

**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.

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|---|--|--|
| <input type="text" value="Michael Fox"/> Item Manager's Name | <input type="text" value="[REDACTED]"/> Extension | <input type="text" value="N52212.80"/> Code |
| <input type="text" value="Gary Jordan"/> Technician's Name | <input type="text" value="[REDACTED]"/> Extension | <input type="text" value="N52211.11"/> Code |
| <input type="text" value="Loraine Smith"/> Buyer's Name | <input type="text" value="[REDACTED]"/> Extension | <input type="text" value="APAC.06"/> 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:

Ship To:

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: 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 C. This part requires engineering source approval by the design control activity in order to maintain the quality of the part. Existing unique design capability, engineering skills, and manufacturing knowledge by the qualified source(s) require acquisition of the part from the approved source(s). The approved source(s) retain data rights, 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 the part. An alternate source must qualify in accordance with the design control activity's procedures, as approved by the cognizant Government engineering activity. The qualification procedures must be approved by the Government engineering activity having jurisdiction over the part in the intended application.

This acquisition will be negotiated with: 77272 (BOEING COMPANY)

The Boeing Company (77272) is the OEM for the subject Rudder Assembly p/n 901-034-900-111. The item is a Critical Safety Item (CSI). The Boeing Company (77272) retains data rights, manufacturing knowledge, and technical data that are not economically available to the Government, and the data or knowledge is essential to maintaining the quality of the part. An alternate source must qualify in accordance with the design control activity's procedures, as approved by the cognizant Government engineering activity NAVAIR.

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

04 Jun 2016

and as a result:

"No other parties have expressed an interest as of 29 Jul 2016"

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:

The NAVSUP Weapon Systems Support (WSS) Source Development Department (SDD) has conducted a market research per the market research document. The subject Rudder Assembly is a Critical Safety Item (CSI) and all alternate sources must qualify IAW the design control activity's procedures, as approved by NAVAIR prior to contract award. Available data including all publications, supporting test equipment availability and associated drawings and specifications required to manufacture the subject item are not available to purchase from other than the current approved source of supply the Boeing Company (77272). Also the data for the subject item contains restrictive legend and the data is proprietary to the Boeing Company (77272) and they will not release any or all the data to the Navy. Data review discloses that required data or data rights are not in Government possession and cannot be economically obtained. Without the technical data it is not possible for any other source to manufacture the subject item. No other company has access to the technical data that would enable them to manufacture the subject item. The government does not possess the manufacturing data necessary to support full and open competition. No other sources have expressed an interest in manufacturing the subject item to the Source Development Department. To promote competition the NAVSUP WSS will continue to encourage manufacturers with the expertise to manufacture the subject item to submit a complete technical data package for review and source approval by the appropriate engineering source approval authority per the WSS guidelines. Also future requirements will be advertised in the FedBizOpps website (www.fedbizops.gov) in order to encourage potential suppliers to submit Source Approval Requests.

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. To promote competition the NAVSUP WSS will continue to encourage manufacturers with the expertise to manufacture the subject item to submit a complete technical data package for review and source approval by the appropriate engineering source approval authority per the (WSS) guidelines. Also future requirements will be advertised in the FedBizOpps website (www.fedbizops.gov) in order to encourage potential suppliers to submit Source Approval Requests. If another potential manufacturing 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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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] Name: GARRY J JORDAN Phone: [Redacted] Date: 8-30-16

Requirements Cognizance:

[Redacted] Name: Michael Z Fox Phone: [Redacted] Date: 8-30-16

COMPETITION ADVOCATE REVIEW AND CONCURRENCE

[Redacted] Name: John Sweeney Phone: [Redacted] Date: 7 SEP 2016

CONTRACTING OFFICER CERTIFICATION

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

[Signature] Name: [Redacted] Phone: [Redacted] Date: 9/2/16

LEGAL SUFFICIENCY REVIEW

I have [Redacted] client Sharif T. Dawson, Esq. Associate Counsel DLA C [Redacted] Name: [Redacted] Phone: [Redacted] Date: 9/2/16

APPROVAL REQUIRED BY FAR 6.304

[Redacted] 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 |