



DEPARTMENT OF THE NAVY
 NAVAL SEA SYSTEMS COMMAND
 1333 ISAAC HULL AVE SE
 WASHINGTON NAVY YARD DC 20376-0001

IN REPLY TO:

J&A Number: 40,806
 Code: 02411
 P.R. Number: N00024-10-NR-00548

**JUSTIFICATION AND APPROVAL
 FOR USE OF OTHER THAN FULL AND OPEN COMPETITION**

JUSTIFICATION

1. Contracting Activity

The Naval Sea Systems Command (NAVSEA), Fleet Support Contracts Division (SEA 024).

2. Description of the Action Being Approved

Award of a sole source contract action with Seaward Marine Services, Inc., 3975 University Drive, Fairfax, VA 22030 for work to assist the Director of Ocean Engineering, Supervisor of Salvage and Diving in the conduct of hull cleaning, inspection, repair and associated ship husbandry on the East Coast of the United States. The contract action will encompass a base year and three option years.

3. Description of Supplies/Services

The contemplated contract action will provide for waterborne hull cleaning, inspection, repair and associated ship husbandry on the underwater portion of U.S. Navy, U.S. Coast Guard, U.S. Army, and Military Sealift Command ships and craft, to be performed on the East Coast of the United States in areas that include, but are not limited to, Norfolk, VA, Mayport, FL and Groton, CT. The total value for this contract action is estimated to be as much as \$51,758,000.00. This action is typically funded with annual O&M,N appropriations, primarily from the fleet or other federal agencies (e.g., Coast Guard, MSC, etc.).

Estimated Dollar Value

	FY10	FY11	FY12	FY13	TOTAL
O&M,N					\$51,758,000

The Government's minimum needs have been verified by the certifying technical and requirements personnel.

4. Statutory Authority Permitting Other Than Full and Open Competition

10 U.S.C. 2304(c)(1). Only one responsible source and no other supplies or services will satisfy agency requirements.

5. Rationale Justifying Use of Cited Statutory Authority

In accordance with FAR 6.302-1(a)(2), full and open competition need not be provided for when services are available from only one or a limited number of responsible sources, and no other type of services will satisfy agency requirements. This requirement supports the use of the authority cited in 10 U.S.C. 2304 (c)(1) because only Seaward Marine Services, Inc. can perform the services described herein within the required timeframe. The Navy's waterborne hull cleaning requirements have been competed since 1979. Seaward had been awarded the contract for world wide hull cleaning for 30 years prior to the last competition in which only two offerors responded: Seaward and another firm who was awarded the contract for the East Coast in August 2009. (This current contractor has failed to meet material contract requirements, impacting fleet assets and schedules) Failure to properly remove hull fouling has a serious detrimental impact on ship speed, fuel consumption and noise. Based on its performance as the original source, only Seaward has demonstrated that it has the skilled personnel, equipment and facilities to properly execute the Navy's highly specialized waterborne hull cleaning requirements on the East Coast. These services are essential to maintain Fleet readiness and provide capabilities that do not otherwise exist in the Navy. Seaward's unique experience gained under the preceding contracts makes it the only source immediately capable of ensuring continuity of these services within the required timeframe and without creating any further delay in ship availability schedules established by the fleet.

6. Description of Efforts Made to Solicit Offers from as Many Offerors as Practicable

The proposed contract action was synopsisized on the Federal Business Opportunities (FedBizOpps) website on 7 July 2010. No additional market research was conducted because it is not practicable, for the reasons discussed in paragraph 5 above, for any company other than Seaward to provide the required services. No other source has expressed interest. Any responses received will be considered.

7. Determination of Fair and Reasonable Costs

The Contracting Officer has determined that the anticipated cost to the Government for the supplies/services covered by this J&A will be fair and reasonable.

8. Actions to Remove Barriers to Competition

NAVSEA currently intends to procure FY 14 and beyond requirements through full and open competition. As the period of performance for this action nears completion, NAVSEA will conduct a survey of the market to determine whether full and open competition is feasible. If another potential source emerges prior to that time, NAVSEA will assess whether competition for future requirements is feasible.

CERTIFICATIONS AND APPROVAL

TECHNICAL/REQUIREMENTS CERTIFICATION (FAR 6.303-2(b))

I certify that the facts and representations under my cognizance, which are included in this justification and its supporting acquisition planning data, including Acquisition Plan N/A, except as noted herein, are complete and accurate to the best of my knowledge and belief.

TECHNICAL COGNIZANCE:

[Redacted signature block]

Signature Name (Print) and Title (Code) Phone No. Date

REQUIREMENTS COGNIZANCE:

[Redacted signature block]

Signature Name (Print) and Title (Code) Phone No. Date

LEGAL SUFFICIENCY REVIEW (NMCARS 5206.303(90))

I have determined this justification is legally sufficient.

[Redacted signature block]

Signature Name (Print) and Title (Code) Phone No. Date

CONTRACTING OFFICER CERTIFICATION (FAR 6.303-2(a)(12))

I certify that this justification is accurate and complete to the best of my knowledge and belief.

[Redacted signature block]

Signature Name (Print) and Title (Code) Phone No. Date

APPROVAL BLOCK (FAR 6.304 for Approving Official)

Upon the basis of the above justification, I hereby approve, as designee of the Head of the Contracting Activity, the solicitation of the proposed procurement(s) described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304(c)(1).

(TITLE OF APPROVING OFFICIAL)

Signature Jerome Pundesser 7/20/10
Name (Print) Date