



DEPARTMENT OF THE NAVY
Naval Facilities Engineering Command Southeast
Jacksonville, FL 32212-0030

J&A No. N69450-13-0151

**JUSTIFICATION AND APPROVAL
FOR USING OTHER THAN FULL AND OPEN COMPETITION**

1. Contracting Activity.

The agency is the Department of the Navy. The contracting activity is Naval Facilities Engineering Command, Southeast (NAVFAC SE), Naval Air Station Jacksonville, Florida. The requiring activity is the Naval Air Station, Pensacola, Florida.

2. Description of the Action Being Approved.

Negotiate an out-of-scope modification under Task Order 0003 to Thrash Commercial Contractors, Inc., under the Gulf Coast Mini Multiple Award Construction Contract (MACC) N69450-10-D-0788: Renovate Corry "A" School Bachelor Enlisted Quarters, Buildings 3702 and 3705, Naval Air Station, Pensacola, Florida.

3. Description of Supplies/Services.

Upon the basis of the following justification, a contract modification is planned to provide all labor, material, equipment and supervision necessary to relocate the existing electrical feeds for Building 3701 from the stair tower of Building 3702 to two (2) new electrical panels on the south side of Building 3701.

Estimated Dollar Value

██████████

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

The proposed action will be conducted without providing full and open competition pursuant to authority 10 U.S.C. 2304(d)(1)(B) as implemented by the Federal Acquisition Regulation (FAR) 6.302-1, Only one responsible source and no other supplies or services will satisfy agency requirements.

5. Rationale Justifying Use of Cited Authority.

This work is urgently needed for the following reasons: (1) Maintain continuous electrical service to the west end of Building 3701 which is currently occupied with students living in the facility. Building 3701 is not included in the subject task order. (2) Power must remain in Building 3701 for climate control to avoid "mold" growth (due to humidity) and creating an environment with exposure to the occupants and facility thereby resulting in an unknown cost for mold remediation as well. (3) Avoid impacts to the demolition schedule of the north stair tower in Building 3702 which houses the electrical panels providing power to the west end of Building 3701 and (4) avoid a complete contract work stoppage under N69450-10-D-0788/0003 thereby resulting in additional delays, impacts to the critical path and extending the

contract completion date beyond 21 March 2014. This would have a negative impact on the Government as extended delay to the project would cause issues with housing of the students at the Center for Information Dominance.

Additionally, Building 3701 must have power and remain operational to avoid a significant expense to the Government to relocate the students currently living in the facility to an off-site facility. The option to procure this additional work by another contractor would require the west end of the existing dorm (Building 3701) to be shut down during the procurement and construction period. In addition, a complete work stoppage on contract (N69450-10-D-0788/0003) would be required until the electrical work in Building 3701 was completed.

It would take approximately six (6) months to procure and install the electrical panels, at an additional cost of [REDACTED] via another contractor. This number does not include cost for the possibility of mold remediation in Building 3701 which could be significant depending on the amount of damage sustained if power is not maintained during the renovations of Buildings 3702 and 3705.

The installation of the electrical panels in Building 3701 by Thrash Commercial Contractors, Inc., under contract N69450-10-D-0788/0003 will save the Government significant time, cost and will alleviate any risk of a second contractor on site working in conflict with the current contractor.

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

Due to the urgency of this modification and the potential impacts to the Government, market research for another qualified firm will not be conducted in accordance with FAR Part 10. The estimated cost of the proposed change is less than the simplified acquisition threshold. The proposed change will be negotiated with Thrash Commercial Contracting, Inc., which is a small business concern and is already mobilized on site performing work under the subject task order. As a result, this action will pose no adverse impacts on the Small Business Community.

The planned action covered by this J&A meets an exception to the synopsis requirements per FAR Part 5.202(a)(2). In accordance with FAR 6.305 Availability of the Justification (b), the approved justification will be posted within 14 days after contract award.

7. Determination of Fair and Reasonable Cost:

This is a request for an out-of scope contract modification to add additional scope by [REDACTED]. The Contracting Officer has adequate information to ensure that the cost to the Government for this proposed modification will be fair and reasonable by use of historical cost currently available for similar work on other construction contracts administered by this office and using R.S. Means. The Contracting Officer will evaluate the cost proposal submitted by the Contractor and compare it with the Independent Government estimate using price and cost analysis to determine and ensure that the modification awarded and covered by this J&A will be fair and reasonable through negotiations.

8. Actions to Remove Barriers to Future Competition.

The proposed contract modification represents an action in response to an urgent and critical requirement to provide and install two (2) electrical panels in Building 3701 which will allow power to be maintained in Building 3701 during the renovations of Buildings 3702 and 3705 as described within this document. Therefore, removing or overcoming future barriers to competition is not applicable in this instance.

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:

[Redacted Signature]

Signature _____ Name (Printed) _____ Phone No. _____ Date _____

Requirements Cognizance:

N/A

Signature _____ Name (Printed) _____ Phone No. _____ Date _____

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

[Redacted Signature]

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

[Redacted Signature]

Signature _____ Name (Printed) _____ Phone No. _____ Date _____

APPROVING OFFICIAL (NFAS 6.304):

[Redacted Signature]

Signature _____ Name (Printed) _____ Phone No. _____ Date _____