DEPARTMENT OF THE NAVY
MID-ATLANTIC REGIONAL MAINTENANCE CENTER
CONTRACTS DEPARTMENT
9727 AVIONICS LOOP
NORFOLK VA 23705-0215

Number: N50054-26-116
CODE: 426.2
P.R.: N5005426PR00014

JUSTIFICATION AND APPROVAL FOR USE OF EXCEPTION TO FAIR OPPORUNITY

JUSTIFICATION

1. CONTRACTING ACTIVITY

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

2. DESCRIPTION OF ACTION BEING APPROVED

This justification provides the supporting rationale for the determination to include additional work under the Firm Fixed Priced (FFP) Delivery Order (Order No. N5005426FL001) awarded to East Coast repair on a non-competitive basis in order to fulfill the requirements associated with the USS GUNSTON HALL (LSD-44), Continuous Maintenance Availability (CMAV), SSP TPPC-LSD44-MARMC26-S001.

3. DESCRIPTION OF SUPPLIES/SERVICES

The additional work required for the USS GUNSTON HALL (LSD-44) includes critical support identified in the following Request for Contract Changes (RCC) RCC 107N Work Item 529-11-004 Main Drainage Piping install. The repairs will be accomplished utilizing [redacted] funds in the estimated amount of [redacted]. The Government's minimum needs have been verified by the certifying technical and requirements personnel. The technical and requirements certifying personnel have verified the Government's minimum needs. The work must commence on [redacted] and be completed by [redacted].

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 delayed by at leas[redacted].

East Coast Repair and Fabrication will be tasked to perform the replacement of Main Drainage piping. Although not discovered during initial work package development for the CMAV, normal wear and tear caused a piping rupture which has rendered associated dewatering and fluid removal from bilges and drainage sumps degraded. Without this repair, the damaged piping leaves the ship[redacted] leaking [redacted]. Unrepaired, the piping could further rupture[redacted]. Estimated time of repair work is approximately [redacted]. Based on estimated start date and length of repairs, work item 529-11-004 is urgent and compelling to start as soon as possible. Repairs will consist of removal of the damaged piping; fit up and installation of replacement piping; testing of the replaced piping to ensure the safe and proper operation of the Main Drainage system. Without these repairs, the Ship [redacted]

To award this work to a contractor other than East Coast Repair and Fabrication would result in unacceptable and costly delays to the USS GUNSTON HALL (LSD 44). The work must be integrated with the existing work package, the actual start date and production duration will be determined by the LMA during work integration analysis in order to support Key Event Work Complete (WC) and avoid delays and disruption to testing other systems in the base work package. Failure to accomplish this work would be unacceptable [redacted]

East Coast Repair has required equipment and is the only company able to meet the Government's immediate requirement to provide repair to the USS GUNSTON HALL (LSD 44) Main Drainage System piping in order for the USS GUNSTON HALL (LSD 44) to meet is fleet [redacted]. To Award this East Coast Repair provides the Government the appropriate avenue to accomplish this repair within the allotted Period of Performance. These repairs are [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 paragraph 5 and 6, market research was not conducted. The critical nature of the work requires that it is 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 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.

[redacted]

LEGAL SUFFICIENCY REVIEW (NMCARS 5206.303(90)):

I have determined this justification is legally sufficient.

[redacted] (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.