DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND, MID-ATLANTIC
9324 VIRGINIA AVENUE
NORFOLK VIRGINIA 23511-3095

J&A No. ML-26-16
CON/312

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

1. Contracting Activity.

The contracting activity is Naval Facilities Engineering Systems Command, Mid-Atlantic (NAVFAC ML), Norfolk, Virginia.

2. Description of the Action Being Approved.

This Justification and Approval (J&A) authorizes the use of "brand name or equal" references in construction solicitations where it is necessary to effectively communicate interior color and finish selection. Specific brand name finish and descriptions are listed in Attachment 1 below and are specific to solicitation N40085-26-R-0004 and the resulting contract.

3. Description of Supplies/Services.

The intent of solicitation N40085-26-R-0004, Design Bid Build P1102 Weapons Magazine & Ordnance Operations Facility Naval Submarine Base, New London, Connecticut is to construct six (6) Containerized Long Weapons Storage (CLWS), two (2) Box C, and one (1) Box D earth-covered, high-explosive magazines including overhead cranes, and incidental related work. Work also includes construction of new Ordnance Operations building, Truck Inspection, Sentry building, and demolition of 18 existing magazines, Bldg. 524, and Bldg. 393.

This acquisition will solicit proposals utilizing full and open competition, as authorized by the approved DD2579 on 21 November 2025. The estimated value of the work included in this construction solicitation is approximately [redacted] and the estimated value of the brand name or equal materials subject to this J&A is [redacted]. The project will be funded by FY24, FY26, and FY27 Military Construction, Navy (MCON) funds for construction. The work under this contract is required to be completed within 1587 after contract award.

In order to sufficiently define the scope of work to be performed by a general construction contractor, a Basis of Design (BOD) is prepared to document the principles, assumptions, rationale, criteria, and considerations used for calculations and decisions required during design. When preparing a BOD for a construction project, it is not practicable to convey the required finishes to potential offerors using generic descriptions. For example, it is not feasible to adequately describe a particular shade of paint color which must be used to provide a cohesive appearance for an aesthetically pleasing, professional environment; however, the intended hue can be conveyed by referencing a particular manufacturer's proprietary product, and that color can then be replicated in any brand of paint. Therefore, the use of brand name references is necessary to convey requirements to achieve the overall coordinated desired appearance but is not intended to restrict competition. The identified brand name items are intended to solely relay the BOD for the structural interior finishes. The specification for finish materials will include the manufacturer's name, product line, model number, and any identifiable information specific to that material/finish accompanied by salient characteristics and generic technical specifications necessary for "equal" products to meet contract performance requirements. While it is possible for many manufacturers to produce finishes that are functionally equivalent to these designated finishes, the intent of providing a BOD is to have standard stock products to be provided without having custom products manufactured specifically for this facility. During the design of the facility, the designer of record has verified the

products using manufacturer brand names are not proprietary, and can be met by many established manufacturers.

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

Per DFARS 211.104, a justification and approval is required in order to use brand name or equal descriptions. The statutory authority for this acquisition permitting other than full and open competition is 10 U.S.C. 3204(a)(1) which permits the use of limited suppliers when it is essential to the Government's requirements, as implemented by Revolutionary Federal Acquisition Regulation Overall (RFO) 6.103-1, Only one responsible source and no other supplies or services will satisfy agency requirements.

This justification applies only to the brand name or equal products describing structural interior finishes, as specified in the construction contract documents for project Design Bid Build P1102 Weapons Magazine & Ordnance Operations Facility Naval Submarine Base, New London, Connecticut.

5. Rationale Justifying Use of Cited Statutory Authority.

The Structural Interior Design (SID) of a facility includes building-related design elements and components as part of the building construction to include but not limited to, paint, wall coverings, ceiling finishes, floor coverings (e.g. tile, carpet, etc.), primary window treatments (e.g. blinds, shades and drapery hardware, etc.), signage and built-in casework. The interior designer must determine the desired interior finish materials based on the required aesthetic, durability and maintenance qualities and characteristics applicable to each space within the facility. The SID is designed by a professional certified interior designer in accordance with Unified Facilities Criteria (UFC) 3-120-10 Interior Design, Chapter 2 paragraph "Interior Designer Qualifications."

It is necessary for the government to include brand names or proprietary specifications for finishes to have a complete design that can be properly conveyed to the construction contractor for bidding. UFC Requirements: (reference UFC 3-120-10 with Change 1, paragraph 4-5.1).

The interior designer must provide all finish and color selections including finish code, manufacturer's materials, textures, patterns, color names and numbers for all interior finishes and specialties which will be exposed to view in the finished construction.

In addition, the UFC stipulates the use of the following disclaimer: (reference UFC 3-120-10 with Change 1, paragraph 4-5.1.2):

The Government prohibits the use of proprietary materials, finishes and colors. A disclaimer must be used on the drawings or in the specifications indicating materials and colors are shown for reference only. However, it is important to use specific manufacturer, finish and color information to establish a frame of reference in the development of the [Structural Interior Design] SID. Reference UFGS 09 06 00 Schedules for Finishes for the appropriate disclaimer to use that addresses this issue when developing the SID.

UFGS 09 06 00 Schedule for Finishes, Paragraph 2.1 states:

"The color schedule information provided in the following paragraphs lists the colors, patterns and textures required for exterior and interior finishes, including both factory applied and field applied colors. Where color is shown as being specific to one manufacturer, an equivalent color by another

manufacturer may be submitted for approval. Manufacturers and materials specified are not intended to limit the selection of equal colors from other manufacturers."

For construction contracts, RFO 52.236-5, Materials and Workmanship, addresses any potential competition concerns associated with including a basis of design on the plans or in the specifications and has been well defined and an industry standard by the construction contracting community for decades. In part, this clause states: "References in the specifications to equipment, material, articles, or patented processes by trade name, make, or catalog number, shall be regarded as establishing a standard of quality and shall not be construed as limiting competition. The Contractor may, at its option, use any equipment, material, article, or process that, in the judgment of the Contracting Officer, is equal to that named in the specifications, unless otherwise specifically provided in this contract."

The identified brand/manufacturer items or proprietary specifications are intended to be examples for the basis of the facility's interior design to help ensure visual integrity of the building's interior finishes. Interior finishes will be procured and installed as part of firm-fixed-price, design-bid-build construction contracts and will be solicited in accordance with all applicable policies, procedures, guidance, and laws related to competition. Paint colors and interior finishes of a building can easily be color-matched by a variety of manufacturers and suppliers. It is common in the industry for colors and finishes to be identified by a particular brand or manufacturer and that brand's name or identifier for the product. The government has a legitimate need in this case for specific interior paint colors and building finishes, but does not seek to limit the source of those materials to a specific brand or manufacturer.

There is no alternative method to complete the Structural Interior Design (SID) for a design-bid-build contract and ensure an aesthetically, coordinated building interior. Utilizing a basis of design is a critical component of designing complete and coordinated structural interior design under the current UFC. It is not possible to fully design a coordinated system of interior materials and colors to meet technical requirements without assumptions of specific materials using manufacturer names and product information. The only potential alternative is to convert all solicitations into a design-build procurement without complete designs and require the effort of a professional, certified interior designer to meet the requirements set forth in UFC 3-120-10 Interior Design, after award to a Contractor. This alternative does not meet the government's interests in providing a complete design for the facility since the government has determined a design-bid-build procurement for this facility is in the best interests of the government pursuant to RFO Part 36 "Construction and Architect-Engineer Contracts" and Engineer Regulations (ER)1180-1-9.

6. <u>Description of Efforts Made to Solicit Offers from as Many Offerors as Practicable</u>.

The government is not attempting to limit competition or the supply of these materials to one source. No efforts were made to identify multiple sources of paint or interior finishes because the solicitation will not limit the ultimate contractor to providing materials from only one or a limited number of brands or manufacturers.

The Notice of Intent for the brand name or equal items was published to SAM.gov on 01 October 2025 with a closing date of 08 October 2025. The intent for interior finishes yielded no responses. A pre-solicitation notice and solicitation will both be publicized on SAM.gov, in accordance with the requirements of RFO Part 5. The approved J&A will also be made publicly available as required by RFO 6.301.

7. Determination of Fair and Reasonable Cost.

The Contracting Officer will determine that the price for this acquisition is fair and reasonable in accordance with FAR Part 15 prior to contract award. Analysis will be performed by one or more of the following techniques: (1) Comparison of proposed prices received in response to the RFP; (2) Comparison of proposed prices with the Independent Government Cost Estimate (IGCE); (3) Comparison of proposed prices with available historical information; and/or (4) Comparison of market survey results. The fair and reasonable determination will be made based on the total price of the project. These brand name or equal items are not individual line item prices in the solicitation.

8. Actions to Remove Barriers to Future Competition.

This solicitation does not limit competition. If it comes to NAVFAC MIDLANT's attention that the proposed language is having a limiting effect on competition or the selection of alternate sources of material within the scope of this justification, the contracting officer will seek counsel and make efforts to take remedial measures.

Attachment 1

ITEM CODE	SURFACE	MATERIAL	MANUFACTURER	MODEL/ STYLE	COLOR/ FINISH	SIZE	COMMENTS	QUANTITY	UNIT OF MEASURE	MATERIAL COST	EXTENDED MATERIAL COST
ACP-1	CEILING	ACOUSTIC CEILING PANEL, GENERAL	ARMSTRONG	CALLA, SQUARE TEGULAR	WHITE WH	24" X 24" X 15/16"	GENERAL USE	5,950.00	SF	$ [redacted]	$ [redacted]
ACP-2	CEILING	ACOUSTIC CEILING PANEL, CONFERENCE	ARMSTRONG	CALLA HIGH NRC, SQUARE TEGULAR	WHITE WH	24" X 24" X 15/16"	TRAINING / CONFERENCE	1,166.00	SF	$ [redacted]	$ [redacted]
ACP-3	CEILING	ACOUSTIC CEILING PANEL, WATER RESISTANT	ARMSTRONG	CERAMAGUARD FINE FISSURED, SQUARE LAY-IN	WHITE WH	24" X 24" X 15/16"	LOCKER ROOMS & WASHER/ DRYER	378.00	SF	$ [redacted]	$ [redacted]
GYP / PT-2	CEILING	GYPSUM BOARD WITH PAINT, CEILING	SHERWIN WILLIAMS	FLAT FINISH	SW7007 CEILING BRIGHT WHITE	-		3,123.00		$ [redacted]	$ [redacted]
CPT-1	FLOORING	MODULAR CARPET TILE, GENERAL	MILLIKEN	REVELATION/ PATHWAY	FOUNTAIN	19.7" x 39.4"	10.4 MM (0.41") THICKNESS, MONOLITHIC INSTALLATION	429.44	SY	$ [redacted]	$ [redacted]
CPT-2	FLOORING	MODULAR CARPET TILE, CONFERENCE	MILLIKEN	REVELATION/ PATHWAY	FIELD	19.7" x 39.4"	10.4 MM (0.41") THICKNESS, MONOLITHIC INSTALLATION		SY		$ -
CPT-3	FLOORING	MODULAR CARPET TILE, WALK OFF MAT	MATS INC	CALYPSO TILE	ANTHRACITE	19-11/16" x 19-11/16"	3/8" THICKNESS, MONOLITHIC INSTALLATION	150.00	SY	$ [redacted]	$ [redacted]
PFT-1	FLOORING	PORCELAIN FLOOR TILE	DALTILE	FAMED	ICONIC FM11 MATTE	12" X 24"	5/8" THICKNESS, RESTROOM & LOCKER ROOM	716.00	SF	$ [redacted]	$ [redacted]
RF-1	FLOORING	RESILIENT FLOORING, LVT	MILLIKEN	LUMENOLOGY, LIGHT WASH	SHADE	9.84" x 39.37"	5.00 MM (0.197") THICKNESS, ASHLAR INSTALLATION	2,451.00	SF	$ [redacted]	$ [redacted]
RF-2	FLOORING	RESILIENT FLOORING, HEAVY DUTY	AMERICAN BILTRITE	TEXAS GRANITE VINYL TILE	GREY 137	24" X 24"	1/8" THICKNESS	556.00	SF	$ [redacted]	$ [redacted]
SC-1	FLOORING	SEALED CONCRETE	-	-	-	-	GENERAL USE	2,416.00	SF	$ [redacted]	$ [redacted]
PL-1	MILLWORK	PLASTIC LAMINATE	FORMICA	5792	INKED OAK	-	BASE CABINETS	43.00	LF	$ [redacted]	$ [redacted]
PL-2	MILLWORK	PLASTIC LAMINATE	NEVAMAR	HLT004	SILVER HAUTELINK	-	UPPER CABINETS	20.00	LF	$ [redacted]	$ [redacted]

SS-1	MILLWORK	SOLID SURFACE COUNTERTOP	WILSONART	9236SS	BEIGE TRAVERTINE	-	COUNTER TOPS AND BACKSPLASH	50.00	LF	$ [redacted]	$ [redacted]
CG-1	MISCELLANEOUS	CORNER GUARD, STAINLESS STEEL	CS ACROVYN	CO-8	STAINLESS STEEL, SATIN FINISH #4	3-1/2" LEGS	INSTALL CORNER GUARD CG-1 AT ALL OUTSIDE GYPSUM BOARD CORNERS. DO NOT INSTALL ON CMU. INSTALL CORNER GUARD CG-1 AT ALL OUTSIDE GYPSUM BOARD CORNERS. DO NOT INSTALL ON CMU. INSTALL CORNER GUARD CG-1 AT ALL OUTSIDE GYPSUM BOARD CORNERS. DO NOT INSTALL ON CMU.	48.00	LF	$ [redacted]	$ [redacted]
GT-1	MISCELLANEOUS	EPOXY GROUT	MAPEI	EPOXY GROUT	WARM GRAY 93	-	INCLUDED IN COST OF PFT-1, PWT-1 & PWT-2.	0.00	-	$ -	$ -
LK-01	MISCELLANEOUS	Z LOCKER, HDPE, 2-TIER	BRADLEY CORP	LENOX Z-LOCKER	CHARCOAL GRAY S215	18"W X 24"D X72"H	LOCKERS / BUNKS	32.00	EA.	$ [redacted]	$ [redacted]
LK-02	MISCELLANEOUS	PERSONAL DEVICE CELL PHONE LOCKERS, 15 UNITS	SALSBURY	SURFACE MOUNTED CELL PHONE LOCKER WITH FULL HEIGHT ENCLOSURE	ALUMINUM	24"W X 9.25"D X 61"H		2.00	EA.	$ [redacted]	$ [redacted]
TBA-02	MISCELLANEOUS	TOILET PARTITIONS	BRADLEY CORP	BRADMAR HDPE PARTITIONS	CHARCOAL GRAY S215	-	FLOOR MOUNTED TOLIET PARTITIONS, REFER TO SHEET A-401 FOR PLAN AND TOLIET/BATH ACCESSORY SCHEDULE.	5.00	EA.	$ [redacted]	$ [redacted]

WB-1	MISCELLANEOUS	WINDOW BLINDS	SWF CONTRACT	CLASSICS 1" MINI BLINDS	TRUE WHITE 544	1" SLATS	SENTRY BUILDING WINDOW TREATMENTS.	3.00	EA.	$ [redacted]	$ [redacted]
MCB-1	WALL BASE	METAL COVE BASE	SCHLUTER	DILEX-AHK	SATIN ANODIZED ALUMINUM	5/16"	MCB-1 COST INCLUDED AT PWT-1 AND PFT-1 LINE ITEMS. RESTROOM	0.00	LF	$ [redacted]	$ -
PTB-1	WALL BASE	PORCELAIN TILE BASE	DALTILE	FAMED/ COVE	ICONIC FM11 MATTE	3" x 24"	LOCKER ROOMS	287.00	LF	$ [redacted]	$ [redacted]
RB-1	WALL BASE	RESILIENT WALL BASE	ROPPE	PINNACLE RUBBER BASE	CHARCOAL GRAY 123	4" H	GENERAL USE (STRAIGHT PROFILE AT CARPET; STANDARD TOE AT HARD FLOORING)	579.00	LF	$ [redacted]	$ [redacted]
PT-1	WALLS	PAINT, FIELD	SHERWIN WILLIAMS	SATIN FINISH	SW7006 EXTRA WHITE	-	GENERAL USE	31,473.60	SF	$ [redacted]	$ [redacted]
PT-4	WALLS	PAINT, FIELD	SHERWIN WILLIAMS	SATIN FINISH	SW7015 REPOSE GRAY	-	PT-4 COST INCLUDED AT PT-1 LINE ITEM. CONFERENCE ROOM, BUNKS & SENTRY BUILDING	0.00	SF	$ [redacted]	$ -
PT-5	WALLS	PAINT, ACCENT	SHERWIN WILLIAMS	SATIN FINISH	SW9141 WATERLOO	-	PT-5 COST INCLUDED AT PT-1 LINE ITEM. ACCENT WALLS	0.00	SF	$ [redacted]	$ -
PT-6	WALLS	PAINT, ACCENT	SHERWIN WILLIAMS	SATIN FINISH	SW9128 GREEN ONYX	-	PT-6 COST INCLUDED AT PT-1 LINE ITEM. ACCENT WALLS	0.00	SF	$ [redacted]	$ -
PT-7	WALLS	EPOXY PAINT	SHERWIN WILLIAMS		SW7006 EXTRA WHITE	-	PT-7 COST INCLUDED AT PT-1 LINE ITEM. ARMS ROOM & STORAGE	0.00	SF	$ [redacted]	$ -
PT-3	WALLS	PAINT, DOORS & FRAME	SHERWIN WILLIAMS	SEMI GLOSS FINISH	SW7068 GRIZZLE GRAY	-	INTERIOR METAL DOORS AND TRIM	32.00	EA.	$ [redacted]	$ [redacted]

PWT-1	WALLS	PORCELAIN WALL TILE	DALTILE	FAMED/ RECTANGLE	ICONIC FM11 MATTE	12" X 24"	RESTROOM	2,353.00	SF	$ [redacted]	$ [redacted]
PWT-2	WALLS	PORCELAIN WALL TILE-MOSAIC	DALTILE	FAMED/ CHEVRON	ICONIC FM11 MATTE	3" X 6"	RESTROOM		SF		$ -
TOTAL ESTIMATED INTERIOR FINISH MATERIAL COST											$ [redacted]

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.

[redacted]

LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

[redacted]

CONTRACTING OFFICER CERTIFICATION

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

[redacted]

APPROVING OFFICIAL – CHIEF OF THE CONTRACTING OFFICE

Upon the basis of the above Justification, I hereby approve the use of the brand name item in the subject solicitation described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 3204(a)(1).

[redacted]