

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

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

Folder Number: 15349-0057

Requisition/PD# N0038316X0724

Any revision to the preprinted portion of this document must be individually reviewed and approved in writing by DLA Office of Counsel.

[Redacted] _____
Item Manager's Name Extension Code

[Redacted] _____
Technician's Name Extension Code

[Redacted] _____
Buyer's Name Extension Code

1. CONTRACTING ACTIVITY: DLA Aviation Strategic Acquisition at Philadelphia, PA

2. DESCRIPTION OF THE ACTION BEING APPROVED: Negotiation and award of a contract through other than full and open competition.

3. DESCRIPTION OF SUPPLIES/SERVICES: This J&A covers the acquisition of the following article(s):

Nomen: LEADING EDGE ASSEMBLY Quantity: 8

NSN: 7RH 1680 015855046 P8 CAGE Code: 98085

P/N: 6534-03 Unit Price: [Redacted]

Estimated Value (include option): \$ [Redacted] The required delivery date is: 6 mo ARO

Ship To: SW3122

Line of Accounting
97 00 XX XX 4930 NC1A 000 85004 0 050120 7R 000000 7PPE00000000

4. 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 limited 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: 3 H multiple codes see pg 2 for definitions

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AMC 3. Acquire, for the second or subsequent time, directly from the actual manufacturer.

AMSC 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(s). This code is applicable only to parts under immediate buy requirements and only for as long thereafter as the deficiency is under review for resolution and appropriate recoding. This code is only assigned at the conclusion of limited screening, and it remains assigned until the full screening process resolves physical data questions and results in assignment of a different AMSC. If one source is available, AMCs 3, 4, or 5 are valid. If at least two sources exist, AMCs 1 or 2 are valid.

This acquisition will be negotiated with: Cox and Company (CAGE 98085)
1664 Old Country Rd
Plainview, NY 11803-5013

This Acquisition will be negotiated with the OEM, Cox and Company (CAGE 98085). This item has not received a criticality determination yet and Cox and Company is the sole proprietor of the technical data required to manufacture, test and certify this item. As the P-8A aircraft is currently in the pre-physical configuration audit (PCA) phase of the life cycle process, the aircraft and mission systems are experiencing constant anomalies and variations within the configuration. Additionally, in the absence of criticality determinations, it is imperative that the Government deal strictly with the OEM/ Prime Vendor for procurement of these items. The Government does not physically have in its possession any engineering or technical data to contract for spares with other than the OEM/ Prime at this time. The Government does not have the empirical engineering data available that would allow for realistic competitive sustainment efforts at this time.

6. DESCRIPTION OF EFFORTS MADE TO SOLICIT OFFERS FROM AS MANY OFFERORS AS PRACTICABLE: The proposed contract action was synopsised and included a Sources Sought Notice on the FedBizOpps website for government-wide point of entry on

Mar 7, 2016

and as a result:

No other sources have expressed an interest in this acquisition.

Market Research was conducted in accordance with FAR part 10. The results of the Market Research conducted (or the reason market research was not conducted) is as follows:

A limited Screen Market Research was conducted in accordance with FAR part 10. No other sources could be identified/certified for this procurement.

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:

For reasons set forth in Paragraphs 5 & 6, NAVSUP WSS is unable to compete this contract for the types of supplies/ services covered by this document. If another potential source emerges, NAVSUP WSS will assess whether competition for future requirements is feasible.

9. REFERENCE TO THE APPROVED ACQUISITION PLAN:

An informal / formal acquisition plan is / is not required for this acquisition.

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Requisition/PD# N0038316X0724

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:

[Redacted Signature] [Redacted Name] [Redacted Phone] Jan 22, 2016 ~~30 MAR 16~~
Signature Name Phone Date

Requirements Cognizance:

[Redacted Signature] [Redacted Name] [Redacted Phone] 30 MAR 2016
Signature Name Phone Date

COMPETITION ADVOCATE REVIEW AND CONCURRENCE

[Signature] John Sweeney [Redacted Phone] 6 APR 2016
Signature Name Phone Date

CONTRACTING OFFICER CERTIFICATION

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

[Redacted Signature] Keli Barish [Redacted Phone] 12 Apr 2016
Signature Name Phone Date

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient

[Redacted Signature] Sharif T. Dawson, Esq.
Associate Counsel
DLA Counsel Aviation [Redacted Phone] 4/13/16
Signature Name Phone Date

APPROVAL REQUIRED BY FAR 6.304

[Redacted Signature] [Redacted Name] [Redacted Phone] [Redacted Date]
Signature Name Phone Date

Approval Levels:

\$150,000 - \$700,000:	Contracting Officer
Over \$700,000 - \$13,500,000:	Competition Advocate
Over \$13,500,000 - \$93,000,000:	HCA
Over \$93,000,000:	DLA SPE



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PHILADELPHIA, PENNSYLVANIA 19111-5098

*In/Out
6/12/14
Cox & Co*

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

Folder Number:

Requisition/PD#

Any revision to the preprinted portion of this document must be individually reviewed and approved in writing by DLA Office of Counsel.

<input type="text" value="Redacted"/>	<input type="text" value="Redacted"/>	<input type="text" value="Redacted"/>
Item Manager's Name	Extension	Code
<input type="text" value="Redacted"/>	<input type="text" value="Redacted"/>	<input type="text" value="Redacted"/>
Technician's Name	Extension	Code
<input type="text" value="Redacted"/>	<input type="text" value="Redacted"/>	<input type="text" value="Redacted"/>
Buyer's Name	Extension	Code

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

Nomen:	<input type="text" value="LEADING EDGE ASSEMBLY"/>	Quantity:	<input type="text" value="28"/>
NSN:	<input type="text" value="ORH 1680 015855046 P8"/>	CAGE Code:	<input type="text" value="(98085)"/>
P/N:	<input type="text" value="6534-03"/>	Unit Price:	<input type="text" value="Redacted"/>
Estimated Value (Include option):	<input type="text" value="Redacted"/>	The required delivery date is:	<input type="text" value="Oct. 2014"/>
Line of Accounting	<input type="text" value="97 00 XX XX 4930 NC1A 000 85004 0 050120 7R 000000 7PPE00000000"/>		

4. 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 limited 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:

Folder Number: 14104-0073

Requisition/PD# N0038314X2168

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: (98085) COX & COMPANY 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 leading edge 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 leading edge with Cox 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 Cox 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 OFFERORS AS PRACTICABLE:

The proposed contract action was synopsisized in the FedBizOpps website for government-wide point of entry on:

5-15-14

The following sources have expressed an interest in this acquisition:

None

Market Research was conducted in accordance with FAR part 10. The results of the Market Research conducted (or the reason market research was not conducted) is as follows:

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 Cox & Company 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.

Folder Number: 14104-0073

Requisition/PD# N0038314X2168

**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:

[Redacted Signature] [Redacted Name] [Redacted Phone] 6/03/2014
Signature Name Phone Date

Requirements Cognizance:

[Redacted Signature] [Redacted Name] [Redacted Phone] 6/03/2014
Signature Name Phone Date

COMPETITION ADVOCATE REVIEW AND CONCURRENCE

[Redacted Signature] A. Solomon: Procurement Analyst [Redacted Phone] JUN 06 2014
Signature Name Phone Date

CONTRACTING OFFICER CERTIFICATION

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

[Redacted Signature] John McCarty [Redacted Phone] 6-9-14
Signature Name Phone Date

LEGAL SUFFICIENCY REVIEW

I have determined this justification is legally sufficient

Sharif T. Dawson, Esq.
Associate Counsel

DLA Counsel Aviator

Phone

[Redacted Signature] [Redacted Name] [Redacted Phone] 6/12/14
Signature Name Phone Date

APPROVAL REQUIRED BY FAR 6.304

[Redacted Signature] Michael Massello Competition Advocate [Redacted Phone] 6/12/14
Signature Name Phone Date

Approval Levels:

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