

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
SEA – AIR MULTI-MODAL MODIFICATION TO USC-6**

1. **CONTRACTING ACTIVITY.** United States Transportation Command (USTRANSCOM), Sealift Services Division, 508 Scott Drive, Scott AFB IL 62225-5357. USTRANSCOM is DoD's single manager of common user transportation of all modes (sea, air, surface).

2. **NATURE AND/OR DESCRIPTION OF THE ACTION BEING APPROVED.** USTRANSCOM has an urgent requirement to add transportation by air to an existing intermodal (sea and surface transportation) contract known as the Universal Services Contract (USC)-6. USC-6 awards currently are made only to ocean common or contract carriers. USTRANSCOM's intent is to acquire the required services by increasing temporarily the scope of the USC-6 through modifications that will add flexibility to allow contractors to transport limited segments of door-to-door service via air to their existing contract for sea and surface transportation over selected routes.

3. **DESCRIPTION OF THE SUPPLIES/SERVICES REQUIRED TO MEET THE AGENCY'S NEEDS.** USTRANSCOM requires USC-6 carriers to add an air mode to the existing intermodal (sea, surface) door-to-door movement of cargo under USC-6. The carriers will be required to transload cargo from seaport to aerial port, and deliver cargo to final destinations using multiple modes of transportation, including the air mode. The estimated value of this acquisition is _____ for the added scope of work to USC-6 contracts through 31 Dec 2011. If a new, unrestricted contract for the urgently needed services can be awarded before 31 Dec 2011, the estimated value may be less. USTRANSCOM is starting work at once on efforts intended to lead to a new, unrestricted contract. The modification will be effective 1 Jan 2011 or at time of award through 31 Dec 2011 or such earlier time as a new, unrestricted contract is effective.

The requirement consists of the following general services—

- a) Select multi-modal location (seaport/airport) that is suitable for offloading cargo from USC-6 sealift vessels.
- b) Multi-modal location must be able to accommodate DoD provided armed couriers to escort missions sensitive cargo moving via air to final destination.
- c) Provide secure cargo holding location to accommodate cargo being prepared to be airlifted.
- d) Provide aircraft, personnel, equipment, tools, material, maintenance, supervision, ground transportation, unloading and loading capability of cargo for transload operations, and deliver cargo.
- e) Coordinate all activities with the host nation to implement the requirements in the work statement.
- f) Provide reliable and secure time definite delivery, in-transit visibility (ITV), and door-to-door management of military cargo.

4. **STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION.** Authority for this acquisition is 10 USC 2304(c)(2) and FAR 6.302-2, Unusual and Compelling Urgency.

5. **DEMONSTRATION THAT THE CONTRACTOR'S UNIQUE QUALIFICATION OR NATURE OF THE ACQUISITION REQUIRES USE OF ONLY ONE RESPONSIBLE SOURCE AND NO OTHER SUPPLIES OR SERVICES WILL SATISFY AGENCY REQUIREMENTS AUTHORITY.** USTRANSCOM's current ability to meet United States Central Command's (CENTCOM) distribution requirements have recently been stressed due to Operation Enduring Freedom (OEF) surge requirements of 30,000 personnel and associated equipment combined with capacity saturation due to metering by officials at the Afghanistan and Pakistan borders, closure of Torkham border, and increased hostilities along the Ring Road. The recent closure of the Torkham border resulted in a severe cargo bottleneck at the border and subsequent attacks on USC cargo. Continuing instability may lead to deteriorating security on roads in Pakistan and Afghanistan, border closures, and subsequent attacks on USC cargo. USTRANSCOM must have a contractual mechanism in-place to provide an immediate and secure alternate method to move cargo

from nearby seaports into Afghanistan when these types of disruptions occur. A tender or separate contract would require approximately six months to a year to execute depending on a finalized performance work statement/requirement from the customer and resolution of operational challenges. Therefore, in order to meet mission requirements within established timelines USTRANSCOM must modify the USC-6 contract to provide USC carriers the ability to expedite cargo via air (vice trucking) to final destination. The time to develop and award a new, unrestricted contract would constitute a delay that could result in avoidable physical injury or death to DoD personnel and others, could result in avoidable financial losses of DoD cargo and equipment, and could jeopardize DoD's mission accomplishment.

The USC-6 carriers currently provide international, door-to-door cargo transportation and distribution services using ocean common or contract carriers, as defined in the Shipping Act of 1984, offering regularly scheduled commercial liner service, along with inland linehauls, for requirements that arise in any part of the world. Approximately 90% of DoD international cargo moves under the USC-6 contracts. These contracts call for the USC-6 carriers to provide ocean, intermodal, and related transportation and distribution services to support their offered services as required. The USC-6 contract applies to Unit Movement Cargo and Other Than Unit Movement (OTUM) Cargo. Unit Movement Cargo is described by Unit Line Numbers (ULNs) and Plan Identification Numbers (PIDs) in the Joint Operation Planning and Execution System (JOPES) -- whether contingency, exercise or administrative in nature -- whether characterized as deployment, redeployment or retrograde cargo. As such, adding a limited air piece to this existing international transportation/distribution services contract is the most expeditious means to meet this requirement. The world-wide and intermodal nature of USC-6 makes it the best existing contract vehicle for immediate expansion to meet the urgent requirement.

6. DESCRIPTION OF EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS IS PRACTICABLE. This action was not synopsized in accordance with FAR 5.202(a)(2). Due to the short lead time and complexity of this requirement, it is in the Government's best interest to add air transportation to the USC-6 contract, as the need to quickly move troops and associated equipment into Afghanistan does not allow time to solicit other sources. It is the government's intent to begin immediately efforts to develop and solicit a long term requirement on an unrestricted basis and consider all interested sources (not just ocean common and contract carriers). Simultaneously, USTRANSCOM will evaluate the effectiveness and efficiency of the immediate addition of air transportation to USC-6.

7. DETERMINATION BY THE CONTRACTING OFFICER THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE. The Contracting Officer will determine that the anticipated price will be fair and reasonable in accordance with FAR Subpart 15.4. Based on market research, competition is expected for the sea-air routes added to USC-6 and USTRANSCOM, which is the DOD single manager for all modes of common user transportation, is equipped to evaluate prices for air transportation, as well as sea and surface transportation.

8. DESCRIPTION OF THE MARKET RESEARCH CONDUCTED AND THE RESULTS, OR A STATEMENT OF THE REASONS MARKET RESEARCH WAS NOT CONDUCTED. USTRANSCOM's International Scheduled Services Division conducted a market survey on industry capabilities and potential sources for intra-theater surface and air (multi-modal) transportation of military break-bulk cargo to/from various destinations in Afghanistan and Iraq. The Government was looking for commercial solutions to maximize the cost savings associated with surface (primarily ocean) transportation for the longest and safest portions of these movements, while capitalizing on the speed and safety of airlift to move designation break-bulk cargo to the final destinations in Afghanistan and Iraq. Numerous carriers showed an interest by responding to the request for information market survey. The responses from the industry offered a door-to-door multi-modal solution for transporting break-bulk, oversized/outsized cargo through partnerships with ocean carriers and DoD approved foreign airlines. Since receipt of the responses, the surge of requirements in support of Operation Enduring Freedom (OEF), increased hostilities, and uncertainties of border crossings have led to an immediate need to add this capability to the USC contracts.

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

There are several factors that make this a complex effort. First, there are different laws and regulations applicable to the movement of government cargo via sea and air. Second, any resulting contract would require a system capable of allowing the government to book cargo over various multimodal routes. Due to the complexity and necessity for a long-term acquisition plan to achieve successful completion of this activity in a timely and economic manner, it is in the government's best interest to have a short term and long term solution. The short term solution is to modify the USC-6 contract by adding language to allow USC carriers to transport cargo via air vice land when determined to be in the best interest of the Government. The USC-6 contract already encompasses multimodal transportation and is supported with a comprehensive web based booking system. The long term solution will be to solicit the requirement on an unrestricted (not just to ocean common or contract carriers) basis to both large and small businesses to stimulate competition to the fullest extent possible.

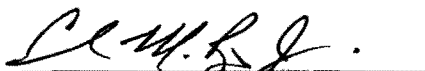
10. A LISTING OF SOURCES, IF ANY, THAT EXPRESSED, IN WRITING, AN INTEREST IN THE ACQUISITION.

Agility International Inc.; AKSU Transport and Foreign Trade Co; ANHAM, L.L.C.; America President Lines Ltd Inc.; ATLAS Air Worldwide Holdings & American Shipping and Logistics Group (ASL); DB Schenker; DHL Global Forwarding; DHL Express; Evergreen Airlines; HEB International Logistics; Liberty Global Logistics and UPS; Maersk Line, Limited; Mondo International, Inc.; Nassery Transportation; National Airlines; Safe Ports; Rig Boss LLC/Sky Boss Logistics; SRX Transcontinental Inc.; TransAtlantic Lines; National Air Cargo

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

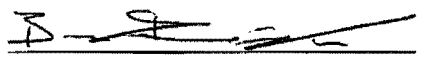
USTRANSCOM's intent is to continue to perform market research and immediately begin developing a long term solution to be solicited on an unrestricted basis to all carriers and/or third party logistic companies to bid door-to-door services. Simultaneously, USTRANSCOM will evaluate the effectiveness and efficiency of the immediate addition of air transportation to USC-6.

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.


CHARLES M BURTON
Contracting Officer

20 Dec 2010
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.


BRIAN RIVERA
Chief, Business Processes (SDDC-G9)

16 DEC 2010
Date


WILLIAM P. MANN, Lt. Col, USAF
USTRANSCOM/TCJ3

29 Dec 2010
Date

SEA - AIR MULTI-MODAL MODIFICATION TO USC-6
JUSTIFICATION & APPROVAL (J&A)


PROGRAM: Sea-Air Multimodal modification to USC-6 (out of scope modification)

AUTHORITY: 10 USC 2304(c)(2) and FAR 6.302-2, Unusual and Compelling Urgency.

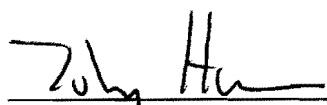
ESTIMATED CONTRACT COST:

TYPE OF J&A: Individual


REVIEW AND APPROVAL:


MARY ELLEN GREEN
Chief, Sealift Division
Directorate of Acquisition

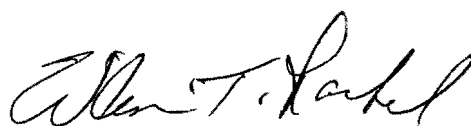
20 December 2010
Date

For 
LARRY MOHL
Chief, Acquisition Law
Staff Judge Advocate


22 Dec 10
Date


JEFFREY BEYER
Chief, Business Support and Policy Division
Directorate of Acquisition

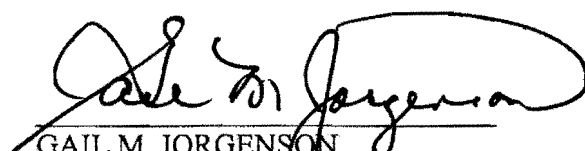
27 DEC 10
Date


WILLIAM T. RACHAL
Competition Advocate
Directorate of Acquisition

22 Dec 10
Date


DALE J. HUEGEN
Head of the Contracting Activity

28 Dec 2010
Date


GAIL M. JORGENSEN
Senior Procurement Executive

JAN 05 2011
Date