JUSTIFICATION AND APPROVAL
FOR USE OF OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity:

The contracting activity is the Naval Facilities Engineering Command Washington, Washington Navy Yard, Washington, DC.

2. Description of Action Being Approved:

This request is to obtain authority to use other than full and open competition by limiting the number of sources from which proposals will be solicited to one, and to negotiate with the incumbent providers for bridge contracts. Specifically, 836 vehicles used by the Naval Criminal Investigative Service (NCIS) Special Agents and authorized personnel were improperly acquired by NCIS without the appropriate contractual authority under the following 21 contracts/orders:

N63285-07-M-0002	CAPITOL LEASING INC.
N63285-07-M-0003	ACME AUTO LEASING, LLC
N63285-07-M-0006	U.S. AUTOMOTIVE LEASING SERVICES
N63285-07-M-0008	ACME AUTO LEASING, LLC
N63285-08-M-0005	UNION LEASING TRUST
N63285-09-P-0003	ACME AUTO LEASING, LLC
N63285-09-C-0005	ALLSTATE LEASING, INC.
N63285-09-C-0006	UNION LEASING TRUST
N63285-10-C-0002	MERCHANT AUTOMOTIVE GROUP, INC.
N63285-11-P-0036	NEUVILLE MOTORS, INC
N63285-06-P-0001	ACME AUTO LEASING, LLC
N63285-06-P-0002	ACME AUTO LEASING, LLC
N63285-06-P-0004	ACME AUTO LEASING, LLC
N63285-06-P-0006	ACME AUTO LEASING, LLC
N63285-06-P-0007	ACME AUTO LEASING, LLC
N63285-06-P-0008	ACME AUTO LEASING, LLC
N63285-06-P-0009	ACME AUTO LEASING, LLC
N63285-06-P-0005	UNION LEASING, INC.
N63285-06-P-0014	UNION LEASING, INC.
N63285-06-P-0017	UNION LEASING, INC.
N63285-06-P-0020	UNION LEASING, INC.

Each contract was awarded with various performance periods through September 2012, as well as varying vehicle types, quantities and prices. NAVFAC Washington will process contract ratifications. In the interim, however, mission critical services to NCIS must not lapse. Therefore, in order to permit NCIS critical mission to continue, bridge contracts must be awarded immediately under unusual and compelling circumstances to avoid mission failure.

3. Description of Supplies and Services:

The NCIS mission is to investigate and defeat criminal, terrorist, and foreign intelligence threats to the United States Navy and Marine Corps wherever such threats operate.
The agency employs roughly 2,500 personnel, and operates from over 150 locations worldwide. NCIS frequently operates in locations where partnering with other law enforcement entities is essential in order to address criminal incidents, identify and mitigate threats to U.S. naval forces and assets, and pursue joint operations. With that as a backdrop, the NCIS vehicle fleet is critical in accomplishing the NCIS mission. On a daily basis, NCIS Special Agents require transportation and vehicle support across the organization, whether operating autonomously or in conjunction with other law enforcement agencies. The NCIS vehicle fleet must then provide a mix of vehicles that provide a range of law enforcement capabilities. These capabilities include immediate response to crime scenes, pursuits, undercover operations, high profile security escorts, prisoner escort, and numerous other law enforcement specific missions. In all cases, the vehicle fleet must provide the Special Agent with immediate, safe, secure, and reliable transport.

Currently, the NCIS vehicle fleet is comprised of more than 1100 vehicles at more than 150 locations around the world. Approximately 900 of those vehicles are in CONUS locations. The current vehicle fleet is provided through commercial lease.

The aforementioned contract documents include 836 vehicles of various makes and models which are physically located throughout the Continental United States.

4. Statutory Authority Permitting Other Than Full and Open Competition:

The authority permitting other than full and open competition is Federal Acquisition Regulation (FAR) 6.302.2, Unusual and Compelling Urgency.

5. Rational Justifying Use of Cited Statutory Authority:

The requirement is for the completion of work already started by incumbent providers. The urgent need for services arises from recently discovered unauthorized commitments by NCIS. The Government signatory to the agreements did not have the authority to bind the Government, thus the contract(s) with the current service providers are invalid. NAVFAC Washington is in the process of informing the service providers that their agreements with NCIS are not valid contract(s) and that work is to be discontinued until valid contracts are executed. While service under the invalid agreements must end immediately, the need for the services remains. There is insufficient time to investigate, prepare, justify and approve ratifications of the unauthorized commitments to prevent a lapse in service. As creation of valid contracts by ratification will not prevent a lapse in service, the only option remaining is immediate execution of new proper contracts with the current service providers to continue the services which are mission essential to NCIS. Not having a valid contract(s) in place for the vehicles would cause serious detriment to NCIS operations. The vehicles are used on a 24/7 basis by NCIS special agents and supporting personnel to carry out the NCIS mission.

It would require eight to twelve months to resolicit, evaluate, award and accomplish nationwide delivery of replacement vehicles. Additionally, the deliveries of new vehicles also include inspection, acceptance, vehicle registration and tags, and coordination of the delivery time and place for all field locations. Finally, some vehicles will require an additional 30-60 days for customization as law enforcement vehicles. The continued leasing of these vehicles utilzing the above mentioned contractors is paramount in carrying out the NCIS mission.

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

The vehicles in question were previously solicited via full and open competition, having been posted on the Navy's Electronic Business Opportunities (NECO) website. The contract(s) to be awarded are 12-month bridge contracts being put in place while a long-term acquisition strategy is implemented, ensuring adequate competition.

7. Determination of Fair and Reasonable Price:

The current vehicle prices were determined to be fair and reasonable based on adequate price competition in the prior solicitation. These prices will be compared with historical data and GSA schedule pricing to determine fair and reasonable prices for each bridge contract.

8. Actions to Remove Barriers to Future Competition:

With the award of the above-referenced bridge contract(s) for a period of twelve months, the Government will have an opportunity to perform a thorough market survey and obtain pricing using an appropriate acquisition strategy which will include full and open competition or set-aside procurements depending on the results of that market research and the dollar amount of the resulting requirement.

9. Period of Performance:

Each bridge contract will have its own period of performance that will not exceed a total of 18 months, specifically, a one year base period and a 6 month option.

10. Total Estimated Dollar Value:

The total value of all bridge contracts is approximately $3,481,164.00.

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.

, PWBIC 9/27/11

Program Manager

LEGAL SUFFICIENCY REVIEW

I have determined this justification is legally sufficient.

Cynthia Guill

CONTRACTING OFFICER CERTIFICATION

I certify that this justification is accurate and complete to the best of my knowledge and belief.

9/27/2011

Paul Heavey

APPROVING OFFICIAL

Upon the basis of the justification above, I hereby approve the proposed procurement as described herein, is in the best interest of the Government, pursuant to the authority of FAR 6.302-2.

9/27/11

Guy A. Collins