



**5. Reason for Authority Cited:**

Public Law 111-32, the 2009 Supplemental Appropriations Act, June 24, 2009, directed the Department of Defense to “take immediate action to provide combat uniforms to personnel deployed to Afghanistan with a camouflage pattern that is suited to the environment of Afghanistan,” and to “provide a report on the program plans and budgetary adjustments necessary to provide appropriate uniforms to deployed and deploying troops to Afghanistan.” To comply with this statutory direction, the Secretary of the Army directed a four-phase program to achieve the two goals. First, as a short-term response, phases one through three of the program were to 1), identify an effective alternative to the then-standard Universal Camouflage Pattern (UCP); 2), conduct a limited validation involving approximately 2,000 soldiers – half wearing UCP, and the other half wearing the alternative (Multicam, a proprietary camouflage pattern).

**6. Additional Information:**

(i) What harm will come to the Government if desired supplies/services are not provided on time?

N/A

(ii) What harm will come to the Government if desired contractor doesn't receive the award?

N/A

**7. Actions to Increase Competition:**

State what actions will be taken to increase competition before subsequent acquisition of the supplies or services is required.

Because the Army, DoD and Congress have all indicated an interest in reducing the number and types of camouflage patterns used by the Armed Forces, competition for this particular intellectual property will be somewhat limited moving forward. Acquisition of rights in these data will tend to increase competition among uniform manufacturers, since the data will be available from the Government and will be accessible to all, but developers of camouflage will find opportunities limited in the near-term future. OCP will be the Army's principal camouflage pattern for the

**8. Market Research:** (Describe the extent of the market research conducted to identify all qualified sources and the results thereof. “Market Research” is defined as those attempts made to ascertain whether other qualified sources exist. Research of the market place may consist of written, telephonic, or world wide web inquires.)

As noted, this action is complementary to a fully-competitive solicitation for camouflage patterns, that resulted in four contracts awarded to interested sources. Many other potential sources attended an Industry Day in December 2010, at which the Army expressly identified this Course of Action as one possible outcome of the competition.

**9. Procurement History:**

Previous Contract or Purchase Order Number: \_\_\_\_\_ or N/A

Previously competed?            N/A         No            Yes

Previous authority for other than Full & Open Competition:

N/A

**10. Technical / Requirements Certification:**

I certify that the support data under my best cognizance which is included in this abbreviated-J&A is accurate and complete to the best of my knowledge and belief.

Submitted By:

Position Title:

Email Address:

Date: 9/6/2013

**11. Fair and Reasonable Determination:**

I hereby determine that the anticipated cost to the Government for this contract action will be fair and reasonable.

The techniques to be used to determine fair and reasonable price are:

price analysis

As part of the basis, certified cost or pricing data will not \_\_\_\_\_ be required.

If one of the exceptions in FAR 15.403 applies, please indicate.

Typed Name:

Date:

Title:

Signature: <sup>B</sup>

**12. Review (Required when action is valued at \$150K or more)**

Legal Counsel:

Typed Name

DSN:

Signature:

Date:

**13. Contracting Officer's Approval:**

Based on the foregoing, I approve the procurement of

OCP license agreement

ordered under the description above on an other than full and open competition basis

pursuant to the authority of 10 USC 2304(c) (1) , subject to

availability of funds, and provided that services and property herein described have

otherwise been authorized for acquisition.

Date:

Signature: