

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN
COMPETITION
SPMYM2-23-Q-0180**

1. Contracting Agency and Activity: DIA Land & Maritime Puget Sound
2. The action being approved is the acquisition of supplies on other than a full and open competition basis.
3. The supplies required to meet the using activity's needs are described as follows: The Advanced Secondary Propulsion Unit (ASPU) Motor Controllers are variable frequency motor drives that support propulsion units on board US Navy submarines

BRIEF DESCRIPTION	NSN/P/N	QUANTITY	EST. VALUE	AMSC
ASPU Motor Controller Spares	See Attachment A	1	[REDACTED]	

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

This acquisition:

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 _____ exercisable in increments of _____. Total estimated dollar of all option periods is [REDACTED]

The total estimated dollar value of this acquisition (inclusive of any option) is [REDACTED]

4. The acquisition is restricted to the only ONE source of supply known to have the capability of furnishing the required supplies/services. Source is: Leonardo Diagnostic/Retrieval Systems (DRS).

5. The statutory authority permitting other than full and open competition is: 10 USC 2304(c) - Available from only one source. The use of the authority cited above is based on. The Original Equipment Manufacturer (OEM) is Leonardo Diagnostic/Retrieval Systems (DRS) DRS designed, patented, and built the Advanced Secondary Propulsion Unit (ASPU) motor controllers to meet the Navy's technical requirements. The ASPU motor controllers are variable frequency motor drives that support propulsion units on board US Navy submarines. The requested ASPU motor controller components are highly complex in design and engineering and an integral part of an approved system configuration that was specifically designed and built by DRS [REDACTED]. The ASPU spare components requested for the motor controllers will be OEM proprietary designed and direct replacements for the components currently installed on USS Jimmy Carter. Currently there are no other supplier that can provide or supply same or similar military specified ASPU spare components that can perform same or similar functions and services because the OEM (DRS) integrated interface designs, drawings, engineering and programming installed inside of various commercial products are patented and protected from all third parties suppliers. DRS utilizes various commercial products with its engineering, programming, proprietary interface designs and drawings installed to build, assemble and manufacture the requested ASPU motor controllers spares components to military specifications so that they can accomplish their required functions and services. No other alternative components, products or systems currently exist that will perform the required functions and services of the DRS ASPU motor controller spares components. Upon completion of the refurbishment, the ASPU motor controller spares components must meet and ensure that no deviation from form, fit, function or design, in order to ensure it interfaces satisfactorily with the other warfare system components. This unique mission requirement can only be accomplished utilizing the requested spares components built and assembled by DRS. Based on narrative and rationale in the above paragraph, proceeding with procurement of this requirement on a sole source basis to DRS is in the best interest of the Government.

6. Efforts to ensure that offers are solicited from as many sources as practicable are: No additional sources were identified since the OEM and PNS&IMF holds all proprietary rights to all technical data and knowledge to the Advanced Secondary Propulsion Unit (ASPU) motor controller systems operations. Previous solicitation (RFQ) SPMYM2-22-Q-2136 was posted from 27 Jun 22 thru 19 Jul 22 as a 100% Total SBSA procurement. On 08 Aug 22 SBA dissolved the 100% SBSA due to no responses and approved the requirement to be posted as "unrestricted" on SAM GOV. Buyer received only one offer, DRS (large business) on or before the solicitation closed on 31 Aug 22. Previous RFQ SPMYM2-22-Q-2136 was canceled due to not being awarded prior to the end of FY22 and is now being re solicited in FY23 under a new solicitation number SPMYM2-23-Q-0180. Sources sought is further discussed in paragraph 8

7. I hereby determine that the anticipated cost to the Government will be fair and reasonable. The total value of this acquisition is greater than the \$2,000,000 threshold for Certified Cost and Pricing Data (CCPD), however, TINA Exceptions to CCPD applies as the Contracting Officer has determined that the requested products are "commercial of a type". The Contracting Officer shall not require certified cost or pricing data to support any action (contracts, subcontracts, or modifications) but may require data other than certified cost or pricing data as defined in FAR 2.101 to support a determination of a fair and reasonable price or cost realism. The price analysis of historical contracts, published price lists, and quotes received will be and based upon the above techniques the Contracting Officer hereby anticipates the cost to the Government will be fair and reasonable.

8. Market Research Buyer posted a Sources Sought notification on SAM Gov for previous RFQ from 28 May 22-15 Jun 22 no responses were received. Buyer searched the Internet and found that the parts and material DRS uses to assemble, build and manufacture the ASPU spares components to military specifications were commercially available in the open marketplace from multiple commercial suppliers. Due to DRS having sole ownership of all proprietary drawings, interface designs, engineering and programming of the assembled ASPU motor controller spares components, no third party manufacturer, distributor or supplier can provide the requested ASPU spares components to the US Navy [REDACTED]. Based on market research findings, buyer determined that the requested ASPU spares are "commercial of a type" items. DRS uses commercial parts and material to build and manufacture the requested ASPU spares components and install and integrate its proprietary drawings, interface designs, engineering and programming that enables the ASPU spares components to achieve and meet required US Navy military specifications. Buyer conducted market surveys included inputs from DRS, historical contracts review, interaction and communications with DRS dealers, distributors and inputs from government subject matter experts and users. The market survey from DRS, a large business, indicated the following information: 1. that the company is willing to provide CCPD data, 2. that the anticipated delivery for the items would be [REDACTED], 3. that the ASPU spares [REDACTED] they meets required military specifications and sold only to the US Navy [REDACTED] to power its military unique motor controllers, 4. that DRS [REDACTED]

Based on the overall conducted market research, buyer concluded that only one source (DRS) is available to meet the requirement and it is not feasible or practicable for any other company than DRS to provide the required ASPU spares components [REDACTED]

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

10. A listing of sources, if any, indicating an interest in the acquisition: Only one offer indicated interest: Leonardo Diagnostic/Retrieval Systems (DRS)

11. The actions being taken to overcome barriers to competition before any subsequent acquisitions are made are: Note 14 of the requested 22 components will be last time buys since they will become obsolete and/or be combined with other components to create an assembly that will maintain the APSU system functions and services vice these components being stand alone spare components that performs the functions and services inside the ASPU system. DLAD Procurement Notes L04 and M06 was added to the solicitation for all part numbered items. This J & A is indorsed by Technical Personnel, the Contracting Officer and the CompAd. Previous J & A is attached.

APPROVAL

APPROVAL LEVELS OF THE JUSTIFICATION – FAR 6.304

not exceeding \$750,000 Contracting Officer

over \$750,000 to \$15,000,000 Competition Advocate

TECHNICAL/REQUIREMENTS PERSONNEL I certify that the facts and representations under my cognizance which are included in this justification are complete and accurate.

Technical Cognizance:
(Requirements originator)

Corey Shoemaker Engineering Technician	SHOEMAKER.COREY.JAME S.1096440045	Digitally signed by SHOEMAKER.COREY.JA MES.1096440045 Date: 2022.12.12 13:49:09 -08'00'	360-627-5172	12/12/22
Name and Title	Signature		Phone	Date

CONTRACTING OFFICER

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.

Michael Ozols Division Chief/Contracting Officer	OZOLS.MICHAEL EL.125741737 5	Digitally signed by OZOLS.MICHAEL.12574 17375 Date: 2022.12.12 14:00:46 -08'00'	360-813-9160	12/12/22
Name and Title	Signature		Phone	Date

COMPETITION ADVOCATE

I have reviewed and approve this Justification \$750,000 to \$15,000,000, or if above \$15,000,000, hereby recommends that this Justification be approved:

Mary Shearer DLA Land & Maritime Competition Advocate	SHEARER.MARY.E RY.E.1250702 449	Digitally signed by SHEARER.MARY.E.1250 702449 Date: 2022.12.13 09:19:22 -05'00'	614-692-3760	12/13/22
Name and Title	Signature		Phone	Date