



DEPARTMENT OF THE NAVY
NAVAL RESEARCH LABORATORY
4555 OVERLOOK AVE SW
WASHINGTON, DC 20375-5320

IN REPLY REFER TO:

4200
Ser 10-3309
12 May 2010

JUSTIFICATION AND APPROVAL
FOR USE OF OTHER THAN FULL AND OPEN COMPETITION

Upon the basis of the following justification, I, as the Competition Advocate, hereby approve the use of other than full and open competition pursuant to the authority of 10 U.S.C. 2304(c)(1).

1. Contracting Activity:

Naval Research Laboratory
4555 Overlook Ave SW
Washington DC 20375-5320

2. Description of the Action Being Approved.

Award of a contract on a sole source basis for the Services of a Large Boat from Downeast Marine Resources Inc. in support of the Helo Automatic Radar Periscope Detection and Discrimination Upgrade (ARPDD) program.

3. Description of Supplies/Services.

Large Boat services for the MH-60R ARPDD program's demonstration flight test scheduled for September and October 2010. This large boat will be used by the program to deploy and retrieve large targets such as SPAR buoys, wave rider buoys and target buoys tethered to confusion targets such as 5 gallon paint cans, 55 gallon drums and reflectors. It is estimated that these initial services will cost the Government approximately \$700,000 for two months, and, and additional \$700,000.00 for an optional 2 month period of November through December should additional data collection be necessary.

4. Statutory Authority Permitting Other Than Full and Open Competition.

10 U.S.C. 2304(c)(2), Unusual and compelling urgency

5. Rationale Justifying Use of Cited Statutory Authority.

The testing on the program radar must be accomplished during the time frame of September through December 2010. This time frame is driven by availability of other Navy resources, such as the MH-60R Helicopter and various submarines and is coordinated with other activities such as Applied Physics Laboratory, Naval Air Warfare Center- Detection Division (NAWC-DD) China Lake, Lockheed-Martin, Telephonics Corp., Air Test and Evaluation Squadron (HX-21), and Multi-Mission Helicopter Program Management Activity (PMA-299).

Commercial boats schedule jobs six months or more in advance on a normal basis. However, unusual circumstances, in the form of the oil spill in the Gulf of Mexico, means that all available boats are being called to assist in the containment and/or clean-up of this disaster and this had made it even more difficult to find available boats suitable for use. The government was able to identify 2 boats that may be available during the time frame available for testing, but each requires booking immediately for reasons stated above.

NRL was afforded a small window to schedule testing of the new radar using the MH-60R for a joint effort in this critical in-house program for FY10. Should the testing not be completed within this window of opportunity, the value of rescheduling of Navy resources and other participating teams would delay implementation and deployment to the fleet of this critical technology. The cost to the government would be significantly higher in science, costs and time.

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

The government performed market research for this current effort and contracted for a similar effort in FY09. Using the previous contracted effort as a basis for the estimate, the current effort would cost the government \$560,000 for 2 months. In addition, during Market research, two companies were found that had boats of a size and with equipment necessary and crews capable of handling the equipment needed for the radar testing. One company provided a quote of about double the government estimate and the other a quote of \$600,000 for a single 2 month period. The government representative ascertained that the large cost difference was due to several factors; location of their current asset would require them to lease a boat in the Gulf, fly their crew in to man it and then bring it up to the testing location, which drove the significant delta in cost. No additional market research was conducted because it is not practicable, for the reasons discussed in paragraph 5 above.

7. Determination of Fair and Reasonable Cost. The Contracting Officer has determined the anticipated cost to the Government of the supplies/services covered by this J&A will be fair and reasonable.

8. Actions to Remove Barriers to Future Competition.

This is a one-time action. No further acquisitions of these services is anticipated by the Government

