

**Class Justification for Other than Full and Open Competition
HC144 Aircraft Sparing**

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— US Coast Guard, Aircraft Repair and Supply Center (ARSC), CASA Product Line, Elizabeth City, NC, proposes to enter into five (5) separate contracts on a basis of other than full and open competition with the respective Original Equipment Manufacturers (OEM's) for the requested spares.
- (2) Nature and/or description of the action being approved. – The U.S. Coast Guard CASA 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 Medium Range Surveillance (MRS) Maritime Patrol Aircraft (MPA) HC-144A, aircrafts four (4) through eight (8). ARSC seeks approval for a class J&A to procure spare parts from the five (5) identified OEM's below. Authority to act under this class justification expires on September 30, 2008.
- (3) Description of Supplies/Services—Spare parts for the HC-144A in the amount of _____ as determined by comparison of the Coast Guard V-metric forecasting model and CASA's OPUS model. It is anticipated that contract awards will be made to the OEM's in the following amounts: EADS CASA (aircraft components and consumable parts) _____ General Electric (engine components and piece parts) _____ Hamilton Sundstrand (propeller components and piece parts) _____ Rockwell Collins (avionics components) _____ and EDO (antennas) _____
- (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) 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 as these are proprietary to the individual OEM's. Using parts from other than the OEM's would compromise the integrity of the aircraft and would void any existing warranties. After the interim support, the Coast Guard intends to procure a Power By Logistics (PBL) type support contract via full and open competition.

- (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.
- (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 offered will be fair and reasonable based on comparisons of the commercial published price lists by the OEM's and cost comparison to similar items.
- (8) Description of Market Research. At this time the identified OEM's are the sole source for their respective spares. However, a Combined Synopsis/Solicitation was previously posted 5/24/07 and a Sources Sought Notice for spares for the HC-144A was posted on FedBizOps 1/24/07, no interested parties responded. Each OEM owns their respective manuals, publications and data. The Coast Guard did not purchase these data rights and does not have any rights to the technical data.
- (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.
- (10) A Listing of the Sources, if Any, That Expressed, in Writing, an Interest in the Acquisition. A sources sought notice for spares for the HC-144A was posted on FedBizOps previously and no interested parties responded. A combined synopsis/solicitation will be issued separately for each requirement upon approval by the Coast Guard legal office.
- (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. However, The Coast Guard plans to establish a New Product Development Branch (NPD) to pursue additional sources of supply. A representative of the NPD Branch will locate alternate sources of supply and alternate acceptable products. Engineering, contracting and NPD will continuously conduct market research to ensure that companies interested in doing business with the USCG are given every opportunity to compete for our requirements.

The justification for other than full and open competition was properly approved by the Head of the Contracting Activity in accordance with the regulatory requirements.