JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION FOR SOLE SOURCE AND LIMITED COMPETITION

1. Agency: DLA Aviation Ogden Contracting Activity: OO-DLA-AUB
Document Identification Number: FD20202500244 Solicitation Number: SPRHA1-25-R-0244

☑ FAR Part 15 ☐ FAR Part 12 ☐ FAR Part 13.5

2. The action being approved is the acquisition of supplies/services on other than a full and open competition basis.

☑ New Action ☐ Amendment: _____

3. The supplies/services required to meet the using activity's needs are described as follows:

BRIEF DESCRIPTION	NSN/PN	QUANTITY	ESTIMATED VALUE
Steering Unit	1620-01-139-6672	55	$[redacted]

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

This acquisition:

4. Type of Contract (may include number of base years) Firm Fixed Price

☑ 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_____months, exercisable in increments of _____ months. Total estimated dollar value of all option periods is $_____. The maximum dollar value of all option periods is $_____.

The total estimated dollar value of this acquisition is: (inclusive of any options) $[redacted]. The maximum dollar value of this acquisition is: (inclusive of any options) $[redacted]

5. The statutory authority permitting other than full and open competition is 10 U.S.C. 3204(a)(1) – Available from only one or limited number of sources.

6. Efforts to improve DoD Competition in accordance with DFARS 206.303-2:

☑ A sources sought notice or Request for Information (RFI) in accordance with DFARS PGI 206.302-1(d) was posted in Contract Opportunities on 6 FEB 2025. Results of the sources sought notice/RFI resulted in the following:

Results of the sources sought notice/RFI resulted in the following: No responses received from industry at this time; if this changes this J&A (and 2579 if applicable) will be amended to reflect the most current information

☐ A mass sources sought notice which included NSN(s) [redacted] was posted to Contract Opportunities on_____. Date must be most current Contract Opportunities posting (i.e., within a six month period). If too numerous, attach list of NSNs.

☐ A waiver of sources sought notice/RFI was approved by the HCA or designee on_____and is hereby attached.

7. The acquisition is restricted to the only source(s) of supply known to have the capability of furnishing the required supplies/services. Source(s) are:

CONTROLLED BY: DLA Aviation Ogden
CONTROLLED BY: AUB
CUI CATEGORY: CONTRACT USE
DISTRIBUTION/DISSEMINATION CONTROL: FED ONLY
[redacted]

CAGE	COMPANY NAME
91816	CIRCOR AEROSPACE, INC.
76823	NORTHROP GRUMMAN SYSTEMS CORP.
0JRC1	NORTHROP GRUMMAN TECHNICAL SERVICES

The use of authority 10 U.S.C. 3204(a)(1) is based on:

- [x] AMC 1. Suitable for competitive acquisition for the second or subsequent time.
- [ ] AMC 2. Suitable for competitive acquisition for the first time.
- [ ] AMC 3. Acquire, for the second or subsequent time, directly from the manufacturer.
- [ ] AMC 4. Acquire, for the first time, directly from the manufacturer.
- [ ] AMC 5. Acquire directly from the sole source contractor, who is not the manufacturer.
- [ ] AMSC A. The Government's right to use data in its possession is questionable. This code is under review and will be updated when the review is complete.
- [ ] AMSC B. This must be acquired from a manufacturing source(s) specified on a source control drawing.
- [ ] AMSC C. This part required engineering source approval by the design control activity in order to maintain the quality of the part.
- [ ] AMSC D. The data needed to acquire this part is not economically available.
- [ ] AMSC H. The Government does not have sufficient, accurate, or legible data to purchase this part from other than the current source. This code is under review and will be updated when the review is complete.
- [ ] AMSC K This part must be produced from class 1 castings under MIL-STD-2175.
- [ ] AMSC L. The annual buy value of this part falls below the screening threshold established by DoD.
- [ ] AMSC M Manufacture of this part requires use of master or coordinated tooling.
- [ ] AMSC N. Manufacture of this part requires special test and/or inspection facilities to maintain function or system integrity.
- [ ] AMSC P. The rights to use the data needed to purchase this part from additional source(s) are not owned by the Government and cannot be purchased, developed, or otherwise obtained.
- [ ] AMSC Q. The Government does not have adequate data, lacks rights to data, or both. It is not economical to buy the data or rights to the data.
- [x] AMSC R. The Government does not own the data or rights to the data needed to purchase this part from another source. It is not economical to procure the data or rights to the data.
- [ ] AMSC S. Acquisition of this item is restricted to Government approved source(s) because the item involves military sensitive technology.
- [ ] AMSC U. The cost to the Government to breakout this part and acquire it competitively has been determined to exceed the projected savings over the life span of the part.
- [ ] AMSC V This part has been designated a high reliability part. Probability of failure would be unacceptable. The engineering activity has determined that data to define and control reliability limits cannot be obtained.
- [ ] AMSC Y. The design of this part is unstable. Engineering, manufacturing, or performance characteristics indicate that the required design objectives have not been achieved.
- [ ] AMSC Z. This part is a commercial/no-developmental/off-the-shelf item.
- [x] Other: Only Northrop and Circor have the data necessary to manufacture subject item.

NOTE: A technical certification is required for acquisitions over $15 million

8. Efforts to ensure that offers are solicited from as many sources as practicable are:

☑ The acquisition will be synopsized on or about 6 FEB 2025 and any firm requesting a solicitation copy will be provided one.

☐ A synopsis exception cited in FAR 5.202 applies: (Explain) _____

☐ Manufacturers of similar products identified in the market survey will be solicited.

☐ Dealers of the manufacturers will be solicited.

☐ Other: (Explain) _____

9. I hereby determine that the anticipated cost to the Government will be fair and reasonable. (Explain) _____

10. A market survey as defined by FAR 10:

☑ was conducted, and firms indicating an interest in the acquisition will be solicited. Market research efforts, include: On 18 Mar 2024 a request was submitted by James Humpherys, Government Engineer, to Circor, Gary Young for acquisition or license of proprietary data by the government. Circor has yet to respond, but we have documented responses on subcomponents on this subassembly and on the T-38 counterpart that they possess data rights and are unwilling to release or license rights to the data.

☐ was not conducted due to: _____

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

☑ Based upon the technical certification on file, 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.

☑ When FAR 6.302-1 is cited for substantial duplication of costs in the case of a follow-on acquisition as described in 6.302-1(a)(2)(ii)(A), an estimate if the cost to the Government that would be duplicated and how the estimate was derived: The 417 SCMS/GUEA Engineer has determined that reverse engineering costs to develop a qualification package and encourage competition are are estimated to exceed $[redacted] Based on this cost it would take over 102 years to break even (see BOE).

☐ When FAR 6.302-1 is cited for unacceptable delays in the case of a follow-on acquisition as described in 6.302-1(a)(2)(ii)(B), describe the unacceptable delays: _____

☑ Other: The data is proprietary, and the contractor is unwilling to sell it. The 417th does not maintain all the necessary engineering functions required to reverse engineer the data.

12. A listing of sources, if any, indicating an interest in writing in the acquisition are: (if none, state none)

CAGE	COMPANY NAME
	None Received

13. The actions, being taken to overcome barriers to competition before any subsequent acquisition are made: (Explain)

The Air Force regularly inquires the manufacturers in regards to sharing or selling the proprietary data rights for use in free and open solicitations.

Furthermore, the Air Force regularly performs analysis to determine the feasibility and cost effectiveness of reverse engineering the proprietary technology.

Request for data sent to Circor (91816) on 18 March 2024, no response was received which is interpreted by the government as Circor's unwillingness to provided the data.

APPROVAL

APPROVAL LEVELS OF THE JUSTIFICATION – FAR 6.304

- [ ] not exceeding $750,000…..Contracting Officer
- [x] over $750,000 not exceeding $15,000,000… ..... Competition Advocate
- [ ] over $15,000,000 not exceeding $100,000,000 ..... Head of Contracting Activity

TECHNICAL/REQUIREMENTS PERSONNEL CERTIFICATION – FAR 6.303-2(c)

Supporting data that is the responsibility of technical or requirements personnel and which form the basis for this justification have been certified as complete and accurate by the cognizant technical/requirements Personnel. Signature of technical/requirements personnel is not required.

DLA COUNSEL AVIATION – DLAD 1.691(e)(3)(i)

DLA Counsel Aviation has reviewed this Form S53 and concluded it creates a legally sufficient justification for restricting competition pursuant to 10 U.S.C. 3204(a)(1) and FAR 6.302-1 for sole source tactical acquisitions for NSNs in the federal supply system at or below $15 million. **For acquisitions above $15 million, signature of the Aviation Deputy Chief Counsel is required to document legal sufficiency:**

Name and Title	Signature	Phone	Date
Michael J. O'Farrell, Jr., Associate Counsel	OFARRELL.MICHAEL.JAMES[redacted] Digitally signed by OFARRELL.MICHAEL.JAMES[redacted] Date: 2025.03.13 09:11:07 -06'00'	[redacted]	13 MAR 2025

CONTRACTING OFFICER – FAR 6.303-2(b)(12)

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.

Name and Title	Signature	Phone	Date
Rocky Tello, PCO	TELLO.ROCKY.E[redacted] Digitally signed by TELLO.ROCKY.E[redacted] Date: 2025.02.06 12:47:16 -07'00'	[redacted]	6 February 2025

COMPETITION ADVOCATE – FAR 6.304(a)(2)

The Competition Advocate for the procuring activity designated pursuant to FAR 6.501 has reviewed and hereby certify that the information contained in this justification is accurate and complete to the best of my knowledge and belief. If over $750,000, but not exceeding $15 million this signature serves as the approval.

Name and Title	Signature	Phone	Date
Tyler Ouellette / Compad	OUELLETTE.TYLER.J[redacted] Digitally signed by OUELLETTE.TYLER.J[redacted] Date: 2025.02.10 15:07:14 -07'00'	[redacted]	10 Feb 2025

HEAD OF CONTRACTING ACTIVITY – FAR 6.304(a)(3)

The Head of Contracting Activity has reviewed and approved this Justification for a proposed contract over $15 million, but not exceeding $100 million.

Name and Title	Signature	Phone	Date