



DEPARTMENT OF THE NAVY
FLEET LOGISTICS CENTER NORFOLK
Portsmouth Naval Shipyard Annex
Bldg. 153/6
Portsmouth, NH 03801-5000

IN REPLY REFER TO

P-10808-01
4200
05/31/2013

**JUSTIFICATION AND APPROVAL
TO PROCURE USING OTHER THAN FULL AND OPEN COMPETITION**

1. IDENTIFICATION OF AGENCY AND CONTRACTING ACTIVITY: The requiring activity is the SSN 755 (USS Miami), at Portsmouth Naval Shipyard, Portsmouth, NH 03801. The contracting activity is the Fleet Logistics Center Norfolk (FLCN) Norfolk, Portsmouth Naval Shipyard (PNS) Annex, Contracts Division, Portsmouth, NH 03801. Requisition number: N3904013RC30447

2. NATURE/DESCRIPTION OF CONTRACT ACTION: This is a sole source action to be awarded under commercial acquisition practices utilizing simplified acquisition procedures to the large business identified in paragraph 3 below. The placement of a firm, fixed price contract is anticipated.

3. DESCRIPTION OF REQUIRED SUPPLIES/SERVICES: The requirement is for the rental of 23,390 pieces of scaffolding to support the scaffolding configuration around the SSN 755 (USS MIAMI) during its scheduled work at Portsmouth Naval Shipyard. The period of performance for the rental is a period of July 1, 2013 to June 30, 2014. The total dollar estimate for the procurement is approximately _____ which will be funded by FY-13 OM&N funds. A lease vs. purchase was issued for this requirement indicating the purchase of the scaffolding would be approximately _____. The cost to rent is significantly lower and represents the best value to the Government based on the fact that this scaffolding is being rented to support one project and will not be used for another.

4. IDENTIFICATION OF STATUTORY AUTHORITY: The statutory authority permitting other than full and open competition is section 4202 of the Clinger-Cohen Act of 1996, a sole source acquisition under the authority of the Test Program for Certain Commercial Items, as Implemented by FAR 13.501(a).

5. DEMONSTRATION OF CONTRACTOR'S UNIQUE QUALIFICATIONS OR NATURE OF ACQUISITION: The shipyard currently has an inventory of this EXCELL Scaffolding manufactured by Bartlett Services, Inc. in its possession. The scaffolding was purchased for shipyard use, and approximately 25% worth of the project's scaffolding have been built from this inventory. Due to the proprietary design by Bartlett Services, Inc., there is no other scaffolding available that is compatible with the Shipyard's existing supply. This proprietary design includes the feature of quick snap stacking pipe and planks that will coordinate with all the existing scaffolding that will be in use.

After discussion with project personnel, it was advised that the Shipyard already has approximately _____ worth of inventory for this scaffolding.

If the Shipyard were to utilize another manufacturer's scaffolding without compatible design, the Shipyard would be required to purchase or rent an entire set. This would result in the duplication of cost to the Government.

6. CBD ANNOUNCEMENT/POTENTIAL SOURCES: Upon approval of this J&A, a synopsis/solicitation will be posted on the Government-wide point of entry as intent to negotiate on a sole source basis with Bartlett Services, Inc.

7. DETERMINATION OF FAIR AND REASONABLE COST: The FLCN Norfolk, PNS Annex, Contracting Officer will determine fair and reasonableness of price based on the Procuring Contracting Officer's price analysis of the contractor's quote and or a comparison of previous pricing history or published price list of the same or similar items in accordance with FAR 13.106-3.

8. DESCRIPTION OF MARKET SURVEY: The contracting officer has determined that no other market survey efforts are appropriate for this procurement action because Bartlett Services, Inc. is the only responsible source for the procurement of the required supplies/services.

9. ANY OTHER SUPPORTING FACTS: Shipyard personnel are already trained on EXCELLL Scaffolding. They would require retraining on another brand which would not support the availability start date.

The project requiring this scaffolding order is needed for fifty two (52) weeks. The shipyard has purchased a whole ship set of scaffolding for dry dock 1 availabilities. That material is partially in use on the availability requiring the scaffolding in dry dock 2. A portion of that scaffolding must be returned to the dry dock 1 availability scheduled for the beginning of fiscal year 2014. Dry dock 2 has Removable Submarine Covers (RSC's) which are scheduled to be refurbished. The EXCELL scaffolding from dry dock 1 is replacing the RSC's previously departed for refurbishment.

10. LISTING OF INTERESTED SOURCES: EXCELL Modular Scaffolding (Bartlett Services, Inc.) is the Prime Contractor of the EXCELL scaffolding and will be submitting a quotation.

11. ACTIONS TAKEN TO REMOVE BARRIERS TO COMPETITION: For reasons set forth in Paragraph 5, Norfolk (FLCN) Norfolk, Portsmouth Naval Shipyard Annex will handle all future requirements on a case by case basis.

12. STATEMENT OF DELIVERY REQUIREMENTS: Delivery is required no later than **1 July, 2013**.

13. TOTAL ESTIMATED DOLLAR VALUE OF THE ACQUISITION COVERED BY THIS J&A: The total estimated dollar value of this acquisition is _____ which will be funded by OM&N funds.

14. REFERENCE TO THE APPROVED ACQUISITION PLAN (AP): An acquisition plan is not required for the acquisition.

15. DOCUMENTATION FOR SPARE/REPAIR PARTS: This acquisition does not include spare or repair parts.

16. CONTRACTING POINT OF CONTACT: The point of contact at FLCN Norfolk, PNS Annex is Joseph A. LeFebvre, Code 5303.JL, at DSN 684-2940, commercial 207-438-2940, or by email at joseph.lefebvre@navy.mil.