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**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
SOLICITATION SPE7MX-24-R-0049**

[X] ORIGINAL

[] ADDENDUM (attach copy of original J&A for add-ons or revisions)

1. The Defense Logistics Agency, DLA Land and Maritime, is the contracting activity.
2. The action being approved is the acquisition of supplies on other than a full and open competition basis.
3. The supplies required to meet the using activity's needs are described as follows:

BRIEF DESCRIPTION	NSN	QUANTITY	EST. VALUE	AMSC
Control Motor Transmission	3010-01-460-9681	101	\$342,001.15	3B

Identify end item, weapon system, or class of item:

Item nomenclature is a control motor transmission and it's a device used to regulate and control the operation of a motor and transmission in a vehicle or machinery. These controls are typically used in conjunction with torque converters and speed changers, which are components of the mechanical power transmission equipment. Motor-Transmission Control systems are responsible for managing the power output of the motor and controlling the speed and torque delivered to the transmission. They ensure smooth and efficient operation of the motor and transmission, allowing for optimal performance and control of the vehicle or machinery. This item has a weapons system designator code (WSDC) of "39A" indicating this part will be in support of the Patriot Missile. There is one approved source for this part - Allison Transmission Inc. Cage: 73342. There are no other sources capable of manufacturing this item IOT meet requirements. There ARE NOT currently 339's out to the ESA (Engineering Support Activity).

The Product Specialist, Mr. Terry Garrett, was contacted on June 5, 2024, to complete a Technical and has certified this information is correct.

ESTIMATED BASE VALUE:

\$342,001.15

ESTIMATED TOTAL VALUE (BASE + OPTIONS)

MAXIMUM CONTRACT VALUE :

\$684,002.30

4. The statutory authority permitting other than full and open competition is:

~~Controlled by: DLA Land and Maritime~~

~~Controlled by: [FLSC]~~

~~CUI Category: PROCURE/SSI~~

~~Distribution/Dissemination Control: FED ONLY~~

~~POC: [William.perez@dla.mil]~~

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[X] 10 U.S.C. 3204(a)(1) - Available from only one or a limited number of sources.

Brief narrative supporting the situation and weapon system:

Based on the technical certification of file at DLA Land & Maritime – VEP technical data is not available and cannot be developed to permit full and open competition. The data presently available reflects the minimum needs of the government. This solicitation is for DLA Direct Requirement, SPE7MX-24-R-0049. Item nomenclature is a actuating cylinder and is used in support of US Army Patriot Missile.

5. If restricted to the only source(s) of supply, include source(s) and CAGE code:

Allison Transmission Inc. Cage: 73342 Part Number ECB007AW

The use of the authority cited below:

[X] AMC 3. Acquire, for the second or subsequent time, directly from the manufacturer.

[X] *AMSC B*. This part must be acquired from a manufacturing source(s) specified on a source control or selected item drawing as defined by the current version of DoD-STD-100. Suitable technical data, Government data rights, or manufacturing knowledge are not available to permit acquisition from other sources, nor qualification testing of another part, nor use of a second source part in the intended application. Although, by DoD-STD-100 definition, altered and selected items shall have an adequate technical data package, data review discloses that required data or data rights are not in Government possession and cannot be economically obtained. If one source is available, AMCs 3, 4, or 5 are valid. If at least two sources exist, AMCs 1 or 2 are valid.

6. Efforts to ensure that offers are solicited from as many sources as practicable are:

[X] The acquisition will be synopsized on or about 07JUN24 on sam.gov for 15 days.

[X] Manufacturers of similar products identified in the market research will be solicited.

[X] Dealers of the manufacturers will be solicited.

7. I hereby determine that the anticipated cost to the Government will be fair and reasonable.

A price analysis will be conducted using historical pricing, the Producer Price Index (PPI), and learning curve analysis. Offerors may be requested to submit information other than cost or pricing data for determining price reasonableness. Based on the above techniques, the Contracting Officer anticipates that the cost to the Government will be fair and reasonable.

8. Market Research/Efforts to Obtain Competition:

Describe the market research conducted and the results.

- Market research consisted of review of past procurements, market surveys received from interested parties, and internet sources.
- Sources sought was posted on sam.gov from 30May2024 to 07June2024 . However, no responses were received.

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- Procurement history – all previous purchases are below the simplified acquisition threshold (SAT):

Market Survey [10 U.S.C. 3204(e)(2)(D)]:

[X] A market survey was conducted on/during 10 June 2024.

Total number of vendors contacted: 3.

Badger Truck and Automotive Group: 06YZ5

Clarke Power Services Inc Cage: 1SHN6

Allison Transmission Inc. Cage: 73342

Names of vendors contacted and responding: 1

Techniques used to conduct survey: email and phone calls.

Types of information requested: Business size, manufacturer or dealer, price breaks, commerciality, estimated delivery, and quantity sensitivity.

Summary of information received: Business size, item is in inventory, item is available for purchase, vendor is willing to submit a proposal.

Information received regarding the commerciality of the item(s):

For the reasons stated below, the NSN covered by this initiative will be Non-Commercial based on the definition of a commercial:

item located at FAR 2.101 and will be procured under FAR Part 15. The following non-Commerciality determinations have been made. COTS field in the MM03 query in SAP does not indicate these are commercial Items. Review of the Material Master database indicated that this NSN has limited sources. Review of the OEM's website neither shows evidence that this item is available on the commercial market nor is it of a type customarily used by the general public or nongovernmental entities for purposes other than government or military purposes as defined in FAR 2.101. Market research via internet resources for commercial sale offerings yielded no results to show that this item has been offered for sale, lease or license to the general public as defined in FAR 2.101, "Commercial Product." Market research did not yield any readily available published catalog price lists, schedules or other form of commercial pricing that are regularly maintained and updated by a manufacturer or vendor that are available to the general public for inspection. Additionally, there is no evidence of sale prices at which sales were made to a significant number of buyers constituting the general public. General public is interpreted as individuals using such parts in a manner other than a governmental or military capacity. Therefore, the Contracting Officer determines this item to be non-commercial, and the solicitation shall be issued pursuant to FAR Part 15 procedures.

9. Additional facts supporting other than full and open competition are:

[X] Based upon the attached technical certification, technical data is not available and cannot be developed to permit full and open competition. The data presently available reflects the minimum needs of the Government.

10. A listing of sources, if any, indicating an interest in the acquisition is: (If none, so state)

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Clarke Power Services Inc Cage: 1SHN6

11. The following actions are being taken to identify additional sources:

[X] Solicitation contains DLA Procurement Note, L22 Restriction of alternate officers for source controlled items

12. DFARS PGI (Procedures, Guidance and Information) 206.303 and 206.304 state that justifications citing the authority at FAR 6.302-1 to permit the use of other than full and open competition shall include a copy of a previous justification.

All previous purchases were under the simplified acquisition threshold and there are no prior J&A's.

I hereby certify that the information contained in this justification is accurate and complete to the best of my knowledge and belief. If not exceeding \$750,000, this signature serves as the approval.

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1378381815 Date: 2024.06.20 06:53:27 -04'00'

Contracting Officer

Date

APPROVAL REQUIREMENTS

[X] Up to \$750,000

Contracting Officer

Attachment(s):

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