this contract. As discussed in this paragraph, the PCO will use cost and price analysis as the basis for negotiating a fair and reasonable price for the software products covered by this J&A.

8. Actions to Remove Barriers to Future Competition.

For the reasons set forth herein, NAVAIR has no plans at this time to compete future contracts for the software covered by this document. The resources to pursue removing barriers to competition are time, money and an able competitor, none of which are currently available or anticipated for the near future. Actions such as bringing the UDFG and maintenance of the older version of the ALR-67(V)3 in-house are currently underway. These efforts could start to remove barriers from portions of the work that are now in the sustainability phase. There are no plans to compete these requirements until the development efforts subside and the OFP and UDFG are stable software products with only maintenance issues to address. A re-evaluation will be made to establish the feasibility of competing this effort in 5 years.

Appendix A

Estimated Dollar Value In Thousands

	FY12	FY13	FY14	FY15	FY16	FY17	Total
				(b)(2)High			
Total							48,513