



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND, MID-ATLANTIC
9324 VIRGINIA AVENUE
NORFOLK, VIRGINIA 23511-3095

J&A No. ML-16-34

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

1. Contracting Activity. Naval Facilities Engineering Command, Mid-Atlantic, Public Works Department Great Lakes.

2. Description of the Action Being Approved.

Award of a contract on a sole source basis with Industria Inc. to replace two alarm master panels in Buildings 133 and 188, replacing outdated and inefficient liquid ring vacuum compressors and air dryers in Buildings 131 and 133, and 133CA in support of the James A. Lovell Federal Health Care Center, North Chicago, Illinois.

3. Description of Supplies/Services.

The Contractor shall furnish all labor, supervision, materials, supplies, equipment, and transportation required to replace the medical gas distribution system at the James A. Lovell Federal Health Care Center located in North Chicago, Illinois. The estimated value of this action is \$840,000 and will be funded by FY16 customer-provided funds via a Department of Veterans Affairs Medical Center Purchase Order funding document. The period of performance is 120 days from contract award.

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

Pursuant to FAR 6.302-2, this acquisition will be acquired under the authority of 10 U.S.C. 2304(c)(2), Unusual and Compelling Urgency. FAR 6.302-2 permits other than full and open competition when an unusual and compelling urgency precludes full and open competition, and delay in award of a contract would result in life, safety, or health issues to the Government.

5. Rationale Justifying Use of Cited Statutory Authority.

The statutory authority cited in Paragraph 4 above is applicable due to the urgent nature of the work. The current desiccant air dryers are hazardous to use due to age, and the system has been operating using a Quincy Medical air compressor in its place. During the week of 5 September 2016, pump #1 of the air compressor failed beyond repair, placing the burden of the system on pump #2. There is no backup to this pump, and its failure would severely impact the tenant's ability to provide medical and dental services to sailors on board NAVSTA Great Lakes and patients in the Veterans Affairs buildings.

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

The proposed contract was not synopsisized on the FEDBIZOPS website due to the exigent circumstances described in this document. FAR 5.202(a)(2) provides an exception to synopsis requirements where unusual and compelling urgency precludes competition to the maximum extent practicable. No additional market research was conducted because it is not practicable,

for the reasons discussed in paragraph 5 above. The proposed awardee, Industria Inc., is a Service-Disabled, Veteran-Owned Small Business and is a known entity at PWD Great Lakes, having completed several projects of various sizes and scopes satisfactorily.

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.

8. Actions to Remove Barriers to Future Competition.

NAVFAC Mid-Atlantic may be able to compete future contracts for the types of services covered by this document. The urgent and compelling need is based on both the nature of the work and the timeframe in which the work must be completed. If another potential source emerges, NAVFAC Mid-Atlantic will assess whether competition for future requirements is feasible.