

[REDACTED]

**JUSTIFICATION AND APPROVAL**

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

**GLOBAL PRIVATELY OWNED VEHICLES CONTRACT (GPC)  
(DAMT01-03-D-0184)**

**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 issue a modification to contract DAMT01-03-D-0184 for an additional 90 days (1 May 2014 – 29 July 2014) to allow for transition between American Auto Logistics (AAL), the incumbent, and International Auto Logistics (IAL), the new contractor. This transition is in accordance with FAR 52.237-3 Continuity of Services (Jan 1991). Per this clause: The Contractor agrees to –

Furnish phase-in training; and exercise its best efforts and cooperation to effect an orderly and efficient transition to a successor.

The Contractor shall, upon the Contracting Officer's written notice, (1) furnish phase-in, phase-out services for up to 90 days after this contract expires and (2) negotiate in good faith a plan with a successor to determine the nature and extent of phase-in, phase-out services required.

**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 the shipment and storage of Department of Defense (DoD) privately owned vehicles (POVs) belonging to military service members and DoD Civilian employees. The contractor is responsible for operating multiple vehicle processing centers (VPCs), preparing POVs for shipment, ensuring all necessary agriculture and customs clearances are accomplished, arranging for and/or providing inland and ocean transportation of the POVs, providing In transit Visibility (ITV) of POV shipments, storage of POVs, and resolving loss and/or damage claims.

Based on the contract transition requirement for the incumbent contractor, only AAL is capable of providing the services needed during this transition period. Performance of this service requires the contractor to conduct a smooth transition from their service to the new contractor. These services cannot take place without a contract modification to the current contract with the incumbent contractor. Some of the services AAL is required to perform are as follows:

- [REDACTED]
- a. POVs turned in prior to 1 May 2014 at Contractor Owned/Contractor Operated (CO/CO) or Government Owned/Contractor Operated (GO/CO) sites will remain with AAL through delivery to the Service Member.
  - b. POVs turned in at Government Owned/Government Operated (GO/GO) locations or as hardlift shipments prior to 1 May 2014 will remain with AAL through delivery to the Service Member.
  - c. AAL will perform a joint inspection and site settlement (for damaged POVs) with IAL for approximately [REDACTED] stored POVs.

Modification total estimated value is [REDACTED]

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

10 USC 2304(c)(2) as implemented by FAR 6.302-2 – Unusual and Compelling Urgency.

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

Currently this requirement is supported through a commercial contract with AAL, which was awarded by SDDC on 15 August 2003 following a competitive source selection. Administration of the contract transferred to USTRANSCOM on 12 February 2007 and was set to expire on 31 October 2013. The new contract was awarded on 24 October 2013 which did not provide for sufficient time to transition from the incumbent to the new successful so the contract was extended. On 1 November 2013, AAL, the incumbent, filed a protest with the US Government Accountability Office (GAO). GAO's decision denied the protest on 30 January 2014. On 5 February 2014, AAL filed a second bid protest, this time at the U.S. Court of Federal Claims. The filing also requested an injunction prohibiting USTRANSCOM from executing performance under the new contract. To ensure continued support to military service members and DoD Civilian employees USTRANSCOM continued AAL's contract until 30 April 2014. On 7 March 2014, a hearing was held and the Court denied the request for an injunction. On 7 March 2014, USTRANSCOM gave the awardee notice to proceed with a contract start date of 1 May 2014. The current contract requires the incumbent to provide 90 days of transition services before contract close out. 90 days past 30 April 2014 is 29 July 2014. Therefore, AAL is required to perform until 29 July 2014. But for AAL's two bid protests, this modification would not be necessary.

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

This action is for transition support under FAR 52.237-3 Continuity of Services and was not synopsisized in accordance with FAR 5.202(a)(11). Based on the information contained in paragraph three and five of this document, it is in the Government's best interest to continue performance to ensure continued support to military service members and DoD Civilian employees.

[REDACTED]

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

The contract will be modified using the Award Term 5 pricing which was determined to be fair and reasonable at the time of the initial 6-month extension.

**8. DESCRIPTION OF THE MARKET RESEARCH CONDUCTED AND THE RESULTS**

Market research was not completed since the only purpose of this modification is to transition from the incumbent contractor to the new contractor for which was competitive.

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

This modification is required in order to facilitate transition of POV services to the new GPC contractor and to compensate the incumbent for transition services performed. Transition of POV services is required for delivery of military service members and DoD Civilian employees POVs from the contractor's facility. Without this modification, POVs would remain at the contractor's facility with no means for delivery to the Service Member and no means to close out the contract.

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

Not applicable.

**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 competed and awarded the follow-on procurement. The proposed modification is required to ensure a smooth transition from the incumbent contractor to the new contractor.

[REDACTED]

**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.

[REDACTED]  
KRISTINA R. SCHNEIDER  
Contracting Officer

DATE 21 Apr 14

**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.

[REDACTED]  
WILLICE DOYLE  
Program Manager, SDDC-PP

DATE 23 APR 14

[REDACTED]

**CONTRACTING ACTIVITY: USTRANSCOM**

**PROGRAM: Global Privately Owned Vehicles Contract (GPC)**

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

**ESTIMATED CONTRACT COST: [REDACTED]**

**TYPE OF J&A: Individual**

**REVIEW AND APPROVAL:**

[REDACTED]  
\_\_\_\_\_  
MARY ELLEN GREEN  
Chief, Specialized Transportation and Support Division

21 Apr 14  
DATE

[REDACTED]  
\_\_\_\_\_  
Office of the Staff Judge Advocate

23 Apr 14  
DATE

[REDACTED]  
\_\_\_\_\_  
JEFFERY T. BEYER  
Chief, Business Support & Policy Division

13 May 14  
DATE

APPROVED

[REDACTED]  
\_\_\_\_\_  
MICHELLE M. MENDEZ  
Competition Advocate

13 May 14  
DATE