JUSTIFICATION AND APPROVAL (J&A) FOR USE OF OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity.

   Department of the Navy, Military Sealift Command (MSC), Ship Charter Contracts Division (N103)

2. Description of the Action Being Approved.

   The purpose of this justification is to obtain approval to issue an out of scope modification under contract N3220524C4021 to add a harbor tug under the contract to assist with completing a tow mission at NPTU in Charleston, SC outside of the contract's defined geographical region of Norfolk, VA and surrounding navigable waters.

3. Description of the Supplies/Services.

   a. Military Sealift Command requires the services of two (2) fully-crewed U.S. Flag submarine-fendered tugs necessary to provide undocking and river transit support for movement of [redacted] (MTS) 626 [redacted]. The laydays for this mission will commence on or about [redacted] August 2026. While the actual mission is only estimated to take 4-8 hours once started, due to uncertain weather conditions, the tug could be needed for up to 5 days. Therefore, the period of performance is 5 days.

   [redacted]

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

   41 U.S.C. 1901 and Revolutionary FAR Overhaul (RFO) 12.102(a) and 12.201.

5. Rationale Justifying Use of Cited Statutory Authority.

Moran Towing Corporation, **Thames Towboat Company**, and **Alpha Marine Services** are the only East Coast providers equipped with purpose-built harbor tugs featuring the specialized fendering and propulsion systems required for naval vessel movements. This limited pool was further consolidated in October 2025 when Moran Towing Corporation acquired the **Bisso Towboat Company**.

These vessels have slight modifications from other commercial tugs, and the vessels feature **non-marking rubber fendering below the waterline** specifically designed to protect submarines from hull damage. Even though modified to adapt to a Government requirement, the Tugs otherwise operate as standard, commercial tugs. Therefore, the services being procured are

commercial. Typically, a single responsible party operates at each naval station, maintaining exactly the number of tugs required to fulfill Navy contracts. Current asset allocations include:

- **Kittery, ME** (Portsmouth Naval Shipyard): Moran Towing
- **Groton, CT** (Naval Submarine Base New London): Thames Towboat
- **Norfolk, VA** (Naval Station Norfolk): Moran Towing
- **St. Marys, GA** (Naval Submarine Base Kings Bay): Alpha Marine Services
- **Jacksonville, FL** (Naval Station Mayport): Alpha Marine Services

Annual "Sources Sought" notifications consistently fail to identify new competitors. The scarcity of equipment is so severe that when the contractor for Kings Bay and Mayport sought substitute tugs for charter during regulatory shipyard inspections last year, no suitable vessels were found.

In short, East Coast tug inventory suitable for the requirement is strictly limited to meeting already-present current requirements in fleet concentration areas. There are no surplus assets, and the industry is not constructing new tugs with Navy specifications in mind. This lack of depth was evidenced in 2021 when market research found zero available submarine-fendered tugs in **Charleston, SC**, for MTS mooring; assets had to be redirected from other naval stations to support the mission. The practice has been repeated twice since then.

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

Sources Sought SS-26-098 was posted to SAM.gov on 24 April 2026 with a due date of 28 April 2026. The responses received indicated that only one responsible source (Moran Towing Corp.), using Paul T. Moran, was capable to meet this requirement. While two other offerors expressed interest, one did not did not propose an actual vessel, and the other, despite multiple attempts by the Government to reach out, did not provide additional documentation proving the proposed vessel's capabilities. Since MSC has an existing contract for the charter of harbor tug services with Moran Towing Company, the Contracting Officer determined that issuing a modification to this contract (instead of executing a stand-alone contract) to add another vessel for this 5-day mission is the most efficient and quickest method of meeting this chartering requirement since it is the only responsible source not currently already under contract with Military Sealift Command.

7. Determination of Fair and Reasonable Cost.

The Contracting Officer signed below has determined the anticipated cost to the Government of the services covered by this J&A will be fair and reasonable in accordance with Revolutionary FAR Overhaul 12.204 by conducting comparison to prices found reasonable on previous purchases as required by Revolutionary FAR Overhaul 15.404-l(b)(2)(vi) –comparison to prices obtained through market research, and FAR 15.404-l(b)(2)(ii) -comparison to historical prices paid.

8. Actions to Remove Barriers to Future Competition.

The Government has competed for these types of vessels in the past on the Government-wide Point of Entry (SAM.gov) so that industry is aware of the Government's needs.

9. Technical/Requirements Certification

I certify that the facts and representation under my cognizance, which are included in this justification are complete and accurate to the best of my knowledge and belief.

[redacted]

10. Contracting Officer Certification/Approval

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

[redacted]

STEPHANIE RICKER (564) 226-4357 [redacted]
Procuring Contracting Officer

11. LEGAL SUFFICIENCY REVIEW

I have determined this Justification is legally sufficient.

[redacted]