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

J&A No. ML-26-15
CON/322

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 MIDLANT)

2. Description of the Action Being Approved.

This Justification and Approval (J&A) authorizes the use of brand name specifications for three (3) Underground Stormwater Quality (SWQ) Chambers, one (1) Underground Detention Chamber, three (3) Diversion manholes, and three (3) Hydrodynamic Separators manufactured by Contech Engineered Solutions in solicitation N4008526R0004, Design Bid Build P1102 Weapons Magazine & Ordnance Operations Facility Naval Submarine Base, New London, Connecticut.

3. Description of Supplies/Services.

The intent of solicitation N4008526R0004 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.

The solicitation will include brand name specifications for three (3) Underground Stormwater Quality (SWQ) Chambers, one (1) Underground Detention Chamber, three (3) Diversion manholes, and three (3) Hydrodynamic Separators manufactured by Contech Engineered Solutions.

This acquisition will solicit proposals as an unrestricted full and open, stand-alone construction solicitation as authorized by the approved DD2579 on 21 November 2025. The estimated value of the work included in the construction solicitation is approximately [redacted], of which [redacted] is estimated for the brand name supply. 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.

The products listed below are required to provide stormwater quality management controls for the entire site:

Product:	Reason:	Cost:
Contech Engineering Solutions Underground Stormwater Quality Chamber	Required to meet stormwater management regulatory requirements set forth by Connecticut DEEP	[redacted] per unit. Total quantity of 3 units = [redacted]

Contech Engineering Solutions Underground Detention Chamber	Required to meet stormwater management regulatory requirements set forth by Connecticut DEEP	[redacted] per unit. Total quantity of 1 unit = [redacted]
Contech Engineering Solutions Diversion Manhole	Required to meet stormwater management regulatory requirements set forth by Connecticut DEEP	[redacted] per unit. Total quantity of 3 units = [redacted]
Contech Engineering Solutions Hydrodynamic Separator	Required to meet stormwater management regulatory requirements set forth by Connecticut DEEP	[redacted] per unit. Total quantity of 3 units = [redacted]

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

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.

5. Rationale Justifying Use of Cited Statutory Authority.

This projects scope requires inclusion of brand names for the stormwater management requirements set forth by CT DEEP. Due to site restrictions associated with the existing delineated wetlands, the presence of bedrock/ledge within the construction limits, and existing base operations, they limit the available space for additional at grade/surface stormwater management facilities. As a result, these stormwater quality devices are the only ones that will meet regulatory requirements within this highly restricted site.

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

A sources sought notice was published on Sam.gov on 1 October 2025 detailing the requirements for the Contech Engineering Solutions products listed above. The notice sought commercially available products that could meet the same requirements. The response date was 8 October 2025, and no responses were received.

A solicitation notice will 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 if the price for this acquisition is fair and reasonable in accordance with RFO 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. This proprietary item is not an individual line-item price in the solicitation.

8. Actions to Remove Barriers to Future Competition.

For the reasons set forth in Paragraph 5, NAVFAC Mid-Atlantic has no plans at this time to compete future contracts for the types of supplies/services covered by this document. If another potential source emerges, NAVFAC Mid-Atlantic will assess whether competition for future requirements is feasible.

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]