

JUSTIFICATION AND APPROVAL

USTRANSCOM JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

CONTAINER REPAIR BREMERHAVEN, GERMANY W52P1J-14-D-0012

1. CONTRACTING ACTIVITY

United States Transportation Command, Directorate of Acquisition, Specialized Transportation and Support Division, 508 Scott Drive, Building 1900W, Scott AFB IL 62225-5357.

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 United States Surface Deployment and Distribution Command (SDDC) requirement in the Bremerhaven Germany area for container repair services. Services are currently being performed by Friedrich Tiemann GMBH & Co, under contract W52P1J-14-D-0012 which was awarded by U S Army Rock Island Contracting Center (RICC) and administered by USTRANSCOM acquisition office and expires 31 May 2014. The period of performance for this continuation of services is 1 June 2014 – 31 August 2014 IAW FAR 52.217-8.

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

As a component of the United States Transportation Command (USTRANSCOM), the Military Surface Deployment & Distribution Command (SDDC) has a requirement for Container Repair services at Bremerhaven, Germany. The container repair services contract is the only container repair services contract in Europe. The contractor is responsible for repairs of HQDA buy out and Container Ammunition Distribution System (CADS) type containers at the contractor's site in Bremerhaven, Germany. The contractor is within 50 kilometer (30 miles) distance from the Carl-Schurz Industrial Area Bremerhaven, Germany and the proposed extension, a continuation of the current requirement, is within the scope of the contract, and is IAW the Performance Work Statement (PWS).

SDDC originally intended to continue the container repair services requirement with organic assets from the Theatre Logistics Support Center Europe (TLSC-E) beginning 1 June 2014. The 950th Transportation Brigade would continue managing the container repair services mission. However, after RICC transferred contract administration to USTRANSCOM, Jan 2014, SDDC informed USTRANSCOM that a follow-on contract is necessary for the container repair services mission.

Currently, this requirement is supported through a firm fixed price contract performed by Friedrich Tiemann GMBH & Co. for the period of performance from 1 Dec 2013 through 31 May 2014 valued at \$479K. The total estimated value of this proposed extension is [REDACTED] based on the rates specified in the six month contract.

4. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION

10 U.S.C 2304(c) (1) as implemented by FAR 6.302-1 only one responsible source and no other supplies or services will satisfy agency requirements.

5. DEMONSTRATION THAT THE NATURE OF THE ACQUISITION REQUIRES USE OF THE AUTHORITY CITED

As implemented by FAR 6.302-1(a)(2)(iii)(B), for DoD, NASA, and the Coast Guard, services may be deemed to be available only from the original source in the case of follow-on contracts for the continued provision of highly specialized services when it is likely that award to any other source would result in unacceptable delays in fulfilling the agency's requirements. The incumbent contractor, Friedrich Tiemann GMBH & Co., is the only source available to provide the container repair services, Bremerhaven Germany, without interruption, until award of the follow-on contract. The incumbent is located within 50 kilometers (30 miles) distance of the Carl Schurz Industrial area, Bremerhaven, Germany and has been performing the container repair services for the last seven years. There are other container repair companies (Rhenus Midgard AG & Co. KG, Addicks & Kreye container Services, Atlantik Hafenbetriebe, M & R containerreparatur GMBH & Co KG and CSI GMBH) all within 50 kilometers of the Carl Schurz industrial area; however, transitioning to another contractor for this short term would increase costs and once the new contract is awarded, the containers may require transfer.

Presently, there are 530 containers at the contractor's facility awaiting repairs, disposition and/or disposal. All containers repaired require joint (Government and Contractor) inspection for serviceability requirement of the International Maritime Dangerous Goods (IMDG) code for freight containers transporting United Nations Hazard Division 1.2 and 1.2 (DOT Class A) explosives and/or to Non-IMDG requirements. Based on the Government's analysis, a new contractor would cost the Government an estimated [REDACTED] to transfer the containers from the incumbent's facility to another contractor. Further, acquiring a new contract for this short term would force the Government to hire an additional inspector at a cost of [REDACTED] to manage the joint inspections of the containers at the incumbent's site as well as containers transitioning to another contractor's facility.

Due to time constraints and the fact that no other contractor is capable of performing the services without interruption, continuation of the current services with Friedrich Tiemann GMBH & Co. is in the Government's best interest.

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

The proposed extension will be exercised in accordance with FAR 52.217-8 of the existing contract. In accordance with FAR 5.202(a)(12), the proposed contract action is by USTRANSCOM and the contract action will be made and performed outside the United States and its outlying areas, and only local sources will be solicited. Based on the information contained in paragraph five of this document, it is in the Government's best interest to extend the current contract to avoid interruption of container repair services, duplication of efforts and undue costs to SDDC. The follow-on effort will be synopsized in accordance with FAR 5.201(b)(1)(i) and the Government intends to compete this requirement on a full and open competition basis.

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

IAW FAR 52.217-8, continued services will be at the rate specified in the current contract. The current container repair contract was priced as a six (6) month bridge contract. The prior container repair contract, W912CM-11-D-0003, was awarded on a competitive basis, with pricing determined fair and reasonable. Prices for the container repair services extension rates will be the same as originally awarded under the six month bridge contract. The Government is confident that the follow-on requirement will allow competition and the Contracting Officer's determination that the costs will be fair and reasonable.

8. DESCRIPTION OF THE MARKET RESEARCH CONDUCTED AND THE RESULTS

Market research was conducted by 950th Transportation Company for the original acquisition, the Bridge Contract, this Justification and Approval, and the follow-on procurement. Market analysis excludes competitive acquisition as a viable option for the 3 month period of performance covered by this J&A given the necessary time required to develop and execute a competitive acquisition to include evaluation of proposals. A competitive procurement is expected for the follow-on acquisition and the Contracting Officer will issue a synopsis to inform industry of the pending acquisition and solicit inquiries from interested sources.

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

None.

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

The 950th Transportation Company identified sources in the Bremerhaven Germany area listed below.

Container Service Friedrich Tiemann GMBH & CO KG Z. HD. Herrin Hoppe/Grauwallring 13 D-27580 Bremerhaven	Rhenus Midgard AG & Co KG Hern Appelhans Midgardstrasse 50 D-26954 Nordenham	Addicks & Krye Container Services Herrn Oelkers/Amerikaring 21 D-27580 Bremerhaven	Atlantik Hafenbetriebe Herrn Thode AM Nordhafen 2 D-27568 Bremerhaven	CSI GMBH Mr. Alexander Stoebe Coulinstrasse 5 65183 Wiesbaden
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**M & R
Containerreparatur
GMBH & Co. KG
Senator Bortscheller 1
D-27580
Bremerhaven**

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 SUPPLIES OR SERVICES REQUIRED

USTRANSCOM is currently working the follow-on competitive procurement. The proposed extension will allow the continuation of services until the new contract is awarded. Market research, conducted by 950th Transportation command indicated companies in the Bremerhaven area interested in container repair services. The solicitation for the follow-on contract is expected to be issued in May 2014.

12. CONTRACTING OFFICER CERTIFICATION


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.


KRISTINA R. SCHNEIDER
Contracting Officer

21 April
DATE

13. TECHNICAL/REQUIREMENTS PERSONNEL CERTIFICATION

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

For 
Michael Korn
Program Manager, SDDC

17 April 2014
DATE

CONTRACTING ACTIVITY: USTRANSCOM

PROGRAM: Container Repair Services, Bremerhaven, Germany

AUTHORITY: FAR 6.302-1, only one responsible source and no other supplies or services will satisfy the agency requirement

ESTIMATED CONTRACT COST: [REDACTED]

TYPE OF J&A: Individual

REVIEW AND APPROVAL:

[REDACTED]

KRISTINA R. SCHNEIDER
Contracting Officer

[REDACTED]

Office of the Staff Judge Advocate

21 Apr 14
DATE

22 APR 14
DATE