

J&A Number: YOK 14-0005

**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: Joint POW/MIA Accounting Command (JPAC)
Contracting Activity: NAVSUP Fleet Logistics Center (FLC) Yokosuka, Site Singapore

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

Award of a contract on a sole source basis for helicopter support services in the Lao Peoples Democratic Republic (Lao PDR) in support of the Joint POW/MIA Accounting Command mission 14-4LA from the Lao Air.

3. Description of the Supplies and Services Being Procured:

JPAC is tasked with achieving a full accounting for POW/MIA's in the Lao PDR theater. JPAC has a detachment (Detachment 3) that is physically located in Vientiane, Laos. This detachment supports five Joint Field Activities (JFA) per year. Services will be procured under the authority of this J&A to support JFA operation 14-4LA. The services to be procured include, but are not limited to, helicopter support and related services. The performance period of this contract will begin on 22 April 2014 through 18 June 2014. The estimated value of the work is \$1,389,340.04.

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

Section 4202 of the Clinger-Cohen Act of 1996 – a sole source acquisition under the authority of the test program for certain commercial items, as implemented by FAR 13.501(a).

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

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 Air. See attached letter No. 687 from the Lao Ministry of Foreign Affairs dated 30 June 2010. This is not a follow-on acquisition as implemented in FAR 6.302-1(a)(2)(iii).

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):

This acquisition was not synopsised 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 local sources will be solicited. Market research indicates that the above stated condition under which the prior contract was awarded remain unchanged. Members of JPACs 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 Air is capable of meeting JPACs requirements because the government of Laos has stated that no other source will be approved.

Encl (2)

SOURCE SELECTION INFORMATION – SEE FAR 2.101 AND 3.104

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

The contracting officer has determined the anticipated cost to the U.S. Government for 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 previous procurement, a comparison of proposed prices with the independent Government cost estimates and a comparison of proposed prices with prices obtained through market research for the same or similar items.

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 and revealed that Lao Air operates a fleet of MI-17 and AS350 helicopters in Lao PDR, and is the only helicopter company dictated by the Government of Laos that will be considered to meet JPAC's requirements for helicopter support services.

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

None

10. Listing of Interested Source:

Lao Air.

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

For the reasons set forth in Paragraph 5, NAVSUP Fleet Logistics Center, Site Singapore has no plans at this time to compete future contracts for the types 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 Laos opens its market to competition, there is nothing that can be done to remove the barrier.

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 Yokosuka, Site Singapore office is: Tony Egidi, Code 254, at DSN 421-2648, commercial (65) 6750-2648, or by email at tony.egidi@fe.navy.mil.

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

\$1,389,340.04

14. Contracting Activity Point of Contact: The Contract Specialist for the proposed contract action is Wendy Wah, Code 254, at DSN 421-2544, commercial (65) 6750-2544, or by email at Wendy.wah.SN@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.

JPAC *[Signature]* 16 Feb 14
Technical or Requirements Date
Personnel Certification

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

Tony Egidi *[Signature]* 11 FEB 2014
Contracting Officer Date
 Approval
(Actions between \$150,000 ~ \$650,000)
 Certification
(Actions exceeding \$650,000)

Sherry A. Bonaiuto *[Signature]* 6 Mar 14
Sherry A. Bonaiuto Date
Competition Advocate
 Approval
(Actions between \$650,000 ~ \$6.5 million)
 Concurrence
(Actions between \$150,000 ~ \$650,000)

Robert H. Ladd *[Signature]* 19 Feb 2014
Legal Counsel Date