

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

In/out  
12/22  
Beckman  
Cor Hrs

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION**

Folder Number: 15251-0052

Requisition/PD# N0038315X4532

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: POD HYDRAULIC Quantity: 50  
NSN: 7RH 4920 015240821 SX CAGE Code:  
P/N: 2087301-03-N Unit Price: \$ [Redacted]

Estimated Value (include option): [Redacted] The required delivery date is: 03/31/2016

Ship To: W62G2T, DDJC San Joaquin CA

Line of Accounting  
97 00 XX XX 4930 NC1A 000 85004 0 050120 7R 000000 7PPT00000000

- 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 P  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 P. The rights to use the data needed to purchase this part from additional source(s) are not owned by the Government and cannot be purchased, developed, or otherwise obtained. It is uneconomical to reverse engineer this part.

This acquisition will be negotiated with: (80740) BECKMAN COULTER INC.

Because they are the (OEM) original equipment manufacturer of the POD HYDRAULIC and no other company has access to the proprietary data that would enable them to manufacture this support equipment nor will BECKMAN COULTER INC provide this proprietary Intellectual property information. The POD HYDRAULIC is not a commercial-off-the-shelf piece of support equipment, and there are no other brand name items or equivalent available. BECKMAN COULTER INC, is the original equipment designer & manufacturer for this peculiar support equipment, and is the only supplier capable of manufacturing the POD HYDRAULIC. The drawings, specifications, and technical data are proprietary to BECKMAN COULTER INC, and the government does not and will not own the required data.

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

10/23/2015

and as a result:

No other sources expressed interest

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) SE IWIST has conducted a market research per the market research document. The subject POD HYDRAULIC is not a critical item but still requires that all alternate sources must qualify IAW the design control activity's procedures, as approved by NAVAIR. BECKMAN COULTER INC (80740) 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. At this time no other facilities have the expertise, facilities or the test equipment necessary to manufacture the subject item other than BECKMAN COULTER INC (80740). 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 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 paragraphs (5) and (6) NAVSUP WSS has no plans at this time to compete future contracts 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 (S) 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] Date: 12-16-15

Requirements Cognizance:

[Redacted Signature] Name: Gary Gies Phone: [Redacted] Date: 12-16-15

**COMPETITION ADVOCATE REVIEW AND CONCURRENCE**

[Redacted Signature] Name: John Sweeney Phone: [Redacted] Date: 12-17-15

**CONTRACTING OFFICER CERTIFICATION**

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

[Redacted Signature] Name: K.J. SMITH Phone: [Redacted] Date: 12-17-2015

**LEGAL SUFFICIENCY REVIEW**

I have determined this Justification is legally sufficient

[Redacted Signature] Name: Sharif T. Dawson, Esq. Associate Counsel DLA C & E Phone: [Redacted] Date: 12/17/15

**APPROVAL REQUIRED BY FAR 6.304**

[Redacted Signature] Name: Michael Massello Competition Advocate Phone: [Redacted] Date: 12/22/15

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