

**U.S. DEPARTMENT OF JUSTICE  
UNICOR, FEDERAL PRISON INDUSTRIES, INC.**

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION**  
**Authority Cited: FAR 6.3 Subpart 6.302-2 Unusual and Compelling Urgency**

**1. Identification of the agency and the contracting activity originating the J&A:**

US Department of Justice  
UNICOR, Federal Prison Industries  
Electronics Cable Factory (PHCB)  
37940 N 45<sup>th</sup> Avenue  
Phoenix, AZ 85086-7058

**2. Nature and/or description of the action being approved. Urgent and compelling**

UNICOR, Phoenix is requesting approval to procure under unusual and compelling urgency Control Monitor 12754(VRCU) and attached Cable Assembly 5995015796659 to ensure correct parts and timely delivery to our customer, the Department of Defense.

**3. Description of the supplies or services required that meet the agency's needs:**

Description	Quantity Required	Unit Price	Dollar Value
<b>CONTROL-MONITOR-C-12754(VRCU) – SAP # CAB5806</b>	<b>218 ea.</b>	<b>\$3157.00</b>	<b>\$688,226.00</b>
<b>A3316721-2,CABLE-ASSEMBLY, NSN 5995015796659</b>	<b>218 ea.</b>	<b>\$1064.19</b>	<b>\$231,993.42</b>
<b>TOTAL</b>			<b>\$920,219.42</b>

**4. A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires the use of the authority cited.**

Materials are urgently needed within the next 30 days. The materials requested are non-commercial items and cannot be solicited under the simplified acquisition guidelines. The time for posting non-commercial items on FedBizOpps is a minimum of 45 days. The army drawings and designs are licensed to ITT Communications Systems. The U.S. Army cannot qualify other manufacturers in the timeframe needed. It would involve bid samples being submitted with lengthy and expensive testing by the U.S. Army. FPI is not authorized to test and approve other manufacturers.

- 5. A description of effects made to ensure that offers are solicited from as many potential sources as is practical including whether a FBO notice was, or will be, publicized as required by Subpart and, if not, which exception under 5.202 applies.**

An announcement was posted on FBO. UNICOR was then notified by the licensed manufacturer that the items are not commercial items. The solicitation had to be canceled for a uniform contract form used for non-commercial items. Due to the urgency of this procurement, the solicitation is now determined to be Unusual and Compelling as defined under FAR 6.3 Subpart 6.302.2 Unusual and Compelling Urgency.

- 6. A determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.**

The licensed manufacturer is offering material CAB5806 to UNICOR at the same cost as their previous U.S. Army contract W15P7T-05-D-J101, Year 7, 2011. The price being offered for CAB5806 falls under their quantity break price of the 500-999 range. UNICOR is only ordering 218 which would normally fall under their 50-499 price range of \$7060.16 each for CAB5806. The price being offered for the cable assembly is also at the U.S. Army contract price of \$1064.19.

Based on this information, the contracting officer has determined the cost offered to the Government will be fair and reasonable.

- 7. Description of the market survey conducted and the results or a statement of the reasons a market survey was not conducted.**

Time constraints do not allow for a market survey and the drawings are licensed only to ITT Communications Systems per the U.S. Army. These items are urgently needed by the US Army.

- 8. Any other facts supporting the use of other than full and open competition.**

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- 9. A listing of sources (need minimum of two), that expressed in writing, an interest in the acquisition.**

ITT Communications Systems is the only licensed manufacturer currently on these drawings. A second source is currently not available.

- 10. A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisitions for the supplies or services are required.**

FPI intends to procure all future needs through full and open competition if the procurement data package allows so.

- 11. Contracting Officer's certification that the justification is accurate and complete to the best of the Contracting Officer's knowledge and belief.**

This contracting officer certifies that the information provided in this Unusual and Compelling Justification is accurate and complete to the best of my knowledge and belief.

