

JUSTIFICATION AND APPROVAL

FOR USE OF OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity. Department of the Navy, Naval Facilities Engineering Command, Pacific (NAVFAC PAC), Pearl Harbor Hawaii.
  
2. Description of the Action Being Approved. Request approval to modify Contract No. N62742-10-D-1804 to increase the contract ceiling from \$60M to \$72.5M. This contract is a cost-plus-award-fee Small Business Environmental Remedial Action Contract (SBRAC) for Sites in Hawaii and Other Areas that was awarded to Cape Environmental Management Inc. on 3 February 2010 for a base year plus four one-year options not to exceed 60 months. To date, contract task orders (CTOs) with a total dollar value of approximately \$[REDACTED] have been awarded. The contract is on its fourth and final option year. Efforts are underway to award the replacement contract after the contract expires.

In January 2014, the contract amount of the SBRAC was \$[REDACTED], leaving a remaining capacity of \$[REDACTED]. It was determined at that time the remaining \$[REDACTED] would fulfill our acquisition needs until the contract expired in February 2015, when a replacement contract would be in place.

Since March 2014, several unforeseen, time-critical removal actions (TCRA) have arisen that expanded the contracting requirement. For instance, an on-going remedial action at the [REDACTED] detected new pollutants requiring disposal, the timing of which is constrained by the upcoming school year. This urgent and unplanned project involves addressing metal, polychlorinated biphenyls, polycyclic aromatic hydrocarbons, and dioxin contaminated soil at a local high school track and athletic complex area. Due to the physical uncertainties of the site and the need to address the contamination expeditiously, it was decided to award the work on the SBRAC under CTO [REDACTED]. The estimated expenditure before actual site investigation cost \$[REDACTED]. However, due to additional unforeseen requirements the CTO may be increased by as much as \$[REDACTED] bringing the total CTO value to approximately \$[REDACTED].

Due to the unexpected and unplanned requirements of CTO [REDACTED], the current SBRAC capacity will be expended prior to award of the follow-on contract.

There are also requirements to address removal actions at [REDACTED] and on Oahu, Hawaii. The table below shows planned awards for the current SBRAC through Feb 2015. Additional buffer capacity is also needed to allow for unexpected future modifications that may occur to existing task orders.

Planned Award Date	Title	Award Amt (\$M)	Remaining SBRAC Capacity (\$M) [Beginning Bal = \$[REDACTED]]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

3. Description of Supplies/Services. The subject contract provides environmental remedial action services at environmental contaminated sites, predominantly Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) sites, located at Navy and Marine Corps Installations and other Government agencies. The sites consist of those ranked on the Superfund National Priority List (NPL) as well as non-NPL sites regulated under CERCLA, Resource Conservation and Recovery Act (RCRA), Underground Storage Tanks (UST), and other sites requiring remedial action.

Related technical services may include, but are not limited to, performing removal actions, performing expedited and emergency response actions at sites, performing pilot and treatability studies, providing facility operation, maintenance and instruction, performing other related activities associated with returning sites to safe and acceptable levels, and preparing appropriate documentation of planned and completed actions.

These highly specialized services, including the ones listed in the above table, are performed through a cost reimbursement contract versus a firm-fixed-price contract. The extent of contamination at the CERCLA sites cannot be definitively determined prior to the remedial action, and thus the level of effort (both labor hours and material requirements) for remedial action is highly uncertain and speculative. NAVFAC PAC AOR has only one cost-plus contract through which it can perform these efforts in scope, the existing subject SBRAC (N62742-10-D-1804).

NAVFAC LANT's RAC contract also cannot be used for these efforts. Three of the proposed actions are modifications to existing in-progress CTOs for which the incumbent is already in process of performing work. The incumbent contractor also has unique familiarity at two of the sites where new CTOs are to be awarded ([REDACTED]). CTO award and modifications cannot be postponed due to clean-up schedules and expiring end-of-year funds.

4. Statutory Authority Permitting Other than Full and Open Competition. 10 U.S.C 2304(c)(1), Only one responsible source and no other services will satisfy agency requirements. With specialized services it is likely that an award to any other source would result in unacceptable delays in fulfilling the agency's requirements. FAR 6.302-1(a)(2)(iii).
5. Rational Justifying Use of Cited Statutory Authority. The current services provider is the most responsible source to address expanded remediation at sites it is already working. Continuity of operations benefits the reliability of the remediation measures. The continuation of follow-on studies and support under this contract is required to meet unexpected, highly political, time-critical clean-up requirements at [REDACTED] pl. The need for contract work at [REDACTED] was only considered in March 2014 and was not anticipated. There is insufficient time to procure a

new contract while still meeting site clean-up and funding schedules. Additional capacity to accommodate for the unanticipated [REDACTED] is needed. Similarly, additional work at [REDACTED] should be completed by the incumbent contractor. Modifying the scope of work rather than seeking new service providers that would need to acquire familiarity with the projects and potentially perform some rework are reasons the incumbent is the sole responsible source of services on the contract.

6. Description of Efforts Made to Solicit Offers from as Many Offerors as Practicable. The contract action has been synopsised in sufficient detail to comply with the requirements of FAR Subpart 5.203(a).
7. Determination of Fair and Reasonable Cost. The Government negotiated fair and reasonable rates for this contract and intends to negotiate fair and reasonable effort for each of the projects identified in Paragraph 2.
8. Actions to Remove Barriers to Future Competition. Efforts are in place to re-procure the SB RAC contract. The new contract is planned for award in March 2015. The replacement contract will be procured using full and open competition methods at a value that would ensure all known requirements would fit within the dollar limits established at the time of award.

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:

  
Signature Name (printed) Telephone No. Date July 30, 2014

Requirements Cognizance:

  
Signature Name (printed) Telephone No. Date July 30, 2014

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

  
Signature Name (printed) Telephone No. Date July 23, 2014

CONTRACTING OFFICER CERTIFICATION

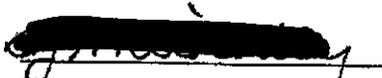
I certify that this Justification is accurate and complete to the best of my knowledge and belief.

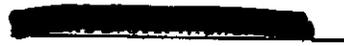
  
Signature Name (printed) Telephone No. Date 31 July 2014

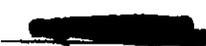
JUSTIFICATION AND APPROVAL FOR  
OTHER THAN FULL AND OPEN COMPETITION

COMMANDER, NAVFAC PACIFIC APPROVAL

Upon the basis of the above justification, I hereby approve, the award of the proposed procurement action described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 2304 (c)(1).

  
Signature

  
Name (printed)

  
Telephone No.

16 Aug 2014  
Date