



**DEFENSE LOGISTICS AGENCY
AVIATION
700 ROBBINS AVENUE, BUILDING 1, ROOM 2211
PHILADELPHIA, PENNSYLVANIA 19111-5098**

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

REQUISITION NUMBER/PD: N0038313X6136 **FOLDER NUMBER:** 13232-0037

Any revision to the pre-printed portion of this document must be individually reviewed and approved by the DLA Office of Counsel.

<u>Maureen DeLorenzo</u> (Item Manager's Name) <i>Please Print</i>	<u>[REDACTED]</u> (Extension)	<u>0317.16</u> (Code)
<u>Tom Nolan</u> (Technician's Name) <i>Please Print</i>	<u>[REDACTED]</u> (Extension)	<u>0317.55</u> (Code)
<u>John McCarry</u> (Buyer's Name) <i>Please Print</i>	<u>[REDACTED]</u> (Extension)	<u>APAP.02</u> (Code)

- CONTRACTING ACTIVITY:** DLA Aviation Strategic Acquisition at Philadelphia, PA.
- DESCRIPTION OF THE ACTION BEING APPROVED:** Negotiation and award of a contract through other than full and open competition.
- DESCRIPTION OF SUPPLIES/SERVICES:** This J&A covers the acquisition of the following article(s): P-8 Interim Support.

Nomen	<u>Receiver Transmitter</u>	Quantity	<u>[REDACTED]</u>
NSN	<u>0RH 5821 015855355 P8</u>	CAGE Code	<u>(13499)</u>
P/N	<u>822-2158-002</u>	Unit Price	<u>\$77,929.72</u>

Estimated Value (include option) [REDACTED]

Appropriation, Subhead and Cost Code: 97 00 XX XX 4930 NC1A 000 85004 0 050120
7R 000000 7PPL00000000

The required delivery date is: ASAP

- STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION:** This J&A is based upon the authority of 10 USC 2304(c)(1), one source or a limited number of sources, as implemented by FAR 6.302-1.

5. RATIONALE JUSTIFYING USE OF CITED STATUTORY AUTHORITY:

The current Acquisition Method Code/Acquisition Method Suffix Code (AMC/AMSC) is: 3H.
The AMSC code is 3:

Acquire, for the second or subsequent time, directly from the actual manufacturer. The suffix code is H: The Government physically does not have in its possession sufficient, accurate, or legible data to purchase this part from other than the current source. The deficiency is under review for resolution. This code is applicable only to parts under immediate acquisition requirements and only for as long thereafter as the deficiency is under review for resolution and appropriate recoding. This code is only assigned until resolution of the physical data questions result in assignment of a different AMSC.

This acquisition will be negotiated with: (13499) Rockwell Collins Inc.

This aircraft is currently in the interim phase of the life cycle process and as such it is imperative that the government deal with one contractor, the OEM, for manufacture of these items. The government physically does not have in its possession sufficient engineering and technical data to contract spares with other than the OEM. As the P-8 aircraft is currently in the interim support phase of the life cycle process and pre-physical configuration audit (PCA), the aircraft mission systems are experiencing constant anomalies and variance within the configuration. The government does not have empirical engineering data available that would allow for realistic competitive sustainment efforts at this time. The aircraft receiver transmitter is continually being altered and evaluated. As the program develops and passes the various milestones of the interim support phase, logistical and technical requirements are varying in such a way that it is essential and in the Navy's best interest to deal only with the OEM at this time.

One of the critical functions of the interim support phase is designed to determine a baseline configuration, which impacts maintenance requirements and logistical support. The interim phase of the life cycle is comprised of the Initial Operation Test and Evaluation (IOT&E) portion, and the initial fielding portion. During the IOT& E portion the Navy's test and evaluation squadron has been evaluating the aircraft pod with Rockwell Collins field service representatives and Navy engineering technical support gathering data required for maintenance and logistical planning. The aircraft is now in the initial fielding portion of interim support. During initial fielding, the Navy's fleet replacement and training squadron is performing organic squadron level maintenance under the cognizance of Rockwell Collins field service representatives and Navy engineering technical support, training naval maintenance personnel for P-8 future support of fielded aircraft. NAVAIR is responsible for the configuration of the aircraft.

6. DESCRIPTION OF EFFORTS MADE TO SOLICIT OFFERS FROM AS MANY OFFERERS AS PRACTICABLE:

The proposed contract was synopsisized in the FedBizOpps website for government wide point of entry on 10-16-13. The following sources have expressed an interest in the acquisition: *NONE*

Market research was not conducted in accordance with FAR Part 10 as this item is part of the P-8 Aircraft Program which is currently in the Interim Phase of Life Cycle Support. This is further delineated in paragraph 5 and 8.

7. **DETERMINATION OF FAIR AND REASONABLE COST:** The contracting officer determines that the anticipated cost to the Government of the supplies covered by this J&A will be fair and reasonable.

8. **ACTIONS TO REMOVE BARRIERS TO FUTURE COMPETITION:**

As stated in paragraph 5, one of the purposes of the interim support period of a new weapon system or platform is to capture, record and procure the data required to establish the metrics for logistical sustainment. As the P-8 and her systems progress through interim support and enter Material Support, 01 October 2015, this data will become more stable. Once the baseline configuration has been approved and established by NAVAIR, NAVSUP WSS will determine if the data is available and if so will aggressively pursue a commercially competitive posture for future procurements. NAVAIR has not yet established whether the data rights required to allow for commercial competition will be procured from Rockwell Collins Inc. Therefore we cannot commit, at this time, to a post MSD commercial competitive posture under this agreement.

9. **REFERENCE TO THE APPROVED ACQUISITION PLAN:** An Informal/Formal acquisition plan is/is not required for this acquisition.

CERTIFICATIONS AND APPROVAL
TECHNICAL/REQUIREMENTS CERTIFICATION

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.

Technical Cognizance:

 _____ Tom Nolan _____ 01/06/2014
Signature Name (Printed) Phone No. Date

 _____ Jeannine Fay _____ 01/06/2014
Signature Name (Printed) Phone No. Date

COMPETITION ADVOCATE REVIEW AND CONCURRENCE

 _____ M. SHORTALL Competition Advocate _____ 1/9/14
Signature Name (Printed) Phone No. Date

CONTRACTING OFFICER CERTIFICATION

I certify that this Justification is accurate and complete to the best of my knowledge and belief.

 _____ ACAP. 02 _____ 2/20/14
Signature Name (Printed) Phone No. Date

REVIEWED BY COUNSEL FOR LEGAL SUFFICIENCY: (Over \$150k)

I have determined this Justification is legally sufficient.
 _____ _____ 2/25/14
Signature Name (Printed) Phone No. Date

APPROVAL REQUIRED BY FAR 6.304

Signature Name (Printed) Phone No. Date

Approval Levels:

- | | |
|-----------------------|--------------------------------------|
| Contracting Officer: | \$150,000 up to \$650,000 |
| Competition Advocate: | Over \$650,000 up to \$12,500,000 |
| HCA: | Over \$12,500,000 up to \$85,500,000 |
| DLA SPE: | Over \$85,500,000 |