



**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: 15071-0060

Requisition/PD# N0038314X2247, N0038315X0889 and N0038315X1952

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

Maureen DeLorenzo Item Manager's Name	[REDACTED] Extension	N98152.55 Code
Tom Nolan Technician's Name	[REDACTED] Extension	N98152.16 Code
Shawn Frank Buyer's Name	[REDACTED] Extension	APBA.09 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: AIR CONDITIONING MODULE      Quantity: [REDACTED]

NSN: ORH 1680 015855106 P8      CAGE Code: (89954)

P/N: 69-37319-312      Unit Price: [REDACTED]

Estimated Value (include option): \$ [REDACTED]      The required delivery date is: Oct. 2015

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:

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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). The deficiency is under review for resolution.

This acquisition will be negotiated with: (89954) BAE Systems

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. These components are 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 these components with BAE 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 BAE 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 synopsised in the FedBizOpps website for government-wide point of entry on:

4/4/15

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 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 of this item. NAVAIR has not yet established whether the data rights required to allow for commercial competition will be procured from BAE Systems. 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.

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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 Signature] Tom Nolan Name May 28, 2015 Date

**Requirements Cognizance:**

[Redacted Signature] Jeannine Fay Name May 28, 2015 Date

**COMPETITION ADVOCATE REVIEW AND CONCURRENCE**

[Redacted Signature] John Sweeney Name 6/1/2015 Date

**CONTRACTING OFFICER CERTIFICATION**

I certify that this Justification is accurate and complete to the best of my knowledge and [Redacted Signature] Shawn Frank Name Phone 6/2/15 Date

**LEGAL SUFFICIENCY REVIEW**

I have determined this Justification is legally sufficient [Redacted Signature] Sharif T. Dawson, Esq. Associate Counsel DLA Counsel Aviation Phone (215) 69 [Redacted] Name Phone 6/2/15 Date

**APPROVAL REQUIRED BY FAR 6.304**

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