

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
FOR SOLE SOURCE AND LIMITED COMPETITION**

1. Agency: Defense Logistics Agency Contracting Activity: DLA Aviation - FAQE

Document Identification Number: 1000132710 Solicitation Number: SPE4A722R0106



FAR Part 15



FAR Part 12



FAR Part 13.5

2. The action being approved is the acquisition of supplies/services on other than a full and open competition basis.



New Action



Amendment: _____

3. The supplies/services required to meet the using activity's needs are described as follows:

BRIEF DESCRIPTION	NSN/PN	QUANTITY	ESTIMATED VALUE
see attachment	see attachment	see attachment	see attachment

*If too numerous, attach list of NSNs and AMSC codes.

This acquisition:

4. Type of Contract (may include number of base years) Firm Fixed-Price (FFP) Indefinite Quantity Contract (IQC); 5-Year Base Period, No Options



will not include an option.



will include a _____% option for increased quantity. Total estimated dollar value of option quantity is \$_____.



will include an option to extend the term of the contract for a period of _____ months, exercisable in increments of _____ months. Total estimated dollar value of all option periods is \$_____. The maximum dollar value of all option periods is \$_____.

The total estimated dollar value of this acquisition is: (inclusive of any options) \$. The maximum dollar value of this acquisition is: (inclusive of any options) \$.

5. The statutory authority permitting other than full and open competition is 10 U.S.C. 2304(c)(1) – Available from only one or limited number of sources.

6. Efforts to improve DoD Competition in accordance with DFARS 206.303-2:



A sources sought notice or Request for Information (RFI) in accordance with DFARS PGI 206.302-1(d) was posted in Contract Opportunities on 10/29/21. Results of the sources sought notice/RFI resulted in the following:

Two contractors responded to the notice, however they did not submit a Source Approval Request (SAR) package. The contractors were still encouraged to submit a SAR package for future procurements.



A mass sources sought notice which included NSN(s) _____ was posted to Contract Opportunities on _____. Date must be most current Contract Opportunities posting (i.e., within a six month period). If too numerous, attach list of NSNs.



A waiver of sources sought notice/RFI was approved by the HCA or designee on _____ and is hereby attached.

7. The acquisition is restricted to the only source(s) of supply known to have the capability of furnishing the required supplies/services. Source(s) are:

CAGE	COMPANY NAME
see attachment	see attachment

The use of authority 10 U.S.C. 2304(c)(1) is based on:

- ☒ AMC 1. Suitable for competitive acquisition for the second or subsequent time.
- ☐ AMC 2. Suitable for competitive acquisition for the first time.
- ☐ AMC 3. Acquire, for the second or subsequent time, directly from the manufacturer.
- ☐ AMC 4. Acquire, for the first time, directly from the manufacturer.
- ☐ AMC 5. Acquire directly from the sole source contractor, who is not the manufacturer.
- ☐ AMSC A. The Government's right to use data in its possession is questionable. This code is under review and will be updated when the review is complete.
- ☐ AMSC B. This must be acquired from a manufacturing source(s) specified on a source control drawing.
- ☒ AMSC C. This part required engineering source approval by the design control activity in order to maintain the quality of the part.
- ☐ AMSC D. The data needed to acquire this part is not economically available.
- ☐ AMSC H. The Government does not have sufficient, accurate, or legible data to purchase this part from other than the current source. This code is under review and will be updated when the review is complete.
- ☐ AMSC K. This part must be produced from class 1 castings under MIL-STD-2175.
- ☐ AMSC L. The annual buy value of this part falls below the screening threshold established by DoD.
- ☒ AMSC M. Manufacture of this part requires use of master or coordinated tooling.
- ☐ AMSC N. Manufacture of this part requires special test and/or inspection facilities to maintain function or system integrity.
- ☐ AMSC P. The rights to use the data needed to purchase this part from additional source(s) are not owned by the Government and cannot be purchased, developed, or otherwise obtained.
- ☐ AMSC Q. The Government does not have adequate data, lacks rights to data, or both. It is not economical to buy the data or rights to the data.
- ☐ AMSC R. The Government does not own the data or rights to the data needed to purchase this part from another source. It is not economical to procure the data or rights to the data.
- ☐ AMSC S. Acquisition of this item is restricted to Government approved source(s) because the item involves military sensitive technology.
- ☐ AMSC U. The cost to the Government to breakout this part and acquire it competitively has been determined to exceed the projected savings over the life span of the part.
- ☐ AMSC V. This part has been designated a high reliability part. Probability of failure would be unacceptable. The engineering activity has determined that data to define and control reliability limits cannot be obtained.
- ☐ AMSC Y. The design of this part is unstable. Engineering, manufacturing, or performance characteristics indicate that the required design objectives have not been achieved.
- ☐ AMSC Z. This part is a commercial/no-developmental/off-the-shelf item.
- ☒ Other: see attachment

NOTE: A technical certification is required for acquisitions over \$15 million

8. Efforts to ensure that offers are solicited from as many sources as practicable are:



The acquisition will be synopsisized on or about 11/0921 and any firm requesting a solicitation copy will be provided one.



A synopsis exception cited in FAR 5.202 applies: (Explain) _____



Manufacturers of similar products identified in the market survey will be solicited.



Dealers of the manufacturers will be solicited.



Other: (Explain) A sources sought notice was posted on Contract Opportunities on 10/29/21 as an effort to maximize competition. Two contractors responded to the notice, however they did not submit a Source Approval Request (SAR) package. See the attachment for information relating to the previous J&A for each NSN and any changes since the previous J&A.

9. I hereby determine that the anticipated cost to the Government will be fair and reasonable. (Explain) The anticipation of receiving fair and reasonable prices

is based on the fact that historical prices were determined fair and reasonable. If adequate competition is not received, a range of techniques may be used to determine the prices fair and reasonable. These techniques may include but are not limited to intrinsic value engineering analysis, price analysis based on the same or similar item, and the analysis of contractor's "other than cost data" or certified cost data (if required).

10. A market survey as defined by FAR 10:



was conducted, and firms indicating an interest in the acquisition will be solicited. Market research efforts, include:
A sources sought notice was posted on Contract Opportunities on 10/29/21 to determine if there are any firms interested in this acquisition. Aerospace & Commercial Technologies was also contacted since they are an approved source for all of the NSNs.



was not conducted due to: _____

11. Additional facts supporting other than full and open competition are:



Based upon the technical certification on file, technical data is not available and cannot be developed to permit full and open competition. The data presently available reflects the minimum needs of the Government.



When FAR 6.302-1 is cited for substantial duplication of costs in the case of a follow-on acquisition as described in 6.302-1(a)(2)(ii)(A), an estimate if the cost to the Government that would be duplicated and how the estimate was derived: _____



When FAR 6.302-1 is cited for unacceptable delays in the case of a follow-on acquisition as described in 6.302-1(a)(2)(ii)(B), describe the unacceptable delays: _____



Other: _____

12. A listing of sources, if any, indicating an interest in writing in the acquisition are: (if none, state none)

CAGE	COMPANY NAME
1XKR3	Aerospace Commercial Technologies Inc.
44T26	Atlas Devices (unapproved source)
29183	GSE Dynamics (unapproved source)

13. The actions, being taken to overcome barriers to competition before any subsequent acquisition are made: (Explain)

A sources sought notice and pre-solicitation synopsis were posted to Contract Opportunities. The solicitation will include Procurement Note L04, "Offers for Part Number Items," and alternate offer Procurement Note M06, "Evaluation of Offers for Part Numbered Items," to allow potential new sources to submit their data for evaluation in order to reduce barriers to competition.

APPROVAL

APPROVAL LEVELS OF THE JUSTIFICATION – FAR 6.304

- ☐ not exceeding \$750,000..... Contracting Officer
- ☒ over \$750,000 not exceeding \$15,000,000... Competition Advocate
- ☐ over \$15,000,000 not exceeding \$100,000,000 Head of Contracting Activity

TECHNICAL/REQUIREMENTS PERSONNEL CERTIFICATION – FAR 6.302-2(c)

Supporting data that is the responsibility of technical or requirements personnel and which form the basis for this justification have been certified as complete and accurate by the cognizant technical/requirements Personnel. Signature of technical/requirements personnel is not required.

DLA COUNSEL AVIATION – DLAD 1.691(e)(3)(i)

DLA Counsel Aviation has reviewed this Form S53 and concluded it creates a legally sufficient justification for restricting competition pursuant to 10 U.S.C. 2304(c)(1) and FAR 6.302-1 for sole source tactical acquisitions for NSNs in the federal supply system at or below \$15 million. **For acquisitions above \$15 million, signature of the Aviation Deputy Chief Counsel is required to document legal sufficiency:**

Name and Title	Signature	Phone	Date
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CONTRACTING OFFICER – FAR 6.303-2(b)(12)

I hereby certify that the information contained in this justification is accurate and complete to the best of my knowledge and belief. If not exceeding \$750,000, this signature serves as the approval.

Noraida Maldonado	MALDONADO-OTERO.NORAIDA [Redacted] Digitally signed by MALDONADO-OTERO.NORAIDA [Redacted] Date: 2021.11.16 13:26:47 -0500	[Redacted]	11/16/2021
Name and Title	Signature	Phone	Date

COMPETITION ADVOCATE – FAR 6.304(a)(2)

The Competition Advocate for the procuring activity designated pursuant to FAR 6.501 has reviewed and hereby certify that the information contained in this justification is accurate and complete to the best of my knowledge and belief. If over \$750,000, but not exceeding \$15 million this signature serves as the approval.

Yolanda Calvin Maupin / Procurement Analyst	MAUPIN.YOLANDA.C. [Redacted] Digitally signed by MAUPIN.YOLANDA.C. [Redacted] Date: 2021.11.18 06:56:10 -0500	[Redacted]	11.18.21
Name and Title	Signature	Phone	Date

HEAD OF CONTRACTING ACTIVITY – FAR 6.304(a)(3)

The Head of Contracting Activity has reviewed and approved this Justification for a proposed contract over \$15 million, but not exceeding \$100 million.

Name and Title	Signature	Phone	Date
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J&A SPE4A722R0106 Attachment

CLIN	FSC	NIIN	AMC	AMSC	Estimated Annual Quantity	Estimated Yearly Value	5-Year Quantity	5-Year Estimated Value	Previous J&A
0001	1560	012793524	1	M	12		60		N/A - None of the previous procurements required a J&A.
0002	1560	012793522	1	M	24		120		N/A - None of the previous procurements required a J&A.
0003	1560	012041523	1	M	16		80		N/A - None of the previous procurements required a J&A.
0004	1560	014443646	1	M	12		60		N/A - None of the previous procurements required a J&A.
0005	1560	010819109	1	M	8		40		N/A - None of the previous procurements required a J&A.
0006	1560	015148683	1	C	12		60		The only previous purchase that required a J&A was made in 2010. The previous J&A was reviewed. Since 2010, the following sources have been removed: Westpark Industries Inc. (CAGE 00KE8), United Space Alliance LLC (CAGE 06NT6), Metalcraft Technologies Inc. (CAGE 0HCF0), PCA Aerospace Inc. (CAGE 5H716), HM Dunn Company (CAGE 64666), and Padgett Machine Shop Inc. (CAGE 6W037).
0007	1560	016270690	1	C	12		60		N/A - None of the previous procurements required a J&A.
0008	1560	010492899	1	M	8		40		N/A - None of the previous procurements required a J&A.
0009	1560	012636645	1	M	8		40		N/A - None of the previous procurements required a J&A.
0010	1560	010456834	1	M	8		40		The previous J&A for this NSN was reviewed. The situation has not changed since the last J&A

TOTAL 5-Year Estimated Value

Approved Manufacturer Parts List				
NIIN	FSC	CAGE	Part Number	CAGE Name
010456834	1560	81755	16M204-802	Lockheed Martin Corporation
010456834	1560	1XKR3	16M204-802	Aerospace & Commercial Technologies
010492899	1560	81755	16P1522-5	Lockheed Martin Corporation
010492899	1560	1XKR3	16P1522-5	Aerospace & Commercial Technologies
010819109	1560	81755	16K0511-43	Lockheed Martin Corporation
010819109	1560	1XKR3	16K0511-43	Aerospace & Commercial Technologies
012041523	1560	81755	16P1107-3	Lockheed Martin Corporation
012041523	1560	1XKR3	16P1107-3	Aerospace & Commercial Technologies
012636645	1560	81755	16W186-810	Lockheed Martin Corporation
012636645	1560	1XKR3	16W186-810	Aerospace & Commercial Technologies
012793522	1560	81755	16W380-195	Lockheed Martin Corporation
012793522	1560	1XKR3	16W380-195	Aerospace & Commercial Technologies
012793524	1560	81755	16W380-205	Lockheed Martin Corporation
012793524	1560	1XKR3	16W380-205	Aerospace & Commercial Technologies
014443646	1560	81755	16W382-303	Lockheed Martin Corporation
014443646	1560	1XKR3	16W382-303	Aerospace & Commercial Technologies
015148683	1560	81755	16W263-30	Lockheed Martin Corporation
015148683	1560	1XKR3	16W263-30	Aerospace & Commercial Technologies
015148683	1560	29957	16W263-30	Nordam Group LLC, The
015148683	1560	64900	16W263-30	Progressive Incorporated
015148683	1560	8P689	16W263-30	Tens Machine Company, Inc.
016270690	1560	81755	16B2103-24	Lockheed Martin Corporation
016270690	1560	1XKR3	16B2103-24	Aerospace & Commercial Technologies
016270690	1560	9V172	16B2103-24	Aero-Glen International, LLC