

J&A Number: YOK 16.0006

**Justification and Approval for Sole Source Procurement  
Under Simplified Acquisition Test Program at FAR 13.5**

**1. Name of Requiring and Contracting Activity**

Requiring Activity: Defense POW/MIA Accounting Agency (DPAA)  
Contracting Activity: NAVSUP Fleet Logistics Center Yokosuka (FLCY), Site Singapore

**2. Nature and/or Description of the Action Being Approved:**

Modification to Contract N40345-11-D-0010 is required to increase the Estimated Quantities of CLINS 4001, 4002, 4003 and 4004 during option year four for the purpose of satisfying an additional mission. The total contract price for option year four will increase by \$485,288.82 from \$390,798.45 to \$876,087.27. The initial total contract amount (base plus four option years) was \$1,787,215.50.

**3. Description of the Supplies and Services Being Procured:**

The Contract provides AS350B2 helicopter support for recovery operations in the Kingdom of Cambodia to include utilization to satisfy investigative, logistics and administrative requirements. Historically DPAA schedules one (1) mission per year in the Kingdom of Cambodia scheduled for forty five (45) days in country, however; a recent discovery of war remains in Cambodia prompted DPAA to increase the number of missions in order to recover additional POW/MIA remains. The mission shall consist of two (2) Joint Field Activities (JFA) at two (2) recovery sites. The first site is DPAA Site 1805 in Stung Treng Province that could potentially lead to identifications of U.S. service members missing from the Vietnam Conflict. In addition to the recovery operation, DPAA intends to conduct investigation operations for five (5) incident cases which extend over the provinces of Ratanakiri Province (Site 1619), Krati Province (Site 1762), Kampong Thom Province (Site 1738), Kandal Province (Site 1836) and Prey Veng Province (Site 0832).

All these sites are very isolated and located in the inhospitable terrain area with no access to roads that it would not be possible for DPAA team to set a base camp closer to the site. As such, the team will be based in Ratnairi Province and helicopter services are required for daily lift to and from the site.

The current Contract is in option year four (4), due to expire 15 March 2016. DPAA intends to renew the requirement, and the new requirement will be competed so that all interested parties can participate.

The total estimated cost to satisfy this additional mission is \$876,087.27 based on \$412,785.40 (277 hours x \$1,490.20) for flight hours, \$341,148.50 (110 days x \$3,101.35) for standby charges, \$98,259.15 (110 days x \$590.73) for crew expenses and \$76,998.22 (277 hours x \$173.91) for fuel.

**4. Statutory Authority to Procure Requirement under Sole Source Procedures:**

41 U.S.C. 1901 implemented at FAR 13.501(a).

**5. Description of the Unique Capabilities or Qualifications, which Requires Acquisition under Sole Source Procedures:**

Pursuant to FAR 13.501(a), Helicopters Cambodia Limited is the only source that currently meets the Government's requirements with a Commercial Airlift Review Board (CARB) certification to operate in Cambodia. The Contract requires the incumbent contractor to be CARB certified from the Department of Defense Commercial Air Transportation Quality and Safety Review Program per Department of Defense Directive 4500.53 which takes approximately 3 to 4 months. Re-competing the requirement for the purpose of satisfying one additional mission in the current year of the contract and certifying an alternate contractor would result in substantial duplication of cost and time to the Government that is not expected to be recovered through competition and will unduly harm the schedule hence, mission execution. Such costs include the time of technical and contracting personnel to review and evaluate the requirement, proposal and task order; as well as the time and costs associated with CARB application and certification if a new contractor is chosen.

**6. Description of Efforts Made to Ensure that Offers Are Solicited from as Many Potential Sources as Is Practicable (i.e., FACNET, CBD Synopsis or Documentation Explaining Exception to Synopsis Requirement):**

Pursuant to FAR 5.202 (a) (6), synopsis is not required, though this J&A will be published on AsiaNeco within 14 days of modification execution.

**7. Determination that the Anticipated Cost to the Government Will Be "Fair and Reasonable":**

The costs to the Government have been determined to be fair and reasonable as all CLINs are pre-priced except economic price adjust for fuel – which is paid on actual cost, which was competitively awarded. The unit prices are set in the contract. Actual expenditures are verified by DPAA member being on each flight to verify times and routing and non-use by others. These are also verified in the daily operating reports. The contemplated modification seeks only to increase the ordering limitation, all prices previously determined to be fair and reasonable will be those applied to additional quantities ordered.

**8. Description of the "Market Research" Conducted and the Results or a Statement Explaining the Reason Market Research Was Not Conducted:**

Market research was conducted only on the price of fuel as this is the only variable item. The price of fuel per liter is expressed in U.S. Dollars and shall be adjusted to the posted price for fuel at the nearest commercial refueling facility at the time the task order is issued and will be applied for the ordered period.

**9. Any Other Documentation that Would Lend Support to the Sole Source Justification:**

As a result of posting the initial requirement, two (2) competitive offers were received. For the particular mission being contemplated and with one option year remaining under the basic contract, it is in the best interests of the Government to increase the ordering capacity to enable DPAAAC to fulfill their mission requirements.

**10. Listing of Interested Source:**

The only source capable of satisfying the current requirement within the schedule parameters is the incumbent contractor:

Helicopters Cambodia Limited  
No. 10 Street 310  
Phnom Penh 12302  
Kingdom of Cambodia

**11. Statement of Actions, if any, to Remove Barriers to Competition:**

FLCY Site Singapore will compete future requirements, if identified and requested by the customer, for any effort following expiration of the current contract so that all interested parties can participate.

**12. Contracting Officer Certification that the Justification Is Accurate and Complete to the Best of the Contracting Officer's Knowledge and Belief with Supporting Data:**

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

**13. Total Estimated Dollar Value of the Acquisition Covered by this J&A:**

\$876,087.27

**14. Contracting Activity Point of Contact:**

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

**CERTIFICATION AND APPROVAL PAGE –**

All evidence supporting data that verify the Government's minimum needs or requirements or other rationale for a sole source and form a basis for this justification are accurate and complete to the best of my knowledge and belief.



THOMAS F. NEDOROLIK

3 Nov 2015

**Technical or Requirements**

**Date**

**Personnel Certification**

This justification is accurate and complete to the best of my knowledge and belief.



Matthew Aponte

11/3/15

**Contracting Officer**

**Date**

**Approval**

(Actions between \$150,000 ~ \$650,000)

**Certification**

(Actions exceeding \$650,000)



Marie Tamowski

11/3/15

**Competition Advocate**

**Date**

**Approval**

(Actions between \$650,000 ~ \$6.5 million)

**Concurrence**

(Actions between \$150,000 ~ \$650,000)



Peter Lee

11/3/15

**Legal Counsel**

**Date**