

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

HSCG38-08-Q-010125

05 August 2008

Pursuant to the authority of the test program for commercial items as implemented by Section 4202 of the Clinger-Cohen act of 1996, the justification to conduct a sole source acquisition is justified by the following facts and rationale required under Federal Acquisition Regulation (FAR) 6.303-2 as follows:

- (1) Agency and Contracting Activity— U.S. Coast Guard, Aircraft Repair and Supply Center (ARSC), HC-144A Supply Cell, Elizabeth City, NC, 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. – The U.S. Coast Guard HC-144A Supply Cell, Aircraft Repair and Supply Center (ARSC) Elizabeth City, NC has a requirement on a sole source basis to purchase spare parts for the newly introduced HC-144A Aircraft.
- (3) Description of Supplies/Services—Initial provisioning of spares to provide repair support for the APS-143C(V)3 Maritime Patrol Aircraft Radar (MPA Radar) which is an airborne pulse compression surveillance and imaging radar, which provides the airborne platform with the means to search for and detect surface targets while performing over water surveillance. The Original equipment manufacture (OEM) for the APS-143C (V) 3 Radar System and spares is Telephonics Corporation, 815 Broad Hollow Road, Farmingdale NY 11735. The U. S. Coast Guard intends to negotiate only with the OEM, Telephonics Corporation in the estimated amount of
- (4) Identification of Statutory Authority Permitting Other Than Full and Open Competition
The statutory authority permitting other than full and open competition is 41 U.S.C. 428a 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 Requires Use of the Authority Cited.
The Coast Guard does not own the rights to the technical manuals, publications or data these are proprietary to the OEM. Using parts from other than the OEM would compromise the integrity of the aircraft and possibly void any existing warranties.
- (6) Description of efforts made to ensure that offers are solicited from as many potential sources as is practicable. The Coast Guard plans to establish a New Product Development to pursue additional sources of supply for spares. However at this time the Coast Guard does not have data rights.

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- (7) 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 price offered is fair and reasonable based on comparison to the HU-25 parts for the APS 143 Radar repair contract. Additionally, Telephonics will be requested to provide information on prices at which the same item or similar items have been previously sold in the commercial market that is adequate for evaluating the reasonableness of the price for this acquisition.
- (8) Description of Market Research. CASA, the C144 aircraft OEM, Telephonics Corporation, the Radar system OEM own the manuals, publications and data. The Coast Guard does not have any rights to technical data. At this time, Telephonics Corporation is the sole source for the spares. However, a Sources Sought Notice for spares for the CASA HC-144A is posted on FedBizOps, and thus far, no interested parties have responded.
- (9) Any Other Facts Supporting the Use of Other Than Full and Open Competition. The Coast Guard does not own the data rights and does not anticipate purchasing these data rights. Therefore, it would be difficult to take steps to foster competition as the manufacturing performance and acceptance data are proprietary and the Coast Guard does not have adequate technical data to provide to potential offerors at this time. However, the Coast Guard plans to establish a New Product Development to pursue additional sources of supply.
- (10) A Listing of the Sources, if Any, That Expressed, in Writing, an Interest in the Acquisition. At this time a sources sought notice is posted on FedBizOps for spares for the HC- 144A. We have not received any inquires from this notice. A combined synopsis/solicitation will be issued that will provide an additional avenue for any interested sources..
- (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. The Coast Guard does not own the data rights and does not anticipate purchasing these data rights. Therefore, it would be difficult to take steps to foster competition as the manufacturing performance and acceptance data are proprietary and the Coast Guard does not have adequate technical data to provide to potential offerors.

The justification was properly approved in accordance with regulatory requirements.