



DEPARTMENT OF THE NAVY
NAVSUP FLEET LOGISTICS CENTER PEARL HARBOR
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IN REPLY REFER TO

CONTROL NUMBER: J&A 010

**JUSTIFICATION AND APPROVAL
FOR USE OF SOLE SOURCE**

1. **CONTRACTING ACTIVITY:**

Department of the Navy, NAVSUP Fleet Logistics Center Pearl Harbor, Regional Contracting Department

2. **DESCRIPTION OF THE ACTION BEING APPROVED:**

Award of a contract on a sole source basis for facility support services for the Pacific Missile Range Facility, Barking Sands, Kauai (PMRF) located on the island of Niihau. The contractor, Niihau Ranch, will provide facility support services for PMRF. Niihau Ranch has private title to the island and has restricted access for non-island residents. Under a lease agreement with the Navy, Niihau has allowed the PMRF, to use segments of the island to support operations of PMRF and to facilitate the support of instrumentation systems to meet mission requirements of PMRF.

3. **DESCRIPTION OF SUPPLIES/SERVICES:**

This prospective contract will provide labor, materials, and equipment related to services at the following sites: AN/FPS-134 Radar Site, the EW Perch Site, the Electro-Magnetic Environmental Systems Simulator Site and other sites as may be required to support training or test operations. The Services to support the specific instrumentation sites will be fixed price and consist of: grounds maintenance; pest control; facility maintenance, to include corrosion control and custodial services; road maintenance and repair; providing fuel and oil supply to maintain generator and day tank; solar panel batteries inspection and maintenance; and maintenance and repair services for government furnished equipment; indefinite quantity work involving labor, transportation and materials to support requirements such as: generator change outs; surface and ground transportation to, from and around Niihau; helicopter support services; fire watch and fire fighting support; and services required to support specific training or test operations.

Air, ground or surface transportation of Government or Contractor personnel to the sites on Niihau will be provided by Niihau Ranch, per existing conditions of use of Niihau Island facilities. Niihau Ranch will provide these services on a pre-priced basis.

The contract period of performance will be six (6) months, beginning 1 January 2012. The contract will also contain FAR 52.217-8, Option to Extend Services, to allow the continuation of services in the event of a delay of the follow-on contract due to circumstances beyond the

control of the contracting office. The FAR clause allows a total extension of performance up to six months. The total estimated value of the contract is approximately \$ [REDACTED]

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

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. **RATIONALE JUSTIFYING USE OF CITED STATUTORY AUTHORITY:**

Niihau Ranch, a privately owned Limited Liability Corporation, is the only source that can provide the required services. Niihau Ranch has private title to the island of Niihau where the services are required. Under a lease agreement with the Navy, Niihau Ranch has allowed PMRF to use segments of the island. The island has approximately 125 residents, and Niihau Ranch restricts access to the island. The lease agreement between Niihau Ranch and the Navy prohibits Government personnel from remaining on the island overnight except in the case of emergencies or as otherwise authorized by Niihau Ranch.

Niihau Ranch will use the residents of the island to perform the services. There is no other source on the island that can perform the services, and there is no expectation that a source from outside the island could satisfy the requirement. Even if another source could obtain access to the island and import a labor force onto the island, there are no facilities to house an outside workforce and it would be cost prohibitive to transport the estimated 19 FTE necessary to perform the services on and off the island on a daily basis. In summary, Niihau Ranch's restrictions on island access, the overnight restriction in the lease, and the fact there are no facilities on the island to house an outside workforce all prevent any source other than Niihau Ranch from satisfying this requirement.

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

Although there is no expectation that another source, other than Niihau Ranch, could perform these services, a synopsis will be published in FEDBIZOPS announcing the Government's intent to solicit, negotiate, and award a contract to Niihau Ranch for the services stated in paragraph 3 above. If another source can obtain access to the island and are capable and interested in performing the services, they will be invited to inform the Government of their interest. The Government may then consider to compete the requirements.

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:

For the reasons set forth in paragraph 5, NAVSUP FLC Pearl Harbor has no plans at this time to compete future contracts for the type s of services covered by this document. If another potential source emerges, FISC Pearl Harbor will assess whether competition for future requirements is feasible.