



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND, SOUTHWEST
FACILITIES ENGINEERING & ACQUISITION DIVISION
P.O. BOX 6013, BLDG 1138T3
MARINE CORPS AIR GROUND COMBAT CENTER
TWENTYNINE PALMS, CALIFORNIA 92278-6013

N62473-10-D3814
J & A No.

**JUSTIFICATION AND APPROVAL
FOR OTHER THAN FULL AND OPEN COMPETITION**

1. Identification of the Agency and the Contracting Activity: Department of the Navy, Facilities Engineering & Acquisition Division (FEAD), Marine Corps Air Ground Combat Center (MCAGCC), Twentynine Palms, California
2. Nature and/or Description of the Action Being Approved: Upon the basis of the following justification, a modification is planned to extend the Interim Child Development Center Modular facilities lease, MCAGCC, Twentynine Palms, with ICON Construction, Inc., 1951 University Business Dr #119, McKinney, TX 75071-7532 and will be negotiated without providing for full and open competition pursuant to authority of 10 U.S.C. 2304 (c)(2) as implemented by the Federal Acquisition Regulation (FAR) 6.302-2. This contract action will be executed as a modification for an extension of three (3) months.
3. Description of Supplies or Services Required to Meet the Agency's Need Including the Estimated Value: This modification will provide for continuing the existing modular facilities lease for an additional three (3) months. The terms and conditions are to remain the same as the existing contract with ICON Construction, Inc., under Contract Number N62473-10-D-3814, which expires 03 December 2015. The total estimated value of the award is \$81,000.00.
4. Identification of Statutory Authority: The statutory authority permitting other than full and open competition is Title 10 U.S.C. 2304(c)(2), as implemented by FAR 6.302-2, Unusual and Compelling Urgency.
5. Demonstration of Contractor's Unique Qualifications and/or the Nature of the Acquisition Requires use of the Authority Cited:

(a) Introduction.

(i) This modification is needed to extend the term of the Interim Child Development Center Modular Facilities lease until the completion of the new Child Development Center. The construction of the new Child Development Center facility is currently behind schedule. It is anticipated that the new building will be available approximately February 2016.

(b) Unique Capabilities and/or Qualifications: The original firm fixed Design/Build/Lease price contract was awarded on a sole source basis (with J&A) to ICON on 27 April 2010, This contract was to provide the interim facilities for the Child Development Center until the MILCON funded construction contract (P212) was complete. The interim facilities were to be demobilized starting on 03 December 2015. The MILCON has fallen approximately three (3) months behind schedule from the current contractual completion date of 01 Sep 2015. It is anticipated that the new building will be available for occupancy in February 2016.

It is critical that the Interim Child Development Center Modular Facilities remain until the new building is available. There are no other facilities on base that can be utilized as an interim Child Development Center.

The cost associated with this modification is estimated to be \$81,000.00 based on the current contract's monthly charge.

Based on the above, it is in the Government's best interest to award the proposed modification for an extension of three (3) months to ICON Construction, Inc. to continue the lease of the interim facilities without an interruption.

6. Government-Wide Point of Entry (GPE)/FedBizOps Announcement/Potential Sources: The original contract was not synopsisized, as it met the HubZone set-aside exception at FAR 5.202(4), "...expressly authorized by a statute..." The planned action covered by this J&A also meets an exception to the synopsis requirement per FAR Part 5.202 (a)(2). The J&A will be posted at FedBizOpps in accordance with FAR 6.305.

7. Determination of Fair and Reasonable Cost: This is a request for a contract modification to extend the lease three (3) months for \$81,000. 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.

8. Description of the Market Research Conducted: Due to the urgency of this requirement, market research for another qualified firm cannot be conducted in accordance with FAR 10.

9. Any Other Facts Supporting the Use of Other Than Full and Open Competition: N/A

10. Listing of Interested Sources: No other sources were contacted because of the "urgent and compelling" nature of the requirement discussed in paragraph 5.

11. Actions Taken to Remove Barriers to Competition: Removing or overcoming future barriers to competition is not applicable in this instance.

12. Statement of Delivery Requirements: The modification will be for a three (3) month extension to the current contract.

13. Total Estimated Dollar Value of the Acquisition(s) Covered by the Justification: The total Estimated value of this modification is \$ 81,000.00. A breakdown of the dollar value is provided below:

\$27,000.00 a month times three (3) months: \$81,000.00

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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.

Requirements Cognizance:

_____ Signature	_____ Luke Feist LT, CEC, USN	_____ 760-830-6084	_____ 22 Oct 2015 Date
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LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

_____ Signature	_____ Katie Slayton Associate Counsel	_____ (619) 532-1220	_____ Date
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CONTRACTING OFFICER CERTIFICATION

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

_____ Signature	_____ Charlene Colella Contracting Officer	_____ 760-830-7414	_____ Date
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APPROVING OFFICIAL (NFAS 6.304)

Upon the basis of the above justification, I hereby approve, the proposed procurement described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304 (c)(2) (FAR Part 6.302-2)

_____ Signature	_____ Charlene Colella Contracting Officer	_____ (760) 830-7414	_____ Date
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