



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND, ATLANTIC
6506 HAMPTON BLVD
NORFOLK, VA 23508-1278

IN REPLY REFER TO:
J&A NO: NA10-05

**JUSTIFICATION AND APPROVAL FOR
OTHER THAN FULL AND OPEN COMPETITION**
J&A Number: NA10-05

1. **CONTRACTING ACTIVITY:** Department of the Navy, Naval Facilities Engineering Command (NAVFAC), Norfolk, VA.
2. **DESCRIPTION OF THE ACTION BEING APPROVED:** Approval is requested to execute a modification to increase the ceiling on Contract Number N40080-06-D-7060 from \$10,000,000.00 to \$12,500,000.00. A firm fixed price (FFP) contract was awarded on 27 June 2006 to Alvarez and Marsal (A&M) for a base plus four (4) one-year options, with a contract ceiling of \$10,000,000.00 for the provision of services in support of the Enhanced Use Leasing (EUL) program. The Government has exercised all options to extend the term of the contract which ends 03 February 2011. An increase to the ceiling is requested to accommodate planned projects to begin prior to the contract end date.
3. **DESCRIPTION OF SUPPLIES/SERVICES:** The contractor is required to provide support to the EUL program. Under 10 USC 2667, the Navy has the authority to enter into long-term leases with the private sector for certain properties and receive "in-kind" consideration that can be used for maintenance, protection, alterations, repair improvement or restoration of property; construction or acquisition of new facilities; facilities operations support; and provisions of other services. The contractor shall provide a range of services in support of the EUL Phase I Market and Feasibility Analyses and EUL Phase II Industry Forums/ Award Development at multiple sites on the Continental United States (CONUS), Hawaii, and Guam.

Contract Number N40080-06-D-7060 was awarded as a single Indefinite Delivery Indefinite Quantity (ID/IQ) contract on a competitive basis. Individual task orders are issued to the contractor to authorize the performance of work and to provide funding for the work. To date, Contract Task Orders (CTOs) with a dollar value of approximately [REDACTED] have been awarded. The remaining capacity is approximately \$ [REDACTED]. The original contract award amount was based on the original projections. Since the original projections were exceeded, an increase to the contract ceiling is required to execute fourth quarter FY-10 and first quarter FY-11 Phase I and Phase II Projects. The estimated price of these projects total [REDACTED]. Therefore, a \$2,500,000.00 increase to the ceiling is requested to accommodate these projects. The projects are as follows.

- a. The Navy plans to task A&M to perform fifteen (15) Phase I Economic/Market Feasibility Studies for various Navy and Marine Corps CONUS sites. The Government's estimated price for each of the tasks is [REDACTED] for a total of [REDACTED].
- b. The Navy plans to task A&M to perform five (5) Phase II Special Studies Analyses for various Navy and Marine Corps CONUS sites. The Government's estimated price for each of the tasks is \$ [REDACTED] for a total of \$ [REDACTED].
- c. The Navy plans to task A&M to perform multiple Phase I and Phase II Studies for various Navy and Marine Corps sites in Hawaii and Guam. The Government's estimated price for the tasks totals \$ [REDACTED].

4. **STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION:** The statutory authority permitting other than full and open competition is 10 U.S.C. 2304 (c)(1) & (d)(1)(B); as implemented by

Federal Acquisition Regulation (FAR) 6.302-1(a)(iii), Only one responsible source and no other supplies or services will satisfy agency requirements.

5. RATIONALE JUSTIFYING USE OF CITED STATUTORY AUTHORITY: The original contract for EUL support was competed and awarded to A&M on 27 June 2006. A&M has solely provided EUL cradle-to-grave support, including the development of the EUL training website, to the Navy at a significant cost over the past four years. The additional work is for the continuation of EUL work at various locations. A&M's knowledge of real estate practices, customs, laws and its seasoned management team and workforce provide the surety of responsive, well-thought, and thorough analyses. The expertise the contractor has gained will allow for quality, uninterrupted services for these continued, follow-on efforts. Therefore, the follow-on nature of the continuance of work on the EUL program renders A&M as the only responsible source capable of performing this work in a timely and cost-efficient manner.

Failure to increase the contract capacity ceiling will result in an unacceptable delay in fulfilling the Government's requirement. This delay in time impacts the Government's ability to create a sustainable schedule for developing projects. The results of the Phase I and Phase II studies will be due to the requiring activity in January 2011 for comment/review. The requiring activity must thoroughly review the results to determine which projects are feasible to sustain EUL projects and then create a priority list of projects to be developed. The information must be presented to the Shore Mission Working Group (SMIG WG) in March 2011. A delay in schedule impacts CNIC's ability to adequately align resources needed to complete the various EUL projects.

6. DESCRIPTION OF EFFORTS MADE TO SOLICIT OFFERS FROM AS MANY OFFERORS AS PRACTICABLE: The original contract number N40080-06-D-7060 was synopsised as a competitive action. For this proposed modification, the Contracting Officer determined that it is impracticable to compete a separate bridge action due to the time constraints, the learning curve to overcome, and the high cost inefficiency to obtain competition for services that are clearly within the scope of the current contract. In accordance with FAR 5.203(a), this contract action will be synopsised in Navy Electronic Commerce Online (NECO) as a sole source to A&M. The re-procurement of the EUL program is currently in the Acquisition Planning phase. The award of the follow-on EUL contract will be made using competitive procedures and will satisfy competition for the long-term project needs.

7. DETERMINATION OF FAIR AND REASONABLE COST: The Contracting Officer has determined that the anticipated cost to the Government for the services covered by this J&A will be fair and reasonable. The current rates in contract number N40080-06-D-7060 will be used.

8. ACTIONS TO REMOVE BARRIERS TO FUTURE COMPETITION: The Government's Program Office has developed a performance specification that will support full and open competition for future acquisitions for this type of effort. A competition is expected to commence in October 2010.

9. ANY OTHER SUPPORTING FACTS: None

10. 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/ Requirements Cognizance:

   9 Aug 10
Signature Name/(Printed) Telephone No. Date

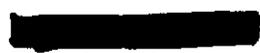
LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

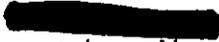
   1 SEP 2010
Signature Counsel Telephone No. Date

CONTRACTING OFFICE CERTIFICATION

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

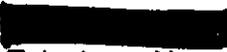
   9/13/10
Signature Contracting Officer Telephone No. Date

ENDORSEMENT


Signature 
Acquisition Director 
Telephone No. 9/10/10
Date

ECHELON III COMMANDER APPROVAL (NFAS 6.304)

Upon the basis of the above justification, I hereby approve, the award of the proposed procurement action described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304 (c)(1).


Signature 
RDML, CEC, USN
Commander, NAVFAC Atlantic 
Telephone No. 15 SEPT 2010
Date