



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

N REPLY REFER TO:

N40085-16-C-8530
J&A No. ML-16-19
14 April 2016

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

**EMERGENCY REPAIRS TO THE MAIN STATION ELECTRICAL SUBSTATION S-71, NAVAL
WEAPONS STATION EARLE, COLTS NECK, NEW JERSEY**

1. CONTRACTING ACTIVITY

The contracting activity is Naval Facilities Engineering Command Mid-Atlantic. The contracting office is the Facilities Engineering and Acquisition Division of the Public Works Department Earle, located at the Naval Weapons Station Earle, Colts Neck, New Jersey.

2. DESCRIPTION OF THE ACTION BEING APPROVED

Award of an Undefined Construction Contract on a sole source basis for the emergency repair of the damaged S-71 Electrical Substation which provides electrical service for the Main Station Area of the Naval Weapons Station Earle (NWSE) in Colts Neck, NJ. The recommended source for this work is the High Energy Electrical Testing, Inc. of Sea Side Park, NJ.

3. DESCRIPTION OF SUPPLIES/SERVICES REQUIRED

The Government has an urgent requirement to perform emergency repairs for the S-71 Electrical Substation which provides electrical services for the entire Naval Weapons Station Earle (NWSE) Main Station Area in Colts Neck, NJ. The needed repairs result from damages sustained to one of two substation transformers, a 3,750 KVA pad mounted transformer that was damaged beyond repair when an animal intruded into the secondary bushings of the transformer coming in contact with the fuses causing the porcelain bushings and studs on the secondary side of the transformer to melt severely damaging the cabling on secondary side. This transformer must now be replaced in order to restore full substation functionality. Being that there is now only one operational transformer and maintaining transformer redundancy is critical for a substation, a temporary transformer must also be provided in the interim until such time a replacement transformer can be designed, ordered and installed.

The initial amount allotted for this Undefined Contract Action type procurement is \$500,000. It is anticipated that the final cost for the repairs could approach and possibly exceed \$1,000,000 prior to contract definitization.

Work is to begin immediately with a target completion date of 30 September 2016. The actual completion date will be determined prior to contract definitization since it will be dependent on the actual availability and delivery of the needed replacement equipment which may need to be manufactured.

Fiscal Year 2016 Navy Working Capital Funds (NWCF) apply to this procurement.

4. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION

The statutory authority provided under 10 USC 2304(c)(2) as implemented by Federal Acquisition Regulation (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 serious injury, financial or other, to the Government.

5. RATIONALE JUSTIFYING USE OF CITED STATUTORY AUTHORITY

(a) The statutory authority cited in Paragraph 4 above is applicable due to the emergency nature of the work needed to restore redundancy in the electrical substation's capability which is critical to the mission of Naval Weapons Station Earle (NWSE). As a result of losing of one of the two substation transformers, there is no longer a redundant utility feeder which is critical for maintaining power if the remaining transformer now providing power should fail. NWSE's Main Station Area would then be without power except for those individual facilities that have emergency backup generators. A station wide electrical outage would severely hinder NWSE's capability to execute its mission for the Navy thus the urgency to procure a replacement transformer for the substation as well as provide a temporary transformer in the interim until such time a permanent transformer can be manufactured and installed.

(b) The proposed source for these repairs is the High Energy Electrical Testing, Inc. which has in-depth knowledge of the substation having performed work on the system in varying capacities over the years for NAVFAC Mid-Atlantic, Public Works Department (PWD) Earle. High Energy Electrical Testing, Inc. is also familiar with NAVFAC contracting safety and quality control requirements, is local to the worksite, has a satisfactory performance record and is considered more than capable of completing the required repairs in an expeditious manner. Due to the urgency of the required repairs, a market survey to identify other possible potential sources for the work was not conducted.

(c) FAR Paragraph 6.302-2, "Unusual and Compelling Urgency", Sub-section (b) specifically justifies that a contract can be awarded without full and open competition when "delay in award of a contract would result in serious injury, financial or other to the government". The damage inflicted on this critical part of the electrical utility infrastructure for NWS Earle requires extraordinary measures to effect repairs in order to fully restore the required redundancy needed to ensure mission continuity in case of a similar system failure in the future. Immediate action must be taken to obtain a new transformer and to install a known existing transformer that is suitable for providing a degree of acceptable redundancy in the interim until such time the new transformer can be manufactured and put into service. The interim action will help mitigate the electrical utility's reduced reliability which currently leaves NWSE's mission readiness vulnerable by placing critical operations at risk during the lead time necessary to manufacture a replacement transformer should the remaining transformer also fail leaving NWSE without electrical service.

(d) The High Energy Electrical Testing, Inc. was contacted about the emergency work requirements at NWS Earle and expressed interest in performing the work. No other known qualified source that is knowledgeable about the existing substation equipment is readily available for providing the repairs in the time frame required. The High Energy Electrical Testing, Inc. is also a Woman Owned Small Business (WOSB) concern.

6. DESCRIPTION OF EFFORTS MADE TO SOLICIT OFFERS FROM AS MANY OFFERORS AS PRCTICABLE

No additional market research was conducted because it is not practicable, for the reasons discussed in paragraph 5 above, for any company other than High Energy Electrical Testing, Inc. to perform the required work. No other sources have expressed an interest in this work. This procurement will not be synopsisized on the Federal Business Opportunities (FEDBIZOPPS) website as permitted under FAR 5.202(a)(2), however the justification will be posted on NECO/FEDBIZOPPS within 30 days after award of the contract being issued in accordance with FAR 6.305(b).

7. DETERMINATION OF FAIR AND REASONABLE COST

The Contracting Officer will determine that the negotiated price for this acquisition is fair and reasonable pursuant to FAR, Part 15 before issuance of any contract. Cost and pricing data (other than certified) will be requested as needed from the contractor to help determine a fair and reasonable price for the services. Additional means will include a comparison with an independent Government Estimate; historical data of similar projects and any other means that may be available.

8. ACTIONS TO REMOVE BARRIERS TO FUTURE COMPETITION

Once the needed work described in paragraph 3 is completed, there are no future plans to obtain additional work or support services as covered by this document. This action is a unique one-time requirement to replace the damaged electrical substation equipment components and no further work of this nature is contemplated.

CERTIFICATIONS AND APPROVALS

TECHNICAL/REQUIREMENTS CERTIFICATION

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, and that no acquisition plan is required.

MAHONEY.JOH
N.1228875836
Signature

Digitally signed by
MAHONEY.JOHN.1228875836
DN: c=US, o=U.S. Government, ou=DoD,
ou=PKI, ou=USN,
cn=MAHONEY.JOHN.1228875836
Date: 2016.04.14 10:04:58 -0400

JOHN MAHONEY
Name (Printed)

732-866-2317
Phone No. _____
Date

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

MCDONALD.LUC
IEJ.1229115908
Signature

Digitally signed by
MCDONALD.LUCIE.J.1229115908
DN: c=US, o=U.S. Government,
ou=DoD, ou=PKI, ou=USN,
cn=MCDONALD.LUCIE.J.1229115908
Date: 2016.04.19 14:12:00 -0400

LUCIE J. MCDONALD
Name (Printed)

215-897-4502
Phone No. _____
Date

CONTRACTING OFFICER CERTIFICATION

I certify that this Justification is accurate and complete to the best of my knowledge and belief, and that no acquisition plan is required.

KUNCKEN.SUSAN.M
ARIE.1015639047
Signature

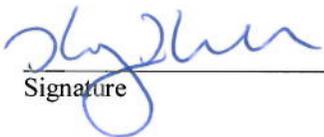
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Date: 2016.04.20 07:29:45 -0400

SUSAN M. KUNCKEN
Name (Printed)

732-866-2135
Phone No. _____
Date

APPROVING OFFICIAL (NFAS 6.304) - ECHELON IV CHIEF OF THE CONTRACTING OFFICE

Upon the basis of the above justification, I hereby approve the solicitation of the proposed procurement described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304(c)(2).


Signature

KIMBERLY KAHLER
Name (Printed)

757-341-0077
Phone No. _____
Date 4/20/14