



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

## JUSTIFICATION AND APPROVAL 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 limit competition on a Multiple Award Construction Contract (MACC) and award an Undefinitized Task Order under Contract N62473-10-D-5482, 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. This task order will require the contractor to perform emergency power restoration at Marine Corps Base (MCB) Camp Pendleton, CA. This contract is one of seven basic contracts under the competitive NAVFAC SW Unrestricted Dry Utilities MACC. The contractor is RQ Construction – Berg Electric JV, 3194 Lionshead Avenue, Carlsbad, CA 92010.
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. This proposed action will include all labor, materials, equipment, oversight, and coordination to fully assess damage and restore power. The work includes replacement of fire damaged poles, wire and equipment to restore power at: Area 33; Ranges 102 and 103 (Wilcox Range Area); Area 32 (including but not limited to the 320937 Reservoir Lift Station); Area 43 (including but not limited to STP-3 Sewer Treatment Facility, Fire Station, Pistol Range, Basilone Road, the Chlorination station and the Waste Deposal Facility); the cell tower and Range 314 south/east of Area 62; and several facilities east of O'Neil Housing. The work may include other areas not listed that suffered damage from the fires. The estimated total number of impacted poles is expected to range from 65 to over 100 poles and associated wire and equipment and the cost is estimated at not-to-exceed \$2,155,295. The extent of the scope of work is still being determined by Base personnel and the local utility company, SDG&E. Neither the entire scope nor associated price will be known until a full assessment is completed. The duration of this action is anticipated to be 60 calendar days from date of award. Funding for this task order is available and will be provided by the MCB, Camp Pendleton.
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 have blackened 21,900 acres at Camp Pendleton and Naval Weapons Station Fallbrook. The first fire (the “Tomahawk fire”) broke out at Naval Weapons Station Fallbrook on 14 May 2014 and later spread to MCB, Camp Pendleton, blackening an estimated 5,400 acres. The second and largest of the fires (the “Las Pulgas fire”) began 15 May 2014, burning about 15,000 acres and is currently 75 percent contained. The third fire (the “San Mateo fire”), began 16 May 2014, burning about 1,500 acres and is currently 97 percent contained. The fires that encompassed nearly 18% of the base have left power outages and infrastructure damage throughout the base and the mission of MCB Camp Pendleton is in jeopardy. Some training exercises are on hold pending restoration of power, and barracks, offices, and other critical infrastructure are without power or running on generators. Power must be restored immediately to reduce further impacts.

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. It is estimated it would take a minimum of four (4) weeks for the procurement process and several more weeks for mobilization and material procurement. RQ Construction-Berg JV recently completed MCON Project P1048 which was to demolish existing and provide new power poles lines, underground duct banks systems, and metering substations throughout Camp Pendleton. The contractor is still mobilized, familiar with the electrical system at Camp Pendleton, and has confirmed that it has immediate access to over 100 electrical poles. The contractor can be on site in a matter of hours to commence work.

Based on the above justification, it is in the Government’s best interest to award the proposed task order to RQ Construction-Berg JV.

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 paragraphs 5.

The planned action covered by this J&A meets an exception to the synopsis requirements per FAR Part 5.202 (a)(6). 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 new task order with an estimated value of \$2,155,295. 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 and Pricing Data is required.

8. Actions Taken to Remove Barriers to Competition: This proposed task order is an emergency response to the wild fires at Camp Pendleton. It is a one-time procurement with no follow on procurements anticipated. However, as a result of this emergency, the Resident Officer in Charge of Construction at Camp Pendleton is putting an emergency response contract in place.

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