

Folder Number: 15035-0041

Requisition/PD# N0038315X1968

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:

WESCAM INC (CAGE 3AC24)
649 NORTH SERVICE ROAD WEST
BURLINGTON ON L7P 5B9 CANADA

This Acquisition will be negotiated with the OEM, WESCAM INC (CAGE 3AC24). This item has not received a criticality determination yet and WESCAM INC is the sole proprietor of the technical data required to manufacture, test and certify this item. As the P-8A aircraft is currently in the interim phase of the life cycle process, and in the absence of criticality determinations, it is imperative that the Government deal strictly with the OEM/ Prime Vendor for procurement of these items. The Government does not physically have in its possession any engineering or technical data to contract for spares with other than the OEM/ Prime at this time. As the P-8A is currently in the interim support/ pre-physical configuration audit (PCA) phase, the aircraft and mission systems are experiencing constant anomalies and variations within the configuration. The Government does not have the empirical engineering data available that would allow for realistic competitive sustainment efforts at this time.

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

Jul 23, 2015

and as a result:

No other 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 paragraphs 5 and 8. *RJL*

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 on 1 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. NAVAIR has not yet established whether the data rights required to allow for commercial competition will be procured from WESCAM INC (CAGE 3AC24). Therefore we cannot commit at this time to a post MSD commercial competitive posture under this agreement. *RJL*

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] [Redacted Name] [Redacted Phone] [Aug 13, 2015]
Signature Name Phone Date

Requirements Cognizance:

[Redacted Signature] [Redacted Name] [Redacted Phone] [Aug 13, 2015]
Signature Name Phone Date

COMPETITION ADVOCATE REVIEW AND CONCURRENCE

[Redacted Signature] [John Sweeney] [Redacted Phone] [9/2/2015]
Signature Name Phone Date

CONTRACTING OFFICER CERTIFICATION

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

[Redacted Signature] [John McCarr] [Redacted Phone] [9/2/15]
Signature Name Phone Date

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient

[Redacted Signature] [Sharif T. Dawson, Esq.] [Redacted Phone] [9/2/15]
Signature Name Phone Date
Associate Counsel
DLA Counsel Aviation

APPROVAL REQUIRED BY FAR 6.304

[Signature] [Claudette Parrott] [Redacted Phone] [9/3/15]
Signature Name Phone Date
Competition Advocate

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 |