

**JUSTIFICATION & APPROVAL**  
**FOR USE OF OTHER THAN FULL AND OPEN COMPETITION**

Solicitation Number N62478-11-R-5016, Architect-Engineer Services for Pre Award Services for Repair Red Hill Fuel Facility, Oahu, Hawaii

1. Contracting Activity. Naval Facilities Engineering Command, Hawaii (NAVFAC HI), Joint Base Pearl Harbor Hickam, Hawaii.

2. Description of the Action Being Approved.

a. The purpose of this action is to request approval to use other than full and open competition to procure architect-engineer (A-E) services for pre-award services for the structural repairs to the Red Hill Fuel Facility project.

b. NAVSUP Fleet Logistics Center, Pearl Harbor /Defense Logistics Agency (DLA) obtained A-E services for field investigation and development of a 35% design for Red Hill Tunnel structural repairs from MWH Americas, Inc. (MWH) using an existing Air Force Center for Engineering and the Environment/AC (AFCEE) Indefinite Delivery Indefinite Quantity contract. Task Order 0112 was awarded under Contract Number FA8903-08-D-8777 on September 13, 2010 in the total amount of \$1,640,357.00. However, the AFCEE task order only included a limited amount of AE services for pre award support and that support has essentially ended prior to the award of the construction contract.

c. NAVFAC HI, as the construction agent in Hawaii, is responsible for awarding this construction project. The proposed action is to procure follow-on A-E services from MWH in the estimated amount \$15,000.

3. Description of Supplies/Services.

The contract will require MWH to provide A-E services which include: answering requests for information (RFIs), assisting with questions from the Government after receipt of proposals, providing technical support with issuance of any post-closing amendments, including but not limited to issuance of revised drawings/specifications.

4. Statutory Authority Permitting Other Than Full and Open Competition.

This request is submitted pursuant to the authority of 10 USC § 2304(c)(1) and (d)(1)(B)(i), and FAR § 6.302-1(a)(2)(iii)(A), follow-on contracts for the continued provision of highly specialized services when it is likely that award to any other source would result in substantial duplication of costs to the Government that is not likely to be recovered through competition.

5. Rationale Justifying Use of Cited Statutory Authority.

a. AFCEE was the original procuring contracting office for the A-E services from MWH. It is AFCEE's position that extension of the A-E contract beyond 15 August 2011 to include answering all RFIs from contractors and award of the construction contract is outside of the original scope of work. AFCEE is unable to modify the original contract to include the work.

b. In order to ensure the successful award of the construction project, it is critical to NAVFAC Hawaii to have the A-E on board until the award of the project. MWH has the expertise and knowledge obtained while assisting the Government with the design package and answering the initial set of RFIs. Another A-E would have to substantially duplicate the initial costs incurred by MWH in order to provide the Government with this small amount of follow on services to the original contract.

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

a. No additional market research was conducted because it is not practicable, for the reasons discussed in paragraph 5 above, for any company other than MWH to provide the required services.

b. In accordance with FAR Subpart 5.101, and 5.205(d)(2), since the proposed contract action is expected to be below \$15,000, the contracting officer will display a notice of the solicitation or a copy of the solicitation in a public place at the contracting office.

7. Determination of Fair and Reasonable Cost. The Contracting Officer will negotiate a price for the A-E services based upon the use of price analysis and comparison with other previously awarded projects. The Contracting Officer has determined the anticipated cost to the Government of the services covered by this Justification & Approval will be fair and reasonable.

8. Actions to Remove Barriers to Future Competition. None. Unless future requirements are directly related to the work performed under the contract, new work will be competitively solicited using Brooks Act procedures for AE Services.

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:

Brian T. Aratani      Brian T. Aratani      474-3836      8/4/11  
Signature              Name (Printed)      Phone No.      Date

Requirements Cognizance:

Glenn S. Matsuda      Glenn S. Matsuda      474-0257      8/4/11  
Signature              Name (Printed)      Phone No.      Date

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

Jenny N. Masunaga      Jenny N. Masunaga      474-2255      8/4/11  
Signature              Name (Printed)      Phone No.      Date

CONTRACTING OFFICER CERTIFICATION

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

Gregory K. Takata      Gregory K. Takata      474-0684      8/4/2011  
Signature              Name (Printed)      Phone No.      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)(1) and 10 U.S.C. 2304(d)(1)(B)(i).

Lynn Wong      8/4/2011  
Lynn Wong      Date

Echelon IV, Chief Contracting Officer  
Naval Facilities Engineering Command, Hawaii