

Mini Justification and Approval (J&A) Document
FOR OTHER THAN FULL AND OPEN COMPETITION
for requirements not exceeding \$550,000.00

1. Contracting Activity: U.S. Research, Development and Engineering Command
Contracting Center (RDECOM CC)
Aberdeen Contracting Division

2. Description of Action:

Requirement: New Follow-on

Pricing: Firm-Fixed Price Time & Materials Cost

Funds: OMA Other Funds:

Name of Intended Contractor: Night Flight Concepts, Inc

Street Address: 6968 Heritage Drive
City, State, Zip: Port St. Lucie, FL 34952
Phone: 888-632-8764

3. Description of Supplies:

The Asymmetric Warfare Group (AWG) requires ten (10) Image Intensifier Tubes (P/N: 275062), ten (10) Power Pack Binocular Assemblies (P/N: 271052-2, and one (1) Hoffman Engineering Field Portable Test Set in support of the AN/PVS – 23 Night Vision Goggles (NVG).

4. Authority Cited: (Identify the statutory authority, FAR title and FAR citation permitting other than full and open competition.)

See 10 USC 2304(c)(2), 41 USC 253(c)(2), FAR 6.302-2(a)(2): Sole Source award: Unusual and Compelling Urgency.

5. Reason for Authority Cited: (State why this is the only source that can provide the required supplies or services.)

- (a) Full and open competition would compromise national security.
- (b) Award to any other source would result in substantial duplication of cost to the Government that is not expected to be recovered through competition.
- (c) Services/Supplies are needed immediately to satisfy mission requirements.
- (d) Supplies needed must be brand name.

Additional Information:

- (i) What harm will come to the Government if desired product is not purchased?

The end item that uses the required parts is the AN/PVS-23 NVG. The NVGs are used by soldiers for conducting night operations. Failure to have mission-capable NVGs will result in degradation of the night operations capability of soldiers.

Currently, AWG has ten (10) pairs of NVGs that are in need of test and repair prior to 31 August 2010. The parts being ordered are required to test and repair those ten (10) pairs of non-mission capable NVGs.

6. Actions to Increase Competition:

The current contract for these parts was competitively awarded via W91CRB-10-P-0085 to Night Flight Concepts in March 2010. Market research conducted between 19 July 2010 and 30 July 2010 determined that although there are other companies that offer these parts, including both the Original Equipment Manufacturer (OEM) and other re-sellers via after-market sales, no company other than Night Flight Concepts is able to meet the required delivery. As Night Flight Concepts is the only known company with the ability to meet the required delivery, use of the preexisting contract presents the best available avenue for the Government to satisfy the urgent need. AWG does not anticipate an additional or follow-on order to this requirement, and as such, no further action is being taken at this time to increase competition.

7. Market Survey:

Between 19 July 2010 and 30 July 2010 AWG and RDECOM CC Contracting Personnel contacted five companies, through email and/or telephonic requests, regarding availability of the items listed in the procurement.

For each source contacted, other than Night Flight Concepts, the delivery time on the Image Intensifier Tubes and the Power Pack Binocular Assemblies was at least 60 days and 120 days respectively. For every source contacted, other than Night Flight Concepts, the delivery time on the Hoffman Engineering Field Portable Test Set was at least 90 days.

As Night Flight Concepts have the required quantities for both the Image Intensifier Tubes and Hoffman Engineering Field Portable Test Set in stock, delivery can be made less than 30 days after receipt of order. Additionally, Night Flight Concepts lead time for delivery of the Power Pack Binocular Assemblies is anticipated to exceed all other distributor as additional time savings are likely to be achieved by adding this supplemental quantity to the previous order placed in March. Use of the existing contract, with current Line Items for the Image Intensifier Tubes and the Power Pack Binocular Assemblies, is also anticipated to reduce administrative lead time in fielding these items.

8. Procurement History:

Previous Contract or Purchase Order Number: W91CRB-10-P-0085
Previously competed? N/A No Yes
Previous authority for less than Full & Open Competition: Contract