



DEPARTMENT OF THE NAVY  
NAVAL FACILITIES ENGINEERING COMMAND NORTHWEST  
1101 TAUTOG CIRCLE  
SILVERDALE, WASHINGTON 98315-1101

J&A No.1605JA

JUSTIFICATION AND APPROVAL

FOR USE OF OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity.

Naval Facilities Engineering Command (NAVFAC) Northwest, 1101 Tautog Circle, Suite 203, Silverdale, WA 98315.

2. Description of Action Being Approved.

Approval is requested to award a sole source, ten-year firm-fixed price utility services contract with the Des Moines Water Works (DMWW) to support water and wastewater services for the Navy Operations Support Center (NOSC) located at Des Moines IA, in accordance with FAR 41.103(b), *Delegated Authority*.

3. Description of Supplies/Services.

NAVFAC Northwest plans to acquire water and wastewater services from DMWW for the Navy facilities noted above. The Navy currently receives these services from DMWW, the only provider of these services in the area, on a contract that is nearing the end of its term and needs to be renewed.

This contract action will be a ten-year utility services contract authorized by FAR 41.103(b), *Delegated Authority*. The estimated ten-year total is \$26k based upon current consumption rates, and is funded by Utilities O&MR Funds.

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

10 U.S.C. 2304(c)(1), as implemented by FAR 6.302-1, Only One Responsible Source and No Other Supplies or Services will Satisfy Agency Requirements.

5. Rationale Justifying Use of Cited Statutory Authority.

FAR 6.302-1(a)(2) provides for the authority that full and open competition need not be provided for procurements where the service is available from only one source and no other type of

supplies or services will satisfy agency requirements. FAR 6.302-1(b) (3) identifies an example situation where this authority may be appropriate as specifically for utility services (as defined in FAR 41.101) when circumstances may dictate that only one supplier can furnish the service. In this case, utility services for water and wastewater in the City of Des Moines are available from only one responsible source. Market research revealed that, as of March 23, 2016, only one entity, DMWW, will have sufficient capacity and pre-existing infrastructure in place to provide the required utility services at a reasonable price. Moreover there were no responses to a Request for Information published on the NECO/FEDBIZOPS website regarding this procurement.

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

Market research established that there are no other water and wastewater providers in the area where the NOSC is located and utility providers do not compete for these types of municipal services. Since there are no other sources from which to obtain these utility services, no attempts were made to solicit offers from other sources. In accordance with FAR Part 5.202(a)(5) and 5.301(b)(5), the Government need not submit a synopsis notice if the proposed contract action, or contract award, is for utility services and only one source is available. The Government is required to make the justification publicly available 14 days after contract award in accordance with FAR Part 6.305(a).

7. Determination of Fair and Reasonable Costs.

The Contracting Officer has determined that the anticipated cost to the Government of the utility services covered by the J&A will be fair and reasonable. The rates for the services in this location are managed by the local water authority, in this case the Water Works Board of Trustees. The rates are based upon annual cost of service studies and adjusted to recoup these costs. The DMWW has been providing these services for many years, to the not only the Navy, but many other similarly sized entities within their service area. The Navy will pay rates commensurate with what other similar sized entities pay for like services.

8. Actions to Remove Barriers to Future Competition.

Competition is not anticipated for this acquisition and NAVFAC Northwest has no plans at this time to compete future contracts

for the utility services covered by this document. If another potential source emerges, NAVFAC Northwest will assess whether competition for future requirements is feasible.

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:

Trevor Lunceford  
Trevor Lunceford  
Lead Utility Engineer

360-315-3003  
Phone No.

7/29/16  
Date

Requirements Cognizance:

Kevin Stigile  
Kevin Stigile  
Utility and Energy Product Line Coordinator

360-396-0152  
Phone No.

8-1-16  
Date

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

Jefferson  
Counsel

380-396-0039  
Phone No.

8/2/16  
Date

CONTRACTING OFFICER CERTIFICATION

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

Audrey Fitzgerald  
Audrey Fitzgerald  
Supervisory Contracting Officer

360-396-1857  
Phone No.

8/11/16  
Date