



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND SOUTHWEST
1220 PACIFIC HIGHWAY
SAN DIEGO, CA 92132-5190

N62473-10-D-5482
J&A 14-19-01

**JUSTIFICATION AND APPROVAL (J&A)
FOR USE OF OTHER THAN FULL AND OPEN COMPETITION**

1. Contracting Activity: Department of the Navy, Naval Facilities Engineering Command, Southwest, San Diego, CA (NAVFAC SW).
2. Description of Action Being Approved: Request authority to modify the not-to-exceed (NTE) amount on Undefinitized Contract Action (UCA), Task Order 0007, under Contract N62473-10-D-5482 from \$2,155,295.00 to \$9,653,651.00. This contract is one of seven basic contracts under the competitive NAVFAC SW Unrestricted Dry Utilities Multiple Award Construction Contract (MACC). The contractor is RQ Construction – Berg Electric JV, 3194 Lionshead Avenue, Carlsbad, CA 92010. The original undefinitized task order was approved under J&A 14-19 dated 20 May 2014 pursuant to the authority of 10 U.S.C. 2304 (c)(2), as implemented by the Federal Acquisition Regulation (FAR) 16.505(b)(2)(i)(A), Unusual and Compelling Urgency, authorizing the agency an exception to fair opportunity under the MACC. This J&A is provided due to the substantial increase in the NTE amount. Task Order 0007 requires the contractor to perform emergency power and communications service restoration at Marine Corps Base (MCB) Camp Pendleton, CA and Naval Weapons Station (NWS) Seal Beach Detachment Fallbrook.
3. Description of Supplies/Services: Contract N62473-10-D-5482 is a firm fixed-price Indefinite Quantity Indefinite Delivery contract for construction and repairs to dry utility systems, including electrical, within the NAVFAC SW area of responsibility. Undefinitized Task Order 0007 includes all labor, materials, equipment, oversight, and coordination to fully assess damage and restore power and communications services. Specifically, it states: "Survey, assess, and permanently repair fire damaged electrical utility and communication infrastructure (including but not limited to poles, conductors, cabling, and equipment) within the burned areas shown on the attached map of Camp Pendleton and NWS Fallbrook Annex. Optimize use of fire resistant materials and speed of repair to support critical Marine Corps operations and training requirements."

At the time of issuance, fires were on-going in several areas and the true extent of damage was unknown. The urgency of the situation required that the contractor be given a binding commitment so that restoration of power and communications could begin immediately. The total number of impacted poles was expected to range from 65 to over 100 poles, along with associated wire and equipment at a cost not-to-exceed \$2,155,295.00. The extent of the scope of work has since been assessed by the contractor and confirmed by Base personnel to include 340 damaged poles and associated wire and equipment at an additional cost of \$7,498,356.00, resulting in a revised not-to-exceed value of \$9,653,651.00. By 8 Aug 14, the contractor will have completed 50% of the current NTE value of the task order. Work at NWS Seal Beach

Detachment Fallbrook is substantially complete, 100% of testing and assessment throughout burned areas is complete, and work at 33 Area to restore power to the cantonment area and Range 103 is complete. Work remains in the 32, 33, 43 and 62 Areas in order to conduct permanent repairs to electrical feeds supporting remaining infrastructure, which is currently energized by temporary power sources (i.e., generators), short term repair actions to damaged circuits, and back feeding through non-standard operating configurations of functional circuits. Since a qualifying proposal has been submitted, in order to keep the contractor working, a modification is in process to obligate funds for a total of 75% of current NTE value. Negotiations are planned after the J&A is approved and the NTE amount is increased by modification. The definitization date target is 3 Sep 2014. The duration of this action is anticipated to be 315 calendar days from date of award. Funding for this task order is available and will be provided by MCB, Camp Pendleton, NWS Seal Beach, and Navy Region Southwest N6.

4. Statutory Authority Permitting Other Than Full and Open Competition: The proposed action will be conducted without providing for full and open competition pursuant to the authority of 10 U.S.C. 2304 (c)(2), as implemented by FAR 16.505(b)(2)(i)(A), Unusual and Compelling Urgency.

5. Rationale Justifying Use of Cited Statutory Authority: Three fires blackened 35,100 acres at Camp Pendleton and NWS Seal Beach Detachment Fallbrook. The first fire (the "Tomahawk fire") broke out at NWS Seal Beach Detachment Fallbrook on 14 May 2014 and later spread to MCB, Camp Pendleton, blackening an estimated 10,900 acres. The second and largest of the fires (the "Las Pulgas fire") began 15 May 2014, burning about 21,800 acres. The third fire (the "San Mateo fire"), began 16 May 2014, burning about 2,400 acres. The fires left power and communication service outages as well as infrastructure damage throughout the Base and the missions of MCB Camp Pendleton and NWS Seal Beach Detachment Fallbrook have been in jeopardy ever since. Major training exercises are on hold pending full restoration of power. Key infrastructure necessary to maintain Range Control communications, as well as water and wastewater treatment and conveyance is being sustained on temporary power with potential to result in unplanned outages and local Air Pollution Control District permit violations. Base-wide utility monitoring systems are inoperable due to fire damage of communications distribution infrastructure. Power must be restored immediately to reduce further impacts.

It was determined under the initial J&A that providing fair opportunity via the competitive contracting process would result in unacceptable delays resulting from time to develop the request for proposal, solicit proposals, evaluate the proposals, and document the award before the contractor could mobilize. The aforementioned circumstances preventing fair opportunity still exist. There is still an urgent need to repair the electrical infrastructure. This J&A is not seeking to increase the scope parameters of the original J&A. It merely increases the NTE amount, which was initially underestimated since a full assessment had not been completed. Completion of remaining activities to restore and repair must continue due to mission readiness and overall safety.

Based on the above justification, it is in the Government's best interest to increase NTE amount of the task order to RQ Construction-Berg JV. Once the NTE is increased, negotiations will be scheduled with a target definitization date of 3 Sep 2014.

6. Description of Efforts Made to Solicit Offers from as Many Offerors as Practicable: Due to the urgency of this project, market research for another qualified firm cannot be conducted in accordance with FAR Part 10. No other sources were contacted because of the “urgent and compelling” nature of the requirement as discussed in paragraph 5.

The planned action covered by this J&A meets an exception to the synopsis requirements per FAR Part 5.202 (a)(2). The approved J&A will be released in accordance with FAR 6.305 (b).

7. Determination of Fair and Reasonable Cost: This is a request for a modification of the task order to increase the not-to-exceed amount by \$7,498,356.00 to a new estimated task order value of \$9,653,651.00. Based on the historic cost information currently available, the Contracting Officer has adequate information to ensure that the cost to the Government for this modification will be fair and reasonable. In accordance with FAR 15.403, Certified Cost or Pricing Data is required.

8. Actions Taken to Remove Barriers to Competition: The proposed modification of the task order provides a continuance of funding for the emergency response to the wild fires at Camp Pendleton. It is not a new action and is not increasing the scope; rather, it will provide an obligation sufficient to negotiate the scope intended by the initial task order award. Further non-emergency actions resulting from the wild fires are being procured through other channels. As a result of this emergency, and to support immediate response and restoration of critical services, the Resident Officer in Charge of Construction at Camp Pendleton has put an emergency response contract in place.

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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:

LEBEAU.WARREN.
ROBERT.10163191
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Digitally signed by
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ou=PKI, ou=USN,
cn=LEBEAU.WARREN.ROBERT.1016319119
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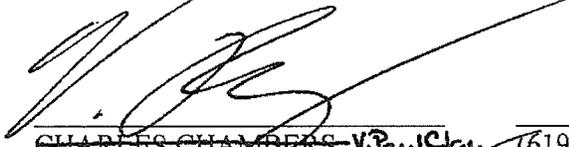
7 AUG 2014

WARREN R. LEBEAU
LCDR, CEC, USN
ROICC Camp Pendleton

(760) 725-8207

Date

LEGAL SUFFICIENCY REVIEW: I have determined this Justification is legally sufficient.



~~CHARLES CHAMBERS~~ *V. Paul Clay*
Associate Counsel, NAVFAC SW

~~(619) 532-2507~~
3134

8-7-14

Date

CONTRACTING OFFICER CERTIFICATION

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

JONES.CATHERIN
E.C.1231895180

Digitally signed by
JONES.CATHERINE.C.1231895180
DN: c=US, o=U.S. Government, ou=DoD,
ou=PKI, ou=USN,
cn=JONES.CATHERINE.C.1231895180
Date: 2014.08.07 07:03:57 -07'00'

CATHERINE C. JONES
Level III Contracting Officer
ROICC Camp Pendleton, CA

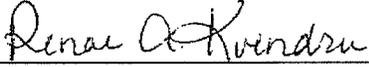
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Date

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ECHELON IV CHIEF OF THE CONTRACTING OFFICE CERTIFICATION

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



RENAE A. KVENDRU
Chief of Contracting, NAVFAC SW

(619) 532-2339
Phone No.

7-8-2014
Date

ECHELON IV COMMANDING OFFICER CERTIFICATION

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



D. BANAJI
Captain, CEC, USN
Commanding Officer

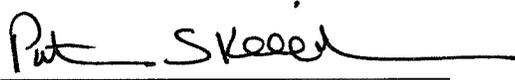
(619) 532-2317
Phone No.

8 AUG 2014
Date

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ECHELON III CHIEF OF THE CONTRACTING OFFICE CERTIFICATION

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



PATRICIA S. KELLIHAN
Chief of the Contracting Office
NAVFAC Atlantic

(757) 322-4060
Phone No.

8/12/2014
Date

APPROVING OFFICIAL (NFAS 6.304(c))

Upon the basis of the above justification, I hereby approve 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), as implemented by Federal Acquisition Regulation (FAR) 16.505(b)(2)(i)(A).



RDML L.V. CARIELLO
Commander
NAVFAC Atlantic

(757) 322-8000
Phone No.

8/25/14
Date