



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND MARIANAS
PSC 455, BOX 195
FPO AP 96540-2937

IN REPLY REFER TO:

Contract No. N40192-11-D-9007
15 July 2014

JUSTIFICATION AND APPROVAL

FOR USE OF OTHER THAN FULL AND OPEN COMPETITION

TO EXTEND SERVICES FOR N40192-11-D-9007, JANITORIAL SERVICES FOR NAVAL BASE GUAM, NAVAL HOSPITAL AND OTHER VARIOUS U.S. MILITARY ACTIVITIES ON GUAM.

1. Contracting Activity. NAVAL FACILITIES ENGINEERING COMMAND MARIANAS, FACILITY SUPPORT ACQUISITION, PUBLIC WORKS DEPARTMENT

2. Description of the Action Being Approved.

Award of a sole source bridge contract action for janitorial services for Naval Base Guam, Naval Hospital and other various U.S. Military Activities on Guam, Mariana Islands.

3. Description of Supplies/Services.

The services shall require all labor, management, supervision, tools, material, and equipment required to perform Janitorial/Housekeeping Services to all U.S. Naval Activities and tenants, Industrial and U.S. Naval Hospital Facilities (Medical Treatment Facilities) on Guam, other U.S. Military Activities or DoD/federal agencies at various activities/locations, Guam, Mariana Islands. The outcomes for this acquisition are consistent with the FAR 37.101 definition of service contracts.



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

FAR Clause 52.217-8 Option to Extend Services (Nov 1999)

5. Rationale Justifying Use of Cited Statutory Authority.

The agency's need for the supplies or services is of such an unusual and compelling urgency that the Government would be seriously injured unless the agency is permitted to award a bridge contract to continue performance of the required services. The delay in the technical package and customer changes (early July 2014) supports the need for more time to complete the acquisition process. Today, the incumbent is the only reasonable service provider due to the timeliness of the requirement. The incumbent is on site and this would facilitate continued efficient performance. The incumbent is performing satisfactory and they possess the necessary resources to continue on short notice. Their prices were competed in the original award and were found to be fair and reasonable.

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

The discussion below talks to the unusual circumstances that necessitate additional time to award a new contract that was competed. The proposed solicitation/request for proposal was planned to be synopsisized on 17 Apr 14 with an issue date of 02 May 14. Market research was completed on 04 Apr 14 that demonstrated at least 10 firms could be interested in competing for this procurement. The last procurement received five offers which we found to be eligible to compete; all five provided past performance in working with government and private sector establishments.

The intent is to award a competed contract to the best value contractor upon the approval of the source selection decision document.

The re-solicitation effort began in March 2014 with the final specification package expected 30 Apr 14; that has not yet happened. The Source Selection Plan (SSP) is in progress with a final draft pending review by acquisition and legal. However, it is worthy to note that it is difficult to finalize the SSP without knowing the complete specifications. The technical non-price factors need to address the requirements and without the specifications the SSP won't be finalized. The Management and Oversight Process for the Acquisition of Services (MOPAS) 2 was approved on 25 Apr 14. During the course of several reviews by the customer and technical personnel, several new requirements arose that the customer determined important to the new solicitation; acquisition has yet to review the final specification package. This level of effort was unanticipated at the time the Plan of Action & Milestone (POA&M) was approved; thus using valuable time to award. When the specifications are finalized, acquisition will require several months to: review the specification package, write the solicitation, issue the Request for Proposal (RFP), conduct evaluations, document the findings through the Business Clearance Memorandum (BCM) and seek approval for award. A revised POA&M was initiated on 09 Jul 14 that proposed an expected award of 26 Nov 14 for a start date of 15 Dec 14. The POA&M includes a two week mobilization time to work the startup administration requirements (submittals such as a safety plan, hazardous analysis plan (AHA) and requests for passes and ID's (rapid gate). Additionally, the POA&M does not include time for a protest. The factors that caused this undue delay were beyond the control of the acquisition team.

7. Determination of Fair and Reasonable Cost.

The prices will be the same unit prices from the original award/second option period (August 2013) with allowances per the FAR Clause 52.217-8, Option to Extend Services (SCA/CBA adjustment per Department of Labor). The prices were competed during the initial award; the Contracting Officer determined the anticipated cost to the Government of the supplies/services covered by this J&A will be fair and reasonable.

8. Actions to Remove Barriers to Future Competition.

For the reasons set forth in Paragraph 6, NAVFACENGCOM MARIANAS plans to award a follow on contract for the types of supplies/services covered by this document. Actions have been initiated to remove barriers from future competition. It is the intent to award a competitively follow on contract to the best value contractor.

The Government (or Program Office) is developing a performance specification that supports competition for the instant acquisition of the same or similar items.

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 Cognizance:

[Redacted signature area]

Signature Name (Printed) Phone No. Date

Requirements Cognizance:

[Redacted signature area]

Signature Name (Printed) Phone No. Date

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

[Redacted signature area]

Signature Name (Printed) Phone No. Date

CONTRACTING OFFICER CERTIFICATION

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

[Redacted signature area]

Signature Name (Printed) Phone No. Date

ACTIVITY CHIEF OF THE CONTRACTING OFFICE APPROVAL

Upon the basis of the above justification, I hereby approve, as Chief of the Contracting Officer, Naval Facilities Engineering Command Marianas, 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).

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7/31/14

Date

CAPTAIN, CEC, U. S. NAVY
COMMANDING OFFICER