

**JUSTIFICATION AND APPROVAL FOR
OTHER THAN FULL AND OPEN COMPETITION
FOR ONLY ONE RESPONSIBLE SOURCE**

**SOLICITATION NO. RFP N62742-09-R-1308
FY09 P-008 CENTRAL UTILITY PLANT, NAVAL HOSPITAL,
GUAM, MARIANAS ISLAND**

1. IDENTIFICATION.

Commander, Naval Facilities Engineering Command, Pacific Division, Pearl Harbor, Hawaii

2. NATURE OF ACTION.

Request approval to include proprietary specifications under Solicitation No. N62742-09-R-1308, MCON Project P-008, Central Utility Plant (CUP), Naval Hospital Guam, Mariana Island. A single (1) new Square D Master-Clad Metal-Clad 1200A 15KV Metal-Clad switchgear section will be added to an existing bank of six (6) switchgear sections in the existing Switchgear Building 5906.

3. DESCRIPTION OF SUPPLIES/SERVICES.

The existing switchgear is a Square D brand manufactured by Schneider Electric. This new section is being added onto the existing Square D Master-Clad Metal-Clad 1200A 15KV switchgear, Factory Order number 24695733-001. The new switchgear section will be added at the substation level of the electrical power distribution system. The new switchgear section will provide the power to the Central Utility Plant (CUP), which serves the existing hospital. The new switchgear section is required to increase capacity at the substation level. No existing spares are available. Without the new switchgear section, the Central Utility Plant (CUP) and hospital will not have a power supply. The cost for the Square D switchgear is estimated to be [REDACTED].

4. STATUTORY AUTHORITY.

10 U.S.C. 2304(c) (1). Only one responsible source and no other supplies or services will satisfy agency requirements (FAR 6.302-1)

5. DEMONSTRATION OF CONTRACTOR'S UNIQUE QUALIFICATIONS.

This is a follow-on requirement for a major component of highly-specialized equipment where award to another source would result in substantial duplication of cost to the government that is not expected to be recovered by competition. Selection of the Square D Master-Clad Metal-Clad 1200A 15KV switchgear was based on its compatibility with the existing equipment. The existing six (6) switchgear sections that are located in Building 5906 are all Square D and are not nearing the end of their useful life. Square D is required because other manufacturer's switchgear sections will not be directly compatible with the existing switchgear sections. The new switchgear section will be electrically attached to the existing lineup; therefore, compatibility is critical. Moreover, it is neither economically responsible nor functionally practical to replace all of the existing switchgear sections. To replace all of the existing switchgear sections could cost in excess of [REDACTED] and power would be interrupted to a sizeable portion of the installation.

The Government intends to procure, under only one responsible source and no other suppliers will satisfy agency requirements, the following item:

- Square D 1200A 15 KV Metal-Clad switchgear manufactured by Schneider Electric that is compatible with existing Square D switchgear.
- Switchgear includes single section electrical enclosures (914mm wide X 2311mm deep X 2416mm high).
- Houses 1200A Type VR circuit breaker, related relay equipment, accessory components.
- Factory assembled
- To be used with medium voltage over current protection equipment for new central utility plant.
- Will be attached to existing Square D Master-Clad 1200A 15KV switchgear, Factory Order Number 24695733-001.

6. FBD ANNOUNCEMENT/POTENTIAL SOURCES.

In accordance with FAR 5.2, a Sources Sought Notice was (Solicitation No. ACQ13FY090003) was posted on 20 May 2009 for 15 calendar days to solicit information from as many sources as practicable.

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Responses to the Sources Sought Notice are as follows:

- On 5 May 2009, [REDACTED], representative from [REDACTED] emailed NAVFAC Pacific (NFP) Acquisition (ACQ) and indicated the company is interested in procuring the Square D material and requested additional material list to complete their Bill of Materials. NFP ACQ responded on 7 May 2009 that we are not looking to procure the switchgear, but are seeking a compatible alternative.
- On 7 May 2009, [REDACTED], representative from [REDACTED], emailed NFP ACQ expressing interest in bidding on the project. They also indicated they are a Brazilian company. On 7 May 2009, NFP ACQ replied that by Federal regulation only domestically constructed materials can be used in Federal contracts.
- On 7 May 2009, [REDACTED] of [REDACTED] called NFP ACQ and expressed interest in supplying switchgears. We explained we are seeking a compatible alternative to the Square D brand.
- On 20 May 2009, [REDACTED], representative from [REDACTED], emailed NFP ACQ expressing interest in being a source for power distribution products and attached a copy of their company brochure. Their brochure was reviewed by [REDACTED] of Sherlock, Smith & Adams (SSA), the Architect-Engineering firm that is designing the CUP. Based on SSA's review and response, on 8 June 2009, NFP ACQ replied by email that we determined [REDACTED] manufactures power supplies and battery controls mainly for telephone switching system equipment. NFP ACQ clarified that the switchgear section is being added to an existing medium voltage switchgear line-up.

7. DETERMINATION OF FAIR AND REASONABLE COST.

The Square D switchgear by Schneider Electric will be a small cost (estimated [REDACTED]) of the total contract cost estimate of [REDACTED] for the CUP. The Square D switchgear system is a commercial item subject to full and open competition. The cost of the Square D system of [REDACTED] is only [REDACTED] of the total estimated contract cost of [REDACTED].

8. DESCRIPTION OF MARKET SURVEY.

Based on the information provided in paragraph 6 above, there is no other known manufacturer of a comparable switchgear system other than Square D by Schneider Electric that could meet the Government's requirement.

9. ANY OTHER SUPPORTING FACTS.

Not applicable

10. LISTING OF INTERESTED SOURCES.

Not applicable – no other known sources

11. ACTIONS TAKEN TO REMOVE BARRIERS TO COMPETITION.

This is a one-time procurement. As part of ongoing planning functions, the customer and NFP will continue to review future purchases of switchgears to determine whether full and open competition is feasible under the circumstances.

12. STATEMENT OF DELIVERY REQUIREMENTS.

The contractor shall be required to commence work with the installation of the Square D switchgear and complete the contract within the schedule specified in Solicitation No. N62742-09-R-1308, MCON Project

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P-008, Central Utility Plant, Naval Hospital Guam, Mariana Islands. The switchgear system will be delivered and installed within the contract construction period.

13. TOTAL ESTIMATED DOLLAR VALUE OF THE ACQUISITION COVERED BY THE J&A.

The Square D switchgear by Schneider Electric estimated cost is [REDACTED] which comprises [REDACTED] of the total estimated contract cost of [REDACTED]

14. REFERENCE TO THE APPROVED ACQUISITION PLAN (AP).

Not applicable.

15. DOCUMENTATION FOR SPARE/REPAIR PARTS ACQUISITIONS.

None will be purchased.

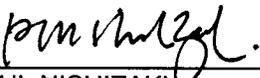
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TECHNICAL AND REQUIREMENT CERTIFICATION

I certify that the facts and representations under my cognizance that are included in this justification and its supporting Acquisition Plan No. N/A and which form a basis for this justification are complete and accurate [FAR 6.303-2(b)].

Technical Cognizance:

 _____ PAUL NISHIZAKI NAVFAC Pacific Architectural Branch Manager	<u>CI41</u> Code	<u>(808) 472-1265</u> Telephone	<u>6-9-09</u> Date
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Requirement Cognizance:

 _____ JOHN WEICK NAVFAC Pacific Project Manager	<u>CI48</u> Code	<u>(808) 472-1361</u> Telephone	<u>6-9-09</u> Date
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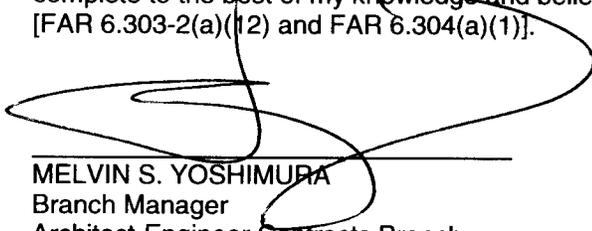
COUNSEL REVIEW

I have reviewed this justification for legal sufficiency. [NAPS 5206.303-92(a)].

 _____ KENNETH M. RACETTE Associate Counsel	<u>09C</u> Code	<u>(808) 474-3930</u> Telephone	<u>6-11-09</u> Date
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CONTRACTING OFFICER CERTIFICATION/APPROVAL

I certify that this justification, including its supporting Acquisition Plan No. N/A is accurate and complete to the best of my knowledge and belief and hereby approves the proposed action [FAR 6.303-2(a)(12) and FAR 6.304(a)(1)].

 _____ MELVIN S. YOSHIMURA Branch Manager Architect-Engineer Contracts Branch Contracting Officer	<u>ACQ13</u> Code	<u>(808) 474-5406</u> Telephone	<u>11 Jun 09</u> Date
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