

Justification for Other Than Full and Open Competition (J&A)

Preparation of this document is the responsibility of the Requiring Activity Official (RAO) via close coordination with the supporting contracting organization.

Authority: (10 U.S.C. 2304(c)(2), as implemented by FAR 6.302-2)	
Project/Program Name: 0997 – 1208 09-01	J&A No.
Component/PEO/Other: JATF	14 - 01
Estimated Contract Cost (including options): (b)(5)	Obtained from Office Log or KA
Type J&A: (Individual ☒ or Class ☐)	
1. Agency and Contracting Activity: (FAR 6.303-2(b)(1))	
SORDAC-FS, SPECIAL OPERATIONS FORCES SPT ACTY, BLDG 3 BLUE GRASS STATION, 5749 BRIAR HILL ROAD, LEXINGTON KY 40516-9723	
2. Description of Action: (FAR 6.303-2(b)(2))	
New contract funded with 2014 O&M.	
3. Description of Supplies/Services: (FAR 6.303-2(b)(3))	
Equipment to be utilized in 1208 missions overseas.	
4. Authority Cited: (FAR 6.303-2(b)(4))	
☐ 10 U.S.C 2304(c)(1), Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements, as implemented by FAR 6.302-1	
☒ 10 U.S.C 2304(c)(2), Unusual and Compelling Urgency, as implemented by FAR 6.302-2 (NOTE: Performance may not exceed 12 months or the minimal amount of time to recompute.)	
☐ 10 U.S.C 2304(c)(3), Industrial Mobilization; Engineering, Developmental, or Research Capability; or Expert Services, as implemented by FAR 6.302-3	
☐ 10 U.S.C 2304(c)(4), International Agreement, as implemented by FAR 6.302-4	
☐ 10 U.S.C 2304(c)(5), Authorized or Required by Statute, as implemented by FAR 6.302-5	
☐ 10 U.S.C 2304(c)(6), National Security, as implemented by FAR 6.302-6	
☐ 10 U.S.C 2304(c)(7), Public Interest, as implemented by FAR 6.302-7	

(Note: Choose only one, delete the others; address secondary authorities below under Section 9, Other Factors.)

5. Reason for Authority Cited: (FAR 6.303-2(b)(5))

Items for 1208 mission were requested on 24 January 2014 for a proposal from (b)(4). The proposal was subsequently rejected twice due to excessive proposed labor rates and hours, excessive management labor hours (48%). Upon sending the 3rd request to (b)(4), the KO also sent the request to a SDVOB, Purple Shovel, for pricing. Purple Shovel has known capabilities to be able to ship to remote locations in the AOR. The 3rd revision to the proposal was received on April 14th, 3 months after the items were originally requested. The proposal from Purple Shovel was received at the same time only 4 days after the pricing was requested. The action became urgent and compelling due (b)(4) and the fact that

(b)(4) Purple Shovel's price came in at (b)(4). The required date to be on contract to receive the items in a timely manner was no later than 1 April 2014. The longest lead time (b)(4) and the longest lead time for Purple Shovel was 90 days. Purple Shovel is willing to deliver to the customer's remote location once it is disclosed to the company (b)(4) to the port of the country. The (b)(4), (b)(5) government because the mission cannot be executed without the proper equipment.

6. Efforts/Actions to Increase Competition: (FAR 6.303-2(b)(6))

A notice was ☐ or was not ☒ publicized as required by FAR 5.2. If a notice was not publicized, the exception cited under FAR 5.202(a)(1) through (13) was: (a)(2).

Efforts were not made to ensure that offers were solicited from as many potential sources as is practicable because the contracting officer had planned to award the work

(b)(5)

7. Market Research: (FAR 6.303-2(b)(8))

Market research was completed on the material required for the mission but not for contractors as this was planned to be executed under the current IDIQ contract in place at PEO-SOFSA.

8. Interested Sources: (FAR 6.303-2(b)(10)&(11))

No other potential sources indicated an interest in writing.

9. Other Authorities/Factors: (FAR 6.303-2(b)(9))

(If additional authority(ies) for "Other than full and open competition" applies to this J&A, or a secondary authority, identify the additional statutory authority(ies) permitting other

than full and open competition, followed by the FAR citation title and FAR citation. If multiple secondary authorities apply, cite the applicability in order of precedence, i.e., 6.302-2 Unusual and Compelling Urgency then 6.302-1 Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements. Select from the list of seven options below and follow with a full explanation of the facts and circumstances applicable to each of the secondary authority(ies) cited.)

- ☐ 10 U.S.C 2304(c)(1), Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements, as implemented by FAR 6.302-1
- ☐ 10 U.S.C 2304(c)(2), Unusual and Compelling Urgency, as implemented by FAR 6.302-2 (NOTE: Performance may not exceed 12 months or the minimal amount of time to recompile.)
- ☐ 10 U.S.C 2304(c)(3), Industrial Mobilization; Engineering, Developmental, or Research Capability; or Expert Services, as implemented by FAR 6.302-3
- ☐ 10 U.S.C 2304(c)(4), International Agreement, as implemented by FAR 6.302-4
- ☐ 10 U.S.C 2304(c)(5), Authorized or Required by Statute, as implemented by FAR 6.302-5
- ☐ 10 U.S.C 2304(c)(7), Public Interest, as implemented by FAR 6.302-7

NOTICE 1

Prior to approval, J&As will be screened to identify proprietary data and information exempted from disclosure by 5 U.S.C. 552, Freedom of Information Act, so that the final J&A may be prepared for required posting to FedBizOpps IAW Section 844 of NDAA 2009 as implemented via DPAP Memo, Public Disclosure of Justification and Approval Documents for Noncompetitive Contracts, dated 13 February 2009. J&As shall be posted to FedBizOpps within 14 days unless 10 U.S.C 2304(c)(2), Unusual and Compelling Urgency is cited. In that particular case the J&A will be posted within 30 days. **Information selected for removal will be highlighted in yellow much like this statement so that signature authorities will know what information will be removed after approval, before posting.**

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10. Technical and Requirements Certification:

I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief:

NAME: (b)(3) (10 U.S.C. § 130b), (b)(6) TITLE: HCA

SIGNATURE: (b)(3) (10 U.S.C. § 130b), (b)(6) DATE: 14 Apr 2014

11. Fair and Reasonable Cost Determination: (FAR 6.303-2(b)(7))

I hereby determine that the anticipated cost or price to the Government for this contract action will be fair and reasonable. *The basis for this determination is because Purple Shovel's proposal was* (b)(4)

(b)(4), (b)(5) Certified cost or pricing data will not be required because the price is under the threshold.

CONTRACTING OFFICER SIGNATURE IN SECTION 12 BELOW ALSO SERVES AS THE PRICE FAIR AND REASONABLENESS DETERMINATION IN THIS SECTION.

12. Contracting Officer Certification:

I hereby certify that this J&A is complete and accurate to the best of my knowledge and belief.

NAME: Penny R Petee TITLE: Contracting Officer
(b)(3) (10 U.S.C. § 130b), (b)(6)

SIGNATURE _____ DATE: 14 APR 14

13. Legal: SOFARS 5601-1

I have reviewed this document and find the J&A legally sufficient to support other than full and open competition:

(b)(3) (10 U.S.C. § 130b), (b)(6)

NAME:

TITLE:

Acquisition Counsel

(b)(3) (10 U.S.C. § 130b), (b)(6)

SIGNATURE:

DATE:

14 April 2014