

JUSTIFICATION REVIEW DOCUMENT  
FOR OTHER THAN FULL AND OPEN COMPETITION

Program: FR-ACU in Operation Enduring Freedom Camouflage Pattern (OCP)

Authority: 10 United States Code (U.S.C.) 2304(c)(1)

Amount: \$11,466,367.50

Prepared by:

Senior Acquisition Specialist

DSN: [REDACTED]  
Date:

Procuring Contracting Officer:

Peter McDonald  
Procuring Contracting Officer

DSN: 236-6255  
Date:

Technical Representative:

Engineer, Flame Resistant Clothing

DSN: [REDACTED]  
Date:

Requirements Representative:

Assistant Product Manager, FR Clothing

DSN: [REDACTED]  
Date:

Reviews: I have reviewed this justification and find it adequate to support other than full and open competition.

Program Manager

Project Manager, Soldier Protection and Individual Equipment

DSN: [REDACTED]

Signature: [REDACTED]

Date: 6/18/2010

Office of the Chief Acquisition Officer

Signature: [REDACTED]

DSN: [REDACTED]

Date: 9/18/2010

N-10-27

**JUSTIFICATION AND APPROVAL  
FOR OTHER THAN FULL AND OPEN COMPETITION**

**JUSTIFICATION**

1. **Contracting Activity:** United States Army Research, Development and Engineering Command (RDECOM) Contracting Center, Natick Contracting Division, Natick, MA 01760-5011.
2. **Description of Action:** The action submitted for approval is a new acquisition in support of Product Manager, Soldier Clothing and Individual Equipment (PM SCIE) to meet a directed requirement from the Army Deputy Chief of Staff, G-3/5/7 (DCS G-3/5/7). Multiple One-Time Firm Fixed Price (FFP) contracts are contemplated to multiple vendors (American Apparel Inc, Bluewater Defense Inc, Goodwill Industries, Propper International Inc, and ReadyOne Industries) to produce FR-ACU Coats and Trousers in the Operation Enduring Freedom camouflage pattern. The effort is funded by Fiscal Year (FY) 2010 Operations and Maintenance Army (OMA) in the amount of \$11,466,367.50.
3. **Description of Supplies/Services:**

Item	NSN	Supplier	Qty	Cost	Total
FR-ACU Coat	Multiple (37)	American Apparel (Large)	[REDACTED]	[REDACTED]	[REDACTED]
		Bluewater Defense		[REDACTED]	
		ReadyOne Industries		[REDACTED]	
FR-ACU Trouser	Multiple (36)	Bluewater Defense	[REDACTED]	[REDACTED]	[REDACTED]
		Goodwill Industries		[REDACTED]	
		Propper International		[REDACTED]	

**Firms:**

American Apparel, Inc (Large Business)  
107 Selma Bypass P.O. Box 1310  
Selma, AL 36702

Propper International, Inc (Large Business)  
Guanajibo Industrial Zone  
1040 WF Brennan St  
Mayaguez, PR 00682

Bluewater Defense, Inc (Large Business)  
Route 183, Road 916, Barrio Cerro Gordo  
San Lorenzo, PR 00754

ReadyOne Industries (NISH NPA)  
1414 Ability Drive  
El Paso, Texas 79936

Goodwill Industries (NISH NPA)  
2121 Northwest 23rd St  
Miami, FL 33142

4. **Authority Cited:** The statutory authority permitting Other than Full and Open Competition is 10 U.S.C. 2304(c)(1), as implemented by Federal Acquisition Regulation (FAR) 6.302-1, Only one responsible source or a limited number of responsible sources and no other supplies or services will satisfy agency requirements.
5. **Reason for Authority Cited:** The five vendors selected for this action are the only suppliers currently producing the FR-ACU that can meet this bridge buy requirement by delivering 18,375 FR-ACU Coats and/or Trousers each per month for the period of August 2010 through November 2010. This will provide PM SCIE with a bridge contracting vehicle until the competitive procurement being issued by Natick Contracting Division (NCD) is awarded in the Fall of 2010 and a portion of the FR-ACU is added to Federal Procurement List in the Fall of 2010. All five suppliers have produced this either under DSCP contracts (which cannot be modified) or under NISH M&D contracts (which cannot be used for production) and have active lines to meet the fielding requirement. No other manufacturer can meet this required schedule as they would have to set up a production line and go through first article testing (FAT) approval to ensure the garments meets rigid safety requirements as this is a flame resistant, life

saving garment. All of the selected vendors have already demonstrated capability and capacity, and have already passed a FAT. The impact of delaying this action would include a greater risk of Soldier injury, reduction of combat effectiveness, and possible mission failure due to decreased physical concealment within the Operation Enduring Freedom (OEF) area of operation.

6. **Efforts to Obtain Competition:** PM SCIE posted a Request for Information (RFI) from 24 February 2010 through 10 March, 2010 to solicit industry to see who could meet this immediate requirement (See Item 8 Market Search for results). All firms who can meet the required delivery schedule are being awarded contracts.

7. **Actions to Increase Competition:** PM SCIE initiated competitive efforts for this production beginning in February 2010; PM SCIE solicited industry for the availability of interested and responsible providers of the FR-ACU in OCP through a Request for Information. The competitive presolicitation was announced 6 May 2010 (W911QY-10-R-0049) with an award by NCD anticipated in the Fall of 2010 to support fielding. PM SCIE has also supported early development of competitive sustainment activities through the Defense Supply Center, Philadelphia (DSCP). Through all of these actions PM SCIE determined that competitive procurements will support future acquisitions of the FR-ACU in OCP after the immediate urgent requirement is fulfilled. None of the current or future competitive efforts will deliver in time to meet the immediate requirement. PM SCIE will not award any options or additional work under this limited competitive contract action.

8. **Market Research:** Mr. Daniel J Purcell on behalf of PM SCIE solicited industry for the availability of interested and responsible providers of the FR-ACU in OCP through an RFI from 24 February through 10 March 2010. The resulting Market Research identified that there are 13 manufacturers interested in producing the FR-ACU in OCP. Of the 13, American Apparel, Propper International, Bluewater Defense, Goodwill Industries and ReadyOne Industries are the only suppliers that are currently producing FR-ACU uniforms that pass the stringent flame resistant test standards of the FR-ACU in OCP and can meet the required delivery schedule. The others are not currently producing these items and the long lead times of initial start up and required first article inspection, testing and approval would preclude them being able to meet the critical schedule requirements of this need. PM SCIE has contacted all current providers of FR-ACU to determine their ability to meet the aggressive delivery schedule. PM SCIE also contacted Source for Native American Products, LLC, on 21 May to determine their ability to provide the desired quantity in the necessary timeframe and they quoted 15 weeks after contract award. PM SCIE determined that the delivery schedule was outside of the requirement for this bridge buy.

9. **Interested Sources:**

- |  |   |
|--|---|
| American Apparel, Inc                              | Goodwill Industries                       |
| API, LLC (SNC)*                                    | Propper International, Inc                |
| Ashland Sales and Service*                         | ReadyOne Industries                       |
| Bethel Industries, Inc*                            | Source for Native American Products, LLC* |
| Bluewater Defense, Inc (formerly DJ Manufacturing) | Tulahoma Industries, LLC*                 |
| Carter Enterprises, LLC*                           | Wear-Tech, Inc*                           |
| Excel Manufacturing*                               | Winston-Salem Industries for the Blind*   |
| Golden Manufacturing, Inc*                         |   |

\*Are not current FR-ACU manufacturers

10. **Other Facts:** As previously stated, it is crucial that suppliers that have passed a First Article Test on FR ACU with Permethrin treatment that are necessary to certify the protective property and safety requirements of these garments are met.

11. **Technical Certification:** I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.

Name: [Redacted]  
Date:  
Title: Engineer, Flame Resistant Clothing

Signature: [Redacted]

12. **Requirements Certification:** I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.

Name: [REDACTED]  
Date:  
Title: Assistant Product Manager, EP Clothing

Signature: [REDACTED]

13. **Fair and Reasonable Cost Determination:** I hereby determine that the anticipated cost to the Government for this contract action will be fair and reasonable. Price analysis will be conducted to verify that the overall price offered is fair and reasonable.

Name: Mr. Peter McDonald  
Date:  
Title: Procuring Contracting Officer

Signature: Peter McDonald

14. **Procuring Contracting Officer Certification:** I certify that this justification is accurate and complete to the best of my knowledge and belief.

Name: Mr. Peter McDonald  
Date:  
Title: Procuring Contracting Officer

Signature: Peter McDonald

**APPROVAL**

Based on the foregoing justification, I hereby approve the procurement of 73,500 sets (73,500 Coats and 73,500 Trousers) at a total cost of \$11,466,367.50 of FR-ACU in the OEF camouflage pattern on an other than full and open competition basis pursuant to the authority of 10 U.S.C. 2304(c)(1), subject to availability of funds, and provided that the services herein described have otherwise been authorized for acquisition.

Date: 6-22-2010



CHERYL A. DELUCA  
Special Competition Advocate  
Natick Contracting Division