JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
SOLICITATION SPE7L524R0006

[X] ORIGINAL
[ ] ADDENDUM (attach copy of original J&A for add-ons or revisions)

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.

3. The proposed action is for a solicitation and award of a onetime Firm Fixed Price (FFP) purchase of supplies required to meet the using activity's needs are described as follows:

BRIEF DESCRIPTION	NSN	QUANTITY	EST. VALUE	AMSC
Oil Pump Assembly	2990-01-570-4817	14	$583,300	3D

Identify end item, weapon system, or class of item:
Item nomenclature is an **Oil Pump Assembly** for us on Arleigh Burke Class Guided Missile Destroyers (DDG). The pump is designed to maintain oil pressure within the moving parts of the internal combustion engine. The assembly is constructed out of many parts including but not limited to shaft, gears, pins, adjusting screw. This oil pump assembly is not listed as a critical item. There is only one approved source by the Navy, JOHNSON CONTROLS NAVY SYSTEMS, LLC (66935) . The data used to produce this pump set is not available to the government. Pending sources sought and pre-solicitation, there are no other sources capable of manufacturing this item to meet requirements. Thre are NO 339's out to the ESA (Engineering Support Activity). The Product Specialist, Mr. Andrew D. Morrow, was contacted on December 19, 2023, to complete a Technical Certification of this item. The Product Specialist certifies that all technical information is correct.

ESTIMATED BASE VALUE
$583,300

ESTIMATED TOTAL VALUE (BASE ONLY)
$583,300 (No options)

MAXIMUM CONTRACT VALUE
$583,300

FOR ADD-ONS, PROVIDE VALUE OF OPTION YRS REMAINING

_____

~~Controlled by: DLA Land and Maritime~~
~~Controlled by: FLSCB~~
~~CUI Category: PROCURE~~
~~Distribution/Dissemination Control: FED ONLY~~
~~POC:~~ William.perez@dla.mil

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SOLICITATION SPE7L524R0006

4. The statutory authority permitting other than full and open competition is:
[X] 10 U.S.C. 3204(a)(1) - Available from only one or a limited number of sources.

The Product Specialist, Mr. Andrew D. Morrow, was contacted on December 19, 2023, to complete a Technical Certification of this item. The Product Specialist certifies that all technical information is correct.

5. If restricted to the only source(s) of supply, include source(s) and CAGE code:
JOHNSON CONTROLS NAVY SYSTEMS, LLC 66935 P/N 026-45541-000 & P/N 077-16668-001 PC NO 7

The use of the authority cited below:
[X] AMC 3. Acquire, for the second or subsequent time, directly from the manufacturer.

The use of the authority cited is based on:
[X] *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.

There is only one approved source by the Navy, JOHNSON CONTROLS NAVY SYSTEMS, LLC (66935). The data used to produce this oil pump assembly is not available to the government. Pending sources sought and pre-solicitation, there are no other sources capable of manufacturing this item to meet requirements.

The Product Specialist, Mr. Andrew D. Morrow, was contacted on December 19, 2023, to complete a Technical Certification of this item. The Product Specialist certifies that all technical information is correct.

6. Efforts to ensure that offers are solicited from as many sources as practicable are:
[X] The acquisition was be synopsized on or about December 19, 2023.
[X] Manufacturers of similar products identified in the market research will be solicited.
[X] Dealers of the manufacturers will be solicited.

7. I hereby determine that the anticipated cost to the Government will be fair and reasonable.
A price analysis will be conducted to determine fair and reasonableness. Offerors may be requested to submit information other than cost or pricing data for determining price reasonableness.

8. Market Research/Efforts to Obtain Competition:

Describe the market research conducted and the results.
Market research consisted of researching the ten previous buys (all are below the simplified acquisition threshold), market surveys with industry, internet sources, sources sought posted on sam.gov on December 11, 2023, pre-solicitation notice posted on sam.gov on December 19, 2023.

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Market Survey [10 U.S.C. 3204(e)(2)(D)]:
[X] A market survey was conducted on/during December 19, 2023.
Total number of vendors contacted: 4
Names of vendors contacted and responding:

- Tuthill Corp (61178) NON-RESPONSIVE
- Johnson Controls Navy Systems, LLC (66935) NON-RESPONSIVE
- Mil Aero Solutions Inc (6QCN1) RESPONSIVE
- Quality Refrigeration Company (1J7VN) NON-RESPONSIVE

Techniques used to conduct survey:
email correspondence, telephone calls

Types of information requested:
Business size, manufacturer or dealer, price breaks, commerciality, estimated delivery, and quantity sensitivity.

Summary of information received:
I only received a response from one vendor with regards to market surveys: Mil Aero Solutions Inc (6QCN1). Mil Aero will submit a bid when the solicitation is posted in dibbs.

Information received regarding the commerciality of the item(s):
For the reasons stated below, the NSN covered by this initiative will be Non-Commercial based on the definition of a commercial item located at FAR 2.101 and will be procured under FAR Part 15. The following non-Commerciality determinations have been made. COTS field in the MM03 query in SAP does not indicate these are commercial Items.
Review of the Material Master database indicated that this NSN has limited sources. Review of the OEM's website neither shows evidence that this item is available on the commercial market nor is it of a type customarily used by the general public or nongovernmental entities for purposes other than government or military purposes as defined in FAR 2.101. Market research via internet resources for commercial sale offerings yielded no results to show that this item has been offered for sale, lease or license to the general public as defined in FAR 2.101, "Commercial Product."
Market research did not yield any readily available published catalog price lists, schedules or other form of commercial pricing that are regularly maintained and updated by a manufacturer or vendor that are available to the general public for inspection.
Additionally, there is no evidence of sale prices at which sales were made to a significant number of buyers constituting the general public. General public is interpreted as individuals using such parts in a manner other than a governmental or military capacity. Therefore, the Contracting Officer determines this item to be non-commercial, and the solicitation shall be issued pursuant to FAR Part 15 procedures.

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SOLICITATION SPE7L524R0006

9. Additional facts supporting other than full and open competition are:
[X] Based upon the attached technical certification, 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.

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

Mil Aero Solutions Inc (6QCN1) RESPONSIVE

11. The following actions are being taken to identify additional sources:
[X] Solicitation contains DLA Procurement Note, L04 Offers for Part Numbered Items
[X] Solicitation contains DLA Procurement Note, M06 Evaluation of Offers for Part Numbered Items

12. DFARS PGI (Procedures, Guidance and Information) 206.303 and 206.304 state that justifications citing the authority at FAR 6.302-1 to permit the use of other than full and open competition shall include a copy of a previous justification.
The previous 2 buys were SAT buys therefore no J&A was 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.

WHITING.MONICA.L.1378381815 Digitally signed by WHITING.MONICA.L.1378381815 Date: 2024.01.05 11:47:05 -05'00'

Contracting Officer _____ Date _____

APPROVAL REQUIREMENTS

[X] Up to $750,000 Contracting Officer

Attachment(s):