

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION (J & A)
SOLICITATION HSCG38-09-Q-100005 Date: Dec 4, 2008

Pursuant to the requirements of FAR Part 6 this justification for other than full and open competition is supported by the following facts and rationale in the format described at FAR 6.303-2:

(1) Identification of the agency and the contracting activity, and specific identification of the document as a “Justification for other than full and open competition.”

The U.S. Coast Guard, Aviation Logistics Center (ALC), Medium Range Surveillance (MRS) Contract Section, Elizabeth City, North Carolina, hereby presents this justification for other than full and open competition (JOTFOC).

(2) Nature and/or description of the action being approved.

Approval is sought to solicit, on a sole source basis, a firm fixed-price purchase order for the acquisition of commercial items utilizing the simplified acquisition procedures.

(3) A description of the supplies or services required to meet the agency’s needs (including the estimated value).

This justification for other than full and open competition is to obtain approval to procure spare parts which are used on the HU25 Falcon Jet. These parts are manufactured by Dassault Falcon Jet.

(4) An identification of the statutory authority permitting other than full and open competition.

10 U.S.C. 2304(c)(1), as implemented by FAR 6.302-1 (a)(2).

(5) A demonstration that the proposed contractors unique qualifications or the nature of the acquisition requires use of the authority cited.

The items to be procured under this solicitation are obtainable only from the original equipment manufacturer (OEM) and distributors of the manufacturer. The OEMs own the proprietary rights to the drawings and specifications needed to manufacture these items.

(6) A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether an EPS notice was or will be publicized as required by Subpart 5.2 and if not, which exception under 5.202 applies.

This action will be solicited utilizing the streamlined synopsis/solicitation procedures for commercial items authorized in FAR 12.603; therefore, a presolicitation synopsis will not be issued.

(7) A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.

It is the Contracting Officer’s opinion that prices will be determined fair and reasonable based on a comparison to historical pricing information and the Government estimate.

(8) A description of the market research conducted (see part 10) and the results or a statement of the reason market research was not conducted.

Market research was conducted through contacts made at international trade shows and through information made available by the helicopter manufacturer. It was determined that the item to be procured is commercial.

(9) Any other facts supporting the use of other than full and open competition, i.e, proprietary data packages, etc.

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The USCG did not purchase data rights as part of the initial system acquisition for the HU25 aircraft. The manufacturing drawings, data and special tooling necessary for full and open competition are proprietary and available only to the manufacturer. The performance and acceptance data are also proprietary. The USCG does not have adequate technical descriptions to enhance competition.

(10) A listing of the sources, if any, that expressed in writing, an interest in the acquisition.

IAW FAR 5.201, the intent to contract for these parts will be submitted to FEDBIZOPS.

(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 the supplies or services required.

In support of the Competition in Contracting Act, ALC established the New Product Development Branch (NPD). Subsequently, a representative of the NPD Branch was reassigned to the MRS Product Line. This representative has the responsibility to locate alternate sources of supply and alternate acceptable products. Engineering, contracting, and NPD representatives continuously conduct market research to ensure that companies interested in doing business with the USCG are given every opportunity to compete for contracts and purchase orders.

I hereby certify that the supporting data that are the responsibility of requirements personnel and which form a basis for this justification are complete and accurate.

(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.

Date: _____

WADE JOHNSON
Contracting Officer

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.

Date: _____

Item Manager, MRS Supply Cell

APPROVAL:

Date: _____

WADE JOHNSON
Contracting Officer