Contracts Department - Form 13 (Rev 9/17)

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

JUSTIFICATION

1. Contracting Activity

The Naval Sea Systems Command, NSWC Indian Head Division, Explosive Ordnance Disposal Technology Division Contracts Office Code 023.

2. Description of the Action Being Approved

This action is for the award of a sole source indefinite-delivery indefinite-quantity (IDIQ) commercial item contract for a base period of 12 months and four 12 month option periods for the purchase and maintenance of the following brand name: SEEKERE EDK.

The identified vendor is:
DetectaChem
4100 Greenbriar Dr. Suite 180
Stafford, Texas 77477

This action will support the requirements put forth by Fleet Forces Command for a replacement Handheld Explosive Detector (HEHD) for fielding to various classes of US Navy ships.

3. Description of Supplies/Services

This action is for purchase and maintenance of an estimated SEEKERE EDK Hand Held Explosive Detectors (HHED); associated accessories and consumables; implementation of Government approved Configuration Management changes.

Maintenance will consist of a Depot Level (D-Level) facility providing depot repair services, repair parts, troubleshooting assistance, and electronic repairs. The
SEEKERE EDK is considered to be the Depot Level Repair Part (DLRP). The contractor will store and manage all consumable pieces and parts required for repair and maintenance of the DLRP to support the Government owned systems at 95% availability; and will provide technical support. Consumables consist of the SEEKERE/Seeker General Explosives Detection Test Card(s) (Part # ACC-DC-EXP), the battery charger, the Thumb Drive and the Duracell Lithium-Ion battery. Based on the specifications for the Lithium-Ion battery, Duracell’s Lithium-Ion battery was the sole brand to meet and/or exceed the Government’s minimum specifications during testing.

The total estimated cost is $10,253,318.57.

<table>
<thead>
<tr>
<th>OPN</th>
<th>FY18</th>
<th>FY19</th>
<th>FY20</th>
<th>FY21</th>
<th>FY22</th>
<th>Totals</th>
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<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
<td>$10,253,318.57</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td>$10,253,318.57</td>
</tr>
</tbody>
</table>

The Government’s minimum needs have been verified by the certifying technical and requirements personnel.

4. Statutory Authority Permitting Other Than Full and Open Competition

10 U.S.C. 2304(c)(1), FAR 6.302-1, “only one responsible source and no other supplies or services will satisfy agency requirements”.

5. Rationale Justifying Use of Cited Statutory Authority

After a review of the final report from an evaluation conducted by the Explosive Detection Equipment (EDE) Program at Naval Surface Warfare Center Indian Head Explosive Ordnance Disposal Technology Division (NSWC IHEODTD), OPNAV N96C1 selected DetectaChem’s SEEKERE as the Navy’s sole next generation HIED. The Navy is only permitted to purchase the OPNAV selected HHED. The test was jointly funded by the Physical Security Equipment Action Group (PSEAG) and the Join Improvised-Threat Defeat Organization (JIDO) and

“SOURCE SELECTION INFORMATION - SEE FAR 2.101 and 3.104”
addressed the capabilities and limitations of trace explosive detection systems according to requirements developed by Fleet Forces Command (FFC). The EDE Program is the Technical Direction Agent (TDA) for explosive detection within the Department of Defense (DoD).

This procurement is a new requirement. DetectaChem is the sole supplier and maintenance provider of the SEEKERE system. The SEEKERE system is a lightweight, handheld rugged instrument for the rapid identification of trace quantities of explosives.

DetectaChem maintains all proprietary data rights to their respective configurations. The Government does not own the technical data packages (TDP). Based on ongoing Government market surveillance, no other source can provide all the required materials and warranty support offered by the Original Equipment Manufacturer. Any other offerors would need to provide this same level of material and warranty support at a lesser cost.

Any other system considered to fulfill this requirement would have to undergo the same level of testing to meet the required specifications, as well as receive approval from OPNAV N96C4. This process would require at least two (2) additional years before an alternative could be selected. The sponsor has programmed funds for fielding of the HHED (SEEKERE EDX) to begin in 2017.

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

In accordance with Defense Federal Acquisition Regulation Supplement 206.302-1(d), a sources sought notice was released on Federal Business Opportunities March 3, 2017 and closed March 20, 2017 with no capability statements received.

The proposed action was synopsized on the Federal Business Opportunities (FEDBIZOPS) website on May 10, 2017 and closed on May 25, 2017. No companies expressed interest in the requirement.

"SOURCE SELECTION INFORMATION - SEE FAR 2.101 and 3.104"
No additional market research is necessary for the reasons discussed in paragraph five.

7. Determination of Fair and Reasonable Costs

The Contracting Officer has determined that the anticipated cost to the Government for the supplies covered by the J&A will be fair and reasonable by using cost and price analysis techniques described in FAR Part 15.4.

8. Actions to Remove Barriers to Competition

For the reasons set forth in Paragraph 5, NSWC IHEODTD, Contract Department Code 023 has no plans at this time to compete future contracts for the types of supplies/services covered by this document. If another potential source emerges NSWC IHEODTD, OPNAV N96C4, and RMS 403 ATA will assess and determine if competition for future requirements is feasible.
CERTIFICATIONS AND APPROVAL

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

I certify that the facts and representations under my cognizance, which are included in this justification and its supporting acquisition planning data, including Acquisition Plan No. N/A, except as noted herein, are complete and accurate to the best of my knowledge and belief.

TECHNICAL COGNIZANCE:

Signature Name (Print) and Title (Code)  Phone No.  Date

REQUIREMENTS COGNIZANCE:

Signature Name (Print) and Title (Code)  Phone No.  Date

LEGAL SUFFICIENCY REVIEW (NMCARS 5206.303-90))

I have determined this justification is legally sufficient.

Signature Name (Print) and Title (Code)  Phone No.  Date

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

I certify that this justification is accurate and complete to the best of my knowledge and belief.

Signature Name (Print) and Title (Code)  Phone No.  Date

APPROVAL BLOCK (FAR 6.304 for Approving Official)

Upon the basis of the above justification, I hereby approve as Competition Advocate for the Procuring Activity the solicitation of the proposed procurement(s) described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304(c)(1).

5

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Competition Advocate for the Procuring Activity

Signature Name (Print)       Date

“SOURCE SELECTION INFORMATION – SEE FAR 2.101 and 3.104”
CERTIFICATIONS ON JUSTIFICATIONS AND APPROVALS (J&As)

The following signatures for technical/requirements certifications in J&As are required under the stated circumstances.

<table>
<thead>
<tr>
<th>Dollar Level</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>$700K to $93M</td>
<td>Technical Cognizance</td>
</tr>
<tr>
<td></td>
<td>Program Manager (PM), Deputy Program Manager (DPM), Assistant Program Manager, or Equivalent</td>
</tr>
<tr>
<td>$93M</td>
<td>PM, DPM, Equivalent, Deputy Commander/Executive Director for Directorate or Flag Officer/SES</td>
</tr>
<tr>
<td>$700K to $93M</td>
<td>Requirements Cognizance</td>
</tr>
<tr>
<td></td>
<td>PM, DPM or Equivalent</td>
</tr>
<tr>
<td>$93M, or *2nd bridge to existing contract</td>
<td>Deputy Commander/Executive Director for Directorate or Flag Officer/SES</td>
</tr>
</tbody>
</table>

Very Important Notes:

1. If a single individual within the approval authority listed above has cognizance over both technical and requirements information included in the J&A, use of only one signature line is appropriate and therefore should be communicated to the PCO or Contract Specialist prior to their drafting of the J&A [“Technical Cognizance:” and “Requirements Cognizance:” should be deleted and replaced with “Combined Technical and Requirements Cognizance:”].

2. If anything within the J&A is not in strict accordance with the data and/or information cited in the AP, then the differences must be fully explained in the J&A and have the Deputy Commander/Executive Director for Directorate or Flag Officer/SES sign for Requirements Cognizance.

3. For all acquisitions that do not require written APs per DFARS 207.103(d)(i) or when the APs are written so generic as to not address specific acquisitions, the thresholds are $10M development and $25M for production or services to have the Deputy Commander/Executive Director for Directorate or Flag Officer/SES sign for Requirements Cognizance.

"SOURCE SELECTION INFORMATION - SEE FAR 2.101 and 3.104"
4. Bridge contracts are defined as sole source actions entered into with the incumbent contractor in order to maintain support when competitive procurement cannot be processed in time to meet the required award date. The following applies to all types of services contracts with the exception of contracts under the cognizance of the Naval Nuclear Propulsion Program.

a. J&As for all bridge contracts, regardless of value, will include PEO/Directorate Head/Field Activity Commanding Officer/Technical Director signature under Requirements Cognizance. Bridge J&As will also include a schedule for award of follow-on competition with in Section 8 “Actions to Remove Barriers to Competition”.

b. J&A’s for ALL bridge contracts require HCA approval per Vice Admiral Moore’s memo dated 7 February 2017 on Bridge Contracting.

c. J&As for any subsequent bridge contracts (i.e., 2nd, 3rd bridge), regardless of value or period of performance, will be forwarded to SEA 00 for notification/review prior to approval by the cognizant SEA 02 SES or DASN (RD&A). This J&A must include rationale as to why the schedule in the initial bridge J&A was not achieved.
## JUSTIFICATIONS AND APPROVAL (J&A) AUTHORITIES

<table>
<thead>
<tr>
<th>Dollar Level</th>
<th>Signature Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to $700K</td>
<td>Contracting Officer</td>
</tr>
<tr>
<td>&gt;$700K to $13.5M</td>
<td>Competition Advocate for the Procuring Activity</td>
</tr>
<tr>
<td>&gt;$13.5M to $93M</td>
<td>Designee of the Head of the Procuring Activity <em>(See note.)</em></td>
</tr>
<tr>
<td>Acquisitions over $93M</td>
<td>Navy Senior Procurement Executive</td>
</tr>
</tbody>
</table>

### Very Important Note:
J&As drafted at NAVSEA Headquarters that fall within the Competition Advocate for the Procuring Activity threshold authority shall be prepared for submittal to the Designee of the Head of the Contracting Activity and approved by a SEA 02 SES Division Director or SEA 02 *IAW FAR 6.304(a)(2)*.

### Sole Source 8(a) Awards above the 8(a) competition threshold

<table>
<thead>
<tr>
<th>Dollar Level</th>
<th>Signature Authority</th>
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</thead>
</table>
| >$7M to $13.5M (Mfg NAICS) or >$4M to $13.5M (all other NAICS) | SEA 02B as Competition Advocate  
SEA 02/02B, SEA 02 SES Division Directors as designee of the HCA or FPO appointed Competition Advocates* |
| >$13.5M to <$93M      | SEA 02/02B when the individual is a flag officer or a member of the SES Division Directors as designee of the HCA |
| >$93M                 | Navy Senior Procurement Executive (NPSE)                                                |

*Note: Unless SEA 02/02B designates otherwise, the field activity CCO/Deputy is the competition advocate of the activity. This designation is not re-delegable and, if other than the CCO/Deputy, must be equivalent or higher organizational level.

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