



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND SOUTHWEST
RESIDENT OFFICER IN CHARGE OF CONSTRUCTION
MARINE CORPS BASE, CAMP PENDLETON, BUILDING 22101
BOX 555229
CAMP PENDLETON, CA 92055-5229

N62473-04-D-5110-0022
J & A No. 10-22

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

1. Identification of agency and contracting activity:

The agency and contracting activity for this action is the Department of the Navy, Officer in Charge of Construction, Marine Corps Installations West (OICC MCIWEST), Resident Officer in Charge of Construction (ROICC), Camp Pendleton, California.

2. Description of the Action Being Approved:

Upon the basis of the following justification, an out-of-scope modification to Contract N68711-04-D-5110, Task Order 0022, REPLACE EXISTING 10" FORCE MAIN FROM LIFT STATION 51056 TO SEWER TREATMENT PLANT #11 AT MARINE CORPS BASE CAMP PENDLETON, CA issued to CDM Constructors Inc., will be awarded without providing for full and open competition pursuant to authority of 10 U.S.C. 2304 (c)(2) as implemented by the Federal Acquisition Regulation (FAR) 6.302-2. ROICC Camp Pendleton proposes to procure by other than full and open competition the repair of approximately four segments of treated effluent sewer line.

During a repair of a section of Basilone Road under the aforementioned task order, CDM Constructors excavated approximately 770 cubic yards of soil to stabilize the ground where the forced main sewer line was to be installed. As a result of this excavation, the existing 16-inch diameter effluent sewer pipe was exposed. The effluent pipe has sunk to a maximum depth of 10.7" and the joints of the pipe are deflecting beyond the pipe manufacturer's allowance.

Subsequent field investigations by the Government's engineers has determined that the original scope's repair efforts would likely result in a failure of the joints at some point in the immediate future. While the joints are already flexed beyond the acceptable tolerances and could fail at any time, the current scope requires CDM Constructors to backfill and compact the excavated area in order to complete the installation of the raw sewage force main. The Government engineers believe the compaction efforts would result in additional settlement of the soil underneath the pipe and increase the deflection of the pipe, causing the treated effluent pipeline's joints to fail.

3. Description of Supplies/Services:

The scope of work for this modification requires the installation of Bell Joint Leak Clamps to the existing pipe; wrapping of pipe clamps, raising the pipe, excavating two feet of soil from under the existing pipe, installation of geogrid and rock bedding below the pipe, and placement of the

pipe on the new surface. It is estimated that the work can be performed within ten calendar days, including material lead time.

The cost of the repair work is \$34,413.00, and will be funded by Fiscal Year 2010 Operations and Maintenance (O&M, MC) funds.

4. Identification of Statutory Authority:

The statutory authority permitting other than full and open competition is Title 10 U.S.C. 2.304(c)(2), as implemented by FAR 6.302-2, Unusual and Compelling Urgency.

5. Demonstration of Contractor's Unique Qualifications:

This procurement is for an out-of-scope modification to an existing construction contract. The original scope of work was for the replacement of an existing raw sewage force main. The treated sewage effluent line is not within the scope of the current task order, but is within the scope of the basic contract.

This acquisition falls under the statutory authority cited in FAR 6.302-2, Unusual and Compelling Urgency. The section of road where this work is being performed is an approximately 40 foot fill above the natural terrain. On the northern side of the road there are steep hills with a natural canyon where rain water travels under Basilone Road, through a storm pipe, to the river bed located just below the southern base of the road. If the pipe were to fail, the force and volume of the effluent would cause this section of road to be wash-out, resulting in additional repair costs to the Government. The closure of this road would cut off a major thoroughfare from Interstate 5 to northern areas of the base, requiring traffic to be diverted approximately 10 miles until the repairs could be made. The resulting sewage spill would result in an environmental hazard as the treated effluent would drain into the river adjacent to Basilone Road located near domestic water wells, sensitive habitat and beaches located approximately 2-miles downstream. Camp Pendleton would receive a Notice of Violation from the San Diego Regional Water Quality Control Board.

Further, the entire south side of the road has been excavated, resulting in an inherently dangerous traffic pattern. East-bound traffic has been moved to the west-bound lane, while west-bound traffic has been diverted to the shoulder of the road. The temporary west-bound lane runs adjacent to a large above ground utility station that is located just off the shoulder of the road. Given the significant volume of traffic that traverses this road each day and the fact that this area has no lighting during times of darkness; there is a substantial risk that an automobile accident may occur at this location.

As CDM Constructors is already mobilized to the site; has provided the necessary studies of the surrounding soils as part of the repair of the force main and is currently providing storm water runoff protection for the entire project. For a new contractor to do this work, the Government would incur duplication of costs estimated at approximately \$19,610.00, broken down as follows:

Mobilization/Demobilization: \$ 2,500

Site Investigation:	\$ 4,000
Geotechnical Studies:	\$12,000
Environmental Compliance:	\$ 1,110

The current task order has the necessary Categorical Exclusion document to perform this work; CDM Constructors already has provided bonds for the original project; and CDM Constructors has approved Quality Control, Accident Prevention, and Environmental Protection Plans.

Based on the above, it is determined that CDM would be able to perform the work at an overall lower cost to the Government and is capable of beginning work sooner than any other contractor; thus reducing the risk that the pipe would fail before it could be repaired and minimizing the time for which the dangerous traffic pattern had to exist.

6. Government-wide Point of Entry (GPE)/FedBizOps Announcement/Potential Sources. The planned action covered by this J&A meets an exception to the synopsis requirements per FAR Part 5.202 (a)(2).

7. Determination of Fair and Reasonable Cost:

The negotiation team analyzed the Contractor's proposal for price and cost reasonableness. The contractor's proposal was compared to the Independent Government Estimate and it was determined that the Contractor understands the scope to be performed and that the prices are fair and reasonable. The contractor's proposed line items were compared to FAR Part 31 to determine if the contractor's line items are allocable and allowable.

Market research was conducted for this action by reviewing current contract prices for similar work and the 2009 R.S. MEANS Building Construction Cost Data to develop the Independent Government Estimate and duplicated costs.

8. Description of Market Research:

No other offers were solicited because the Government determined that there would be a substantial duplication of costs and unacceptable delays if another contractor was provided the opportunity to perform this work. A new contractor would be required to mobilize and demobilize equipment; conduct site and geotechnical studies, and provide environmental protection for storm water run-off. A new contractor would be delayed from starting work until a Categorical Exclusion document could be approved for the new contract; until performance and payment bonds were received; and until the contractor's Quality Control, Accident Prevention, and Environmental Protection Plans were submitted and approved. The Government estimates that this would add a minimum of two weeks of delay before the contractor could even begin to mobilize to the site.

9. Any Other Supporting Facts. None.

10. Listing of Interested Sources. No other sources were contacted because of the "urgent and compelling" nature of the requirement discussed in paragraphs 5.

WILLIAM J. HEPLER (760) 763-6307 Date
Contracting Officer, ROICC Camp Pendleton

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)(2)

DENIESE D. KELLY (760) 763-7343 Date
Director, Acquisition
OICC, MCIWEST