



DEPARTMENT OF THE NAVY
COMMANDING OFFICER
NORFOLK SHIP SUPPORT ACTIVITY
Contracts Department
P. O. Box 215
Portsmouth VA 23705-0215

J&A Number:
13-007
Code: 411(LS)
P.R. Number:
N5005413R0006

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

JUSTIFICATION

1. Contracting Activity

Norfolk Ship Support Activity, Portsmouth, VA
Code 411, Norfolk Naval Shipyard Support

2. Description of the Action Being Approved

This justification provides for limiting the sources of the specified procurement to NASSCO Norfolk in accordance with the statutory authority 10 U.S.C 2304 (C)(2).

3. Description of Supplies/Services

The work to be issued under the above-referenced contract consists of acid flushing and associated piping work of the ASW and FM sea water systems on USS SAN ANTONIO (LPD-17) in the total estimated amount of \$126,196.00. This amount is based on the current known requirements and the current time allotted for the acid flushing and

The AWS and FM sea water systems on USS SAN ANTONIO have been experiencing fouling and clogging because of marine growth in the pipes of these systems. Mechanical cleaning of the sea water systems has been attempted, but has not adequately rectified the problem. On or about [REDACTED] a decision was made that these systems would need to be acid flushed in order to resolve the problem. Authorization to contract for the required acid flush followed thereafter.

Two large sections of the impacted sea water systems are currently known to require acid flush. Specifications for these known requirements are not available until [REDACTED]. Additionally, a team of NSSA subject matter experts are embarking on board the San Antonio during the week of [REDACTED] to better determine the scope of acid flushing that must be accomplished. [REDACTED]

[REDACTED] It is likely that substantial

flushing requirements beyond that currently identified will result before USS SAN ANTONIO's sea water system problems are adequately resolved to allow them to deploy. The amount of time that can be allotted to flushing is also a factor that could result in additional flushing requirements.

A cost contract is determined to best fit the contracting objectives of the Government because of the substantial amount of likely growth in the work to be accomplished. Further, the lack of specifications and the quality of the specifications as they become available also supports using a cost type contract. There is no existing cost type contract vehicle in place to support this requirement. The use of the NSSA HM&E IDIQ contract was considered, but rejected because it results in fixed priced task orders. A qualified source for these sea water systems repairs will be selected from the group of know MSRA or ABR contracts having capability and capacity to accomplish the required repairs within the allotted time frame.

This procurement is extremely urgent because of the deployment date for USS SAN ANTONIO of () As soon as the vesse ()

NSSA Code 411 maintains a rotational list of contractors for procurements that are so urgent that award must be made as expeditiously as possible. Such list is used for "2B" awards under the MSRA/ABR. However, though closely related by the degree of urgency for getting the sea water flush requirements under contract, this procurement is not strictly speaking a "2B" because it is not intended to definitize this award into a fixed priced contract as anticipated by a "2B" award. Instead, it will be a cost type contract. Nonetheless, the same rotational approach is utilized to insure that each contractor with the capacity and capability to accomplish the requirement has equal opportunity to receive such urgent awards. NASSCO Norfolk was selected for this contracting opportunity as the next eligible contractor from the rotational list.

The Government's minimum needs have been verified by the certifying technical and

4. Statutory Authority Permitting Other than Full and Open Competition

The statutory authority for this procurement is 10 U.S.C. 2304(C)(2)

5. Rationale Justifying Use of Cited Statutory Authority

Due to the operational schedule of USS SAN ANTONIO, an unusual and compelling urgency precludes full and open competition. Synopsis, solicitation, and evaluation for award to achieve full and open competition would result in an unacceptable delay in returning this vessel to operational status thus impacting the ship's schedule. The work identified above, must start on () upon the ship's completion of its training voyage and complete by () In accordance with FAR 6.302-2, full and open competition need not

be provided for when there is an unusual and compelling urgency for required services. In this case, unusual and compelling urgency precludes full and open competition, and delay in award of a contract would result in serious injury, financial or other, to the Government.

These requirements support the use of the authority cited in 10 U.S.C. 2304 (c)(2).

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

In accordance with FAR 5.202(a)(2), a synopsis has not been issued for the supplies and services described herein. Due to the determination that the nature of this work is of such unusual and compelling urgency, the Government would be seriously injured should this work be delayed to allow for full and open competition.

7. Determination of Fair and Reasonable Costs

The Contracting Officer has determined that the anticipated cost to the Government for the supplies/services covered by the J&A will be fair and reasonable.

8. Actions to Remove Barriers to Competition

NSSA plans to compete future contracts for similar types of supplies/services covered by this document if time permits. As required by the FAR, NSSA competes requirements whenever feasible and evaluates emergent requirements to determine the best strategy for meeting customer requirements and complying with all regulations. In the case of USS SAN ANTONIO, the emergent nature and time constraint of the required repairs did not allow for a planned acquisition to be accomplished.

This is a one-time buy under an urgent and compelling requirement to meet the ship's operational commitments.

CERTIFICATIONS AND APPROVAL

ACQUISITION REQUIREMENTS CERTIFICATION (FAR 5.305-4(b))

I certify that the facts and representations under my cognizance, which are included in this justification and its supporting acquisition planning data, including Acquisition Plan No. N/A, except as noted herein, are complete and accurate to the best of my knowledge and belief.

COMBINED TECHNICAL AND REQUIREMENTS COGNIZANCE:

| | | | |
|---|---|--|--------------------|
|  |  |  | <u>05 Feb 2015</u> |
| Signature | Name (Print) and Title (Code) | Phone No. | Date |

LEGAL SUFFICIENCY REVIEW (NMCARS 5206.303(90))

I have determined this justification is legally sufficient.

   2/6/2013
Name (Print) and Title (Code) Phone No. Date

CONTRACTING OFFICER CERTIFICATION (FAR 6.303-2(a)(12))

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

   6 FEB 13
Signature Name (Print) and Title (Code) Phone No. Date

APPROVAL BLOCK (FAR 6.304 for Approving Official)

Upon the basis of the above justification, I hereby approve, as (*Senior Procurement Executive of the Navy, Designee of the Head of the Contracting Activity, Competition Advocate for the Contracting Activity, Contracting Officer, as appropriate*) 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)(2).

(TITLE OF APPROVING OFFICIAL)

 Jerome F. Punderson, SEA02  2/6/13
Signature Name (Print) Phone No. Date