17 FEB 2010

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

I. CONTRACTING ACTIVITY:

Department of Defense
DLA-OO/ZAB
6050 Gum Lane, Bldg 1215
Hill, AFB, UT 84056
Contracting Officer: Debbie Allred
DSN: 777-6603
PR# Number: FD2020-09-90228-01

II. NATURE AND OR DESCRIPTION OF ACTION BEING PROCESSED:

A. Upon approval to use other than full and open competition procedures, DLA Ogden will issue a new contract, to procure the KC-135 drag link components in support of the KC-135 Aircraft Braking System to Triumph Structures, CAGE Code 6D161, 1550 Liberty Ridge Drive Suite 100, Wayne PA 19087 or Boeing, CAGE Code 81205, P.O. Box 3707, Seattle, WA 98124-2207.

B. Contemplated Contract Type: A supply contract to procure a total quantity of 30 units utilizing a Firm-Fixed Pricing arrangement is anticipated.

C. Type of J&A: Individual

III. DESCRIPTION OF THE SUPPLIES/SERVICES REQUIRED TO MEET THE AGENCY'S NEEDS:

A. The drag link is used to brace and lock a retractable strut in extended position on the KC-135 aircraft.

SUPPLY NOUN: KC-135 drag link, landing gear
NSN: 1620-00-620-8699
TOTAL QUANTITY: 30
UNIT PRICE:
Extended Price:
PART NUMBER: 65-4828-7

B. TOTAL COST: . This estimate is based on D200 generated requirements. This action will use appropriated working capital funds.

IV. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION

10 USC 2304(c) (1), as implemented by FAR 6.302-1 -- Only One or Limited Number of Responsible Sources

V. DEMONSTRATION THAT THE CONTRACTOR'S UNIQUE QUALIFICATIONS OR NATURE OF THE ACQUISITION REQUIRES THE USE OF AUTHORITY CITED ABOVE (APPLICABILITY OF AUTHORITY)

A. The above authority was selected because the government does not own the data rights to procure this item from other than the current sources listed on the AFMC IMT Form 761. Acquisition Method code (AMC) Acquisition Method Suffix Code (AMSC) of 1R is assigned.

B. There are similar parts with the same basic technology of the drag brace, other manufacturers cannot compete for this KC-135 manufacture workload without access to Triumph Structures' drag brace proprietary data. Triumph Structures designed and developed the drag brace for the KC-135 aircraft. Manufacturing processes are unique to the manufacturer and require knowledge of specific procedures developed by the original manufacturer.

C. The last attempt to obtain the proprietary data and parts breakdowns was in November 2009 by See section VIII, sub part B.

D. The estimated cost by 417 SCMS/GUEB to reverse engineer these items is for the reverse engineering effort and for flight test to complete the task This is cost prohibitive and not in the best interest of the government. Furthermore the amount of time required to re-design/reverse engineer these assemblies would exceed 5 years, thus making an effort of this type time prohibitive.

E. Therefore, competition for this acquisition is necessarily limited and an acquisition method code of 1R has been assigned on the 761 screening, meaning; acquire, for the second or subsequent time, directly from the actual manufacturer. The Government does not own the data or the rights to the data needed to purchase this part from additional sources. It has been determined to be uneconomical to buy the data or rights to the data. It is uneconomical to reverse engineer the part.

VI. DESCRIPTION OR EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS DEEMED PRACTICABLE:

A. Sources Sought Synopsis: A sources sought synopsis has not been issued.

B. This requirement will not be synopsized in FedBizOpps, as a notice of contract action IAW FAR 5.201. If other sources express interest as a result of this synopsis or other action, they will be listed in the official contract file.

C. Other actions: None.

D. Qualifying Country Sources: None

VII. DETERMINATION BY THE CONTRACTING OFFICER THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE:

The following steps will be taken to ensure that the anticipated cost of this acquisition will be fair and reasonable. The Contracting officer will comply with the procedures and criteria contained in Federal Acquisition Regulation (FAR) under Part 30 - Cost Accounting Standards, Part 31 - Contract Cost Principles and Procedures, Subparts 15.4 - Contract Pricing; to include technical evaluations and audits, as appropriate. Additional steps to ensure price reasonableness will be under the guidance of the Contract Pricing Reference Guides, jointly developed by the Federal Acquisition Institute and the Air Force Institute of Technology. The Air Force will obtain certified cost and pricing data IAW FAR Subpart 15.403, when required. The Final Step is to include the Price Negotiation Memorandum (PNM). This detailed documentation and justification of price reasonableness will be disclosed in the official PNM, to be prepared upon completion of negotiations.

VIII. DESCRIPTION OF THE MARKET RESEARCH CONDUCTED AND THE RESULTS:

A As described in Section VI above, market research, in accordance with FAR Part 10, was conducted by synopsis of the proposed acquisition, advising industry of the pending acquisition and soliciting inquiries from interested parties.

B. Other market research was conducted by the KC-135 landing gear engineer, in December 2009, including:

- The engineer contacted knowledgeable people within the 417 SCMS/GUEB organization, supervisor/lead landing gear engineers and USAF landing gear contractors
- The engineer also reviewed recent market research for similar items, such as the drag braces used on the C-130, government database searches (Haystack and JEDMICS), and conducted interchange meetings Aug 2009, with 417 SCMS/GUMB and GUEB (Landing Gear IPT).
- Triumph Structures was also contacted, Nov 2009, as a part of this research to see if they would release the proprietary data for competitive purchase purposes. The results of this research proved that Triumph Structures owns the rights to the proprietary data, is unwilling to release the data, and is the only qualified, experienced and reasonable sources of manufacture that can satisfy this requirement. An additional finding obtained during this research was the qualification requirements for the drag brace. The drag brace is qualified as a complete assembly and if any major parts are re-designed, the entire assembly would need to be re-qualified to assure airworthiness certification. Award to any source other than Triumph Structures or Boeing will result in substantial and unacceptable delays due to lack of the rights to the proprietary data as outlined in section V subsection B above.

C. The results determined that Triumph Structures and Boeing owns the rights to the proprietary data and are the only qualified, experienced, and reasonable sources of manufacture that can satisfy this requirement. This was clearly established during the JEDMICS database search in Dec 2009. It was also confirmed during the Haystack database search Nov 2009. Award to any other source will result in substantial, unacceptable delays due to lack of rights to the proprietary data.

D. Research to find like commercial type items by part number, National Stock Number (NSN), function and design was performed on Sep 09. LRC National Stock Number data base was utilized to search for matching NSNs for each of the four components. The results were no matches found. Global Spec Part Number Search resulted in no matches found by part number. A Google search for comparable function of the parts was also performed Sep 09. No commercial type like functions and design were comparable to the KC-135 aircraft heat shield function and design.

IX. ANY OTHER FACTS SUPPORTING THE USE OF OTHER THAN FULL AND OPEN COMPETITION:

NONE

X. LIST OF SOURCES, IF ANY, THAT EXPRESSED INTEREST IN THE ACQUISITION:

Triumph Structures and Boeing

XI. A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS TO COMPETITION BEFORE MAKING SUBSEQUENT ACQUISITIONS FOR THE SUPPLIES OR SERVICES REQUIRED:

Triumph Structures was contacted in Nov 2009 to provide an estimate to its proprietary data. They declined to provide it. Until the government obtains the data or the rights to use the data, no steps can be taken to develop a qualification package. Hill AFB will review requests from contractors interested in becoming qualified source and provide available information to conduct self funded reverse engineering.

XII. CONTRACTING OFFICER'S CERTIFICATION:

The contracting officer's signature on the Coordination and Approval Document evidences that he/she has determined this document to be both accurate and complete to the best of his/her knowledge and belief (FAR 6.303-2(a)(12)).

XIII. TECHNICAL /REQUIREMENTS PERSONNEL'S CERTIFICATION:

As evidenced by their signatures on the Coordination and Approval Document, the technical and/or requirements personnel have certified that any supporting data contained herein, which is their responsibility, is both accurate and complete (FAR 6.303-2(b)).

17 FEB 2010

COORDINATION AND APPROVAL DOCUMENT

CONTRACTING ACTIVITY: DLA-ZAB
PURCHASE REQUEST NUMBER: FD2020-09-90228-01
PROGRAM NAME: KC-135 Drag Link, landing gear
ESTIMATED COST:
TYPE PROGRAM: Other Contracting
AUTHORITY: 10 U.S.C. 2304(c) (1), as implemented by FAR 6.302-1, Only One or Limited Number of Sources
TYPE J&A: Individual

Program Manager: _____
417 SCMS/GUMBB — Date Signed

Contracting Officer: Debbie Allred — 18 Feb 10
DEBBIE ALLRED, DSCR-ZAB — Date Signed
DSN: 777-6603, COM: (801) 777-6603

APPROVED