

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION –
SOLE SOURCE**

1. **CONTRACTING ACTIVITY.** Department of the Air Force, 509th Contracting Squadron, 727 Second Street, Suite 124A Whiteman Air Force Base, MO 65305-5344.

2. **NATURE AND/OR DESCRIPTION OF ACTION BEING PROCESSED.** This Justification for Other than Full and Open Competition seeks the approval to proceed with the sole source purchase of five L-3 Hypermod Transmitters estimated at \$45,992.00.

3. **DESCRIPTION OF THE SUPPLIES/SERVICES REQUIRED TO MEET THE AGENCY'S NEEDS.** To purchase five additional Hypermod Transmitters. These transmitters are located in the B-2 for aircraft weapon delivery system telemetry capability.

4. **STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION.** The statutory authority permitting other than full and open competition is Only One Responsible Source – 10 U.S.C. 2304(c)(1) in accordance with FAR 6.302-1(a)(1)(ii)(A). In this particular acquisition, the equipment required is deemed to be available from only one source, as L-3 Communications Group (Nova Engineering) is the only manufacturer of this equipment for the Air Force, and they have no distributors for their equipment.

5. **DEMONSTRATION THAT THE CONTRACTOR'S UNIQUE QUALIFICATIONS OR NATURE OF THE ACQUISITION REQUIRES THE USE OF "ONLY ONE RESPONSIBLE SOURCE":** The 72nd TES is currently using as L-3 Communications Group's (Nova Engineering) Hypermod Transmitter for the aircraft weapon delivery system telemetry capability. These transmitters are manufactured solely by L-3 Communications. L-3 Communications is the sole provider of all required replacement parts for this transceiver unit. To procure different units would be unrealistic considering the Air Force has invested over 6 years of development time, thousands of man-hours and approximately \$500,000 in this and similar projects. L-3 Communications is the only manufacturer that can meet the environmental, electromagnetic, informational assurance and maintainability requirements.

6. **DESCRIPTION OF EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS DEEMED PRACTICABLE.** This requirement was reviewed by the Contracting Officer, and the user to ensure that all possibilities for competition was considered early in the acquisition cycle (see Para 9 for further explanation). Based on the specialized equipment required, a decision was reached to proceed with sole source procurement from L-3 Communications, the original manufacturer. L-3 Communications is the sole manufacturer of the required parts; they have no distributors.

7. **DETERMINATION BY THE CONTRACTING OFFICER THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE.** The purchase of five Hypermod Transmitters from L-3 Communications (Nova Engineering) is fair and reasonable based on previous purchases. L-3 Communications was contacted for other vendors or other purchasers of this item. Mr. Eric Lefebvre of L-3 stated, since 2009 only one company has purchased a similar model to Whiteman's requirement. He could not release the name of the company but was able to confirm it was a defense contractor. The commercial contract was for seven transmitters at \$9,197 each for a total of \$64,379.00. Whiteman's quote is the same price per unit as the contract from L-3 to the defense contractor. Mr. Lefebvre stated the unit price has not increased in several years, but he expects the price to increase later this year.

8. DESCRIPTION OF THE MARKET RESEARCH CONDUCTED AND THE RESULTS, OR A STATEMENT OF THE REASONS MARKET RESEARCH WAS NOT CONDUCTED.

As stated in paragraph 8, Edwards AFB purchased this item in May 2005. However, the procurement method of Edwards' contract is unknown due to the six years since the procurement. The Contracting Officer no longer works in the section and the records have been destroyed. The customer, 72nd TES also attempted to accomplish market research but none are known that can provide this similar item.

9. ANY OTHER FACTS SUPPORTING THE USE OF OTHER THAN FULL AND OPEN COMPETITION.

Since the original acquisition in 2005, the government has invested 6 years of additional research and man-hours into this item. If the government procures new items, it would cause substantial duplication of costs, unacceptable delays in B-2 operational requirements, re-accomplishment of system designs and will violate the current configuration of B-2 weapon delivery assessment system platforms. Purchasing new transmitters would severely limit the B-2 flexibility and effectiveness. Also, the current items have gone through comprehensive EMI testing, TEMPEST, and crashworthiness testing. It has taken many man-hours to complete the testing and certify these items. It is in the best interest of the Government to procure additional units of this product, than redesigning the B-2 Platform to make new units compatible. Additionally, purchasing another transmitter will jeopardize the 72nd TES's ability to provide safety-of-flight on-range airborne weapons health checks during telemetry equipped weapons delivery assessments.

This transmitter must also match exactly to the unit purchased at Edwards AFB in 2005. This transmitter is a unique piece of airworthy telemetry equipment in use for B-2 Developmental Test Evaluations at Edwards Air Force Base Flight Test Center. Utilizing identical assets by Whiteman AFB Flight Test Operations and the Edwards AFB Flight Test Center assures proven capability and allows for the cross-utilization of critical assets on B-2 test platforms. There is no other similar transmitter. This transmitter is uniquely able to transmit on legacy and efficient waveforms that the B-2 requires. The Hypermod multi-mode airborne transmitters are distinctive in their ability to function in standard Advanced Range Telemetry Tier I and Tier II waveforms. This transmitter can transfer up to 27.8 Mbps on an FM waveform and store data via Shaped Offset Quadrature Phase-Shift Keying. There are no other similar transmitters that can utilize all of these required areas.


10. A LISTING OF SOURCES, IF ANY, THAT EXPRESSED, IN WRITING, AN INTEREST IN THE ACQUISITION: Through market research efforts, it has been determined that L-3 Communications is the only source available for this procurement.

11. A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS TO COMPETITION BEFORE MAKING ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES REQUIRED.

All requirements, including the subject requirement, are thoroughly reviewed to ensure that competition is not unnecessarily restricted. It will be difficult to remove barriers to competition on future acquisitions for this equipment since L-3 Communications is the manufacturer and sole distributor of this product. For the foreseeable future L-3 Communications will be the sole distributor until the B-2 ACS is upgraded again or L-3 Communications acquires distributors.

12. CONTRACTING OFFICER'S CERTIFICATION.

I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.

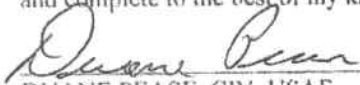


JESSICA A. SIMON, CIV, USAF
Contracting Officer

15 Sep 2011
Date

13. TECHNICAL/REQUIREMENTS PERSONNEL CERTIFICATION.

I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.


DUANE PEASE, CIV, USAF
72 TES/DOMI

15 SEP 2011
Date

JUSTIFICATION REVIEW DOCUMENT

PROGRAM/PROJECT: Hypermod Transmitter
AUTHORITY: FAR 6.302-1(a)(1)(ii)(A)

COORDINATION


DATE


JESSICA A. SIMON, CIV, USAF
Contracting Officer


15 Sep 2011

SEE ATTACHED LETTER

DAVID A. WILLIAMSON, Lt Col, USAF
Commander, 72 TES


LINDA M. WALKER, CIV, USAF
Director of Business

15 Sep 11


KELLEY POREE, Major, USAF
Chief of Contracting Office

15 Sep 2011