

[REDACTED]

**JUSTIFICATION AND APPROVAL**

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

**SPECIAL OPERATIONS COMMAND AFRICA (SOCAFRICA)  
FIXED WING AIR SUPPORT, CENTRAL AFRICA REGION  
CARGO, PASSENGER, AND COMBINED SERVICES**

**1. CONTRACTING ACTIVITY.**

United States Transportation Command, Directorate of Acquisition, Specialized Transportation and Support Division (USTRANSCOM/TCAQ-R), 508 Scott Drive, Scott AFB IL 62225-5327.

**2. NATURE AND/OR DESCRIPTION OF THE ACTION BEING APPROVED.**

Approval is requested to allow for other than full and open competition in contracting for support of the Special Operations Command Africa (SOCAFRICA) requirement [REDACTED]

[REDACTED] Services are currently being performed under contract W52P1J-12-C-0089 which was awarded and administered by U.S. Army Contracting Command - Rock Island (ACC-RI) and expired on 27 Dec13. USTRANSCOM/TCAQ agreed to contract for the follow-on effort and subsequently awarded the follow-on contract on 26 Nov 13 under contract number HTC711-14-D-R026 to AAR Airlift Group, Inc. for the above mentioned requirement. On 9 Dec13, USTRANSCOM received a timely post award protest by Evergreen Helicopters of Alaska on Solicitation, HTC711-13-R-R016. As a result of the post award protest, a modification was issued to stop performance of the work called for by AAR's contract, HTC711-14-D-R026, pursuant to FAR Part 52.233-3 - Protest After Award. In order to avoid a lapse in service, the U.S. Army Contracting Command - Rock Island (ACC-RI) had no option other than to extend Evergreen's contract, W52P1J-12-C-0089 for four months. However, ACC-RI will not extend the contract beyond 27 Apr 14, therefore, a bridge contract is required to provide service between expiration of the current ACC-RI contract and the start of the follow-on competed contract. The period of performance of this contract action is for a month (28 April 2014 – 27 May 2014) with the option to extend for up to three additional months at the current pricing.

**3. A DESCRIPTION OF SERVICES REQUIRED TO MEET THE AGENCY'S NEEDS.**

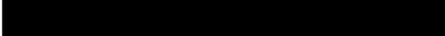
SOCAFRICA has a requirement for two, fixed wing aircraft with a capacity of at least 7 personnel with their individual equipment (i.e., luggage, backpacks, duffle bags,

[REDACTED]



weapons, etc.) or at least 2,000 pounds of cargo; or a combination of personnel and cargo with a combined weight of at least 2,000 pounds per aircraft. Contractor support includes personnel, equipment, supplies, transportation, tools, materials, supervision, insurance, life support (e.g., housing, meals etc., for contractor personnel) and other items and services necessary to perform fixed-wing operations. Aircraft must be listed, maintained, and operated in accordance with Federal Aviation Regulation (FAR) 91 (general operating and flight rules), FAR 105 (parachute operations), FAR 119.55 (military contract deviation authority), and possess a FAR 135 certificate or meet equivalent Civil Aviation Administration (CAA) requirements. The contractor will provide approximately 225 flight hours per month or 70 hours per week. Generally 2 aircraft will be required to be in flight at the same time on any day. Some flights may require an overnight stay at any of the above named locations for up to 2 nights. DoD is responsible for providing support when Remaining Over Night (RONing).

The contractor shall plan for an accelerated flight or "surge" schedule once every 3- months for a consecutive 2-week period. The surge weeks will add approximately 100 flying hours, to be flown over the two week surge period (not to exceed 50 hours per week). Generally 2 aircraft will be required to be in flight at the same time on any day during surge schedules. A 30-day notice will be given to the contractor prior to a surge. Combined with the maximum flying hours in a normal week of 70 hours, the contractor would not exceed more than 120 hours per week during the surge (regular flying hours plus surge hours).

Aircraft chargeable flight hours will originate in 

Chargeable flight hours will terminate in  or be calculated as the hours necessary to fly from last destination to  if no requirement exists.

Currently this requirement is supported through a firm fixed price contract performed by Evergreen Helicopters of Alaska, for the period of performance from 28 Sep 12 through 27 Apr 14 with an estimated value of \$30M.

**4. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION.**

10 USC 2304(c) (2) as implemented by Federal Acquisition Regulation (FAR) Part 6.302-2, Unusual and Compelling Urgency.

**5. DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS OR NATURE OF THE ACQUISITION REQUIRES THE USE OF THE AUTHORITY "UNUSAL AND COMPELLING URGENCY".**

The incumbent contractor, Evergreen Helicopters of Alaska, is the only source able to provide the required services without interruption until award is made for the follow-on contract. Once award is made the awardee will have 30 days to mobilize their



[REDACTED]

aircraft to the location and set up facilities and life support for their personnel. At present, Evergreen is the only contractor located in the country with the required facilities and life support to maintain operations until the awardee arrives in country to take over operations. Evergreen has repositioned critical resources, to include fuel reserves, needed for performance over a broad region with many logistical challenges. Due to the protest, the awardee could not start their mobilization process. This contract action will ensure continued services for the warfighter until operations are assumed by the successful Offeror once the new award decision has been made.

[REDACTED]

The use of the fixed wing transport is critical to mission success as it delivers timely logistical and personnel movements to all forward deployed elements. The cargo and personnel transport provided by the fixed wing airlift services contract directly supports [REDACTED]

[REDACTED]

Break in service for this requirement would directly impact personnel supporting the requirements of [REDACTED]

[REDACTED]

There are no other DoD contracts for fixed wing transport in the region that we can utilize to cover a gap in service in the interim. Utilization of DoD assets for the same purpose is not a feasible option, as it would require significant costs and time, both of which are currently not available, nor can they replicate the commercial service being provided to these remote locations.

**6. DESCRIPTION OF EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS IS PRACTICABLE.**

[REDACTED]

[REDACTED]

Due to the unusual and compelling urgency, offers will not be solicited from sources other than the incumbent. However, the follow-on contract was synopsisized and posted to Federal Business Opportunities (FedBizOps) and offers were received from four sources.

**7. DETERMINATION BY THE CONTRACTING OFFICER THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE.**

The government intends to renegotiate pricing with Evergreen for the bridge contract. The competition for the follow-on contract demonstrates that today's more competitive environment.

**8. DESCRIPTION OF THE MARKET RESEARCH CONDUCTED AND THE RESULTS OR A STATEMENT OF THE REASONS MARKET RESEARCH WAS NOT CONDUCTED.**

Responses to Requests for Proposal (RFP) posted to FedBizOps for the follow-on contract indicated that multiple sources were able to provide the required services. Market research further indicates at a minimum 30-60 days is necessary to mobilize the aircraft and procure the required life support to sustain personnel in country. As a result, only the incumbent has the ability to provide these services without delay until the protest is resolved and award/start of a follow-on contract.

**9. ANY OTHER FACTS SUPPORTING THE USE OF OTHER THAN FULL AND OPEN COMPETITION.**

None.

**10. A LISTING OF SOURCES, IF ANY, THAT EXPRESSED, IN WRITING, AN INTEREST IN THE ACQUISITION.**

This acquisition was not advertised and no other sources have expressed an interest in this bridge contract.

**11. A STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS TO COMPETITION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SERVICES IS MADE.**

The agency competed the follow-on acquisition, which was posted to FedBizOps. Multiple proposals were received and an award was made on 26 Nov 13. Subsequently, a post award protest was filed on 9 Dec 13 requiring a delay in contract actions.

[REDACTED]

[REDACTED]

**12. CONTRACTING OFFICER CERTIFICATION.**

I certify that the data supporting the recommended use of this justification for an exception to fair opportunity is accurate and complete to the best of my knowledge and belief.

[REDACTED]

David W. Stevens  
Contracting Officer

25 Apr 2014  
DATE

**13. TECHNICAL AND REQUIREMENTS PERSONNEL CERTIFICATION.**

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

[REDACTED]

JAMES B. HINDER  
Brigadier General, U.S. Army  
Commander

25 Apr 2014  
DATE

**CONTRACTING ACTIVITY:** USTRANSCOM

**PROGRAM/PROJECT:** Fixed Wing Air Support, Central Africa Region Cargo, Passenger Service, and Combined Services.

**AUTHORITY:** FAR 6.302-2, Unusual and Compelling Urgency

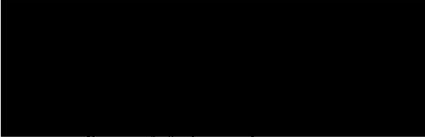
**ESTIMATED CONTRACT COST:** [REDACTED]

[REDACTED]



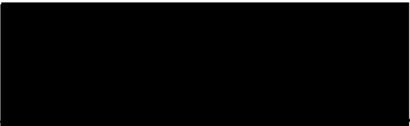
**14. APPROVAL OFFICIAL CERTIFICATION:**

**REVIEWED:**



MARY E. GREEN  
Chief, Specialized Transportation and Support Division

24 Apr 14  
DATE



Office of the Staff Judge Advocate

24 Apr 14  
DATE



JEFFERY D. BEYER  
Chief, Business Support and Policy Division

25 Apr 14  
DATE

**APPROVED:**

I certify that the data supporting the use of other than full and open competition is accurate and complete to the best of my knowledge and belief.



MICHELLE M. MENDEZ  
Competition Advocate

25 Apr 14  
DATE

