



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

N62473-12-D-2005
J&A 14-15

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 Contract and award a task order without full and open competition under contract N62473-12-D-2005 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. The task order will require the contractor to perform radiological exposure rate surveys in 50 unoccupied and 680 occupied housing units within Installation Restoration (IR) Site 12, at the Former Naval Station Treasure Island, San Francisco, CA (Treasure Island). This contract is one of four basic contracts under the competitive NAVFAC SW Unrestricted Environmental Multiple Award Contract II (UR EMAC II). The contractor is Chicago Bridge and Iron (CB&I), 2370 Towne Center Blvd, Baton Rouge, LA, formerly doing business as Shaw Environmental & Infrastructure, Inc.
3. Description of Supplies/Services: Contract N62473-12-D-2005 is a firm fixed priced (FFP) contract for environmental restoration services. This proposed action is applicable to IR Site 12 only and involves the interior radiological survey and documentation of 50 unoccupied and 680 occupied housing units owned by the Navy, but leased to the City of San Francisco (City). Surveying of the housing units is necessary due to sub-grade radioactive objects discovered during ongoing removal actions near the housing area on IR Site 12. The proposed work includes development of associated planning documents; development of threshold action levels; coordinating community relations; preparing and scanning housing units; data compilation and analysis; and reporting results. This proposed action will include all labor, materials, equipment, oversight, coordination and requisite insurance required for the effort. [REDACTED]
[REDACTED] The duration is anticipated to be 12 months from date of award. Funding for this task order is available and will be provided by the Base Realignment and Closure (BRAC) Program Management Office (PMO) West, FY14 BRAC Funds.
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 the Federal Acquisition Regulation (FAR) 16.505(b)(2)(i)(A), Unusual and Compelling Urgency.
5. Rationale Justifying Use of Cited Statutory Authority: The leasing program began in 1999 pursuant to a request from the City. The Treasure Island Development Authority (TIDA) serves

as manager of the property under the lease, and sub-leases the housing units in IR Site 12 to various tenants. At the time the lease was executed with TIDA, there were no radiological contamination concerns at Treasure Island. However, recent projects conducted as part of the environmental restoration program have discovered that an area of the subsurface within IR Site 12, including beneath the concrete slabs, is radiologically impacted.

While there are no known public health hazards in the residential area of IR Site 12, based on current information, an urgent and compelling need exists to conduct scanning as soon as possible in order to address potential residential health and safety concerns as well as provide an additional level of confidence to the public, and to determine if any further action in this area is required. The results of the survey will address data gaps for the IR Site 12 remedial investigation and will also be considered in determining whether the property is environmentally suitable for outleasing. Furthermore, ASN I&E has requested that NAVFAC SW conduct the surveys/scans as soon as possible in order to address public questions about residential exposure to radioactive material.

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, document the award, and develop new work plans. It is estimated it would take a minimum of six (6) months for the procurement process and development of new plans. Further rationale for selecting a new sole source task order from CB&I is the fact that the contractor has existing work plans for IR Site 12 under N62473-10-D-0807 Task Order 0010 in place and is mobilized on the site which will facilitate a more expedient start up. In addition, similar scanning was performed by CB&I in former resident buildings (Buildings 1101 and 1103) that later were demolished, demonstrating the contractor has the requisite experience to perform this work.

The difference in scope of Task Order 0010 from this new task order is the magnitude of this scope and the fact that many of the housing units are occupied and furnishings will need to be moved to facilitate scanning. It was consequently determined that this scanning would be out of scope of Task Order 0010 and therefore, N62473-12-D-2005 will be utilized based on the currency of the contract and the available capacity on it.

There is harm to the Government if the contracting activity does not limit competition. Any delay in awarding the proposed task order to CB&I will harm the Government's efforts in obtaining a swift exposure survey of the housing units in order to address and allay any potential public residential health and safety concerns. A delay will also impact a prompt decision regarding the environmental suitability of the IR Site 12 outleasing.

Based on the above justification, it is in the Government's best interest to award the proposed task order to CB&I. As stated above, CB&I is the only contractor that has the work plans in place for this type of effort, is experienced and on site and can begin immediate scanning at IR Site 12.

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)(11). The approved J&A will be released in accordance with FAR 16.505(b)(2).

7. Determination of Fair and Reasonable Cost: The Contracting Officer has determined the anticipated cost to the Government of the services covered by this J&A 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 essentially a result of unforeseen conditions or circumstances that could not be anticipated during the time ordinarily given to initial planning and procurement. Efforts will be made to avoid subsequent similar circumstances based on this experience and lessons learned.

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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:

[Redacted Signature]

Date

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

[Redacted Signature]

Date

CONTRACTING OFFICER CERTIFICATION

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

[Redacted Signature]

Date

CHIEF OF CONTRACTING OFFICE, NAVFAC SW

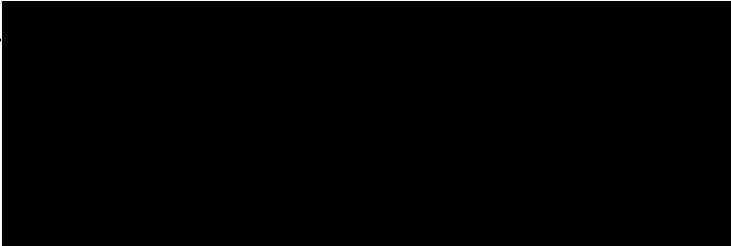
I certify that this Justification is accurate and complete to the best of my knowledge and belief.

[Redacted Signature]

3/20/2014
Date

APPROVING OFFICIAL (NFAS 6.304)

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) (FAR Part 16.505(b)(2)(i)(A).



3-20-2014
Date