

Justification Review Document
For Brand Name - FAR Part 13.501

Program/Equipment: Letterkenny Army Depot (LEAD) requires the procurement of Transfer Case MVG750 Part Number MJ5149 (Drawing 12683243) to support the Medium Mine Protected Vehicle (MMPV) Type II Transfer-Case (T-Case) Engineering Change Proposal (ECP) Kits (Part Number 12683242).

Authority: 41 United States Code 1901 as implemented in Federal Acquisition Regulation 13.501(a)(1)(ii), sole source (including brand name) under the authority of the simplified procedures for certain commercial items.

Amount: The estimated value of this contract is \$ [REDACTED]

Prepared by:
Typed Name: [REDACTED] DSN: [REDACTED]
Title: Commodity Manager Date: 20 July 2022
E-mail: [REDACTED]

Contracting Officer:

Typed Name: [REDACTED] DSN: [REDACTED]
Date Reviewed: 13 September 2022 E-Mail: [REDACTED]

Technical Representative:

Typed Name: [REDACTED] DSN: [REDACTED]
Title: Production Engineer Date Reviewed: 8 September 2022

Requirements Representative:

Typed Name: [REDACTED] DSN: [REDACTED]
Title: Program Analyst Date Reviewed: 8 September 2022

Controlled by: Army
Controlled by: ACC-RSA-LEAD
CUI Category: General Procurement and
Acquisition
Distribution/Limited Dissemination Control:
FEDCON
POC: [REDACTED]

Reviews

I have reviewed this justification and find it adequate to support other than full and open competition.

Legal Counsel

Typed Name: [REDACTED] DSN: [REDACTED]

Signature: [REDACTED] Date: 9/22/22

Brand Name Justification and Approval
Under FAR 13.501

1. Contracting Activity: U.S. Army Contracting Command – Redstone – Letterkenny Army Depot (LEAD), CCAM-MLK, Chambersburg, PA 17201-4150.
2. Description of Action: The Directorate of Industrial Operations at LEAD requests approval to award a new brand name, firm-fixed price (FFP) contract for Marmon-Herrington, 13001 Magisterial Drive, Louisville, KY 40223, Transfer Case MVG750 (Part Number MJ5149). The government projects award for 14 October 2022, Army Working Capital Funds (AWCF) will be used. An acquisition plan is not required because the procurement does not meet the threshold at Defense Federal Acquisition Regulation Supplement 207.103(d)(i)(B).
3. Description of Supplies/Services: This contract will be for the purchase of sixty (60) each Transfer Case MVG750 (Part Number MJ5149). This component will be used in the assembly of the MMPV Type II T-Case ECP Kits (Part Number 12683242). This Transfer Case MVG750 (Part Number MJ5149) is specifically designed to work with the other components listed on the Bill of Materials (BoM) on the ECP for the upgrade in support of the MMPV Type II T-Case ECP Kits (Part Number 12683242). Some of the components listed on the BoM are the following fabrications, which are specifically designed for Transfer Case MVG750 (Part Number MJ5149), are as follows 12683244-Mounting Bracket Left Hand; 12683247-Mounting Bracket Right Hand; 12683250-Bracket Left Plate; 12683255-Bracket Right Plate; and 12683260-Cover Bottom. The BoM also includes a purchase part that is specifically designed for Transfer Case MJ750 (Part Number MJ5149) which is the Emergency Steering Pump Part Number 12683351. The Transfer Case MVG750 (Part Number MJ5149) is compatible with the MMPV Type II vehicle and will be used to convert the engine power to a wide range of work capabilities. The BoM for the MMPV program is known with Drawing 12683243 which states Part Number MJ5149. This will be awarded as one time brand name procurement. The estimated value of this procurement is [REDACTED]. The current estimated lead time is [REDACTED] days after contract award.
4. Authority Cited: 41 United States Code 1901 as implemented in Federal Acquisition Regulation 13.501(a)(1)(ii), sole source (including brand name) under the authority of the simplified procedures for certain commercial items.
5. Reason for Authority Cited: This requirement will be competitively awarded to an authorized distributor providing the approved source: Marmon-Herrington 13001 Magisterial Drive Louisville, KY 40223, Transfer Case MVG750 (Part Number MJ5149). Marmon-Herrington is the only qualified and approved Brand Name source of supply per the customer, Tank-automotive and Armaments Command (TACOM)/Product Manager Multi-Mission Protected Vehicle Systems, and therefore is the only brand that can be used on the assembly because of the specific requirements for the asset,

fabrications and purchase components which are specifically designed per the ECP to work with all the components listed on the BoM, which has been tested through the MMPV headquarters. If this Transfer Case MVG750 (Part Number MJ5149) cannot be procured this will cause a readiness issue for the Army to field any MMPV in need of upgrade. [REDACTED] Commodity Manager, reached out to the OEM, Marmon-Herrington, asking for the purchase price of the technical data package. The OEM, Marmon-Herrington, refused to supply pricing for the technical data package and instead would only provide the cost of MJ5149 Transfer Case (Part Number MJ5149).

6. Efforts to Obtain Competition: Competition is anticipated among authorized distributors for Marmon-Herrington and other suppliers able to provide the brand name Transfer Case MVG750 (Part Number MJ5149). The Contracting Officer shall publish the notices required by FAR 5.201 and any bids or proposals received shall be considered. In accordance with DFARS 205.205-71, DFARS 206.302-1(d) and DFARS PGI 206.302-1(d), a sources sought was posted to sam.gov on 1 July 2022 for ten (10) days. Efforts will be made to ensure potential subcontractors are made aware of these parts requirements via posting a synopsis through the Government-side Point of Entry (GPE) at www.sam.gov on or about 21 Sep 2022.

7. Actions to Increase Competition: LEAD was directed by the customer to procure the specific brand name Transfer Case MVG750 (Part Number MJ5149) which is a commercial item. Marmon-Herrington is the approved source on the Source Control Drawing (12683243) of Transfer Case MVG750 (Part Number MJ5149). Marmon-Herrington provided our office with a list of authorized distributors. Any future procurements will be competed amongst Marmon-Herrington authorized dealers and will include efforts to ensure all authorized distributors are identified and notified of the requirement.

8. Market Research: Market research was conducted by [REDACTED], LEAD Commodity Manager; [REDACTED] LEAD Program Analyst; and [REDACTED], Army Contracting Command-Redstone Contract Specialist. Drawings 12683242 and 12683243, provided by the customer, were reviewed and the original equipment manufacturer was identified as Marmon-Herrington. The point of contact at Marmon-Herrington is [REDACTED], Director of Sales and Marketing, at [REDACTED] and was contacted to discuss lead time and availability. Transfer Case MVG750 (Part Number MJ5149) is available with a lead time of [REDACTED] days. Marmon-Herrington is not registered in SAM.gov but did disclose a list of authorized distributors which internet research determined that several of the authorized dealers are properly registered in SAM.gov to conduct business with the Federal Government and the Department of Defense. Market research also determined that the Transfer Case MVG750 (MJ5149) is commercial item available to the public and can be procured from Marmon-Herrington authorized distributors following Federal Acquisition Regulation Part 12, Acquisition of Commercial Products and Commercial Services.

In accordance with Defense Federal Acquisition Regulation Supplement (DFARS) 205.205-71, DFARS 206.302-1(d), and DFARS Procedures, Guidance and

Information (PGI) 206.302-1(d), a sources sought was posted to Federal Business Opportunities (FBO) for 10 days, to determine if there is any further interest.

9. Interested Sources: To date, three sources have expressed a written interest in this acquisition. The three sources, which are [REDACTED]

[REDACTED] A notice required by FAR 5.201 will be published on Sam.gov. Any proposal received shall be considered.

10. Other Facts:

- a. Procurement history. There has not been any history of procuring this component, Transfer Case MVG750 (Part Number MJ5149) at Letterkenny Army Depot (LEAD).
- b. This purchase has a lead time for delivery of about [REDACTED] days after contract award, so to prevent any further scheduling delays this has a high priority due to timeline to meet customer schedule.

11. Technical Certification:

I certify that the supporting data under my cognizance, which are included in the justification are accurate and complete to the best of my knowledge and belief.

Signature: [Redacted] Digitally signed by [Redacted] Date: 8 September 2022

Typed Name: [Redacted] Title: Production Engineer

12. Requirements Certification: I certify that the supporting data under my cognizance, which are included in the justification are accurate and complete to the best of my knowledge and belief.

Signature: [Redacted] Digitally signed by [Redacted] Date: 8 September 2022

Typed Name: [Redacted] Title: Program Analyst

13. Fair and Reasonable Cost Determination: I hereby determine that the anticipated cost to the Government for this contract action will be fair and reasonable. This determination will be made using price analysis. As part of the basis, certified cost or pricing data is not be required per FAR 15.403-1(b)(3), a commercial item is being acquired.

Signature: [Redacted] Digitally signed by [Redacted] Date: [Redacted]

Typed Name: [Redacted] Title: Contracting Officer

14. Contracting Officer Certification: I certify that this justification is accurate and complete to the best of my knowledge and belief.

Signature: [Redacted] Date: 13 September 2022

Typed Name: [Redacted] Title: Contracting Officer

Approval

Based on the foregoing justification, I hereby approve the procurement of Transfer Case MVG750 Part Number MJ5149 (Drawing 12683243) [REDACTED] on an other than full and open competition basis pursuant to the authority of 41 U.S.C. 1901 as implemented by FAR 13.501, subject to availability of funds, and provided that the services and property herein described have otherwise been authorized for acquisition.

Signature: ^R [REDACTED] ^B Digitally signed by Date: 9/28/2022
Typed Name: [REDACTED] Title: Advocate for Competition