

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

Name of Intended Contractor: Morpho Detection, Inc

Street Address: 205 Lowell Street
City, State, Zip: Wilmington, MA 01887
Phone: 978-909-1210

3. Description of Supplies:

The Rapid Equipping Force (REF) requires 4,800 Assembly Multi-Purpose Traps (P/N: M0001316), 1,000 Membrane Kits, Set of Five (P/N: PA005007), 400 Long Life Positive Ion Dopants (P/N: MP035087), 8,800 Assembly Multi-Purpose Calibration Traps (P/N: M0001317), 8,800 Assembly Multi-Purpose Verification Traps (P/N: M0001337), and 200 E-Mode Dopant Permeation Tubes (P/N: MP005810).

The items being procured under this action will be included as part of a consumables kit for use with the MobileTrace narcotic and explosive detection system previously procured under contract W91CRB-09-F-0005 from Morpho Detection, Inc (formerly GE Homeland Protection, Inc). The consumables are needed in support of the near-term operation and maintenance of 200 MobileTrace devices currently being used in Operation Enduring Freedom (OEF), Operation Iraqi Freedom (OIF) and at the Joint Improvised Explosive Device Defeat Organization (JIJEDDO) Joint Center of Excellence (JCOE) training sites. Morpho Detection, Inc will be responsible for kitting the above mentioned proprietary components along with other non-proprietary consumables provided by the Government; thus comprising a complete consumable kit for delivery to theater.

It is anticipated that delivery of the kits will be staggered, due to shelf-life considerations of some consumables, with the first delivery (200 kits) to be made within four weeks after award and the second delivery (200 kits) to be made within twenty-two weeks after award.

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

See 10 USC 2304(c)(1), as implemented by FAR 6.302-1: Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.

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 MobileTrace detector supports Joint Urgent Operation Needs Statement (JUONS) requirements such as trace detection, detection of specific explosives, low false positives, and quick analysis time. The MobileTrace has high sensitivity, high reliability, broad explosive detection, and advanced user interface with a wide range of capabilities. It allows the flexibility to swipe surfaces for trace particles or to analyze trace vapors.

The consumable kit, of which the stated non-proprietary consumables make up a majority share, is a fundamental requirement for the operation and maintenance of the MobileTrace device. Without delivery of these consumable kits as required, the MobileTrace devices currently in theater would be rendered inoperable. This would not only result in the inability of warfighters to conduct detection in theater as needed in accordance with the description above.

6. Actions to Increase Competition:

Morpho Detection, Inc is the Original Equipment Manufacturer (OEM) of the MobileTrace detector. Per the vendor's assertion of rights, Morpho Detection, Inc has limited rights on the detailed manufacturing specifications for the above mentioned MobileTrace device consumables. Additionally, Morpho Detection, Inc is unwilling to sell the necessary data to the Government in order to facilitate a competitive acquisition for these proprietary consumables.

The Government originally procured this device and all consumables via a GSA purchase (W91CRB-09-F-0005) in 2008. The device and consumables are sold commercially to non-governmental sources, and have been available for purchase since third quarter of calendar year 2007.

Those items that are part of the consumable kit for the MobileTrace device which are non-proprietary to Morpho Detection, Inc are being procured separately via an unrestricted GSA

competition.

7. Market Survey:

For market research purposes, JIEDDO posted a Sources Sought Notice W15QKN-09-X-0103 to FedBizOpps 2 Feb 2010. Proposals were received from only one vendor, Morpho Detection Inc. As Morpho Detection, Inc owns the proprietary data relevant to the detailed specifications for the stated consumables and is unwilling to sell to the Government, the Government is unable to issue a competitive solicitation for these consumables.

A synopsis was posted on FedBizOpps.gov on 21 September 2010, stating the Government's intent to pursue a sole-source award to Morpho Detection, Inc for the stated consumables. To this date, no responses have been received.

8. Procurement History:

Previous Contract or Purchase Order Number: W91CRB-09-F-0005
Previously competed? N/A No Yes
Previous authority for less than Full & Open Competition: N/A