DEFENSE LOGISTICS AGENCY
DLA Maritime at Mechanicsburg
5450 CARLISLE PIKE
MECHANICSBURG, PA 17055-0788

JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN COMPETITION

1. **Identification of Contracting Activity:** Defense Logistics Agency (DLA) Maritime at Mechanicsburg.

2. **Nature/Description of Action:** This J&A supports the negotiation and award of a firm-fixed-price indefinite-delivery indefinite-quantity (IDIQ) type contract through other than full and open competition. This contract will have a maximum five-year term, with a base period of one year and four one year option periods. The proposed contract action is to purchase a Self-Contained Breathing Apparatus, or Emergency Escape Breathing Device (EEBD), which is a critical survival device for personnel aboard Naval vessels, through FY2018. The EEBD is a Commercial Off the Shelf item in accordance with the FAR definition in subpart 2.101. FAR part 12 procedures will be utilized.

3. **Description of Supplies:** This J&A covers the acquisition of the following commercial item (spare part) used in support of Damage Control / Personnel Safety equipment:

   Self-Contained Breathing Apparatus, NSN 1HM 4240-01-439-5937, Ocenco Inc., Cage code 03WY2, Part Number 940065

   Total Estimated Minimum / Maximum Contract Value (including option(s)):

Min Qty	Max Qty	Est. Unit Price	Min Amount	Max Amount
10,000	150,000	[redacted]		

   Appropriation, Subhead, Cost Code: 9700 XXXX 4930 NC1A 8PMH00000000

   The Ocenco Inc. M-20.2 EEBD is a self-contained, compressed oxygen, emergency escape breathing device. The Ocenco Inc. M-20.2 EEBD instantly provides breathable air, independent of the surrounding atmosphere, to a person escaping from toxic gas or an oxygen deficient atmosphere. In the event of a fire or other emergency, this EEBD is critical to the survival of personnel aboard the ships where these devices are installed. The EEBD can be donned in less than 10 seconds and provides for at least 15 minutes of oxygen to its user, enabling escape from various life threatening situations. The Ocenco EEBD has a 15 year shelf life at which time the NIOSH certification expires and the unit is no longer approved to be aboard ships. Many of the Navy's EEBDs are nearing this life expectancy, resulting in the recurring demand that makes this Long Term Contract necessary for adequate support of this life saving device.

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The Navy end user requires this EEBD to be certified to the National Institute for Occupational Safety and Health (NIOSH) requirements for testing and certification of closed-circuit escape respirators. The NIOSH requirements are designed to strengthen emergency respiratory protection for workers in escaping from toxic concentrations of fumes, gases, or smoke, or from confined areas where there is insufficient oxygen, posing immediate dangers to life or health. The NIOSH certification being used for the M-20.2 EEBD expired on 07 Apr 2012, however pursuant to rules published by NIOSH on 08 Mar 2012, manufacturers can manufacture and sell the currently approved EEBD for an additional three years. Based on the life saving criticality of this item and the shelf life of many units expiring, it is expected that the Navy will continue to procure the M-20.2, since it was NIOSH certified, until a device is approved to the new NIOSH certification.

The cognizant engineering activity, Naval Surface Warfare Center – Panama City has created a competitive specification based on the new NIOSH certification requirements and several other changes desired for the next generation EEBD. The competitive specification has been solicited under solicitation N61331-13-R-0004, which can be found at the Government-wide Point of Entry: FedBizOpps. Proposals under N61331-13-R-0004 were initially due 06 Sep 2013 but the response date has been extended to 04 Aug 2014. It is anticipated that if and when a new EEBD is approved to the competitive specification the Government will move from the M-20.2 EEBD to the newly approved device. However, due to the difficulty in achieving the required NIOSH certification, the Government does not know with certainty when a new EEBD will be approved. Awarding a five year IDIQ contract with a one year base period and four option years ensures coverage of this vital item for the Navy customer while maintaining the maximum flexibility to transition to the newer generation EEDB if one is approved at any time during the contract period.

4. **Identification of Statutory Authority:** This J&A is based upon the authority of 10 U.S.C. 2304(c)(1)/FAR 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.

5. **Reason for Authority Cited:** The only known source of supply for an EEBD meeting the end user's minimum requirements is Ocenco Inc, Pleasant Prairie, WI (cage code 03WY2). The current Acquisition Method/Suffix Code (AMC/AMSC) is: 3C. The AMC advises the Contracting Officer or other Government personnel of the results of a technical review of a part and its suitability for breakout. The number "3" instructs "acquire for the second or subsequent time from the actual manufacturer". The AMSC advises of engineering, manufacturing and technical information. In this instance "C" denotes that the part "requires engineering source approval by the design control activity".

   Ocenco's EEBD is the only one available that achieved NIOSH certification and meets the Navy's requirements for usage and stowage requirements. NIOSH certification ensures the breathing characteristics of the EEBD meet the end user's requirements and must be achieved prior to submittal of an alternate offer to the Government. The Navy

has additional testing requirements that require the EEBD to undergo stringent shock testing and would also require shock testing of the storage container.

The EEBD is a life-saving device and fielding a new model without adequate training or support elements poses a direct risk to life and/or health of the sailor. Ocenco has been the only approved source of supply since they won a competitively solicited Navy contract in 1997. The unit submitted by Ocenco in response to the competitive solicitation was the only unit that met the specifications and passed all testing requirements established in that solicitation. The procurement of EEBDs from another source would require the generation of new training materials, documentation and logistics support. No other manufacturer's part can meet the Government's minimum requirements at this time.

6. **Government-wide Point of Entry Notice:** Notice of the planned contract action, this justification, the solicitation, and the resulting contract will be posted at the Government-wide Point of Entry: FedBizOpps.

7. **Determination of Fair and Reasonable Cost:** The contracting officer determines that the anticipated cost to the Government will be fair and reasonable. Based on the EEBD being commercially available, certified cost and pricing data will not be required. An analysis of price/cost information will be performed which will consider field pricing reports, commerciality, procurement history, and other available cost and pricing information in determining price reasonableness. Information other than certified cost and pricing data will be used to ensure reasonableness and completeness of proposed costs as required.

8. **Description of Market Survey:** A technical review has been conducted for this EEBD, and based on this review; the contracting officer determines there are no other identifiable sources of supply. The Navy Enterprise Resource Planning (ERP) Master Data Base, WEBFLIS, and HAYSTACK data bases were queried through item interrogation to ascertain potential alternate sources that may be identified that would meet the Government's minimum requirements for the tasks. No additional sources were identified through these research efforts. This EEBD has been determined a commercially available off the shelf (COTS) item in accordance with FAR 2.101 and a Commerciality Determination documenting this conclusion has been completed.

   This EEBD has been supported through previous Long Term contracts as well as individual contracts and purchase orders. Indefinite delivery contract N0010498DC813 was placed in July 1998 for a term of 5 years. A total of 255,291 EEBDs were ordered over the life of that contract. The EEBD was then placed on BPA N0010403AZE01, which was placed for a term of 4 years, in May 2003. A total of 80,602 EEBDs were ordered under the BPA. Since the BPA expired in 2006 the EEBD has been supported through individual contracts and purchase orders due to an uncertain demand. With the knowledge that many of the EEBDs ordered under N0010498DC813 are nearing their life expectancy there is a certainty for demand over the next five years.

9. **Other Supporting Facts:** The required item has a critical Damage Control / Personnel Safety application and must meet operational and reliability requirements as stated above. The U.S. Navy currently owns approximately 300,000 EEBDs, which are on every surface ship. The life expectancy for this EEBD is 15 years with many of the currently fielded units coming up on that life expectancy within the next 3-5 years. It has been determined that a 'service life extension' for the existing EEBDs is not an option as events in the past have shown an extension would put unwarranted risk upon sailor safety.

10. **Listing of Interested Sources:** None at this time. Alternate offers, if received, will be evaluated in accordance with the solicitation. All offers received will be evaluated.

11. **Actions to Remove Barriers to Competition:** In an effort to promote competition an alternate offers clause will be included in the solicitation which will allow for alternate offerors to submit a source approval request (SAR) package. All SAR packages will be referred to the cognizant engineering activity, Naval Surface Warfare Center – Panama City, Florida. If, due to mission requirements, the current procurement cannot be delayed in order to allow sufficient time for the engineering activity to determine whether to approve the alternate offer, the SAR package will be considered for future awards.

12. Certifications:

Technical Cognizance: I certify that the facts and representations under my cognizance, which are included in this justification and which form a basis for this justification, are complete and accurate to the best of my knowledge and belief:

[redacted]

General Supply Specialist

[redacted]
Signature

22 May 2014
Date

Requirements Cognizance: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

[redacted]

Planner/Inventory Manager

[redacted]
Signature

22 May 2014
Date

Contracting Officer's Certification: I hereby certify that this justification is accurate and complete to the best of my knowledge and belief.

[redacted]

Contracting Officer

[redacted]
Signature

22 MAY 2014
Date

Competition Advocate Review and Concurrence:

[redacted]

Competition Advocate

[redacted]
Signature

Date

Approval of Justification for Other Than Full and Open Competition

I have reviewed and approve this justification.

Date: 6/2/14 Signature:

Milton K. Lewis, SES
DLA Land and Maritime Acquisition Executive

APPROVAL REQUIREMENTS

( )	Up to $650,000	Contracting Officer
( )	$650,000 - $12,500,000	Competition Advocate
(X)	$12,500,000 - $85,500,000	Head of Contracting Activity
( )	Over $85,500,000	Senior Procurement Executive