

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN
COMPETITION SOLICITATION
SPE7MX-20-RX-046**

ORIGINAL J & A

1. The Defense Logistics Agency, DLA Land and Maritime, is the contracting activity.
2. The action being approved is the acquisition of supplies on other than a full and open competition basis. The award will be made on an ALL OR NONE per NSN basis for two NSN for supplies covered under this contract. The resulting contract(s) will be Firm Fixed-Price with Annual Price Adjustments, Indefinite Delivery Contract(s) IDC issued under FAR Part 13.5 for a 3-year base period with the option to extend the contract for two additional years in one-year increments
3. The supplies required to meet the using activity's needs are described as follows:

CLIN	NSN	Brief Description	AMC/A MSC	ADQ	Estimated ADV
0001	6625-01-524-6041	Adapter Test	3/D	21	
0002	6625-01-559-2384	Test Set Navigation	3/D	73	

End Item Description and Weapon System (s):

CLIN	NSN	WSDC	END ITEM
0001	6625-01-524-6041	06F	Aircraft Hercules C-130
		ATF	Aircraft SOF

Note: NSN 6625-01-559-2384 per Jeffery Schmidt DLA Land and Maritime -SAPD, Product Specialist the item does not have a Weapon System Designator Code (WSDC) nor end item as it is a Test Equipment that can be used on any military aircraft.

Brief Item Description:

The Product Specialist of record, [REDACTED] DLA Land and Maritime -SAPD confirmed the AMS/AMSC codes, the weapon systems on 06-18-2020. The Product Specialist technical information is certified as complete and accurate. Also, on the same day the Integrated Data Sheet (IDS) was check for the weapon system code.

Both NSNs are a critical application item with the Weapon System Essentiality Code (WSEC) "1". NSN 6625-01-524-6041 Weapon System Indicator Code (WSIC) "F". NSN 6625-01-559-2384 does not have a Weapon System Indicator Code (WSIC). The meaning for these codes is as follows:

WSEC "1"	Failure to this part will render the item inoperable
WSIC "F"	Level A, failure will render end item inoperable

ESTIMATED BASE VALUE: [REDACTED]

ESTIMATED TOTAL VALUE (BASE + OPTIONS): [REDACTED]

MAXIMUM CONTRACT VALUE: [REDACTED]

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

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5. If restricted to the only source(s) of supply, include source(s), CAGE Code and Part Number

NSN	Source	Cage	Part Number
6625015246041	Viavi Solutions LLC	51190	57979
6625015592384	Viavi Solutions LLC	51190	IFR-4000AR

The use of the authority cited below:

AMC 3. Acquire, for the second or subsequent time, directly from the manufacturer.

The use of the authority cited is based on:

AMSC D. The data needed to acquire this part competitively is not physically available, it cannot be obtained economically, nor is it possible to draft adequate specifications or any other adequate, economical description of the material for a competitive solicitation. AMCS 3, 4, or 5 are valid.

The confirmation of sources listed above was completed by [REDACTED], Product Specialist for SAPD on June 18, 2020 and indicated that the AMC/AMCS is coded 3/D. The Government does not possess any data on this item. In addition, the approved source owns the data. Based on this, only the approved source can meet the Government's minimum needs for this item. If new sources are approved prior to award, the solicitation will be reissued allowing for the new source(s) a chance to compete for this acquisition. On November 17, 2020 [REDACTED] received confirmation from the source that the cage and part numbers are valid for both NSNs. The email will be placed in RM under Technical/Quality Support Documents.

6. Efforts to ensure that offers are solicited from as many sources as practicable are:
- a. The acquisition will be synopsised on or about January 08, 2021 and will run for 15 days. At the completion of the synopsis period, the RFQ will be solicited on the internet for 15 days, via the DLA Internet Bid Board System (DIBBS).
 - b. Alternate items will not be accepted for this procurement, and all alternate offers will be required to submit a complete data package for evaluation for future procurements.
7. Certified Cost and Pricing Data: This acquisition does meet the threshold requirement for Certified Cost or Pricing Data; however, given that this item is determined commercial, in accordance with FAR 15.403-1(b)(3), the applicable clauses were not incorporated into the solicitation. Based on meeting one of the exceptions to Certified cost and pricing data.
8. I hereby determine that the anticipated cost to the Government will be fair and reasonable.

A price analysis will be conducted comparing proposed prices to commercial market pricing, historical government pricing, the Producer Price Index (PPI) and learning curve analysis. Other than cost or pricing data will be requested if needed. Based on the above techniques, the Contracting Officer hereby determines that the anticipated cost to the Government will be fair and reasonable.

9. Market Research/Efforts to Obtain Competition: The results of the market surveys are detailed below. A Sources Sought notice was posted to the Beta Sam website on August 27, 2020 for 15 calendar days to find potential sources for this NSN, with a responses date of September 11, 2020. No responses were received.

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Market Surveys were sent to Viavi Solutions LLC, EDMO and Test Force USA Inc. on June 11, 2020. The Buyer attempted to contact Teledyne Instruments Inc (21070); however, the vendor did not respond with a POC or email, so the Buyer was unable to send a copy of the market survey.

Total Number of vendors contacted: 3

Names of vendor contacted:

Viavi Solutions LLC (51190), EDMO (0Z3C6), and Test Force USA Inc. (7VPU9).

Techniques used to conduct survey: emails, Beta Sam, Market survey questionnaire.

Types of information requested: # of base years, # of option years, priced option years versus EPA, FOB origin or destination, quantity breaks, commerciality, commercial sales invoices, Understanding of cost/price data.

Summary of information received:

Viavi Solutions LLC (51190) POC [REDACTED]

Viavi Solutions responded via email on August 27, 2020 to the Market Survey requests [REDACTED]

[REDACTED] Viavi Solutions LLC stated they are a large business manufacturer. [REDACTED]

[REDACTED] Viavi stated the items are commercial. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

EDMO Distributor Inc. (0Z3C6) POC [REDACTED]

EDMO Distributor Inc. responded via email on August 27, 2020 to the Market Survey request. They stated they would accept a [REDACTED].

[REDACTED]. EDMO Distributor Inc. stated they are a small business distributor/dealer. [REDACTED]

[REDACTED]. EDMO stated the items are commercial.

Test Force USA Inc. (7VPU9) POC [REDACTED]

Test Force responded via email on August 27, 2020 to the Market Survey request. They stated they [REDACTED]

[REDACTED] Test force USA Inc. stated they are a small business distributor/dealer. [REDACTED]

[REDACTED] Test force indicated the items are commercial and provided commercial invoices. See attachment #2.

Information received regarding the commerciality of the item(s):

Commercial Determination—for the reasons stated below, items covered by this initiative will be Commercial and will be procured under FAR Part 13.5—Acquisition of Commercial Items.

Per Far 2.101 Commercial item means

(1) Any item, other than real property, that is of a type customarily used by the general public or by non-governmental entities for purposes other than governmental purposes, and-

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- (i) Has been sold, leased, or licensed to the general public; or
- (ii) Has been offered for sale, lease, or license to the general public;

Based on market research, buyer has determined that the item is commercial. Contracting Officer's signature on this document indicates concurrence with this decision.

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

a. Based upon the technical certification on file in DLA Land and Maritime – VEP 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.

b. A technical review was completed by the SAPD product specialist group for both NSNs. The NSNs have been identified as sole/limited source item. No other sources or adequate technical data could be identified or located for competitive procurement. If new sources are approved prior to award, the solicitation will be reissued allowing for the new source(s) a chance to compete for this acquisition.

11. A listing of sources, if any, indicating an interest in the acquisition is: (If none, so state)

Viavi Solutions LLC (51190), EDMO Distributor Inc. (0Z3C6) and Test Force USA Inc. (7VPU9)

12. The following actions are being taken to identify additional sources:

i. The solicitation will contain note L04- Offers for Part Numbered Items (SEP 2016) and M06- Evaluation of Offers for Part Numbered Items (SEP 2016).

ii. Planned actions for the future to overcome any barriers to competitions will be periodic market research and sources sought.

iii. The buyer was not able to locate a copy of a previous J & A statement in the SRM Records Management because all previous buys were under the simplified acquisition threshold where a J&A are not required.

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.

MATZ RICHARD JAMES.10800666
AMES.1080066615
Date: 2020.12.16 07:01 00 -05'00'

Contracting Officer

12/16/20

Date

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APPROVAL REQUIREMENTS

I have reviewed and approve this justification:

~~SHEPHERD MAR~~ ~~Signature~~ ~~1250702449~~
~~Y F 1250702449~~ ~~Date~~ ~~2021.01 05 07:37:29~~

20210105

Competition Advocate Signature

Date

\$750,000 to \$15,000,000

Competition Advocate

Attachments:

#1 Commercial Price list from Viavi Solutions

#2 Commercial Invoices from Testforce