

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
SOLICITATION NO. HSCG38-08-Q-200091**

Pursuant to the requirements of the test program for commercial items as implemented by Section 4202 of the Clinger-Cohen Act of 1996 as implemented by FAR 13.501(a)(ii), 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 United States Coast Guard (USCG) Aircraft Repair and Supply Center (ARSC), HH-65 Contract Section, Elizabeth City, North Carolina, hereby presents this Justification for Other Than Full and Open Competition (JOTFOC) for review and approval.

(2) Nature and/or description of the action being approved. - Approval is requested to solicit, on a limited sources basis a firm fixed-price purchase order for the acquisition of commercial items utilizing simplified acquisition test program.

(3) Description of the supplies or services required to meet the agency's needs (including the estimated value) - As the Aviation Inventory Control Point (AICP), ARSC must provide effective supply support for all Coast Guard aviation units and for the Programmed Depot Maintenance Program. This requirement is to be awarded to the OEM or a responsible source that has access to original OEM parts and can provide traceability. Failure to purchase these parts may cause aircraft to be grounded. The material and estimated quantities to be procured are based on current and past usage data. Projected stocking levels are based on: experienced mean time between failure rates; failure and corrosion trends; experienced and projected scrap rates; and procurement lead times. The estimated total value of this acquisition is \$211,652.84. The original equipment manufacturer cage code and part number can be located in the requirement's numerous Purchase Request Numbers. (Copies available upon request)

(4) Identification of statutory authority permitting other than full and open competition. - The statutory authority permitting other than full and open competition is 10 U.S.C. 2304(c)(1) or 41 USC 253(c)(1), as implemented by the Federal Acquisition Regulation (FAR) 6.302-1 entitled "Only one responsible source or a limited number of responsible sources and no other type of supplies or services will satisfy agency requirements".

(5) Demonstration that the nature of the acquisition require use of the authority cited. - The items to be procured under this solicitation are obtainable only from the French original equipment manufacturers (OEM) and distributors of the manufacturers. The OEMs own the proprietary rights to the drawings and specifications needed to manufacture these items.

(6) Description of efforts made to ensure that offers are solicited from as many potential sources as is practicable. - A solicitation for this requirement will be submitted to FedBizOpps for potential offerors. If any responses are received as a result of this 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. - It is the Contracting Officer's opinion that prices ultimately negotiated for this procurement will be determined fair and reasonable based on comparison with historical pricing, comparison to market prices for similar items, published price lists and the Government estimate.

(8) Description of the market research. - Market surveys are continually conducted to identify new sources of supply for the HH65 components and spare parts. The item to be procured meets the commercial item definition.

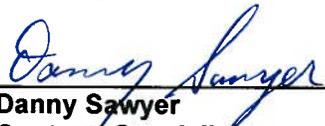
(9) Any other facts supporting the use of other than full and open competition, i.e., proprietary data packages, etc. - Since the United States Coast Guard did not purchase the technical data rights as part of the original acquisition for the HH65 aircraft and the necessary manufacturing drawings, data, and special tooling are proprietary and available only to the foreign original equipment manufacturer. The Coast Guard inquires, on an annual basis, the availability of this information and, as stated in Eurocopter's letter of 30 April 2008, "American Eurocopter, LLC is the only approved source of supply for Eurocopter products for the HH65 aircraft. We are the only authorized source to sell these parts in North America. Eurocopter will not release their drawings or data rights to anyone for the purpose of reverse engineering and will not copy the drawings for someone to duplicate the Eurocopter design and remanufacture under a different part number."

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(10) Listing of the sources, if any that expressed in writing, an interest in the acquisition. – In accordance with FAR 5.201, the intent to contract for these items will be submitted to FEBizOpps (copy attached).

(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. – Complete specifications and drawings for the HH65 are not available to the Coast Guard. The Coast Guard does not possess technical expertise nor were the data rights to spares purchased as part of the initial system acquisition for the HH65 aircraft. As the Aircraft Inventory Control Point (AICP), ARSC is tasked with supporting systems that have been deployed for use in the aviation community. However, in an effort to increase competition among affiliates and distributors, HH65 Product Line members annually attend aviation trade shows, extensive Internet database research is conducted and procurements are advertised in FedBizOps. In support of the Competition in Contracting Act, ARSC established the New Product Development Branch (NPD) and a representative of the NPD Branch is assigned to the HH-65 Product Line. This representative has the responsibility to locate alternate sources of supply/services and alternate acceptable products. Engineering, contracting and New Product Development representatives continuously conduct market research to ensure that companies interested in doing business with the USCG are given every opportunity to compete for our requirements.

(12) Certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief. I hereby certify that the justification is accurate and complete to the best of my knowledge and belief.



Danny Sawyer
Contract Specialist

06/23/08

DATE

(13) 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.



PATRICIA ROZANSKI
HH65 Supply Cell Leader

6/23/08

DATE

APPROVAL:



Gail Payne
Contracting Officer

6/24/08

DATE