

## JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

Upon the basis of the following justification, I as Contracting Officer hereby approve use of the other than Full and Open competition for the proposed contractual action pursuant to the authority of 10 USC 2304(c)(1), only one responsible source and no other supplier or servicing activity will satisfy agency requirements, as implemented by FAR 6.302-1.

### 1. Contracting Activity

Naval Postgraduate School  
Department of Contracting and Logistics  
1 University Circle  
Monterey, CA 93943

### 2. Description of the Action Being Approved

This justification covers the procurement of a modified Solar MXC airframe with integrated photovoltaic (PV) arrays and an electrical fuselage with customized carry case from Specialized Air Services. This justification for other than full and open competition will be posted at the Government wide Point of Entry.

### 3. Description of Supplies/Services

An MXC airframe needs to be constructed with embedded photovoltaic (PV) arrays and support for electric propulsion. Aerodynamic concerns require that the PV cells be embedded during the initial composite layup of the wings, rather than being glued on to the exterior of an existing wing, the later which would disrupt the laminar flow over the wing, degrading the glide performance. NPS already owns a full MXC airframe, and therefore requires the same airframe for the solar aircraft for compatibility. In addition, the contractor shall develop and integrate an electrical fuselage in the modified MXC airframe.

### 4. Statutory Authority Permitting Sole Source 6.302-1

FAR 6.302 -- Circumstances Permitting Other Than Full and Open Competition.

- 6.302-1 -- Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.

5. Rational Justifying Use of Cited Statutory Authority This company is the inventor of the airframe and owner of the molds for manufacturing it. The requirement must be facilitated by the manufacturer, while this type of service may be commercial, the end product will be a developmental design.

6. Description of Efforts Made to Solicit Offers from as Many Offerors as Practicable As this is a unique design, and the proposed vendor is the owner of the design, there is no other possible source that would not violate intellectual property rights of the company.

### 7. Determination of Fair and Reasonable Cost

Costs will be determined fair and reasonable at time of award by the Contracting Officer and based on previous contracts and similar contracting efforts.

**8. Market Research** Market research process dates back a number of years to when the R&R Products SBXC and later the R&R Products MXC airframes were selected as optimal airframes for the Tactical Long Endurance UAS (TaLEUAS) project. The historical products were COTS and were procured via Government wide Purchase Card. Based on the findings of the COTS products, the MXC airframe from Specialized Air Services was identified for further research on modified version of their COTS airframe. The current requirement is for a solar variant of the newer MXC airframe, and utilizes a much larger PV array. More recently, Specialized Air Services, owner of the MXC molds, took over the operation, and is now the vendor for the MXC.

**9. Other Facts Supporting Use of Other Than Full and Open Competition** There are only a few manufacturers in the world that build airframes of this type and quality, and the proposed vendor is the only one located in the US.

**10. Actions to Remove Barriers to Future Competition** Due to the IP constraint on the airframe, in regards to modifications and non-commercial products, there is not a way to remove the barriers of competition. Associated research and projects will continue to analyze the marketplace for competitive suppliers.

**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.

**Technical and Requirement Cognizance:**

[Redacted signature line]

**LEGAL SUFFICIENCY REVIEW**

I have determined this Justification is legally sufficient.

[Redacted signature line]

**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 \$3K and \$500K, the Contracting Officer's signature below also represents approval of the J&A/LSJ.

[Redacted signature line]

**CONTRACTING ACTIVITY COMPETITION ADVOCATE REVIEW**

To the extent that the J&A/LSJ value is between \$500K and \$12.5M, the Competition Advocate's signature below also represents approval of the J&A/LSJ.

[Redacted signature line]