

JUSTIFICATION REVIEW DOCUMENT

Description of Acquisition: Shelf Stocking, Receiving/Storage/Holding Area, and Custodial Operations at the Fort Bragg South Commissary, located in Fayetteville, North Carolina

Statutory Authority: 10 U.S.C. 2304 (c) (1) Amount: \$354,525.44

Prepared by: Typed Name: Alphonso (Al) Johnson Title: Contract Specialist

Telephone No.: 804-734-8000, x48469 Date: October 11, 2011

PCO: Typed Name: Kathy L. Hawthorne Title: Contracting Officer

Telephone No.: 804-734-8000, x48031 Date: October 11, 2011

Technical: Typed Name: Hector Granado Title: Chief, Store Operations Division

Telephone No.: 804-734-8000, x48953 Date: OCT 14 2011

Requirements: Typed Name: Hector Granado Title: Chief, Store Operations Division

Telephone No.: 804-734-8000, x48953 Date: OCT 14 2011

Signatures Are Required Below:

REVIEWS: I have reviewed this J&A and find the justification adequate to support other than full and open competition.

Program Manager: Typed name: N/A Phone (If none, show N/A)

Signature Date

Legal Counsel: Typed name: Helen White Phone: 804-734-8000, x48207

Signature Elliot J. Clark Jr Date Oct 14, 2011

Chief of Contracting Office: Typed name: D. L. Wiggins Phone: 804-734-8000, x48654

Signature D. L. Wiggins Date 10/14/11

DeCA Competition Advocate:* Typed name: Melissa A. Ries Phone: 804-734-8000, x48680

Signature Melissa A. Ries Date 10/14/11

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

1. Contracting Office – Store Services Support Division, ATTN: LEAS - East, Defense Commissary Agency, Fort Lee, Virginia

2. Type of Contract Action – This justification is initiated to modify the existing Fort Bragg South commercial services contract HDEC08-06-C-0012 to cover an additional two-month extension commencing November 1, 2011 through December 31, 2011. The current contract was set-aside 100% for small business concerns, firm-fixed price. Base and exercised four option year periods expired April 30, 2011. The contract was extended an additional 6 months until October 31, 2011. This extension is for an additional 2 month non-competitive extension until December 31, 2011. Defense Working Capital Funds (DWCF) are currently being expended for services/supplies for the existing contract and will also be expended for the same type of service during the two-month extension.

3. Description of Supplies/Services – The basic contract was issued to provide shelf stocking, receiving/storage/holding area, and custodial services for the Fort Bragg South Commissary. The modification will extend the current contract's services for a period of two months at an estimated cost of \$354,525.44.

4. Authority Cited – 10 U.S.C. 2304 (c) (1) and FAR 6.302.1 – Only One Responsible Source.

5. Reason for Authority cited:

- a. The action is necessary to prevent interruption in services for shelf stocking, receiving/storage/holding, and custodial operations, pending award of a new contract. The current contract was extended for six months in accordance with FAR 52.217-8, Option to Extend Services, until October 31, 2011. The initial six month extension was necessary due to the length of time required to complete the technical evaluations and conduct discussions and negotiations. Solicitation HDEC08-10-R-0019 was issued as a HUBZone set-aside. After evaluations, the proposed award was drafted for Logistical Customer Service, Inc., a HUBZone Small Business (SB), per the Small Business Administration (SBA) Dynamic SB Search. A Contract Review Board (CRB) was conducted on September 22, 2011, and approval was granted by the Board to proceed with award of the new five-year requirement with a contract start date of November 1, 2011. The five-day size challenge letters were mailed to the unsuccessful offerors on September 22, 2011. As a result of this notification, LEAS – East received a timely protest from one of the unsuccessful offerors, UCI Services Group, Inc., challenging the awardee's status as a HUBZone SBs concern. The protest was submitted to the SBA on September 30, 2011, IAW with FAR 19.306. As a result of the protest, the award will be delayed until the matter is resolved by the SBA. This two-month extension will provide the contracting activity the time necessary to receive the decision from the SBA and make an appropriate award based on that information.

- b. It is in the best interest of the Government to continue services with the existing contractor, Consolidated Support Services, Inc., who is already performing the services at a satisfactory level and knowledgeable of all requirements. Soliciting the requirement for a two-month period, while the protest is addressed with the SBA, would present unacceptable delays in fulfilling DeCA's requirement for shelf stocking, receiving/storage and custodial services at the Fort Bragg South Commissary. Delays in this service would shut down the commissary, and thereby, eliminate this valuable and much needed service for military members and their families. In addition, the Government would incur additional costs as soliciting a two-month contract would result in a new contractor incurring significant start up costs that could not be recouped over the life of a typical five-year contract. Equally, the option of having Government workers provide the services is not feasible since it would take over 90 days for the processing and approval of personnel action documents and hire/train additional Government employees. In accordance with FAR 19.306(h), the SBA will determine the HUBZone status of the protested HUBZone SB concern within 15 business days after receipt of protest, which is approximately on or about October 21, 2011. As such, extending the option period for an additional two-month period will allow the Contracting Officer sufficient time to make award to the successful awardee.

6. Efforts to Obtain Competition – Contract HDEC08-06-C-0012 was competitively awarded to a small business set-aside contractor to perform shelf stocking, receiving/storage/holding area, and custodial operations. The new five-year contract for the Fort Bragg South Commissary will also be competitively awarded to a HUBZone small business concern. This J&A document will be posted to the Federal Business Opportunities website (www.fbo.gov) within 14 days of contract award.

7. Fair and Reasonable Cost Determination – The price for the two-month extension will be at the current contract rates, which were determined fair and reasonable at time of initial award and IAW Collective Bargaining Agreement between the Fort Bragg South Commissary and Consolidated Support Services, Inc. and Motion Picture and Video Tape Laboratory Technicians, Allied Crafts and Government Employees, Local Union Number 780, effective July 1, 2009 to June 30, 2013.

8. Market Research – Market research located several small businesses who would be capable of performing the services; however, as stated in paragraph 6 above, it is not cost effective or feasible to solicit, award, train, and install a new contractor for a two-month time period.

9. Other Factors: The current contract HDEC08-06-C-0012 was awarded 100% small business set-aside. This contract was awarded by DeCA Headquarters and performance during the contract history has been satisfactory. In addition, no unusual patterns have been revealed during the contract history.

10. Interested Sources – N/A

11. Action to Increase/Foster Competition - The follow-on requirement has been solicited as a 100% HUBZone SB set-aside with adequate competition.

Technical Certification – “I certify that the supporting data under my cognizance included in this justification is accurate and complete to the best of my knowledge and belief.”

Name: Hector Granado Title: Chief, Store Operations Division
Signature:  Date: OCT 14 2011

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: Hector Granado Title: Chief, Store Operations Division
Signature:  Date: OCT 14 2011

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: Kathy L. Hawthorne Title: Contracting Officer
Signature:  Date: 10/14/11

APPROVAL

Based on the foregoing justification, I hereby approve the procurement of the two-month extension of the Fort Bragg South Commissary commercial services contract 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) Kathy L. Hawthorne Date 10/12/11

Typed Name: Kathy L. Hawthorne
Title: Contracting Officer