DEPARTMENT OF THE NAVY
MID-ATLANTIC REGIONAL MAINTENANCE CENTER
Contracts Department
9727 Avionics Loop
Norfolk, VA 23511-2124

J&A Number: N50054-26-123
Code: 426.2
P.R.: N5005426PR00185

JUSTIFICATION AND APPROVAL FOR USE OF EXCEPTION TO FAIR OPPORTUNITY

JUSTIFICATION

1. CONTRACTING ACTIVITY

The Contracting Activity is the Mid-Atlantic Regional Maintenance Center (MARMC), United States Navy (USN), Norfolk, Virginia, a field activity of the Naval Sea System Command (NAVSEA), Washington, DC.

2. DESCRIPTION OF THE ACTION BEING APPROVED

This justification provides the supporting rationale for the determination to include additional work under the Firm Fixed Priced (FFP) Contract N0002422D4407 and Delivery Order N5005426FL022, awarded to Colonna's Shipyard on a non-competitive basis in order to fulfill the requirements associated with the USS CARTER HALL (LSD 50), Emergent Availability (EM), SSP TPPC-LSD-50-MARMC26-E001.

3. DESCRIPTION OF THE SUPPLIES/SERVICES

The work to be performed consists of industrial support to accomplish Cooling Coil replacement onboard USS CARTER HALL (LSD 50) in accordance with Specification Item 512-11-001, generated by Request for Contract Change (RCC) 4N. This new work will be accomplished utilizing Fiscal Year [redacted]. The work must commence immediately and be completed no later than [redacted]. This new work must be integrated into the existing specification package. The Government's minimum needs have been verified by certifying technical and requirements personnel.

4. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION

The statutory authority for this procurement is FAR 16.505(b)(2)(i)(A). The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays.

5. RATIONALE JUSTIFYING USE OF CITED STATUTORY AUTHORITY

IAW FAR 16.505(b)(2)(i)(A) this procurement must be issued on a non-competitive basis due to the urgency of the required support which is under the same availability currently in execution and includes the same period of performance as the awarded delivery order period of performance. This additional work must be issued under a non-competitive basis because if the Government were to provide for fair opportunity, the entire schedule would be [redacted].

[redacted] mission of the USS CARTER HALL (LSD 50) is to [redacted] The LSD class of ship acts as an invaluable component to joint Navy-Marine expeditionary units (ARG/MEU). In one of ship's fan rooms there are four cooling coils [redacted]. These cooling coils provide vital cooling air to the following ship's systems [redacted] The inadequate amount of cooling will impact the Ship's Sea Trial period with the ship not being able to [redacted]. Additionally, the crew living spaces are affected [redacted] The crew members will not be able to get the [redacted]. The work identified in this RCC must be completed to allow the Ship's vital navigation systems to operate [redacted].

To award this work to a contractor other than Colonna's Shipyard would result in unacceptable and costly delays to the USS CARTER HALL (LSD 50). The work must be integrated with the existing work package. Failure to accomplish this work would be [redacted].

For the USS CARTER HALL (LSD 50) to meet its fleet mission commitments, Colonna's Shipyard has the required equipment and is the only company able to meet the Government's immediate requirement to provide the replacement of the vessel's Cooling Coil. Colonna's Shipyard provides the Government with the appropriate avenue to accomplish this repair within the allotted Period of Performance. These repairs are essential f[redacted]

6. DETERMINATION OF FAIR AND REASONABLE COSTS

The Contracting Officer has determined that the anticipated cost to the Government for the supplies/services covered by the J&A will be fair and reasonable. The estimated cost of this work item is based upon historical data as well as the Independent Government Estimate (IGE) and the Project Manager's (PM) technical knowledge associated with the estimated man hours and material costs to complete this work. Additionally, the contractor's fully burdened ship repair labor rate and material burden rate were determined to be fair and reasonable at time of contract and delivery order award. The supported information provided should be sufficient to support the fair and reasonable cost determination of the procurement.

7. ACTIONS TO REMOVE BARRIERS TO COMPETITION

For reasons set forth in paragraphs 5 and 6, market research was not conducted. The critical nature of the work required that it be started immediately. Future acquisitions for similar work will be reviewed by the Contracting Officer on a case-by-case basis to promote the use of full and open competition in the acquisition process where possible under this multiple delivery order contract, where possible and practicable in accordance with FAR Subpart 16.5. In addition, a copy of the change(s) covered by this justification will be forwarded to MARMC Code 200, Planning and Engineering, and Code 300, Waterfront Operations, for consideration of similar work requirements in future solicitations.

CERTIFICATIONS AND APPROVAL

COMBINED TECHNICAL/REQUIREMENTS CERTIFICATION (FAR 16.505(b)(2)(ii)(B)(9):

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

Signature: [redacted]

Print: (Name) William Bryan Garrett (Title) Project Manager (Code) 332 (Phone) 757-837-9197

LEGAL SUFFICIENCY REVIEW (NMCARS 5206.303(90)):

I have determined this justification is legally sufficient.

[redacted] Date: _____

Print: (Name) (Title) (Code) (Phone)

COMBINED CONTRACTING OFFICER CERTIFICATION AND APPROVAL
(FAR 16.505(b)(2)(ii)(C)

I certify that this justification is accurate and complete to the best of my knowledge and belief. Upon the basis of the above justification, I hereby approve, as Contracting Officer, the award of the proposed procurement(s) described herein using other than full and open competition, pursuant to the authority of FAR 16.505(b)(2)(i)(A), the agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays.

SYLFEST.LYNLEVE Digitally signed by [redacted] Date: _____

Print: (Name) (Title) (Code) (Phone)