



**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: 14102-0010

Requisition/PD# N0038314X2018

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	0317.16 Code
Tom Nolan Technician's Name	[REDACTED]	Extension	0317.55 Code
Candis Ralph Buyer's Name	[REDACTED]	Extension	APAP.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:	See Exhibit A.	Quantity:	See Exhibit A.
NSN:	See Exhibit A.	CAGE Code:	(81039)
P/N:	See Exhibit A.	Unit Price:	\$ See Exhibit A.
Estimated Value (include option	[REDACTED]	The required delivery date is:	Oct. 2015
Line of Accounting	[REDACTED]		
97 00 XX XX 4930 NC1A 000 [REDACTED]			

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: 14102-0010

Requisition/PD# N0038314X2018

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: (81039) Whippany Actuation Systems.

This also includes PD; N0038314X2116 and N0038314X2230. 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 actuators 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 the these actuators with Whippany 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 Whippany 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:

The following 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:

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 these items. NAVAIR has not yet established whether the data rights required to allow for commercial competition will be procured from Whippany. 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: 14102-0010

Requisition/PD# N0038314X2018

**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 [Redacted Phone] Jun 26, 2014
Signature Name Phone Date

Requirements Cognizance:

[Redacted Signature] LCDR Henwood [Redacted Phone] Jun 26, 2014
Signature Name Phone Date

CONFIDENTIAL ADVOCATE REVIEW AND CONCURRENCE

[Redacted Signature] Solomon, Procurement Analyst
[Redacted Name] Code: 071.26 Phone [Redacted Phone] JUN 27 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

[Signature] John McCarty [Redacted Phone] 4/29/15
Signature Name Phone Date

LEGAL SUFFICIENCY REVIEW

[Redacted Signature] Sharif T. Dawson, Esq.
Associate Counsel
DLA Co [Redacted Phone] 5/27/15
Signature Name Phone Date

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