

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION****13 September 2023****1. Contracting Agency and Activity.**

Defense Intelligence Agency  
Virginia Contracting Activity  
200 MacDill Blvd., Bldg. 6000  
Bolling Air Force Base  
Washington, D.C. 20340-5100

**2. Nature and/or Description of the Action being approved.**

DIA/MSIC requires brand name or equal to the NSI A 450kV Computed Tomography X-ray CT System for its Foreign Materiel Exploitation Laboratory to advance imaging of capture threat hardware.

**3. Description of Supplies or Services**

The vendor will deliver a 450kV Computed Tomography System with specifications that meet or exceed the model X7000. The estimated delivery date is 29 April 2024 with delivery and inspection upon completion. The estimated value of this order is \$1,450,000. A firm fixed price contract to produce the tomography CT system specified is in the best interest of the government.

**4. Authority Cited**

The statutory authority permitting other than full and open competition is 10 USC 2304(c)(1) as 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. Reason for the Authority Cited**

Market Research resulted in limited sources available to meet MSIC's requirement for advanced computed tomography specification on a brand name or equal basis. Sources sought posted on SAM.gov resulted in two sources that potentially could meet the specifications that MSIC's requires for advanced computed tomography. Should a business respond to a solicitation with a proposal that meets the specifications on an equal basis it would be acceptable to the Government.

The Intelligence Community has standardized on the commercial tomography supplier for imaging, and MSIC requires the brand name or equal to system to enable sharing of data packages, foster community collaboration, utilize cross-community training, leverage IT certifications, and incorporate specialized IC developed software packages for foreign materiel imaging.

MSIC already has an \_\_\_\_\_ system in the lab adding to the justification for a brand name or equal to, because adding different software, software training, and an additional maintenance contract would be cost prohibitive. In addition, \_\_\_\_\_ proprietary software MSIC currently utilizes in the current hardware, however other commercial sources have stated they can meet the collaborative software needs.

For the above stated reasons, brand name or equal justification is essential to meet the Government's specifications and provide the capability to operate within MSICs systems, provide data sharing, and safety specifications without necessary modifications to meet the mission critical needs. The cost to re-create the IC-body of standards, training, best practices, etc. and the loss in ability to share intelligence would add inestimable cost to the acquisition and degrade mission effects across MSIC.

## **6. Effort to Encourage Competition**

Multiple forms of market research were conducted to evaluate the capabilities of the market to meet the Government's requirement for a 450kV Computed Tomography X-ray CT System. A sources sought announcement was posted on SAM.gov resulting in two responses from industry. Out of the two responses, two sources stated they could meet or exceed the \_\_\_\_\_ specifications allowing for limited competition through brand name or equal to justification.

## **7. Cost Reasonableness**

The anticipated cost for this equipment is \$1,450,000. The Contracting Officer will use the techniques provided in FAR 15.404-1(b)(2)(vi), Proposal Techniques, to ensure the cost of the equipment listed is determined fair and reasonable. The Contracting Officer also used the techniques provided in FAR 10.002(b)(2)(vii), Procedures, Reviewing catalogs and other generally available product literature published by manufacturers, distributors, and dealers or available on-line. The Contracting Officer determined the anticipated cost will be fair and reasonable based on price list that will be provided by the vendor. The Market Research shows this equipment is commercially available to the public and there are competitive forces in the market place to ensure the Government will receive a Fair and Reasonable price.

## **8. Market Survey**

Market Research was performed: 8 March 2023- 14 April 2023

1. FAR Part 8/DFARS Part 208, Sources Screened
  - a. Use of other mandatory sources identified at FAR 8.003 for public utility services and leased motor vehicles does not apply.
  - b. FAR 8.002 Priorities for Use of Mandatory Sources. A search was conducted on the Ability One website for services which are on the Procurement List maintained by the

Committee for Purchase from People Who Are Blind or Severely Disabled (see Subpart 8.7).

☒ Required service was not found on Ability One's website.

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c. Federal Prison Industries, Inc. (FAR Subpart 8.6) website

a. ☒ Required service was not found on Unicor's website.

b. ☐ Required service was found on Unicor's website.

d. Federal Supply Schedules, Government wide acquisition contracts, multi-agency contracts, and any other procurement instruments intended for use by multiple agencies, including blanket purchase agreements (BPAs) under Federal Supply Schedule contracts (e.g., Federal Strategic Sourcing Initiative (FSSI) agreements accessible at <http://www.gsa.gov/fssi> Federal Service Schedules (see FAR Subpart 8.4).

☒ Required services are not available through these sources.

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e. DFARS Subpart 208.74 Enterprise Software Agreements for commercial software

☒ Not applicable.

☐ Required services are not available.

f. Commercial Custom built X-Ray Computed Tomography System sources

#### 4. Market Research Techniques Used

- Queried companies that provided similar services to the Government.
- Reviewed existing sources to include Federal Supply Schedules.
- Request for Information and Sources Sought posted to SAM.gov and GSA Advantage.
- Requested an RFI through GSA Market Research As a Service (MRAS).
- SBA Dynamic Small Business Search using NAICS code 334519.
- Used internet tools and performed web searches.
- Contacted known sources in the 450kV Computed Tomography System market.

5. Market research was conducted through a variety of methods. A Sources Sought was posted to SAM.gov which yielded two (2) responses from vendors. After review of the submitted capability statements, it appears two vendors can provide brand name or equal to product specifications. A GSA RFI was issued to seek competition, which yielded no interested parties in response to the RFI.

outside the RFI which reveals this source has the capability and willingness to build such a specialized Computed Tomography Systems.

\_\_\_\_\_ an alternate solution that potentially could meet the \_\_\_\_\_ brand name specifications. However further technical analysis would be required to determine if \_\_\_\_\_ can provide a fully self-contained solution including an enclosure to amplify MSIC's safety protocol. Should \_\_\_\_\_ proposal meet the specifications of an equal basis it would be acceptable to the Government.

- The model has potential (if configured correctly) to meeting the required brand name specifications, however, further technical analysis would need to be conducted on system software compatibility and time to train the MSIC workforce on an alternate system. Should NIKON's proposal meet the specifications of an equal basis it would be acceptable to the Government.

6. Conclusions and Recommendations. Based on the market research and RFI performed, two sources have the ability to meet the stringent standards of brand name specifications.

## 9. Other Factors

**Any other facts supporting the use of other than full and open competition.**

Purchases from vendors that did not meet brand name or equal specifications for a 450kV Computed Tomography CT System would result in increased costs to the government for additional labor hours and software to convert data shared by other organizations or that DIA/MSIC shares with other organizations. The brand name or equal to justification enable systems comparable to dual tube system seamless design that doesn't not require the system to be taken apart and reassembled each time a different voltage is required. This aides in data repeatability and a cost savings in labor hours to complete a scan.

## 10. Interested Sources

Interested Source	Date	Company and POC	Cage	Location	LB	SB	Capability/Experience
1	5/16/2023					XX	manufactures, sells and services state-of-the-art X-ray Imaging systems and CT equipment for industrial use. also designs and develops the software applications used in their systems. provides system solutions from low production or R&D, to high resolution/high production/high energy.
2	5/18/2023					XX	designs, manufactures, fabricates, and integrates the latest in industrial 2D - Digital Radiography and 3D - Computed Tomography equipment. provides custom and standard system solutions, both large and small scale used in production and R&D environments.
3	5/16/2023					XX	large-envelope X-ray CT systems has a solutions by utilizing a modular approach, their systems can be configured with a variety of X-ray sources, detectors, and other options - without the need for customization. From their entry-level E1 to our 2.5 meters tall C3, they have a solution to meet even the most demanding inspection requirements.

## 11. Other Possible Actions

We will continue to conduct market research to seek out market competition updates.

## 12. Additional DIA Requirements

This justification and Approval will be posted with the Solicitation in accordance with DIA Policy.

**Certification and Approval****Technical/Requesting Official.**

I certify that the facts and representations regarding the description of the supplies and/or services required to meet the agency's needs; justification rationale; contractor's unique qualifications to provide the required supply and/or service; description of the market research conducted and the results of the research; statement of the actions the agency will take to remove or overcome any barriers that led to restricted consideration before any subsequent acquisition for supplies/services is made; and any other facts supporting this justification which are included in this document and which form the basis for this justification are complete and accurate to the best of my knowledge.

**Signature:** \_\_\_\_\_

**Supervisor of Technical/Requesting Official (for those actions exceeding \$750K).**

I certify that the facts and representations regarding the description of the supplies and/or services required to meet the agency's needs; justification rationale; contractor's unique qualifications to provide the required supply and/or service; description of the market research conducted and the results of the research; statement of the actions the agency will take to remove or overcome any barriers that led to restricted consideration before any subsequent acquisition for supplies/services is made; and any other facts supporting this justification which are included in this document and which form the basis for this justification are complete and accurate to the best of my knowledge.

**Signature:** \_\_\_\_\_

I have reviewed this document and certify it is accurate and complete to the best of my knowledge and will make the determination that the anticipated cost for this contract action will be fair and reasonable. This statement will serve as approval for this action.

*Approved.*

**Signature:** \_\_\_\_\_

**Legal Review (for those actions exceeding \$750K).**

This document is legally sufficient.

**Signature:** \_\_\_\_\_

**Competition Advocate Certification (for those actions in excess of \$15M) or Approval (for those actions in excess of \$750K to \$15M).**

I have reviewed this document and certify it is accurate and complete to the best of my knowledge.

**Approved**

**Signature:** \_\_\_\_\_