

## JUSTIFICATION REVIEW DOCUMENT

**Description of Acquisition:** Modification to extend contract DECA02-03-D-0011 with Northeast Military Sales, Inc. (NEMS) to provide for uninterrupted operation of deli/bakery operations at Patuxent River NAS, MD; Bolling AFB, Washington, DC; Dover AFB, DE; Andrews AFB, MD; Fort Belvoir, VA; and Quantico MCCB, VA commissaries.

**Statutory Authority:** 10 U.S.C. 2304(c)(1)

Est. Amount: \$1,320,527.48

**Prepared by:** Amy A. Williams  
Telephone (804) 734-8000, 48408

Contract Specialist  
Date: January 4, 2011

**PCO:** Phyllis A. McGowan  
Telephone (804) 734-8000, 48900

Contracting Officer  
Date: January 4, 2011

**Technical Requirements:** Dave Leffert  
Telephone (804) 734-8000, 48566

Commissary Management Specialist  
Date: January 4, 2011

**Signatures are required below:**

**Reviews:** I have reviewed the J&A and find that justification is adequate to support other than full and open competition.

**Program Manager:** Dave Leffert Telephone: (804) 734-8000, 48566

Signature:  Date: 1/4/12

**Legal Counsel:**

*Ellen J. Clark*  
Helen J. White

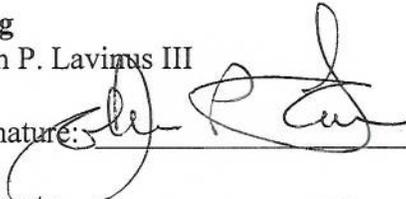
Telephone: (804) 734-8000, 48116

Signature:  Date: Jan 4, 2012

**Chief, Resale Contracting Directorate**

John P. Lavinius III

Telephone: (804) 734-8000, 48547

Signature:  Date: 4 JAN 2012

**DeCA Competition Advocate**

Melissa A. Rios

Telephone: (804) 734-8000, 48680

Signature:  Date: 1/5/12

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

**1. Contracting Office:** Defense Commissary Agency (DeCA), Resale Contracting Directorate, (MPR), Fort Lee, Virginia

**2. Type of Contract Action:** Modification of contract DECA02-03-D-0011 with Northeast Military Sales, Inc. (NEMS). The modification will extend the period of performance for the final award term period from its current expiration of January 31, 2012, to March 31, 2012, a 2-month extension. The contract type is a requirements type. The Resale Stock Fund Activity, Defense-Wide Working Capital Fund, provides funding.

**3. Description of Supplies/Services:** This action will provide uninterrupted operation of deli-bakeries at Patuxent River NAS, MD; Bolling AFB, Washington, DC; Dover AFB, DE; Andrews AFB, MD; Fort Belvoir, VA; and Quantico MCCB, VA commissaries. The estimated total value of the 2-month period is \$1,320,527.48.

**4. Authority Cited:** 10 U.S.C. 2304(c)(1), in accordance with FAR 6.302-1, Only One Responsible Source and no other supplies or services will satisfy Agency requirements.

**5. Reason for Authority Cited:** Contract DECA02-03-D-0011 is scheduled to expire on January 31, 2012. Solicitation HDEC02-11-R-0009 was issued June 30, 2011, to accommodate the follow-on procurement. The delay of the solicitation and accomplishment of the acquisition milestones was hindered by two Agency protests on another deli/bakery procurement action started prior to issuance of this solicitation. The protests spanned a period of 8 months. The litigation prompted the Government to revise language in the solicitation and related procurement documents prior to release of the solicitation. The delay in issuing the solicitation as a result of relevant litigation impacted the originally planned award date for this procurement. An extension of this contract is crucial to ensure continuation of the services provided under the contract. Anticipated award for the follow-on procurement is February 29, 2012, with a start date for performance on April 1, 2012.

In the absence of a contract extension, deli/bakery operations will cease in the stores utilizing this contract. Inevitable and irrevocable damages to the Agency in the form of sales lost and reduced operating funds will negatively impact the Agency mission to provide a benefit to military members and their families. The commissary benefit is a cornerstone of the military quality of life. Therefore, it is essential that DeCA provides fully operational commissary stores, to include the deli/bakery operations, and that DeCA takes appropriate action to maintain the current source of those operations.

Northeast Military Sales, Inc. has been performing this contract successfully for the past 8 years. Based on the past performance information provided by the stores covered by this contract, NEMS is providing the products and services required by the contract. NEMS is the only known

source that is available to operate the deli/bakeries in these commissary stores for this extension period.

**6. Efforts to Obtain Competition:** A pre-solicitation notice was published on the FedBizOpps government website on January 10, 2003, identifying the government's intention to procure deli/bakery operations for the six (6) commissaries covered under the subject contract. This requirement (DECA02-03-R-0001) was issued on February 28, 2003, based on full and open competitive procedures that resulted in the receipt of multiple proposals.

A synopsis of the follow-on requirement (solicitation HDEC02-11-R-0009) was posted on the FedBizOpps government website on May 27, 2011, identifying the government's intention to re-solicit for deli/bakery operations at the six (6) commissaries covered under contract DeCA02-03-D-0011. The solicitation was issued on June 30, 2011, and subsequently closed on August 11, 2011. Multiple proposals were received.

**7. Fair and Reasonable Cost Determination and Contracting Officer Certification:**

I hereby determine the anticipated cost for this contract action to be fair and reasonable. The basis of this determination is a favorable comparison of prices between the deli/bakery operations covered by the contract and the prices in the commercial supermarkets located in Maryland, Delaware, Virginia, and Washington, DC. This comparison indicates that prices maintained under the current contract are in accordance with contract requirements. The pricing under the contract has remained consistent throughout the life of this contract and the contractor has agreed to maintain the current pricing during the extension period.

**8. Market Research:** Market research conducted on the subject contract included previous acquisition history and available internet databases and internet sites for identifying potential interested contractors.

Market research conducted for the follow-on requirement included previous acquisition history, a search of the Small Business Administration's Dynamic Small Business database, and a search of the Central Contractor Registration database. Additional research efforts included an internet search for publications to identify top food service companies in the U.S.

**9. Other Factors:** As stated above, NEMS is the only known source that is able to provide the continuation of services required for the 2- month extension period. As the incumbent contractor, NEMS already has the existing infrastructure in place to continue the necessary deli/bakery operations. Given the average 30-day transitional period necessary for a new contractor to be prepared to start performance, it is not possible to award this requirement to another contractor for this extension period.

**10. Interested Sources:** NEMS is the only known source that is capable of providing the supplies and services for operation of the six (6) commissaries covered under the existing contract.

**11. Action to Increase/Foster Competition:** Market research actions as described in paragraph 8 above resulted in competitive proposals from multiple companies on both the current and the follow-on procurement.

**Technical/Requirements Certification:**

I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

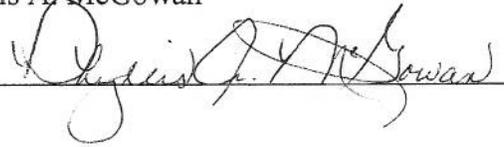
Name: Dave Leffert Commissary Management Specialist

Signature:  Date: 1/4/12

**Fair and Reasonable Cost Determination and Contracting Officer Certification:**

I hereby determine that the anticipated cost for this contract action will be fair and reasonable. I certify that this J&A is accurate and complete to the best of my knowledge and belief.

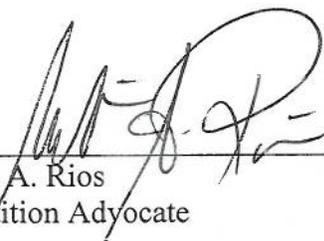
Name: Phyllis A. McGowan Contracting Officer

Signature:  Date: 1/4/2012

**APPROVAL**

Based on the foregoing justification, I hereby approve the procurement of the continuation of services of deli/bakery operations for the 6 commissaries covered under contract DECA02-03-D-0011 for a 2-month extension, February 1, 2012, through March 31, 2012, on an other than full and open competition basis pursuant to the authority of 10 U.S.C. 2304(c) (1), provided funds are available, or will be available, and provided that the services and property herein described have otherwise been authorized for acquisition.

APPROVED:

Signature:  Date: 1/5/12  
Melissa A. Rios  
Competition Advocate