

JUSTIFICATION AND APPROVAL

USTRANSCOM JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

CONTAINER MANAGEMENT STREAMLINING CONTRACT (CMS) (DAMT01-03-0173/HTC711-09-D-0002)

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 modify firm fixed price contract DAMT01-03-0173/HTC711-09-D-0002 to allow for an additional period of performance of six months (24 June 2013 – 23 December 2013) in accordance with Federal Acquisition Regulation (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 program management, intermodal equipment leasing services, information technology, and related container support functions to meet the Government missions and exercises on a global basis. The contractor is responsible for performing program management and intermodal equipment-leasing services for peacetime, contingency, disaster, and humanitarian operations on a worldwide basis. Currently this requirement is supported through a commercial contract with Textainer Equipment Management, which was awarded by SDDC on 24 June 2003 following a competitive source selection. Administration of the contract transferred to USTRANSCOM on 1 January 2008 and is set to expire on 23 June 2013. USTRANSCOM has begun the acquisition process for a new, competitive follow-on contract with a projected award date of 1 October 13.

An extension to the current contract for the period of 24 June 2013 – 23 December 2013 is proposed to meet the agencies needs for continued services. Continued services are required to avoid an interruption in services between the expiration of the current contract on 23 June 2013 and the start of the new, competitive contract on 1 October 2013. Continued services may further be required between 1 October 2013 and 23 December 2013 to allow transition to a new contractor in the event a source other than the incumbent receives the new contract award. In this case, a transition period is necessary to give the awardee of the new, competitive contract time to develop an internet based leasing module and otherwise transition performance.

This proposed extension is a continuation of the current requirement, is within the scope of the contract, and is in accordance with the performance work statement (PWS). The current value of the contract is \$249,764,959.74. The total estimated value of this proposed modification is

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

In accordance with FAR 52.217-8, continued services will be at the current rates specified in the current contract. Market research indicates that existing pricing on the current contract is fair and reasonable. For example, current commercial leasing costs are estimated to be _____ per day. Textainer's current leasing costs are _____ per day. These costs are for standard 20-foot and 40-foot ISO containers.

8. DESCRIPTION OF THE MARKET RESEARCH CONDUCTED AND THE RESULTS

Market research was completed for the original acquisition and recently prior to execution of this J&A. Two formal Request for Information (RFI) were released in 21 Oct 11 and 15 Oct 12, respectively. The RFIs were issued to solicit information on the capabilities and availability of companies to provide support to container management in the commercial sector. The RFI generated 5 responses from the industry. After technical review it was determined that 3 out of 5 respondents are capable of fully meeting the DOD requirements for intermodal equipment leasing support services. Based on the RFIs, market research, and technical reviews, USTRANSCOM has determined that there are sufficient companies with the requisite capability and experience to provide the services and that there will be substantial competition for the new, competed contract. This action is a proposed modification to the existing contract and is intended to bridge the minimal gap for services following expiration of the current contract and execution of a competed follow-on contract.

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

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 is currently competing the follow-on competitive procurement. The proposed extension will allow the continuation of services until a new contract is awarded. Based on the market research, several companies are capable of developing and maintaining a web-based information management system to track intermodal leased equipment. FAR and DFARS technical data clauses and provisions will be included in the solicitation wherein the Government receives unlimited rights to technical data, proprietary software, and/or source code. Receipt of source code documentation will allow for a full-and-open competition for future follow-on contracts.

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.

MARIE T. PENDERGAST U
Contracting Officer

28 Nov 12
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.

Program Manager, SDDC

27 Nov 12
DATE

CONTRACTING ACTIVITY: USTRANSCOM/TCAQ-R

PROGRAM/PROJECT: Container Management Streamlining (CMS)
DAMT01-03-0173/HTC711-09-D-S002

AUTHORITY: 10 USC 2304(c)(1) and FAR 6.302-1

ESTIMATED CONTRACT COST:

REVIEW AND APPROVAL:

MICHELLE M. MENDEZ
Acting Chief, Specialized Transportation &
Support Division

30 Nov 12
DATE

Office of the Staff Judge Advocate

9 Jan 13
DATE

JEFFERY T. BEYER
Chief, Business Support and Policy Division

16 Jan 13
DATE

APPROVED:

WILLIAM T. RACHAL
Competition Advocate

16 Jan 13
DATE