



**DEPARTMENT OF THE NAVY**  
NAVAL FACILITIES ENGINEERING COMMAND, MID-ATLANTIC  
9742 MARYLAND AVENUE  
NORFOLK, VA 23511-3095

N40085-13-C-1100  
J&A No. ML-13-01  
4 October 2012

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

TEMPORARY AND PERMANENT TRAFFIC SIGNALS, GATE 3  
NAVAL WEAPONS STATION, YORKTOWN, VIRGINIA

**1. CONTRACTING ACTIVITY**

The agency is the United States Navy. The Contracting Activity is the Naval Facilities Engineering Command, Mid Atlantic. The Contracting Office is Facilities Engineering and Acquisition Division, Public Works Department, Naval Weapons Station, Yorktown, Virginia.

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

Request approval for the use of other than full and open competition to procure labor and materials necessary to design and construct Temporary and Permanent Traffic Signals for Gate 3 at Naval Weapons Station, Yorktown. The required source is the City of Newport News in Virginia. The estimated value is \$240,000.00.

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

The Government has a requirement to construct a temporary traffic signal at Gate 3 to accommodate traffic flow entering and exiting the base. The temporary signal will remain in place until the completion of the permanently-installed signal. The traffic signal construction is required due to the closure of Gate 1. There are only two active access gates on the installation (Gates 1 and 3). Due to recent manpower reductions, Gate 1 will be permanently closed. Gate 3 will serve as the main access to the NWS. Consequently, all traffic entering and exiting the installation will be subject to an uncontrolled intersection at Gate 3 and a city-owned roadway.

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

The statutory authority for this acquisition is 10 U.S.C. 2304(c)(1), as implemented by Federal Acquisition Register (FAR) 6.302-1. Under this authority, the property/services needed by the agency are available from only one responsible source or only from a limited number of responsible sources and no other type of property or services will satisfy the needs of the agency.

5. **RATIONALE SUPPORTING USE OF AUTHORITY CITED:**

The statutory authority cited in Paragraph 4 above is applicable, because the traffic signal will have to be interfaced into the City's traffic control system. The traffic signal must be integrated into and synchronized with the existing traffic control design comprised of other City traffic signals and controls in the vicinity of Gate 3 to accommodate not only the current traffic loads but also perpetual synchronization with other traffic controls, signals etc. in the vicinity is required to respond to ever changing traffic conditions resulting from weather, special events, traffic accidents and particularly the expected increases in traffic due to growth of the United States Marine Corps presence on the base. . Consequently, the City has unique capabilities that only they can provide with regards to the design, control and maintenance of the required traffic signal. Also, the City of Newport News has stated that they will not grant a long term property interest to the Government to own, program or maintain a signal on City property. Accordingly, the City of Newport News is the only source capable of performing this effort due to their ownership of the property and their unique requirements that no other entity can own, program, or maintain the signal.

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

It is not deemed practical or in the best interest of the Government to solicit additional sources for this procurement other than the City of Newport News due to their ownership of the property and their unique requirements that no other entity can own, program, or maintain the signal. This requirement will be synopsisized in accordance with FAR 5.201.

7. **DETERMINATION OF FAIR AND REASONABLE COST:**

The Contracting Officer will determine that the price is fair and reasonable before issuance of any contract. Additional means will include a comparison with the independent government estimate; historical data of similar projects; and any other means.

8. **ACTIONS TO REMOVE BARRIERS TO FUTURE COMPETITION:**

For the reasons set forth in Paragraph 5, there are no plans at this time to compete future contracts for the type of services covered by this document. Since this action is a one-time, unique requirement, no further work of this nature is contemplated.

Subj: JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN  
COMPETITION, DESIGN AND CONSTRUCT TEMPORARY AND PERMANENT  
TRAFFIC SIGNAL FOR GATE 3 AT THE NAVAL WEAPONS STATION,  
YORKTOWN, VA

**J&A No. ML-13-01**  
**Contract No. N40085-13-C-1100**

**TECHNICAL AND REQUIREMENTS CERTIFICATIONS (See FAR 6.303-2(b)):**

I certify that the facts and representations under my cognizance, which are included in this justification, are complete and accurate to the best of my knowledge and belief. No acquisition plan is required.

**TECHNICAL/REQUIREMENTS COGNIZANCE:**

**BINGHAM.TREVOR.AMMON.1131940048**

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DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USN,  
cn=BINGHAM.TREVOR.AMMON.1131940048  
Date: 2012.10.04 13:21:00 -04'00'

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LT Trevor Bingham Public Works Officer/FEAD	Code	Phone	Date
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**COUNSEL REVIEW FOR LEGAL SUFFICIENCY REQUIRED BY NMCARS  
5206.303-90**

I have reviewed this justification and it is legally sufficient.

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Bruce W. Joseph Counsel	Code	Phone	Date
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**CONTRACTING OFFICER CERTIFICATION (See FAR 6.303-2(a)(12))**

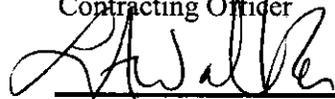
I certify that this justification is accurate and complete to the best of my knowledge and belief.  
No acquisition plan is required.

**POPE.KATHY.L.1229661945**

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Kathy Pope Supervisory Contract Specialist Contracting Officer	Code	Phone	Date
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10/4/12

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L. A. Walker Level III Contracting Officer	Code	Phone	Date
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APPROVING OFFICIAL (NFAS 6.304)

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

	Kimberly Kahler	757-341-0077	10/5/12
Signature	Name (Printed)	Phone No.	Date