

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
HSCG38-08-Q-500003

Pursuant to the requirements of the Competition in Contracting Act (CICA) as implemented by FAR Subpart 6.3 and in accordance with the requirements of FAR 6.303-1, the justification for the use of the statutory authority under FAR Subpart 6.3 is justified by the following facts and rationale required under FAR 6.303-2 as follows:

(1) Agency and Contracting Activity - Department of Homeland Security, U.S. Coast Guard, Aircraft Repair and Supply Center, Engineering Support Division, Contracting Section, Elizabeth City, North Carolina proposes to enter into a contract on a basis other than full and open competition.

(2) Nature and/or description of the action being approved. – Department of Homeland Security, U.S. Coast Guard has a requirement on a sole source basis to provide the HH-60 and HH-65 Product Lines with new DIT-MCO switching units to prevent equipment down-time. These are commercial items and will be procured utilizing the procedures in FAR Part 12 combined with FAR Part 13.5. The proposed contract type is a Firm-Fixed Price contract.

(3) Description of Supplies/Services - The requirement is for to procure services to upgrade existing HH-60 and HH-65 DIT-MCO Automated Wire Analyzer Systems to the latest hardware configuration. The upgrades include 35,000 Points of WQB 12.B Compatible, Series 17A, Switching and Power Control Distribution Assemblies for (2) 10k Cabinets. This requirement is to be awarded to the Original Equipment Manufacturer (OEM). Or a responsible source that has access to OEM parts and can provide documented traceability back to the OEM. The material and estimated quantities to be procured are based on current and past usage data. The manufacturer is the only one that provides this upgrade and the required support for a smooth transition.

(4) Identification of Statutory Authority Permitting Other Than Full and Open Competition
The statutory authority permitting other than full and open competition is 10 USC 2304(c) (1), as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-1 entitled “Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements”.

(5) Demonstration That the Nature of the Acquisition Require Use of the Authority Cited.
The material to be procured is manufactured by DIT-MCO International Corp., 5612 Brighton Terrace, Kansas City, MO 64130. Troubleshooting drawings are available; however, drawings required at manufacturing the equipment and to upgrade each system is not available due to drawing being proprietary. DIT-MCO International can identify, by the serial number, the unique equipment composition requires as options and features that are needed to upgrade the hardware. DIT-MCO owns all rights to proprietary data, specifications and drawings.

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The US Coast Guard does not own, or have data rights. There are, however, affiliates and distributors who may be able to propose, but the switching upgrade for the Coast Guard H-60 and H-65 DIT-MCO 2524 Analyzer systems is not a complete switching replacement or upgrade. Upgraded switching must be functionally compatible and interchangeable with existing Series 17 and WQB switching.

(6) Description of efforts made to ensure that offers are solicited from as many potential sources as is practicable. – A combined synopsis/solicitation for this requirement will be submitted to FedBizOpps for potential offerors. If any responses are received as a result of the solicitation, the file will be documented accordingly and the requirement competed among all eligible offerors.

(7) Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable. - The contracting officer determines that the anticipated prices will be fair and reasonable based on comparison with historical pricing, comparison to market prices for similar items, commercial catalog prices and the Government estimate.

(8) Description of Market Research. – Market surveys are continually conducted to identify new sources of supply for the upgrades. The Internet was searched for a list of contractors that could supply the automatic circuit analyzers. The switching upgrade for the Coast Guard HH-60 and HH-65 Dit-Mco 2524 Analyzer systems is not a complete switching replacement or upgrade. 5,000 points of the existing Dit-Mco Series 17 switching will continue to be used. Upgraded switching must be functionally compatible and interchangeable with existing Series 17 and WQB switching. Whereas the HH60 system will be receiving new PCDA hardware in this upgrade, the HH65 system will continue to use the existing PCDA hardware.

(9) Any Other Facts Supporting the Use of Other Than Full and Open Competition. - Since the U.S. Coast Guard did not purchase the technical rights as part of the original acquisition for the aircrafts, and the necessary manufacturing drawings, the information is proprietary and available only to the OEM, DIT-MCO International. DIT-MCO will not release or provide copies drawings for the purpose of reverse engineering or to permit another manufacturer to duplicate the design(s) and remanufacture under a different part number.

(10) A Listing of the Sources, if Any, Which Expressed, in Writing, an Interest in the Acquisition. In accordance with FAR 5.201, the intent to contract for the required items will be advertised in FedBizOpps.

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(11) A Statement of the Actions, if Any, the Agency May Take to Remove or Overcome Any Barriers to Competition Before Any Subsequent Acquisition for Supplies or Services Required.

Completed specifications and technical drawings for HH65 and HH60 aircraft parts and maintenance support products are not available to the Coast Guard. However, in an effort to increase competition HH65 Product Line members annually attend aviation trade shows and performs extensive research to identify other potential sources of supply. Procurements for DIT-MCO material are advertised in FedBizOpps. In support of the Competition in Contracting Act, the Aircraft Repair and Supply Center established the New Product Development Branch (NPD) of which a representative is assigned to the HH65 Product Line for the purpose of identifying potential sources in the effort to remove barriers to competition. The NPD representative has the responsibility to identify and locate alternate sources of supply/services and suitable substitute parts.

(12) Contracting Officer's Certification

I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.

Debra D. Mitchell
Debra D. Mitchell, Contracting Officer

5 May 08
Date

(13) Technical/Requirements Personnel Certification

I certify this requirement meets the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

Keith Stevenson
Keith Stevenson, Technical Representative

5-5-08
Date

APPROVAL: _____

Contracting Officer <\$550k

Date