



**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:

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="Kevin Paton"/> Item Manager's Name	<input type="text" value="██████████"/>	<input type="text" value="N98232.UA"/> Code
<input type="text" value="Allen Chaffin"/> Technician's Name	<input type="text" value="██████████"/>	<input type="text" value="N98232.54"/> Code
<input type="text" value="Rebecca Weiss"/> Buyer's Name	<input type="text" value="██████████"/>	<input type="text" value="APBB.07"/> 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:  Quantity:

NSN:  CAGE Code:

P/N:  Unit Price:

Estimated Value (include option):  The required delivery date is:

Line of Accounting

**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: 14316-0014

Requisition/PD# N0038315X0291 & N0038315X2370

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). The deficiency is under review for resolution.

This acquisition will be negotiated with: Cubic Defense Applications INC, (94987)

Cubic Defense Applications INC, (94987) is the OEM that holds all technical data rights to these drawings. These items are part of the MQ-8C Fire Scout system under Interim Supply Support (ISS) until Material Support Date (MSD) of October 2017. These systems are complex and unique requiring unique technical expertise that currently only resides with the OEM. The approved source retains all data rights of manufacturing knowledge, or technical data that are not economically available to the Government, and the data or knowledge is essential to maintaining the quality of these parts. An alternate source must qualify in accordance with the design control activity's procedures, as approved by the NAVAIR as the Cognizant Government engineering activity. Due to the complexity of the required test equipment and the high cost to develop the electrical and mechanical requirements, achieving competition for spares of these components is not possible at this time. Immediate spare requirements for current back orders and future anticipated back orders are to mitigate the loss of mission support or the loss of aircraft.

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

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

01/15/15

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. The reason market research was not conducted is as follows: These items are under interim support and considered design unstable as no formal configuration baseline has been established. Re-procurement technical data has not yet been developed, and will not be available in time to support Initial Operating Capability (IOC). No facility other than Cubic Defense Applications INC, (94987) has the expertise, facilities, test equipment or required Design Control Activity approval necessary to manufacture the subject item. To date, no other source approval requests have been received.

**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 Paragraph (5) & (6), NAVSUP WSS has no plans at this time to compete future contracts for the types of supplies/services covered by this document. The items that are to be procured under this acquisition are for Interim Supply Support (ISS) of the MQ-8C Fire Scout. ISS items are considered design unstable as no formal configuration baseline has been established. Since the Material Support Date (MSD) is scheduled for October 2017, procurement of technical data has not yet been developed, and will not be available in time to support Initial Operating Capability (IOC). It is anticipated that technical data will be provided to the Navy at a later date, at which time the technical data will be evaluated to determine if it is suitable for competition, as well as evaluating the feasibility of any other alternatives for achieving and/or enhancing competition.

**9. REFERENCE TO THE APPROVED ACQUISITION PLAN:**

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

Folder Number: 14316-0014

Requisition/PD# N0038315X0291

**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

 Signature  Bria White Name   Phone  1/13/15 Date

**Requirements Cognizance:**

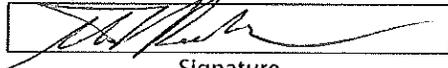
 Signature  Kevin Pagon Name   Phone  1/13/15 Date

**CONCURRENCE**

 Signature  Thomas F. Kendra Name   Phone  JAN 15 2015 Date

**CONTRACTING OFFICER CERTIFICATION**

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

 Signature  THOMAS F. KENDRA Name   Phone  1/26/15 Date

**LEGAL SUFFICIENCY REVIEW**

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

 Signature  Sharif T. Dawson, Esq. Name  Associate Counsel Title  DLA Court Organization   Phone (214)  2/1/15 Date

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