

**JUSTIFICATION REVIEW DOCUMENT FOR OTHER THAN FULL AND OPEN  
COMPETITION**

**Program/Equipment:** Rapid Equipping Force (REF) Field Service Support (FSS)

**Authority:** 10 U.S.C. 2304(c)(2) and FAR 6.302-2

**Amount:** \$15,159,478.00

**Prepared by:**

Typed Name: Danielle Moyer  
Title: Contract Specialist

DSN:  
Date Reviewed: 29 March 2010

**Procuring Contracting Officer:**

Typed Name: Gregory M. Wagenknecht  
Title: Chief, Branch B

DSN:  
Date Reviewed: 29 March 2010

**Technical Representative:**

Typed Name: El Hadji Ndiaye  
Title: Contracting Officer's Representative

DSN:  
Date Reviewed: 29 March 2010

**Requirements Representative:**

Typed Name: Rodney Spann  
Title: Chief of Logistics

DSN:  
Date Reviewed: 29 March 2010

**REVIEWS:** I have reviewed this justification and find it adequate to support other than full and open competition.

**REF Director:**

Typed Name: COL David J. Bishop

DSN:

Signature: \_\_\_\_\_

Date: 14 April 10

**Legal Counsel**

Typed Name: Cathleen Perry

DSN:

Signature: (see next page)

Date: \_\_\_\_\_

**Special Competition Advocate**

Typed Name: Dennis P. Longo

DSN:

Signature: \_\_\_\_\_

Date: 28 Apr 2010

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**Program Manager:**

Typed Name: William Childers

DSN:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Legal Counsel**

Typed Name: Cathleen Perrv

DSN:

Signature: \_\_\_\_\_

Date: 13 Apr 10

**Special Competition Advocate**

Typed Name: Dennis P. Longo

DSN:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**JUSTIFICATION AND APPROVAL  
FOR OTHER THAN FULL AND OPEN COMPETITION**

**1. Contracting Activity:** U.S. Army RDECOM Contracting Center, Attn: CCRD-AP-BB, 4118 Susquehanna Ave., Aberdeen Proving Ground, MD 21005-3013.

**2. Description of Action:** This justification requests approval to award a new bridge contract in support of the United States Army Rapid Equipping Force (REF) on the basis of other than full and open competition to Washington Square Associates, 5400 Shawnee Road, Suite 105, Arlington, VA 22312. A contract that utilizes both Firm Fixed-Price and Cost-Plus-Fixed-Fee line items is contemplated since technical and cost risks preclude the application of a complete Firm Fixed-Price type contract. The type of funding to be used for this effort is Fiscal Year 2010 Operations and Maintenance, Army (OMA).

**3. Description of Supplies/Services:** The proposed contract action is to provide non-personal services necessary to perform Field Service Support (FSS) and Task Management (TM) on behalf of the REF to support Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF). The services are required for the installation, maintenance, training and sustainment of Intelligence Surveillance and Reconnaissance (ISR) and like equipment. The ISR and like equipment have previously been procured through other contracts. The FSS and TM are required to keep the ISR and like equipment operational to fulfill the REF mission in providing functioning equipment to the war fighter. The contract will have a one (1) year period of performance. The total estimated value of this contract is \$15,159,478.00.

**4. Authority Cited:** The statutory authority permitting other than full and open competition is 10 U.S.C. 2304(c) (2), as implemented by FAR 6.302-2, "Unusual and Compelling Urgency".

**5. Reason for Authority Cited:** The justification at FAR 6.302-2, "Unusual and Compelling Urgency" is being utilized because the services being acquired via this new contract are currently being performed under an order issued through contract W9124Q-05-D-0802. The order expires on 31 May 2010 and despite the best efforts of the Government to award a competitive follow-on contract by 31 May 2010; several significant factors prevented it from occurring as planned.

It was RDECOM Contracting Center's intent to solicit a new competitive commercial Time and Material (T&M) follow-on contract. Award of the follow-on contract was anticipated to occur during the March/April 2010 timeframe. However, during the pre-solicitation phase of the follow-on contract the REF determined that the contract for FSS would also support developmental and non-developmental (NDI) items as procured by the REF during the five (5) year term of the contract (base plus four one-year option periods). The change in the requirement occurred in March 2010 after the award of the contract for the non-commercial system "PUMA" that REF now requires be supported under this service contract. Due to this change in the requirement, the pre-solicitation notice W91CRB-10-R-0036 had to be cancelled and the Performance Work Statement (PWS) had to be revised. It was determined that in the best interest of the Government the follow-on contract be re-solicited as a competitive non-

commercial contract that incorporates the use of Cost-Plus-Fixed-Fee (CPFF) contract line items (CLIN).

At the time of the change in requirement the Government had less than ninety (90) days to award an estimated seventy (\$70) million dollar contract that incorporates CPFF CLINs and Firm Fixed Price (FFP) CLINs. This timeframe is not sufficient to award a competitive contract of this magnitude and to give the awardee sufficient time to get the mandatory CONUS Replacement Center (CRC) training and be present in theatre prior to 31 May 2010.

This effort is in direct support of the Global War on Terrorism and operational forces in Iraq and Afghanistan. These services are the only known services of their nature supporting OIF and OEF. If a contract is not in place by 31 May 2010 a lapse in service will occur which will put the Government at serious life threatening and financial risk. These services are used to repair ISR or like equipment. If this equipment were to fall into a state of disrepair rendering it inoperable, soldiers will be in greater danger of attack from insurgents as their situational awareness will be greatly diminished. Additionally, if this contract is not awarded prior to 31 May 2010 there will be no means to repair the ISR or like equipment and the Government would have to spend unnecessary amounts of funding procuring new equipment.

RDECOM Contracting Center has no choice but to award a new contract with Washington Square Associates (the incumbent) until the competitive follow-on contract can be awarded. It is estimated that a follow-on CPFF contract with an approximate award amount of seventy (\$70) million dollars will take ten (10) months to be awarded. Additionally we will need to permit the awardee of the follow-on at least a sixty (60) day transition period once the contract is awarded to become CRC trained and settled in theater.

Given the potential threats against global peace, the immediate concerns of securing the environments of Iraq and Afghanistan against terrorism and the spread thereof, and the disruption in the REF's overall mission, it is imperative that Washington Square Associates be awarded this contract. Due to the time-frame required and potential risk of injury to the Government, Washington Square is the only company that can satisfy the Government's immediate needs.

**6. Efforts to Obtain Competition:** No efforts have been made to obtain competition for this new bridge contract. Once the REF determined that there was a change in the requirements of the follow-on contract, it was determined that there was not sufficient time to get a non-commercial CPFF and FFP type contract in place and it was determined that a new contract using other than full competition was going to have to be put in place quickly to ensure there was no lapse in service.

Pursuant to FAR 5.202 (a) (2), this action will not be synopsisized on the Army Single Face to Industry (ASFI). No other sources are capable of meeting the strict time requirements at this time. The follow-on contract will be competed to the maximum extent practicable within the next ninety (90) days.

**7. Actions to Increase Competition:** The REF is currently revising the PWS to incorporate the non-commercial aspects of the requirement for use in soliciting competition. It is the REF and RDECOM CC goal to solicit for the competitive follow-on contract within the next ninety (90) days. At the time the new competitive contract is awarded, this bridge contract will be terminated for convenience.

**8. Market Research:** Market Research was conducted in February 2010 to identify potential sources for the follow-on contract by the REF Contracts Manager, Ed DuChemin, to determine that there were many potential contractors for these professional services. Furthermore, it was determined by a RDECOM CC Contracting Officer Gregory Wagenknecht and the RDECOM Small Business Representative Patricia Huber that this requirement should be set-aside for Service Disabled Veteran Owned Businesses (SDOVSB). On 24 February 2010 a pre-solicitation notice was posted to the Federal Business Opportunity (FBO) website for Field Support Services for commercial items in support of OIF and OEF. The pre-solicitation notice was posted for twenty (20) days at which time RDECOM CC received over fifteen (15) responses from potential sources. On 15 March 2010 the notice was cancelled due to the REF's change in requirement. After the cancellation of the pre-solicitation notice RDECOM CC contract specialist Danielle Moyer contacted several of the potential SDVOSB that were interested to determine if they could provide the same services but to non-commercial ISR and like equipment for the new requirement of the follow-on contract. All sources responded yes.

**9. Interested Sources:** Pursuant to FAR 5.202 (a) (2), this action will not be synopsized on the Army Single Face to Industry (ASFI). No other sources are capable of meeting the strict time requirements at this time. The follow-on contract will be competed to the maximum extent practicable within the next ninety (90) days.

**10. Other Facts:**

a. Procurement History: Contract W9124Q-05-D-0802 was awarded 11 January 2006 as a set aside for SDOVSB. This contract was awarded with a base year and four one-year option periods. The contract utilized both FFP and T&M CLINs.

b. Acquisition Data Availability: A PWS is available for this requirement. This PWS is suitable for use under full and open competition. Competition is planned for the continuation of these support services from the point in time that the Government can award the follow-on contract.

c. Unusual and Compelling Urgency: This effort is in direct support of the Global War on Terrorism and operational forces in Iraq and Afghanistan. These services are the only known services of their nature supporting OIF and OEF. If a contract is not in place by 31 May 2010 a lapse in service will occur which will put the Government at serious life threatening and financial risk. These services are used to repair ISR or like equipment. If this equipment were to fall into a state of disrepair rendering it inoperable, soldiers will be in greater danger of attack from insurgents as their situational awareness will be greatly diminished. Additionally if this contract is not awarded prior to 31 May 2010

there will be no means to repair the ISR or like equipment and the Government would have to spend unnecessary amounts of funding procuring new equipment.

d. Subcontracting Competition: FAR clause 52.244-5, Competition in Subcontracting, shall be included in the new contract associated with this J&A.

e. Follow On Contracts: FAR 6.302-1 is not the authority under which this contract action will be processed. This paragraph does not apply to this action.

11. **Technical 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.

Signature: \_\_\_\_\_

Date: 14 April 2010

El Hadji Ndiaye  
Logistics Analyst, REF

12. **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.

Date: 14 April '10

David J. Bishop  
COL, AR  
REF Director

13. **Fair and Reasonable Cost Determination:** I hereby determine that the anticipated cost to the Government for this contract action will be fair and reasonable. This determination will be based upon a cost analysis and rate verification with the DCAA office and Certified Cost and Pricing Data shall be required in accordance with FAR 15.403-4.

Signature: \_\_\_\_\_

Date: 26 Apr 2010

Gregory M. Wagenknecht  
Contracting Officer, RDECOM CC

14. **Procuring Contracting Officer Certification:** I certify that this justification is accurate and complete to the best of my knowledge and belief.

Signature: \_\_\_\_\_

Date: 26 Apr 2010

Gregory M. Wagenknecht  
Contracting Officer, RDECOM CC

**APPROVAL**

Based on the foregoing justification, I hereby approve the procurement of Field Service Support (FSS) and Task Management to support Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) on an other than full and open competition basis pursuant to the authority of 10 U.S.C. 2304(c)(2) and FAR 6.302-2 subject to availability of funds, and provided that the services and property herein described have otherwise been authorized for acquisition.

Signature: \_\_\_\_\_

Date: 3 May 2010

Bryon J. Young /  
Principal Assistant Responsible for Contracting