



DEPARTMENT OF THE NAVY
NAVSUP FLEET LOGISTICS CENTER NORFOLK
1968 GILBERT STREET SUITE 600
NORFOLK VA 23511-3392

IN REPLY REFER TO
J&A# 23-N070
230.
23 Feb 2023

JUSTIFICATION & APPROVAL
OTHER THAN FULL AND OPEN
COMPETITION (SOLE SOURCE)

1. Requiring and Contracting Activity:

Requiring Activity: Commander Naval Expeditionary Combat Command (NECCLANT)
JEB Little Creek, Bldg 3504
Code N02F
1575 Gator Blvd
Virginia Beach, VA 23459-3024

Contracting Activity: Commanding Officer
NAVSUP Fleet Logistics Center Norfolk
1968 Gilbert Street
Norfolk, VA 23511-3392

Requisition Number: N4027323RC00CAD

2. Description of the Action Being Approved:

This action is for the award of a sole source firm-fixed priced Indefinite Delivery/Indefinite Quantity (IDIQ) contract to Conflict Kinetics Corporation, 22977 Eaglewood CT STE 160, Sterling VA 20166- 9448 utilizing the authority of Other Than Full and Open Competition as permitted by 10 U.S.C. 2304(c)(1), and implemented by FAR 6.302-1, since there is only one responsible source and no other supplies or services will satisfy agency requirements.

3. Description of Supplies/Services:

The proposed acquisition is for the procurement of Annual Synthetic Weapon and Compressed Air Charging Station Annual Maintenance support for synthetic weapons and compressed air charging stations utilized on the TORA Small Arms Simulator to include: (a) conduct inspections on a daily, weekly, monthly, quarterly and situational user level maintenance and updates to the synthetic weapons. User inspections consider normal wear and tear to ensure that weapon and charging station failure are minimal and replacement occurs prior to failure. Regularly scheduled inspections often recognize the need for replacement of software (o-rings and seals), replacement of hard-parts such as a replacement of the receiver, buffer tube, etc. When a synthetic weapon is found to be broken, Conflict Kinetics replaces the broken part as part of maintenance.

On a daily basis, support includes: System start-up (from Hot Stand-by), system shutdown (to Hot Stand-by) and visual inspections of equipment.

On a weekly basis, support includes: Visual inspection, cleaning, and lubrication of equipment.

On a monthly basic, support includes: Internal Parts Inspection, Deep Clean and Software (O-ring) replacement on equipment.

On a quarterly basis, support includes: Bolt replacement, battery test and replace, hammer springs and trigger pins replacement, laser actuation air inspect/replacement, and laser QA validation of equipment.

On a situational basis, support includes, but is not inclusive: System start-up (from System lay-up), system shutdown (to System lay-up), system lay-up, weapon receiver group repair/replace, and weapon stock/buffer tube repair/replacement of equipment.

The Independent Government Estimate for a five-year Ordering Period is in the amount of \$2,325,571.71. The Independent Government Estimate was developed by NECCLANT based on estimates provided by Conflict Kinetics, Inc. and reviewing the Internet and GSA.

Funding for the individual orders is anticipated to use Operations and Maintenance Navy (O&M,N) appropriations within the current fiscal year of the order requirement.

4. Statutory Authority Permitting Sole Source:

The statutory authority permitting Other Than Full and Open Competition is 10 U.S.C. 2304(c)(1), as implemented by FAR 6.302-1(a)(1) and FAR 6.302-1(a)(2)(iii)(A), as identified in paragraph 5, since there is only one responsible source and no other supplies or services will satisfy agency requirements.

5. Rationale Justifying Use of Cited Statutory Authority:

The authority FAR 6.302-1(a)(1) cited in paragraph 4 above is applicable because the Government's need can only be satisfied by the current contractor, Conflict Kinetics Corporation. NECCLANT and NECCPAC both own TORA Simulators manufactured by Conflict Kinetics Corporation, used for small arms training. NECC has owned the Conflict Kinetics TORA Weapons Simulators since 2015 and Conflict Kinetics has proprietary rights to their equipment, eliminating any type of support from other Vendors.

The authority FAR 6.302-1(a)(2)(iii)(A) cited in paragraph 4 above is applicable because services may be deemed to be available only from the original source in the case of follow-on contracts for the continued provision of highly specialized services when it is likely that award to any other source would result in substantial duplication of cost to the Government that is not expected to be recovered through competition. The synthetic weapons and compressed air charging stations requiring annual maintenance support, are part of an integrated formula comprised of Conflict Kinetics' intellectual property, wherein each element is essential and integral to code specific, precise synchronization and calibration settings. Conflict Kinetics' synthetic weapons accommodate extreme atmospheric and system relationships essential to meeting system calibration, efficacy of data, and operability of the overall system. These unique factors include, but are not limited to low light, high light, level(s) of azimuth and take-off angle complexity, laser frequency, pulse length, pulse coding, laser diameter, laser release-timing, laser brightness, laser geometry within the weapon, laser firing impulse, when firing sequence, laser timing, and weapon cant. Proprietary code and proprietary laser integration are integral to the delivery of internal and external ballistics. Use of non-compliant/non-Conflict Kinetics synthetic weapons by NECC would adversely affect software execution. Non-compliant internal and external ballistics, resulting from use of non-compliant/non-Conflict Kinetics synthetic weapons would result in inconsistent, unpredictable round simulation and data collection and data efficacy failure.

As the manufacturer of their synthetic weapons, they are the only authorized representative capable providing annual maintenance support on their equipment. They do not utilize “Authorized Distributors” who would be authorized to repair, or maintain, the synthetic weapons on behalf of Conflict Kinetics. Therefore, this precludes the Government from obtaining maintenance services thru competitive means.

6. Description of Efforts Made to Solicit Offers from as Many Offerors as Practicable:

The Government conducted market research by reviewing the results of a Sources Sought issued from 06 March 2020 to 30 March 2020, which yielded three unacceptable capabilities states; however, the Sources Sought did reveal similar weapons and related services are available from other commercial manufacturers, but these services are not compatible with the synthetic weapons modified by Conflict Kinetics for use with their software on the TORA Weapons Simulators, nor could these manufacturers offer services on existing synthetic weapons due to proprietary rights. This indicates that no other Vendor holds this capability and a development contract for an entire new simulator and software system would be necessary to obtain this requirement under any other alternative.

The Contracting Officer also reviewed the Internet and GSA. While the results yielded several manufactures of synthetic weapons, they were found to be unacceptable due to compatibility with the software developed by Conflict Kinetics, and they did not provide annual maintenance beyond their warranty.

Therefore, the Sources Sought and Market Research has shown that there are no other synthetic weapons available that provide the same capabilities.

Lastly, Conflict Kinetics Corporation does not utilize subcontractors who may be able to provide the support required with assistance with the Government.

Based on the information collected from the Sources Sought, and other research methods outlined above, there is not an expectation that two (2) or more acceptable proposals will be received. Therefore, the Contracting Officer’s recommendation is to issue a sole source award to Conflict Kinetics Corporation.

7. Determination of Fair and Reasonable Cost: The Contracting Officer will determine that the prices negotiated for this acquisition are fair and reasonable in accordance with FAR 15.404.

8. Actions to Remove Barriers to Future Competition: NECC has reached out to Conflict Kinetics Corporation with the intention of procuring the data package to avoid further sole source actions. However, Conflict Kinetics has been unwilling to provide their data package and risk losing their proprietary rights.

Once the TORA simulators reach the end of their life cycle, NAVSUP FLC Norfolk will work with NECC to procure simulators with software capable for use with other synthetic weapons, and annual maintenance of the synthetic weapons, that are vendor neutral.

For the reasons set forth in paragraph 5, NAVSUP FLC Norfolk has no further plans, at this time, to compete future contracts for the type of services covered by this document. If another potential source emerges, NAVSUP FLC Norfolk will assess whether competition for future requirements is feasible.

9. Other Information:

a. Additional Procurement History:

1. Contract W911QY-13-P-0520 – Small Arms Trainer. This requirement was awarded as a Sole Source procurement in accordance with FAR 6.302-6, National Security. This requirement was awarded on 30 September 2013. An effort to seek additional sources of the mission essential items were conducted. Due to the system-patented delivery are unique to this requirement and alternative Vendors refused to modify their existing simulators to meet the requirement. This procurement included an annual maintenance and repair of synthetic weapons similar to this requirement. After award, NECC continued to review the marketplace for future requirements to assure they obtained the latest state-of-the-art technology.
2. Contract W911QY-14-P-0278 – Small Arms Trainer. This requirement was awarded as a Sole Source procurement in accordance with FAR 6.302-1, One Responsible Source. This requirement was awarded on 18 September 2014. A review of the marketplace indicated that the marketplace had not changed from the previous award in FY13. This award included an annual maintenance and repair of synthetic weapons similar to this requirement.
3. Contract W911QY-15-P-0448 – Crew-Served Weapons Trainer. This requirement was awarded as a Sole Source procurement in accordance with FAR 6.302-1, One Responsible Source. This requirement was awarded on 15 September 2015. The Contracting Officer continued to conduct market research, while NECC met with industry to identify new Vendors. Interested parties expressed a willingness to develop a system to meet the needs of NECC, but did not have simulators available. This award included an annual maintenance and repair of synthetic weapons similar to this requirement.
4. Contract N00189-21-F-0005 - Small Arms Trainer. This requirement was awarded as a Sole Source procurement in accordance with FAR 6.302-1, One Responsible Source. This requirement was awarded on 22 January 2021. A review of the marketplace indicated that the marketplace had not changed from the previous award in FY15. This award included an annual maintenance and repair of synthetic weapons similar to this requirement. This contract was terminated due to convenience as a result of a protest received. FLCN elected to take corrective action.
5. Contract N00189-21-F-0015 - Small Arms Trainer. This requirement was awarded utilizing the authority of Other Than Full and Open Competition as permitted by 10 U.S.C. 2304(c)(1), and implemented by FAR 6.302-2. The Government's need for the maintenance services in question is of an Urgent and Compelling nature such that the Government would be seriously injured unless the Government is permitted to limit the number of sources from which it solicits bids or proposals. This requirement was awarded on 19 April 2021, and expires on 31 March 2022. This award did not provide annual maintenance and repair of synthetic weapons.

10. Contracting Point of Contact: The point of contact at the FLC Norfolk is Jill Joscelyn, Code 230.1, who can be reached by phone at (757) 443-1219 or by e-mail at jill.h.joscelyn-smith.civ@us.navy.mil

CERTIFICATIONS AND APPROVAL

TECHNICAL/REQUIREMENTS CERTIFICATION

I certify that the facts and representations under my cognizance, which are included in this Justification and its supporting acquisition planning documents, except as noted herein, are complete and accurate to the best of my knowledge and belief.

Requirements Cognizance:

_____	Eric W. Olson	757-462-4316 x145	2/28/2023
Signature	Name (Printed)	Phone No.	Date

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

_____	_____	_____	_____
Signature	Name (Printed)	Phone No.	Date

CONTRACTING OFFICER CERTIFICATION

I certify that this Justification is accurate and complete to the best of my knowledge and belief. To the extent that the J&A/LSJ value is between \$150K and \$700K, the Contracting Officer's signature below also represents approval of the J&A/LSJ.

_____	_____	_____	_____
Signature	Name (Printed)	Phone No.	Date

CONTRACTING ACTIVITY COMPETITION ADVOCATE REVIEW

To the extent that the J&A/LSJ value is between \$700K and \$13.5M, the Competition Advocate's signature below also represents approval of the J&A/LSJ.

_____	_____	_____	_____
Signature	Name (Printed)	Phone No.	Date