



## DEPARTMENT OF THE NAVY

REGIONAL CONTRACTING DEPARTMENT  
NAVSUP FLEET LOGISTICS CENTER PUGET SOUND  
467 W STREET  
BREMERTON, WASHINGTON 98314-5120

**CONTROL NUMBER 2016-012**

**N00406-15-C-5015-P0003**

### **JUSTIFICATION AND APPROVAL FOR SOLE SOURCE PROCUREMENT Under Simplified Procedures for Certain Commercial Items (FAR 13.5)**

1. **Contracting Activity.**

NAVSUP Fleet Logistics Center Puget Sound (FLCPS).

2. **Description of Action Being Approved.**

The firm-fixed price service type contract will be modified to increase the quantity of CLIN0001 utilizing FAR Parts 12 & 13.5.

3. **Description of Supplies/Services.**

Naval tugboats are typically used to open and close the waterborne security barriers located at Naval Base Everett. A contractor's tugboat is required when the Navy's tugboats are not able to support the movement of a barrier due to concurrent workload. The proposed modification will increase the value of the contract by (b) (5) increase utilizing FY16 O&M funding.. The modification must be released not later than 12/10/2015.

4. **Statutory Authority Permitting Sole Source.**

The statutory authority permitting this sole source action is 41 U.S.C. 1901 – A sole source acquisition under the authority of the simplified acquisition procedures, for certain commercial items as implemented by FAR 13.501(a).

5. **Rationale Justifying Use of Cited Statutory Authority.**

Only one responsible source; Due to availability requirements with advanced notifications of one hour or less the only waterborne towing service contractor capable to satisfy agency requirements is Dunlap Towing Company. The two companies that considered providing this service at the time the basic contract was solicited, APS Marine and Ballard Marine Construction, withdrew interest due to not having the assets (crew and vessel capable of 5,000 bollard pull) in close proximity to the on-call requirements.

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

When the basic contract, N00406-15-C-5015 was synopsised on 11/19/2014, and subsequently solicited on 12/05/2014, three contractors expressed an interest in providing the service. As noted in section-5 above, APS Marine and Ballard Marine could not support the requirements. On 11/10/2015 the contract specialist contacted both contractors via telephone to ascertain their current capabilities.

APS Marines' Manager, Jack Van Zandt, stated that their capabilities had not changed; therefore they were not interested in competing at this time.

Ballard Marines' Director of Sales, Eric Muller, stated that they continued to not have a crew and vessel capable of 5,000 bollard pull) in close proximity that could meet the on-call requirements; therefore they were not interested in competing at this time.

No new tug companies have entered the market in the Puget Sound region within the past year since contract N00406-15-C-5015 was awarded nearly one year ago.

7. **Determination of Fair and Reasonable Cost.**

The contracting officer has determined the anticipated cost to the Government of the services covered by this J&A will be fair and reasonable. This determination is based on the fact that the current contract's contractor, Dunlap Towing Company has agreed to maintain the pricing as awarded. Prior to award, those prices were determined fair and reasonable based on the comparison of the quoted price from Dunlap Towing Company with prices found reasonable on previous purchases in accordance with FAR 13.106-3(a)(2)(ii).

8. **Actions to Remove Barriers to Future Competition.**

For the reasons set forth in Paragraph 5, FLCPS has no plans at this time to compete future contracts for the types of supplies/services covered by this document. If another potential source emerges, FLCPS will assess whether competition for future requirements is feasible.

Oct 2010

(New page)

J&A or LSJ Number 2016-012

**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.

(b) (6)  
[Redacted Signature]

Signature

BRANDT

Name (Printed)

425-304-3429

Phone No.

11/19/15

Date

**LEGAL SUFFICIENCY REVIEW**

I have determined this Justification is legally sufficient.

(b) (6)  
[Redacted Signature]

Chris Lybeck

Name (Printed)

360-476-2939

Phone No.

11/19/15

Date

**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 \$700K, the Contracting Officer's signature below also represents approval of the J&A/LSJ

(b) (6)  
[Redacted Signature]

Signature

David Stoker

Name (Printed)

6-8000

Phone No.

11/19/15

Date