



UNITED STATES MARINE CORPS
MARINE CORPS SYSTEMS COMMAND
2200 LESTER STREET
QUANTICO, VIRGINIA 22134-6050

IN REPLY REFER TO

MCSC CT 023
J&A 13,523

LIMITED SOURCE JUSTIFICATION

Upon the basis of the following justification, I, as the Procurement Contracting Officer, hereby approve the issuance of the contractual action described herein using Limited Sources, under the authority of the Multiple Award Schedule Program, Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251, *et seq.*) and Title 40 U.S.C. 501, Services for Executive Agencies.

JUSTIFICATION

1. Contracting Activity

Marine Corps Systems Command (MARCORSYSCOM)
Combat Equipment and Support Systems (CT 023)
2200 Lester Street
Quantico, VA 22134

2. Nature of Action Being Approved

The proposed action encompasses award of a sole source delivery order against a Federal Supply Schedule (FSS) contract (GS-02F-0024P) for the procurement of shelving kits for the Small Field Refrigeration System (SFRS). Only one capable source, Sea Box, Inc., 802 Industrial Highway, East Riverton, NJ, 08077-1910, has been identified. The order will use [REDACTED] funds.

3. Description of Supplies/Services

The planned order will procure two-hundred and thirty-nine (239) shelving kits for the SFRS, including internal shelving and cargo restraints, in support of the embarkation of the Family of Field Food Service, Enhanced-Tray Ration Heating System. SFRS is currently fielded to the Marine Corps in support of Outside the Continental United States (OCONUS) efforts. The SFRS is an all-inclusive intermodal heating and refrigeration International Organization for Standardization (ISO) container. In order to support the functionality and shipment of these containers, shelving kits are a necessity. A shelving kit is composed of eleven (11) ratchet and web strap assemblies, sixteen (16) articulated track fitting with D-rings, two (2) SFRS wire shelves, and four (4) shoring and decking beams. All items are required to meet certain technical specifications (see Attachment 1). The estimated value of the effort is [REDACTED]

4. Identification of Statutory Authority

The statutory authority for this contractual action is Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251, *et seq.*) and Title 40 U.S.C. 501, Services for Executive Agencies, as implemented by the Federal Acquisition Regulation (FAR) 8.405-6(a)(1), based on only one source is capable of responding due to the unique or specialized nature of the work, as detailed in FAR 8.405-6(b)(1).

5. Demonstration of the Contractor's Unique Qualification and Rationale for Use of the Authority Cited

The contractor is required to provide the necessary equipment to support the functionality and secure shipment of a fully capable refrigeration system to deployed units in OCONUS. These shelving kits will be integrated into existing containers which house the refrigeration system. Of the responses to the notice described in section 8 below, only Sea Box, Inc. demonstrated they currently provide kit components on an existing FSS contract which meet the technical specifications noted in the technical characteristics provided with the notice. This determination was supported by a review of the specifications and drawings Sea Box, Inc. provided. Sea Box, Inc. is the original equipment manufacturer of these intermodal heating and refrigeration ISO containers and so is uniquely positioned to manufacture the shelving kits for these same containers. The Marine Corps has already acquired these containers from Sea Box, Inc., so replacing existing containers is outside the scope of this effort. Replacement of these containers to eliminate Sea Box, Inc.'s advantage is also cost prohibitive, as it would require the Marine Corps to expend [REDACTED] per container, for a total replacement cost of over [REDACTED]. Based on the information submitted by interested parties, Sea Box, Inc. is the only capable source able to meet the Government's requirements.

6. Efforts Made to Solicit Potential Sources

This effort is being awarded under the General Services Administration (GSA) Schedule, thus a synopsis is not required per FAR 5.202(a)(4). Pursuant to FAR Part 8.404(a), placing orders under FSS contracts using the procedures in Part 8.405, ordering activities shall not seek competition outside of the FSS. However, a sources sought notice was posted as part of market research to determine whether or not to procure these items under an FSS contract. The results are described in section 8 below.

7. Determination of Fair and Reasonable Cost

The pricing of these shelving kits will be based on the Sea Box, Inc. GSA Contract GS-02F-0024P. GSA has already determined the prices of supplies and services to be fair and reasonable; however, a price reduction in the schedule price will be sought if applicable.

8. Description of Market Research

As part of market research, a sources sought notice for the SFRS shelving kit support equipment was posted by PM Expeditionary Power Systems (PM EPS) and the PM EPS Contracting Officer, in support of this purchase with PM Infantry Combat Equipment (ICE) to the Navy Electronic Commerce Online (NECO) and the Federal Business Opportunities (FedBizOpps) websites on 10 December 2009. The notice included, among other pertinent information, a detailed summary of required shelving kit component technical characteristics. Interested sources were asked to provide information on their ability to support this effort. Five (5) responses from potential vendors were received; however, only Sea Box, Inc. met all of the Government's requirements for this effort. Other interested parties were non-responsive; they proposed the use of different containers with other restraint systems or proposed other refrigeration system components altogether rather than addressing the specific requirements of the shelving kit components. Based on the results from this notice, it has been determined that the equipment detailed in this J&A can be procured on a sole source basis from Sea Box, Inc. through the use of their FSS contract.

9. Other Factors Supporting Use of Limited Sources

None.

10. Listing of Other Interested Sources

The following details the list of other interested sources that responded to the sources sought notice:

Wabash National
Charleston Marine Containers, Inc. (CMCI)
Buffers USA
AIT
Sea Box, Inc.

A copy of the original sources sought notice with Attachment 1, Technical Characteristics, as well as responses from each of the interested sources noted and a memorandum from PM EPS summarizing the results of the sources sought notice are included as part of the contract file. As noted in section 8 above, Sea Box, Inc. is the only vendor that responded positively to all of the Government's requirements for this effort.

11. Actions Taken to Remove Barriers to Competition

No actions are contemplated at this time to promote competition. Sea Box, Inc. is the only known source that can meet the requirement. The technical specifications have been publicized for industry to review and only one source was identified.

12. Statement of Delivery Requirement

The delivery for the first sixty-nine (69) shelving kits is required no later than ninety (90) days after order is placed with delivery for the remaining 170 to be completed within one (1) year of order placement.

13. Estimated Dollar Value of the Acquisition Covered by this J&A

The total estimated dollar value of the contract is [REDACTED], using Fiscal Year (FY) 10 [REDACTED] and FY10 [REDACTED] funds, respectively.

CLIN	QUANTITY OF KITS	FUNDS - YR	TYPE OF APPROPRIATION	\$ AMOUNT
.0001	69	FY10	[REDACTED]	[REDACTED]
0002	170	FY10	[REDACTED]	[REDACTED]

14. Reference to the Approved Acquisition Plan (AP)

No written AP is required; this procurement does not meet the AP threshold in Defense Acquisition Regulations Supplement (DFARS) 207.103(d)(i)(B).

15. Documentation for Spare and Repair Parts Acquisition

None required.

APPROVED
Date: 15 April 2010