

JUSTIFICATION AND APPROVAL

USTRANSCOM JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

MILITARY OCEAN TERMINAL CONCORD (MOTCO) STEVEDORING & RELATED TERMINAL SERVICES (S&RTS) W81GYE-09-D-0009

1. CONTRACTING ACTIVITY

United States Transportation Command (USTRANSCOM), 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

Surface Deployment and Distribution Command requires continued support for Military Ocean Terminal Concord (MOTCO) for Stevedoring & Related Terminal Services (S&RTS). The need for continued support must be issued as sole-source, six (6) month bridge contract to meet mission requirements while on-going competition for the follow-on acquisition is being completed. The current Period of Performance (PoP) on the contract is from 7 Aug 2009 through 6 Feb 2014.

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

The contract will provide the 834th Trans Bn the services needed to maintain and sustain current and future operations. The contractor shall provide S&RTS for the movement of military cargo, to include conventional break bulk or container munitions (MOTCO only) except for limited quantities of small arms ammunition treated as general cargo, military vehicles and equipment through designated California ports in support of the national/strategic military interest of the United States of America.

Marine Terminal Corporation, Ports America provides S&RTS for four ports in California. The Ports provide handling of Department of Defense (DoD) sponsored export and import cargo for SDDC, 834th Trans Bn. Services include vessel loading, vessel discharge, receipt of cargo, disposition of cargo, stuffing/un-stuffing of cargo, inter-terminal transfer of cargo and onward movement of cargo management expertise at operational areas of Port of Concord, Oakland, Naval Station Ventura County (Port Hueneme) and San Diego, California.

Specifically, the contract will be extended six (6) months until 6 August 2014. The contractor is already in place and will allow the 834th Trans Bn to proceed with the largest reservist annual training (AT) mission at MOTCO. Seven (7) units conduct AT during the months of March and April. The mission consists of receiving break-bulk ammunition, stuffing cargo into Twenty-foot equivalent unit (TEU) and loading the cargo onto a barge departing for Alaska. This is Alaska's re-supply of ammunition. Missions to follow include WRSA-K in June and in July the Japanese Foreign Military Sales (FMS) discharge is scheduled. The contractor works side by

side with the reservist training them how to receive, stage, stuff containers, carpentry clerking and loading barges. General cargo missions will be continuing at Port Hueneme on a routine basis. FMS Reserve Stock mission(s) are expected at MOTCO within the next six (6) months. Failure to extend this contract would not only have a critical mission impact at MOTCO, but would also hinder the mission of seven (7) other units.

Historically, some of the FMS missions have been a yearly occurrence and last for several months. Due to the nature of an FMS mission, meeting Required Deliver Dates (RDD) is essential. This mission entails discharge of containers and break-bulk ammo. All containers will need to be unstuffed and loaded onto commercial trucks to deliver to the designated state(s). An effort of this nature takes several weeks to complete.

Reserve Stock retrograde has a required timeline for clearing all stock out of the named FMS country(s) by FY22. MOTCO is schedule to receive vessels every year until FY22. In the previous months MOTCO completed 8 vessels of retrograde missions. In 2013 the June vessel was cancelled due to budget restraints. To meet the deadline of clearing the Reserve Stock by FY22, the next schedule missions(s) must continue.

Port Hueneme is a strategic port and is used to re-supply units in the Far East. The port is also used to handle oversize cargo or cargo that is too large to be stuffed into containers. Most of the cargo Roll On/Roll Off (RORO) vehicles required RORO vessel. There is a Universal Service Contract (USC) 06 with Central Gulf line in place that has ships calling Port Hueneme on a routine basis. The next vessel is schedule to arrive immediately, with several calling before August 2014.

SDDC/AQ awarded the current contract in July 2009 which included a base period with 3 option years and recently a six (6) month extension was awarded extending the contract to 6 Feb 2014. An additional six (6) months is needed due to the Procurement Authority for S&RTS contracts being transferred from SDDC/AQ to USTRANSCOM/AQ on 1 November 2013. SDDC/AQ made efforts to solicit and award a new S&RTS contract prior to the contract transfer. However, recent cut backs and government furloughs prevented SDDC/AQ the procurement lead time necessary for a complex acquisition. S&RTS contracts require extensive Source Selection Evaluation (SSE) of competitive offerors and this was not possible prior to transfer. Six (6) months will allow time for re-procurement of this service. The total estimated value for this action is

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

10 U.S.C. 2304(c)(1) as implemented by FAR 6.302-1(a)(2)(iii)(B)-- Only one responsible source and no other supplies or services will satisfy agency requirements. Services are deemed to be available only from the original source for the continued provision of highly specialized services when award to any other source will result in unacceptable delays in fulfilling the agency's requirements.

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

Based on the following reasons, it is determined that only one source, Marine Terminal Corporation, Ports America is capable of meeting the operational requirements with the highest degree of confidence and minimizing unanticipated disruptions. The largest reservist annual training (AT) mission will occur during the months of March and April. This mission involves seven reserve units.

Naval Station Ventura County, Port Hueneme have vessels schedule to discharge and load at the port on a routine basis.

FMS Reserve Stock vessels have ammunition containers schedule for onward movement to depots.

Marine Terminal Corporation, Ports America S&RTS contractor is the sole contractor knowledgeable in the current movement of DoD cargo and ammunition through the California Ports of 834th Trans Bn including Port of Concord/MOTCO; Naval Base Ventura County, Port Hueneme, Oakland and San Diego. The Contractor has been in place since 1998. Failure to extend the current contract for 6 months would be a mission failure. Current and ongoing missions are a necessity and must not have an interruption in services. Marine Terminal Corporation, Ports America, has been performing the current effort and is exposed to the safety intricacies of the equipment and the buildup to the latest Pier 3 limitations/restrictions. Interruption of the on-going mission could have implications of a higher global impact if the extension is not approved. Additionally, in keeping with the requirements outlined in the Strategic Seaport Program, Letter of Instruction (LOI), uninterrupted mission is necessary to support the USTRANSCOM, Department of Transportation and Maritime Administration (MARAD). MOTCO is among the Strategic Seaports holding the responsibility to execute and promote port readiness. An unacceptable delay or interruption of service jeopardizes support and secure deployment of military personnel and cargo during these surge mission(s) and any unforeseen emergency.

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

Marine Terminal Corporation, Ports America S&RTS is the incumbent contractor for this extension and is uniquely qualified to perform the required work. Competitive offers were not sought for the proposed six (6) month extension of services. A competitive RFP for S&RTS at MOTCO is currently underway and a synopsis to advertise the requirement to industry is anticipated to be released in January 2014.

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

The base year and option year prices to provide the S&RTS for the movement of military cargo were determined fair and reasonable at the time of award based adequate price competition (FAR 15.403-1(c)(1)(i)). This is a six (6) month extension of services from a previously competed

requirement in which proposals were received from four (4) competing offerors. The anticipated cost of the six month extension is considered fair and reasonable based on previous price competition and a comparison of historical prices paid for this service (FAR 15.404-1(b)(2)(ii).

8. DESCRIPTION OF THE MARKET RESEARCH CONDUCTED AND THE RESULTS

Efforts were taken to conduct market research for SDDC/AQ RFP No W81GYE-13-R-0004 for the upcoming S&RTS contract renewal prior to transfer. A sources sought notice was posted to Federal Business Opportunities (FBO) on 8 February 2013 which led to the identification of interested sources. SDDC/AQ also posted a Special Notice on FBO 12 July 2013, which identified the Government's intent to award a contract extension for 6 months for the period 7 August 2013 through 6 February 2014. No additional market research efforts were conducted for the six month bridge contract extension. On-going efforts are underway to issue a competitive RFP and information for industry will be posted for the upcoming S&RTS contract.

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

None.

10. A LIST OF THE SOURCES, IF ANY, THAT EXPRESSED, IN WRITING, AND INTEREST IN THE ACQUISITION

Deltek, Inc.
EC Corporation
APS Stevedoring
Centurion Research Solutions, LLC
Epipeline, Inc.

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

The Government has begun the acquisition process of competing the required services. The acquisition milestones current reflect an anticipated award in August 2014.

12. CONTRACTING OFFICER 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.

~~JILL M WODOCHEK~~
Contracting Officer

13 Jan 14
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

G. BRIAN RIVERA III
Chief, Global Business Development Division, HQ SDDC

13 JAN 14
Date

CONTRACTING ACTIVITY: USTRANSCOM/TCAQ-R

PROGRAM/PROJECT: Military Ocean Terminal Concord (MOTCO) Stevedoring & Related Terminal Services (S&RTS)

AUTHORITY: FAR 6.302-1(a)(2)(iii)(B)

ESTIMATED CONTRACT COST:

REVIEW AND APPROVAL:

~~JILL M. WODOCHEK~~
Contracting Officer

13 Jan 14
Date

MARY ELLEN GREEN
Chief, Specialized Transportation & Support Division

14 Jan 14
Date

Office of the Staff Judge Advocate

22 Jan 14
Date

~~JEFFERY T. BEYER~~
Chief, Business Support & Policy Division

27 Jan 14
Date

APPROVED:

MICHELLE M. MENDEZ
Competition Advocate



27 Jan 14

Date