



DEPARTMENT OF THE NAVY
NAVSUP FLEET LOGISTICS CENTER
SITE SINGAPORE
PSC 470 BOX 2150
FPO AP 96534-0022

J&A Number: YOK 14-0037

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

1. Contracting Activity

NAVSUP Fleet Logistics Center, Site Singapore

2. Description of the Action Being Approved

Award of a contract on a sole source basis with Lao Skyway Co., Ltd for helicopter support services in the Lao People's Democratic Republic (Lao PDR) for the Joint POW/MIA Accounting Command (JPAC).

3. Description of Supplies/Services.

JPAC is tasked with achieving a full accounting for POW/MIAs in the Lao PDR theater. JPAC has a detachment (Detachment Three) located in Vientiane, Laos. This detachment supports four (4) Joint Field Activities (JFA) per year. Helicopter transport services are required to gain access to the areas where JPAC will conduct its missions in the location and recovery of U.S. POW/MIA. Services will be procured under the authority of this J&A to support JFA operations. The services to be procured include but are not limited to AS350 and MI-17 helicopter support and related services. The performance period of the Contract will begin on 15 February 2015 through 14 February 2016 (base year) and include four (4) option years. The Government's estimate of the work is for the 5-year period.

4. Statutory Authority Permitting Other Than Full and Open Competition

10 U.S.C. 2304(c)(1), One source or limited sources.

5. Rationale Justifying Use of Cited Statutory Authority

The Lao PDR Government has declared the aviation sector of Laos, including operational control of airports and airport systems, a national security asset. Laos Government officials must authorize all operations within the territorial jurisdiction of their country. Laos Government officials have conditioned their approval of JPAC operations on contracting with a helicopter company which is owned or substantially controlled by the Government of Laos, for helicopter services and logistical support. The helicopter company dictated by the Lao PDR Government as the only responsible source that will be considered to meet JPAC's requirement for helicopter services and logistical support in Laos is Lao Skyway Co., Ltd. See attached letters No. 125 dated 4 April 2014 and No. 687 dated 30 June 2010 from the Lao Ministry of Foreign Affairs.

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

This acquisition was not synopsisized in accordance with FAR 5.202(a)(12), because the proposed contract action is by a Defense agency and the proposed contract action will be made and performed outside the United States and its outlying areas, and only a local source will be solicited. Market research indicates that the above stated condition under which the prior contract was awarded remain unchanged. Members of JPAC's technical and logistical staff meet regularly with the contractor and Lao PDR Government representatives. Based on the information gathered at these meetings, it has been determined that only Lao Skyway Co., Ltd is capable of meeting JPAC requirements with the Lao PDR Government's approval.

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 based on a comparison of fair and reasonable prices paid for similar services on the previous procurement, a comparison of proposed prices with the independent Government cost estimate, and a comparison of proposed prices with prices obtained through market research for the same or similar items.

8. Actions to Remove Barriers to Future Competition

For the reasons set forth in Paragraph 5, NAVSUP Fleet Logistics Center, Site Singapore has no plan at this time to compete future contracts for the same type of services covered by this document. If another potential source emerges, NAVSUP Fleet Logistics Center, Site Singapore will assess whether competition for future requirements is feasible. Unless the Government of Lao PDR opens its market to competition, there is nothing that can be done to remove the barrier.

9. Contracting Point of Contact

The point of contact at NAVSUP Fleet Logistics Center, Site Singapore office is: Michael Alexander, Code 250, at DSN 421-2551, commercial (65) 6750-2551, email Michael.Alexander@fe.navy.mil

10. Prepared by

Leila Hemenway, Contract Specialist, Code 254 at DSN 421-2648, commercial (65) 6750-2648, email Leila.hemenway@fe.navy.mil

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 are complete and accurate to the best of my knowledge and belief.

Technical Cognizance:

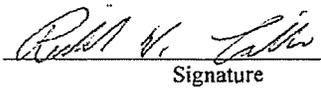
	<u>Jakob, Vernon E</u>	<u>808-448-1894</u>	<u>22 AUG 14</u>
Signature	Name (Printed)	Phone No.	Date

Requirements Cognizance:

	<u>Jakob, Vernon E</u>	<u>808-448-1894</u>	<u>22 AUG 14</u>
Signature	Name (Printed)	Phone No.	Date

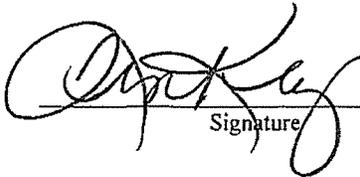
LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

	<u>Richard W. Corliffe</u>	<u>421-2781</u>	<u>18 Sep 2014</u>
Signature	Name (Printed)	Phone No.	Date

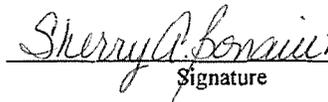
CONTRACTING OFFICER CERTIFICATION

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

	<u>Teresa Kelly</u>	<u>421-2550</u>	<u>23 Aug 14</u>
Signature	Name (Printed)	Phone No.	Date

CONTRACTING ACTIVITY COMPETITION ADVOCATE REVIEW

To the extent that the J&A value is between \$650K and \$12.5M, the Competition Advocate's signature below also represents approval of the J&A.

	<u>Sherry A. Bonaiuto</u>	<u>243-8383</u>	<u>30 Oct 14</u>
Signature	Name (Printed)	Phone No.	Date

J&A Number: YOK 14-0037

SOURCE SELECTION INFORMATION – SEE FAR 2.101 AND 3.104

Encl (4)

APPROVAL

Upon the basis of the above justification, I hereby approve, as Head of the Procuring Activity, 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)(1).

			<i>08 Nov 2014</i>
_____ Signature	_____ Name (Printed)	_____ Phone No.	_____ Date
W. E. Bickert, SES, Vice Commander, NAVSUP Global Logistics Support			