



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

IN REPLY REFER TO

4300
230A4
20 Aug 2011
NF-13430.4

**JUSTIFICATION & APPROVAL (J&A)
TO PROCURE USING OTHER THAN FULL AND OPEN COMPETITION
(SOLE SOURCE)**

1. IDENTIFICATION OF AGENCY AND CONTRACTING ACTIVITY

This requirement is in support of Commander Fleet Forces Command (CFFC) for husbanding services throughout the country of Panama. The contracting activity is the Fleet Logistics Center, Norfolk, Virginia (FLCN).

2. NATURE/DESCRIPTION OF ACTION/CONTRACT TYPE

This is a non-competitive action to increase the ceiling of contract N00189-10-D-0054 with Multinational Logistic Services LTD. Contract N00189-10-D-0054 is an Indefinite Delivery Indefinite Quantity (IDIQ) type contract with firm fixed pricing provisions. The period of performance of the contract is a base year plus four one-year option periods. The current total contract value is 18,326,723.64. At present, the current contract is in its first option year, which will expire on 31 August 2012.

At the time of contract award, there was a lack of granular port visit data for the country of Panama, which was used to produce the Independent Government Estimate (IGE). Additionally, no port visit data was available for the U.S. Coast Guard or Military Sealift Command, both of which have become prominent customers under this contract. As a result, an accelerated expenditure of ceiling has occurred.

The Procurement Contracting Office (PCO) is currently working on a follow-on requirement solicitation. However, award is not anticipated until the end of May 2013. This ceiling increase of \$6 million is required to fulfill ceiling which will otherwise be exceeded for the period 01 September 2012 to 31 May 2013.

3. DESCRIPTION OF REQUIRED SERVICES

This requirement is for husbanding services supporting U.S. Naval Forces operating throughout the country of Panama. Under this contract the husbanding contractor provides in scope services and supplies requested by the ships while they are in port. The total estimated dollar value of the acquisition covered by this J&A is \$6 million. This dollar amount is based on current year spending and Fleet operation forecasts.

4. IDENTIFICATION OF STATUTORY AUTHORITY

This ceiling increase will be pursuant to 10 USC 2304(c)(1) only a limited number of responsible sources and no other supplies or services will satisfy agency requirement, as implemented by Section 6.302-1 of the Federal Acquisition Regulation (FAR).

5. RATIONALE SUPPORTING USE OF AUTHORITY CITED ABOVE

Husbanding support is critical to the Navy's global war-fighting mission. Husbanding contracts provide crew sustaining support to ships pulling into port. Some of the most vital services provided under this contract include 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. Not having a contract vehicle to provide support for port visits throughout Panama presents substantial risk to the Navy's global readiness capability. Often, due to exercises and other unforeseen operational requirements, the timing of the requirements for husbanding services cannot be predicted, which makes it imperative that husbanding services be available under contract at all times. MLS is best positioned to continue providing these services under the current contract during the period required to compete and award a follow-on contract in May 2013. This increase in ceiling will provide essential contract support for port visits throughout Central America. Failure to increase the ceiling would lead to a break in services, presenting unacceptable operational risk because of delays in fulfilling the requirement through other methods.

Milestone	Planned Date	Actual Date
Market Research Completed	01-Dec-12	
MOPAS Revised	01-Jan-13	
Issue Synopsis	3-Feb-13	
Issue RFQ	19-Feb-13	
Close RFQ	18-Mar-13	
Discussions	21-Apr-13	
Final Proposal Revisions Due	4-May-13	
Final Evaluations - Completed	13-May-13	
Contract Award	31-May-13	

6. **FEDBIZOPPS Announcement/Potential Sources.** Notice of the contract ceiling increase was posted to NECO on 24 August 2012.

7. **Determination of Fair and Reasonable Cost.** A determination of fair and reasonableness for pricing shall be made by the Contracting Officer/Ordering Officer at the time each individual task order is placed.

8. **Other Supporting Facts.** This increase in ceiling will provide essential contract support for the numerous Navy, Coast Guard, and MSC port visits anticipated throughout Panama for the period of 01 September 2012 to 31 May 2013. Panama port visits currently make up approximately 34% of total port visits amongst the eight regions.

9. **Actions Taken to Remove Barriers to Competition.** The increased ceiling is intended to ensure the continuation of mission essential services until the follow-on contract is competed to the fullest extent possible and awarded. Every effort to date has been made to maintain ordering integrity pursuant to FAR and ensure the contract and orders that stem from it are conducted

fairly and openly with no apparent conflict of interest and in the best interest of the Government. The estimated award date is late May 2013.

10. Total Estimated Dollar Value of the Acquisition Covered by this J&A. The required increase of \$6 million is based upon current year spending and Fleet operation forecasts.

11. Reference to the Approved Acquisition Strategy (MOPAS). The Acquisition Strategy was approved on 22 April 2010.

12. Documentation for Spare/Repair Parts Acquisition. Not applicable.

13. Preparer's Identification. The point of contact at FLCN is Bryan Makuch, phone (757) 443-1328, e-mail: bryan.makuch@navy.mil.

CERTIFICATIONS AND APPROVAL

TECHNICAL/REQUIREMENTS CERTIFICATION

I certify that the facts and representations under my cognizance which are included in this Justification and its supporting acquisition planning documents, except as noted herein, are complete and accurate to the best of my knowledge and belief.

Technical Cognizance:

Signature: [Handwritten Signature] Name (Printed): Tyler Bryan Phone No.: 757-443-1072 Date: 8/24/12

Requirements Cognizance:

Signature: [Handwritten Signature] Name (Printed): Scott D. Wilkins Phone No.: 757-443-1326 Date: 8-24-12

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

Signature: [Handwritten Signature] Name (Printed): James P. Wilbur Phone No.: 757 443 1094 Date: 8-22-12

CONTRACTING OFFICER CERTIFICATION

I certify that this Justification is accurate and complete to the best of my knowledge and belief. To the extent that the J&A/LSJ value is between \$150K and \$650K, the Contracting Officer's signature below also represents approval of the J&A/LSJ.

Signature: [Handwritten Signature] Name (Printed): Augustine P. Selva Phone No.: 757-443-1443 Date: 22 Aug 12

CONTRACTING ACTIVITY COMPETITION ADVOCATE REVIEW

To the extent that the J&A/LSJ value is between \$650K and \$12.5M, the Competition Advocate's signature below also represents approval of the J&A/LSJ.

Signature: [Handwritten Signature] Name (Printed): Marlene K. Chambley Phone No.: 757-443-1362 Date: 8/27/2012

APPROVAL

Upon the basis of the above justification, I hereby approve, as Head of the Procuring 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).

Signature Name (Printed) Phone No. Date