JUSTIFICATION AND APPROVAL (J&A)

UNITED STATES TRANSPORTATION COMMAND (USTRANSCOM)
DIRECTORATE OF ACQUISITION (TCAQ)

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

JOINT GLOBAL SEALIFT CHARTER (JGSC)
Control Number: 26-40

1. CONTRACTING ACTIVITY.

United States Transportation Command, Acquisition Directorate, Sealift Services Division (TCAQ-I), 508 Scott Drive, Scott AFB Illinois 62225-5357.

2. NATURE AND/OR DESCRIPTION OF ACTION BEING APPROVED.

This action is for a fixed-price, multiple-award, indefinite delivery indefinite quantity (IDIQ) contract for global movement of large-volume combat forces' rolling stock and associated materials through short-term worldwide time and voyage charters. USTRANSCOM will award multiple contracts under this justification to Voluntary Intermodal Sealift Agreement (VISA) ocean common or contract participants with VISA-enrolled Roll-On/Roll-Off (RORO), multi-purpose, or vehicle carrier vessel(s) that have transported Department of War (DoW) cargo within the past two years from date of solicitation issuance. Additionally, an on-ramp provision will be included, allowing the Government to reopen the competition and add new eligible contractors to the awardee pool, provided they meet the eligibility requirements. Upon confirmation of eligibility, the Government may immediately award a contract to the new contractor under the same terms and conditions as existing awardees. Once awarded, the new contractor will compete for future task orders alongside initial awardees for the duration of the original contract term.

3. DESCRIPTION OF THE SUPPLIES/SERVICES REQUIRED TO MEET THE AGENCY'S NEEDS.

This acquisition involves the procurement of strategic sealift services under the Joint Global Sealift Charter (JGSC) program. Services include the provision of dry cargo vessels on a time or voyage charter basis for USTRANSCOM global movement of combat forces' rolling stock and associated materials.

Controlled by: USTRANSCOM
Controlled by: Directorate of Acquisition
CUI Category/ies: ~~PROCURE~~
Limited Dissemination Control: ~~FED ONLY~~
POC: [redacted]

The total estimated dollar value of the acquisition, including all option periods and the six-month extension of services, is $[redacted].

This estimate includes:

- Base Period (01 September 2026 – 31 August 2031): $[redacted]
- Option Period 1 (01 September 2031 – 31 August 2036): $[redacted]
- 6 Month Extension (01 September 2036 – 28 February 2037): $[redacted]
- Total Estimated Value: $[redacted]

Historically, Military Sealift Command (MSC) has awarded short-term charter contracts to meet operational needs. Short-term charter contracts, defined as those lasting less than one year, have proven to be time-intensive, with the award process taking up to 75 days to complete—an insufficient timeline to support the operational tempo of the Joint Force. As a result, USTRANSCOM was tasked with establishing an IDIQ contract to streamline award of short-term charters that align with USTRANSCOM's strategic mission set. While this IDIQ contract is not a follow-on requirement to a previous short-term charter IDIQ contract, it stems from several individual short-term charter contracts currently awarded by MSC. The IDIQ contract is designed to provide faster and more flexible contracting solutions to meet operational needs.

4. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION.

Authority for this acquisition is 10 USC 3204(a)(3) and FAR 6.103-3, Industrial Mobilization; Engineering, Developmental, or Research Capability; or Expert Services.

5. DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS OR THE NATURE OF THE ACQUISITION REQUIRES USE OF THE AUTHORITY CITED.

Limiting awards to VISA participants who own or control RORO, multi-purpose, or vehicle carrier vessel(s) that have transported DoW cargo within the past two years from the date of solicitation issuance is necessary for DoW sealift readiness, primarily attained through the VISA program.

First, limiting award to VISA participants is integral to sustaining the VISA program and aligns with current regulations. Specifically, consistent with Defense Federal Acquisition Regulation Supplement (DFARS) 247.272, DFARS 247.301-71, FAR 47.502(a), FAR 52.247-64, preference shall be given to offerors who are VISA participants or contract holders for the performance of ocean transportation requirements. VISA is a readiness program established under authority of the War and National Defense Production Act of 1950 (50 U.S.C. Chapter 55) and is a mechanism by which U.S. ocean carriers pledge their owned or controlled assets to meet DoW requirements to maintain national defense preparedness. In turn, an ocean carrier's commitment of owned or controlled transportation assets to the VISA program is recognized by granting them priority in sea-based transportation contracts and/or task orders, including this JGSC IDIQ contract.

In explaining the VISA program, Section 6, Paragraph 6.3 of Department of Defense Instruction (DoDI) 4500.57, Transportation and Traffic Management (Change 4, effective 11 December 2024) states: "The DoD relies on TSPs [Transportation Service Providers] for transport of a significant portion of its wartime and peacetime cargo. The relationship between the DoD and the commercial sector is critical to mobilization, deployment, and sustainment of military forces. VISA provides assured access to the U.S. Flag commercial ocean transportation to support emergency deployment and sustainment of U.S. military forces. VISA carriers contractually pledge their vessels and intermodal systems capacities in return for priority for DoD peacetime business. When the DoD determines that commercial sealift capacity is required, the priorities listed in paragraphs 6.4.a. through 6.4.g. apply." These commercial priorities provide key motivation to become a VISA participant, defined as a U.S. vessel operator and all U.S. subsidiaries and affiliates of that U.S. vessel operator that own, control, charter or lease ships and intermodal equipment in the regular course of their business and in which the entity holds a controlling interest.

Participation in the VISA program represents a risk to the carriers in the event of mobilization and VISA activation, including significant disruption to commercial operations. Furthermore, there is limited capacity of U.S. Flag vessels owned/controlled by U.S. companies and crewed by U.S. mariners. VISA priority, including a preference for the JGSC IDIQ contract, strengthens the U.S. Flag ocean carrier industrial base and provides operational advantages in performing national security missions.

As stated, this acquisition will acquire sealift transportation via short-term time and voyage charters. In addition to VISA participation, Offerors must also maintain ownership or control of VISA-enrolled RORO, multi-purpose, or vehicle carrier vessel(s) to be eligible for contract award. In the commercial sector, non-vessel owning or controlling companies (e.g., brokers, third party logistics (3PL) providers) are often utilized to arrange commercial shipping. However, consistent with the above, allowing participation of non-vessel owning or controlling companies is a disincentive for vessel owning or controlling carriers to commit fleets to the VISA readiness program as 3PLs cannot contribute U.S. Flag vessels, nor advance the industrial base. Moreover, USTRANSCOM must maintain a direct contractual relationship with the vessel owning or controlling company to conduct joint planning, inclusive of discussions on sensitive route changes, vessel positioning, potential contingencies, and U.S. Flag capacity.

Regarding vessel types, although other types (e.g., tugs and barges) are valuable to the VISA program, they do not meet the specific operational needs of the JGSC IDIQ contract as dictated by historical and projected requirements. Furthermore, restricting participation to carriers that have transported DoW cargo within the past two years from date of solicitation issuance is necessary to substantiate fleet readiness and reliability, as it confirms the carrier has recent, relevant experience and capability to meet DoW requirements, thereby reducing the risk of including carriers whose vessels or operations may not be adequately maintained, certified, or prepared for immediate deployment.

For the reasons outlined above, limiting competition to VISA ocean common or contract carriers with VISA-enrolled RORO, multi-purpose, or vehicle carrier vessel(s) is justified to maintain the

viability of the VISA program and secure the required operational capabilities necessary to meet JGSC requirements.

6. DESCRIPTION OF EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS IS PRACTICAL.

TCAQ-I will send the Request for Proposal (RFP) to all VISA participants with RORO, multi-purpose, or vehicle carrier vessel(s) enrolled in the program. The RFP will also be posted on SAM.gov to provide transparency and public notice to all qualified parties.

Since VISA is an established readiness program jointly managed by USTRANSCOM and the Maritime Administration (MARAD), VISA participants are pre-vetted to verify they meet stringent technical, operational, and readiness standards required to meet the DoW's strategic sealift needs.

7. DETERMINATION BY THE CONTRACTING OFFICER THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE.

Competition will be maintained among VISA participants at the task order level. There are currently [redacted] VISA participants with RORO, multi-purpose, or vehicle carrier vessels enrolled in the program. Determination of fair and reasonableness is anticipated to be based on competition or other means denoted at FAR 15.404-1(b) at the task order level.

8. DESCRIPTION OF THE MARKET RESEARCH CONDUCTED AND THE RESULTS OR A STATEMENT OF THE REASONS MARKET RESERACH WAS NOT CONDUCTED.

Market research was conducted in accordance with FAR Part 10, including a review of prior acquisition files, discussions with stakeholders, including MSC and USTRANSCOM's Operations Directorate (TCJ3), and an analysis of similar procurements. Research confirmed there is a sufficient pool of qualified VISA participants with RORO, multi-purpose, or vehicle carrier vessels to meet the DoW's requirements.

9. ANY OTHER FACTS SUPPORTING THE USE OF OTHER THAN FULL AND OPEN COMPETITION.

None.

10. A LISTING OF SOURCES, IF ANY, THAT EXPRESSED AN INTEREST IN THE ACQUISITION.

The following carriers are VISA participants owning or controlling RORO, multi-purpose, or vehicle carrier vessels, and are therefore considered capable and interested in the requirement.

[redacted]

[redacted]

11. A STATEMENT OF ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS TO COMPETITION BEFORE MAKING ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES REQUIRED.

The Government reserves the right to accept proposals from new VISA participants who were not enrolled in the VISA program prior to proposal submission or who were initially ineligible for award. Carriers will only be added if it is in the Government's best interest to expand the original pool of contract holders. Proposals received after contract award will be evaluated using the evaluation methodology and documentation pursuant to FAR 52.212-2 in the solicitation. The ordering period for new awardees will coincide with the initial awardees' ordering period and will not extend the overall term of the contract.

12. CONTRACTING OFFICER'S CERTIFICATION.

I certify the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.

[redacted] _____
SHANDA L. LYMAN
Contracting Officer

13. TECHNICAL/REQUIREMENTS PERSONNEL CERTIFICATION.

I certify the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.

[redacted] _____
[redacted]
Functional Services Manager

14. <u>WRITTEN DETERMINATION OF THE APPROVING OFFICIAL IDENTIFYING THE CIRCUMSTANCE THAT APPLIES TO THE ACTION</u>.

Based on the above cited justification, I hereby determine the circumstance in FAR 6.103-3 applies to this justification for other than full and open competition.

[redacted] _____

[redacted]
SES, DAF
Senior Procurement Executive