



DEPARTMENT OF THE NAVY
NAVSUP FLEET LOGISTICS CENTER NORFOLK
1968 GILBERT STREET - SUITE 600
NORFOLK, VIRGINIA 23511-3392

IN REPLY REFER TO:
230.1
09 Feb. 2016
J&A Number: 15926

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

1. IDENTIFICATION OF AGENCY AND CONTRACTING ACTIVITY:

This requirement is in support of the United States Fleet Forces Command (USFFC) for husbanding support services to be used by U.S. Ships (USS) and U.S. Naval Ships (USNS), including the Military Sealift Command and U.S. Coast Guard, visiting non-U.S. Navy ports located along the East Coast Continental United States, running from Maine through Texas, to include all eastern U.S. territories. The contracting activity is the Fleet Logistics Center Norfolk (FLCN), Norfolk, Virginia.

2. DESCRIPTION OF THE ACTION BEING APPROVED:

This is a non-competitive action submitted for approval to bridge the existing single-award, Indefinite-Delivery, Indefinite-Quantity (IDIQ) type contract with firm fixed pricing provisions to extend the period of performance and increase the ceiling of the current East Coast Continental United States husbanding contract, Contract No. N00189-10-D-0051, with MLS USA Corp. The estimated period of performance is for six (6) months beginning 01 April 2016 and continuing through 30 September 2016, with two additional 3-month options to extend performance from 01 October 2016 through 31 December 2016 and 01 January 2017 through 31 March 2017. The contract award value, including all options, was [REDACTED]. In June 2015, the contract was modified for the purpose of increasing the contract ceiling by [REDACTED], resulting in a new contract ceiling of [REDACTED]. Subsequently, in August of 2015, a bridge modification was enacted to extend the period of performance through 31 March 2016 and to increase the contract's ceiling by [REDACTED], from [REDACTED] to [REDACTED]. The available period of performance of the instant requirement is set to expire on 31 March 2016 and it is anticipated that the follow-on contract will not be established prior to 31 March 2016. Based on current spending and Fleet operations forecasts, the estimated value of this J&A is [REDACTED]. Considering projections through the current period of performance and the extension period, the total estimated dollar value of the ceiling increase covered by this J&A is [REDACTED].

3. DESCRIPTION OF SUPPLIES/SERVICES:

This requirement is for husbanding services supporting U.S. Naval Forces operating along the East Coast Continental United States. The husbanding contract provides crew sustaining support to ships pulling into port. Under this contract the husbanding contractor provides in scope services and supplies including the removal of CHT (Waste Water/Sewage), the replenishing of potable water, and the ability to increase security measures at the port for the protection of U.S. Navy personnel and equipment.

4. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION:

This modification will be pursuant to 10 USC 2304(c)(1) only one responsible source and no other supplies or services will satisfy agency requirement, as implemented in Federal Acquisition Regulation (FAR) 6.302-1.

5. RATIONALE JUSTIFYING USE OF CITED AUTHORITY:

MLS USA Corp. is the only known source that can meet the Government's immediate and interim requirements within the area of responsibility (AOR) under the prevailing contract without causing an unacceptable delay of services and additional costs to the Government to have husbanding support items and services procured on an individual purchase order basis. MLS USA Corp.'s current East Coast Continental United States husbanding contract has a period of performance expiring on 31 March 2016; however it is anticipated that the follow-on contract will not be established prior to 31 March 2016 due to 1) delays in the efforts to standardize the Requests for Proposals (RFPs) and internal business processes for all husbanding requirements across the NAVSUP Enterprise, and 2) further collaboration with industry and partner FLC's, resulting in additional refinement of the contract exhibit line item (ELIN) structure and Performance Work Statement (PWS),

subsequent amendments to the solicitation, and further delays to the timelines for closing of the solicitation and evaluation of proposals. Extending the period of performance through 30 September 2016, with two 3-month options to extend through 31 December 2016 and 31 March 2017, will allow sufficient time to finalize standardization across all husbanding requirements and complete the complex solicitation and evaluation process. The Navy recognizes that there are other capable Husbanding Service Providers (HSP) that may be able to perform husbanding services; however, there are seventy-one (71) port visits projected to occur by 31 March 2017. Additionally, due to exercises and other unforeseen operational requirements, more port visits can be expected to occur during this interim period. Conducting competitive procurements for each of these planned and unplanned port visits, which is the only alternative to this non-competitive action, would result in higher costs and delays while the Government conducts a full and open competition of the requirements, with little or no confidence in an improved price or performance. Additionally, conducting a competitive procurement for each port visit can be expected to take approximately thirty (30) days. In light of the number of projected port visits through March 2017, delays in meeting the Navy's HSP requirements would result from not allowing MLS USA Corp. to provide the required services. Thus, this extension of the period of performance and increase in ceiling will provide essential, immediate, and interim contract support for port visits along the East Coast Continental United States.

6. DESCRIPTION OF EFFORTS MADE TO SOLICIT OFFERS FROM AS MANY OFFERORS AS PRACTICABLE:

The Procurement Contracting Officer (PCO) is currently working on the follow-on requirement for a multiple-award Indefinite-Delivery, Indefinite-Quantity (IDIQ) type contract; however, award is not anticipated prior to 31 March 2016. In accordance with FAR Part 10, market research has been conducted for the follow-on requirement. Efforts to identify potential sources of supply consisted of using Navy Electronic Commerce Online (NECO) and Federal Business Opportunities (FBO) websites to issue a Sources Sought Notice on 04 February 2015. The Notice requested responses from interested sources, as well as submission of capability statements. The Notice also included an announcement of an Industry Day and an attachment of a draft Performance Work Statement (PWS). Four (4) firms were in attendance at the Industry Day briefing and three (3) firms submitted capability statements in response to the Sources Sought Notice. The results of the market research indicate that there is market interest in the follow-on competition of the East Coast Continental United States husbanding requirement. Based on the above, it is reasonably anticipated that significant competition will be obtained in the follow-on effort to this current contract.

7. DETERMINATION OF FAIR AND REASONABLE COST:

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

8. ACTIONS TO REMOVE BARRIERS TO FUTURE COMPETITION:

The follow-on requirement will be procured on a full and open basis in accordance with the requirements of FAR Subpart 6.1.

9. CONTRACT POINT OF CONTACT:

The point of contact at NAVSUP Fleet Logistics Center Norfolk is Ms. Kate Petti, Code 230, at (757) 443-1618 or by e-mail at kate.petti@navy.mil.

