

JUSTIFICATION AND APPROVAL
FOR USE OF SOLE SOURCE/BRAND NAME ONLY

1. IDENTIFICATION OF AGENCY AND CONTRACTING ACTIVITY.

Requiring Agency: N [REDACTED]
[REDACTED]

Contracting Agency: NAVSUP FLCPH, code 200 Contracting Department.

2. Description of the Action Being Approved.

The proposed contract action is for purchase of 74 Motorola APX6000 portable radios and related accessories to provide clear radio communications in support of NAVSUP FLCPH, code 700 Pearl and Hickam Fuel Department warfighter fueling missions. Award will be made on a brand name only basis.

3. Description of Supplies/Services.

Since the 2013 announcement of discontinued production and support of Motorola XTS/XTL5000 equipment, the Federal government has been advised to transition to the new APX6000/7000 system. NAVSUP code 700 has been issued funds from Defense Logistics Agency (DLA) to procure new radio equipment in support of government fuel operations. The estimated value of the contract procurement [REDACTED]. The non-capitalized funds that are under object code 310 are set to expire September 30, 2015. Therefore, the contract must be awarded by September 30, 2015.

4. Statutory Authority Permitting Other Than Full and Open Competition.

41 USC 1901(e)(2)- a sole source brand name only acquisition under the authority of the test program for certain commercial items, as implemented by FAR 13.501(a).

5. Rationale Justifying Use of Cited Statutory Authority.

The FLCPH's Fuels Department, Ocean Terminals Department and Operations Department own and operate 44 Motorola APX 6000XE radios. FLCPH's mobile radio system is comprised of all Motorola components and only Motorola parts are compatible in form, fit, and function with the system. Substitutes or generic radios and parts are not compatible with the government owned

Motorola radios. Motorola is the proprietary manufacturer for these radios.

In addition, to integrate another brand of radio equipment would require additional training, programming software, testing equipment, and would not meet the following equipment criteria. The specified portable radios will be utilized for the NAVSUP operations employees to maintain safety, security, perform daily operations and to assist in all emergency events.

Equipment must meet the following criteria:

- Multiple P25 trunking patents.
- New anti-cloning security feature required by DOD.
- The extreme environment radio complies with MIL-STD 810 C,D,E,F, and G.
- The extreme environment radio has a delta T submersion standard for 2 Meters for 2 hours.
- RF specifications of the APX6000 XE are superior for transmitter stability, receiver sensitivity, and noise suppression which are needed for communications at NAVSUP pier side operations.
- Only APX Extreme Environment radios have an extreme audio profile for high noise environments common to NAVSUP pier side operations. The extreme audio profile also uses a dual microphone design with voice vectoring not requiring the radio to always be held in one position to talk.
- There are added protective bumpers (case) on the extreme environment radio that prolong the radio life when used in extreme environment common to NAVSUP pier side operations.
- In addition, the end user equipment must be compatible with the regional P25 system managed by G6 USARPAC HI LMR.

6. Description of Efforts Made to Solicit Offers from as Many Offerors as Practicable.

All required sources for supplies have been screened in accordance with FAR Subpart 8.002(a)(1) which resulted in GSA Advantage being the only source capable of providing the required supplies. Only one company, Motorola Solutions on GSA Advantage can provide 29 of the 35 line items. The other 6 items must be procured as open market.

A price comparison was conducted between the Motorola GSA listed price and the Motorola open market price (suggested source) for the main component, the APX6000 radio. The Motorola open market price for the APX6000 radio is [REDACTED] and the Motorola GSA price is [REDACTED]. However, a second comparison was conducted

between the Motorola GSA price and contract's [REDACTED] open market price. Recently awarded contract, [REDACTED] was solicited on an unrestricted basis for the same Motorola brand name products. The solicitation received 6 quotes of which 4 companies quoted the radio less than the GSA price of [REDACTED] per unit. [REDACTED] offered the lowest price for the radio at [REDACTED] per unit as illustrated in Table A.

Table A

GSA vs Open Market	Price	Diff(%)	Diff(\$)
[REDACTED] (GSA price)	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Although a solicitation can be conducted in GSA and prices can be negotiated, recent awards for the same products indicate that a brand name only solicitation will receive a minimum of [REDACTED] cost savings to the government. Therefore, it would be advantageous to the government to solicit this requirement on a brand name only basis allowing Motorola and other companies to quote for brand name only products in accordance with FAR Part 12 and FAR Subpart 13.5.

7. Determination of Fair and Reasonable Cost.

The Contracting Officer has determined the anticipated cost to the Government of the supplies/services covered by this J&A will be fair and reasonable.

8. Actions to Remove Barriers to Future Competition.

For the reasons set forth in Paragraph 5, (contracting activity) has no plans at this time to compete future contacts for the types of supplies/services covered by this document on an unrestricted basis. If another potential source emerges, (contracting activity) will assess whether competition for future requirements is feasible.

9. CONTRACTING POINT OF CONTACT

Contracting Officer:

[REDACTED]

Contract Specialist:

[REDACTED]

Oct 2010

(New page)

J&A Number: 15-019

CERTIFICATIONS AND APPROVAL

TECHNICAL/REQUIREMENTS CERTIFICATION

I certify that the facts and representations under my cognizance which are included in this Justification and its supporting acquisition planning documents, except as noted herein, are complete and accurate to the best of my knowledge and belief.

[Redacted Signature]

08/05/2015

Signature

Name (Printed)

Phone No.

Date

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

[Redacted Signature]

8/24/15

Date

CONTRACTING OFFICER CERTIFICATION

I certify that this Justification is accurate and complete to the best of my knowledge and belief. To the extent that the J&A/LSJ value is between \$150K and \$650K, the Contracting Officer's signature below also represents approval of the J&A/LSJ.

[Redacted Signature]

08/10/15

Signature

Name (Printed)

Phone No.

Date

CONTRACTING ACTIVITY COMPETITION ADVOCATE REVIEW

To the extent that the J&A/LSJ value is between \$650K and \$12.5M, the Competition Advocate's signature below also represents approval of the J&A/LSJ.

Signature

Name (Printed)

Phone No.

Date