



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND SOUTHWEST
1220 PACIFIC HIGHWAY
SAN DIEGO, CA 92132-6190

4239
PRX22
J&A No. 16-20

JUSTIFICATION AND APPROVAL
FOR EXCEPTIONS TO THE FAIR OPPORTUNITY PROCESS

1. Contracting Activity.

Naval Facilities Engineering Command Southwest (NAVFAC SW), Facilities Engineering and Acquisition Division (FEAD), Naval Base Coronado (NBC), California (CA).

2. Description of the Action Being Approved.

Request authority to limit competition on a construction repair procurement, pursuant to the authority of 10 U.S.C. § 2304 (c)(1), as implemented by Federal Acquisition Regulation (FAR) 6.302-1, "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements". The proposed contract action is to award on a sole source basis a firm fixed price contract to Enviremedial Services, Inc. (ESI). This stand-alone contract action will require ESI to repair the Above Ground Vehicle Wash Rack System (AGVWS) in support of Civil Engineer Support Equipment (CESE) and its vehicles at Amphibious Construction Battalion One (ACB-1), Naval Amphibious Base, Coronado, CA.

3. Description of Supplies/Services.

Repair existing AGVWS. A fully functional AGVWS that meets the mission requirement consists of a system that has the capability to clean and maintain CESE/vehicles and meet mission readiness in an environmentally compliant manner. The repairs that are required to be performed on the AGVWS include:

- Repair broken interior [REDACTED] throughout the Container, proprietary part.
- Replace severely damaged [REDACTED] washer with new unit. [REDACTED]
[REDACTED] This new unit will provide service to existing high pressure heated stations, proprietary part.
- Repair [REDACTED] proprietary part.
- Repair [REDACTED] proprietary part.
- Renew annual telemetry system connection with [REDACTED] cellular service, and 24/7 monitoring of wash system, proprietary part.
- Perform complete full Preventative Maintenance services on all components and replace all [REDACTED] proprietary part.

The cost is estimated to be \$ [REDACTED]. The duration of this action is 160 calendar days from date of award. OM&N funding for this contract is available and will be provided by Amphibious Construction Battalion One.

4. **Statutory Authority Permitting Exceptions to the Fair Opportunity Process.**

The proposed action will be conducted without providing for full and open competition pursuant to the authority of Title 10 U.S.C. § 2304(c)(1), as implemented by FAR 6.302-1, Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.

5. **Rationale Justifying Use of Cited Statutory Authority.**

ESI is the manufacturer of the existing wash rack. Each ESI wash rack is built custom to the specifications of the customer, so the parts are not off-the-shelf commercially available. ESI's first five repair items previously described require parts that are proprietary and no other parts are available from another manufacturer that will provide a compatible and usable system that meets the end user's requirements. ESI is the only wash rack manufacturer that also offers remote data monitoring (line item 5). ESI, as the manufacturer is in the best position to provide preventative maintenance for the system (line item 6) due to their access to the appropriate repair parts and also due to their trademark knowledge over the entire system. Utilizing other than ESI has resulted in improper care of the system resulting in unscheduled outages and costly repairs. These systems are not interchangeable with one another resulting in a dependency on a single manufacturer once a system is acquired and installed to provide the required repair work. Based on the rationale above, ESI has been determined to be the only source that can fulfil the current requirement.

6. **Description of Efforts Made to Solicit Offers from as Many Offerors as Practicable.**

Market research was performed to determine whether other manufactures were capable of performing the repairs. Proposed contract action was published in accordance with FAR 5.201. Several AGVWS manufacturers were identified; however, none of them were able to perform the repairs on the existing AGVWS system at ACB-1, because the [REDACTED] parts that are required to repair the existing system are proprietary. Justification and Approval will be made available in accordance with FAR 6.305.

7. **Determination of Fair and Reasonable Cost.**

Based on the historic cost information currently available, the Contracting Officer has adequate information to ensure that the cost to the Government for this action will be fair and reasonable, based on an Independent Government Estimate (IGE) and historical data.

8. **Actions to Remove Barriers to Future Competition.**

Past procurement history and market research indicates that there are other sources with AGVWS systems experience, but no other contractor will be able to address this specific AGVWS relevant to the proposed contract action nor are they in possession of the proprietary parts required to adequately meet the Government's requirements for this specific AGVWS. However, the Government will evaluate any future procurements

concerning AGVWS systems on a case by case basis and will make a determination at that time on whether to use competitive procedures for future similar requirements.

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:

Digitally signed by
[Redacted Signature]
[Redacted Name]

(619) 545-[Redacted] Date

LEGAL SUFFICIENCY REVIEW:

I have determined this Justification is legally sufficient.

Digitally signed by
[Redacted Signature]
[Redacted Name]

Associate Counsel, NAVFAC SW

(619) 532-[Redacted] Date

CONTRACTING OFFICER CERTIFICATION:

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

[Redacted Signature]
[Redacted Name]

Contracting Officer, NAVFAC SW

(619) 545-[Redacted] Date