



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

J&A 15-05

**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 (NAVFAC SW), San Diego, California
  
2. Description of the Action Being Approved. Approval is sought to modify the existing Fire Protection (FP) construction, design build/design bid build contracts, collectively the Multiple Award Construction Contract (MACC), without competition to extend the ordering period. This action will not increase the maximum value of the contract. Rather, it would extend the ordering period from February 28 to March 31 2015. The contracts are:
  - a) N62473-12-D-0202     A&D Fire Sprinklers, Inc.
  - b) N62473-12-D-0203     Fed Con/South Bay Joint Venture
  - c) N62473-12-D-0204     Southwestern Dakotah, Inc.
  - d) N62473-12-D-0205     Western Fire Protection, Inc.
  
3. Description of Supplies/Services. NAVFAC SW through the use of the Fire Protection MACC provides design, construction, supervision, equipment, materials, labor and all means necessary to provide complete and usable fire protection system construction at various locations within California, Arizona, Nevada, Utah, Colorado and New Mexico. The preponderance of the work is in San Diego County, California. Types of projects may include but not limited to: new installation, addition, alterations, and repair of: fire sprinkler systems (wet-pipe, dry-pipe, pre-action, high speed deluge and ultra-high speed deluge); fire protection system water supply storage and distribution systems (fire pumps, tanks, fire hydrants, standpipes, and underground water mains); low and high expansion aqueous firefighting foam (AFFF) systems; and water spray and water mist systems. Types of fire alarm system projects may include, but not limited to, the following systems: building evacuation systems, mass notification systems, fire detection systems, fire reporting systems and building emergency controls and interfaces. Associated components and systems that may also be included in the fire protection system construction projects for this MACC may include: incidental special hazard systems such as gaseous systems (carbon dioxide and clean agents), kitchen fire suppressions systems and dry chemical systems. The FP MACC has a capacity of \$75M in which \$34.6M have been obligated and \$40.4M is available. The intent of the extension is to allow sufficient time to award planned task orders with a total estimated planned amount of \$9.5M
  
4. Statutory Authority Permitting Other Than Full and Open Competition. The statutory authority permitting other than full and open competition is 10 U.S.C. 2304(c)(2), as implemented by FAR 6.302-2. FAR 6.302-2 permits other than full and open competition when there is an unusual and compelling urgency.
  
5. Rationale Justifying Use of Cited Statutory Authority.
  - a. A Request For Proposal (N62473-14-D-0017) has been issued, and Phase I evaluation is currently underway for a follow-on contract for future work currently performed under the FP

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MACC. The final ordering period on the current MAC ends on February 27, 2015. A new ordering period (from February 28 through March 31, 2015) would allow time to award the actions currently being solicited on the existing MAC, thereby avoiding unacceptable delays in project execution and/or the necessity to restart procurement.

- b. The existing contract has four planned actions and two are expected to award before contract expiration (PTO X015 and X017). However, the two remaining actions are not expected to be awarded before contract expiration due to various issues:
  1. PTO X016 P599 Unaccompanied Housing Conversion, Naval Base Ventura County, CA. The RFP was issued on January 12, 2015 with a proposal due date of February 11, 2015. A site visit was conducted on January 28, 2015. Approximately 100 RFIs were received, which took considerable time to research and provide responses. An extension to the proposal due date was issued with a new proposal due date of February 17, 2015. Three proposals were received and all were significantly higher than the IGE. The team evaluated the proposals in comparison to the IGE and determined changes are needed in the scope. An amendment will be issued on February 23 with proposals due on February 26. Midway Estates was acquired to provide government transient housing to both active and reserve commands providing mission essential training. The reserve component has reorganized and Port Hueneme has become the designated site for reserve training for the entire Western region. This requirement was used to justify the acquisition of the property to Congress. The continued non-availability of this vital asset has resulted in 2865 (totaling 34,772 bed nights) Certificates of Non-Availability (CNAs) being issued, resulting in an additional \$2.570M in costs to the Navy for the past year. Bear in mind, this is NOT the cost of commercial lodging (which totaled \$4.451M). It is the cost difference between what the commands would've paid if we had the Midway inventory and the cost of commercial lodging. The impact on the reservists, who are inadequately funded to provide commercial lodging/meal rates, has severely jeopardized their ability to execute mission. Because of the non-availability of Midway, the reservists have resorted to drastic measures, including a request to utilize warehouse space for open bay berthing. The timely execution of the fire suppression contract is vital to continuing operations. If not awarded on this MACC, the design and construction will be delayed by approximately six (6) months and sailors will be displaced causing a ripple effect to mission readiness. A request to extend the FP MACC is necessary to allow the team enough time to evaluate and award the project by March 31, 2015.
  2. PTO X018 Replace Fire Alarm Systems in Buildings 01028, 101029, 011032 and 01033 (FAR NAWS0285). The fire alarm system for four buildings in the supply compound recently went down. Because of the age of the system Shop forces could not repair the system because there are no longer the parts available. The buildings account for approximately half of the available space for supply. Three of the buildings were allowed to remain occupied for storage (no personnel) but the contents are at risk without the alarm system. The fire department will not allow the fourth building to be occupied by personnel until the system is repaired/replaced. These buildings are not in compliance with current regulations. This will delay mission readiness and impact the mission without properly maintaining the buildings and placing personnel and supply items at risk.

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There was a Government caused delay in completing the RFP. The RFP was issued on February 6, 2015. Proposals are due on March 11, 2015 the Government does not have enough time to award prior to MACC expiration. The team requested to extend the FP MACC until March 31, 2015. This will allow the team to award the project by March 31, 2015.

- c. This J&A seeks an extension to the ordering period under the current MACC through 31 March 2015 in order to allow time for the award of the two (2) projects identified in item "5b" above. Without the contract extension, NAVFAC SW will be unable to meet the urgent requirements of its customers described above and risks the loss of project funding. This will adversely impact our customers' capability and mission readiness. While the funding for the projects does not expire, re-solicitation on another vehicle or as a stand-alone contract will significantly impact mission. Additionally, the impact of not executing this year's program will cause a domino effect for next year's budgeted program. Should these projects move to next year, they may displace other FY15 projects creating further mission impacts.
- d. The agency is in the process of awarding a follow-on FP MACC. However, this new award will not for the reasons specified above, which were beyond the control of the agency, help the planned actions identified in item "5b" above. Without an extension, the effort to award the two (2) projects would be lost and execution dates will be significantly impacted, resulting in mission impacts to supported commands. The four (4) current FP MACC contracts were competitively awarded. Utilizing the existing contractors would ensure that the agency have the benefit of task order competition required by the MAC.

6. Description of Efforts Made to Solicit Offers from as Many Offerors as Practicable. The MACC contract ensures sufficient competition with four SB MAC contractors, so this extension does not create a sole source environment. The follow-on Small Business MACC is being competitively procured by NAVFAC SW. The follow-on MACC, aggregate total of \$99M, is planned for award by the fourth quarter of FY-15. In the interim, other existing vehicles are available.

7. Determination of Fair and Reasonable Cost. The Contracting Officer will determine fair and reasonable proposed cost to the Government for services covered by this J&A using FAR Part 15 procedures. Planned Task Order X016 and X018 are being competed amongst the current MACC holders so as to ensure fair and reasonable pricing.

8. Actions to Remove Barriers to Future Competition. As stated in item 6 above, the follow-on Small Business MACC is being competitively procured by NAVFAC SW. Additional extensions to this MACC contract are not expected.

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CERTIFICATIONS AND APPROVAL

TECHNICAL and 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.

  
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JOHN W. COON  
CI Business Lead  
NAVFAC SW

(619) 532-2649  
Phone No.

2-26-15  
Date

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

  
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V. PAUL CLAY  
Assistant Counsel  
NAVFAC SW

(619) 532-3134  
Phone No.

2-26-15  
Date

CONTRACTING OFFICER

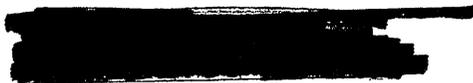
I certify that this Justification is accurate and complete to the best of my knowledge and belief.

  
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DENIESE D. KELLY  
Contracting Officer  
NAVFAC SW

(619) 532-3454  
Phone No.

2-26-15  
Date

APPROVING OFFICIAL (NFAS 6.304(d)) Upon the basis of the above Justification, I hereby approve the contract modifications described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304 (c) (1)

  
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RENAE A. KVENDRU  
Contracting Officer  
NAVFAC SW

(619) 532-2339  
Phone No.

2-26-15  
Date