

JUSTIFICATION AND APPROVAL

USTRANSCOM JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

SPECIAL OPERATIONS COMMAND AFRICA (SOCAFRICA) ROTARY 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

Services are currently being performed under contract W52P1J-12-C-0074 which was awarded and administered by U.S. Army Contracting Command - Rock Island (ACC-RI) and will expire on 23 Jun 14. USTRANSCOM/TCAQ agreed to contract for the follow-on effort and subsequently awarded a contract on 16 May 14 under contract number HTC711-14-D-R059 to AAR Airlift Group, Inc.. On 4 Jun 14, USTRANSCOM received a timely post award protest by Erickson Transport, Inc. (formerly Evergreen Helicopters, Inc.), on HTC711-14-D-R059 (Solicitation HTC711-13-R-R017). 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-R059, pursuant to FAR Part 52.233-3 - Protest After Award. A contract is required to bridge the gap in service between expiration of the current ACC-RI contract and the start of the follow-on competed contract, in order to avoid a lapse in service. The period of performance for this contract action is four-months (24 Jun 14 – 23 Oct 14) with the option to extend up to two additional months at the current pricing.

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

SOCAFRICA has a requirement for two, rotary wing aircraft with a capacity of at least 12 personnel with their individual equipment (i.e., luggage, backpacks, duffle bags, weapons, etc.) or at least 2,000 pounds of cargo; or a combination of personnel and cargo with a combined weight of at least 3,000 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 rotary-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 150 flight hours per month. 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 locations listed in paragraph 2 above for up to 2 nights. The Department of Defense (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 60 flying hours, to be flown over the two week surge period (not to exceed 30 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, the contractor would not exceed more than 70 hours per week during the surge (regular flying hours plus surge hours).

Aircraft chargeable flight hours will originate

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 Erickson Transport, Inc., for the period of performance from 24 Sep 12 through 23 Jun 14 with an estimated value of \$38M.

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

41 USC 3304(a) (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, Erickson Transport, Inc., 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 aircraft to the location and set up facilities and life support for their personnel. At present, Erickson 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. Erickson has prepositioned critical resources, to include fuel reserves, needed for performance over a broad region with many logistical challenges. Due to the protest, the awardee cannot complete their mobilization process. This contract action will ensure

continued services for the warfighter until operations are resumed by the successful offeror based on the outcome of the protest.

The use of the rotary 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 rotary wing airlift services contract directly supports

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

There are no other DoD contracts for rotary 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.

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

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

The government intends to use Erickson's proposed prices from the follow-on acquisition for the bridge contract. Erickson's proposed prices were found fair and reasonable which demonstrates that better prices are available in 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 acquisition 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 resolve 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 therefore 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 16 May 14. Subsequently, a post award protest was filed on 4 Jun 14 requiring performance to be suspended on the awarded contract.

12. CONTRACTING OFFICER'S 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.

DAVID W. STEVENS
Contracting Officer

19 June 2014
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.

JOHN W. EVANS
Colonel, USMC
SOCAFRICA/J4 Director

19 JUNE 2014
DATE

CONTRACTING ACTIVITY: USTRANSCOM

PROGRAM/PROJECT: Rotary 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]

REVIEW AND APPROVAL:

MARY E. GREEN
Chief, Specialized Transportation and Support Division

19 Jun 14
DATE

Office of the Staff Judge Advocate

19 June 14
DATE

JEFFERY T. BEYER
TCAQ Chief, Business Support and Policy Division

20 Jun 14
DATE

MICHELLE M. MENDEZ
USTRANSCOM Competition Advocate

20 Jun 14
DATE