

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
Est. Amended (0001) Amount: \$1,320,527.48
Est. Amended (0002) Amount: \$1,980,791.22
Est. Amended (0003) Amount: \$ 979,746.19
Total: \$5,601,592.37

Prepared by: Amy A. Williams Contract Specialist
Telephone (804) 734-8000, 48408 Date: August 17, 2012

PCO: Phyllis A. McGowan Contracting Officer
Telephone (804) 734-8000, 48900 Date: August 17, 2012

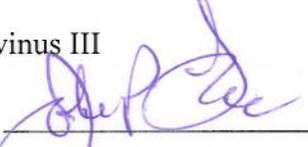
Technical Requirements: Dave Leffert Commissary Management Specialist
Telephone (804) 734-8000, 48566 Date: August 17, 2012

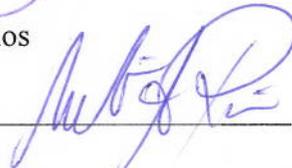
Signatures are required below:

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: Aug. 20, '12

Legal Counsel: Elliot J. Clark Telephone: (804) 734-8000, 48116
Signature:  Date: 20 Aug 12

Chief, Resale Contracting Directorate: John P. Lavinus III Telephone: (804) 734-8000, 48547
Signature:  Date: 22 Aug 2012

DeCA Competition Advocate: Melissa A. Rios Telephone: (804) 734-8000, 48680
Signature:  Date: 8/22/12

JUSTIFICATION AND APPROVAL

FOR OTHER THAN FULL AND OPEN COMPETITION

- 1. Contracting Office:** Defense Commissary Agency (DeCA), Resale Contracting Directorate, (MPR), Fort Lee, Virginia 23801
- 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 from September 1, 2012, to October 15, 2012, a 45-day extension. The contract type is a requirements type. Funding is provided by the Resale Stock Fund Activity, Defense-Wide Working Capital Fund (DWCF).
- 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 value of the additional 45-day period is \$979,746.19, which increases the total value of the initial J&A, Amendment 0001, and Amendment 0002 from \$4,621,846.18 to \$5,601,592.37.
- 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 August 31, 2012. The anticipated award date for the follow-on procurement has been delayed due to additional issues surrounding the stated concerns from higher level review that prompted the Contracting Officer to re-open discussions on **another follow-on procurement for DECA02-03-D-0010**, which in turn has delayed the Decision Authority and other higher level reviews for **DECA02-03-D-0011**.

Contract review boards and executive briefings require coordinating the schedules of contracting to include policy, legal, and senior executive personnel. The personnel required to attend these boards and briefings do not have alternate points of contact to fill-in in their absence. An extension of DECA02-03-D-0011 is crucial to ensure continuation of the services provided under the contract. The new anticipated award date for the follow-on procurement is September 10, 2012, with a performance start date of October 16, 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.

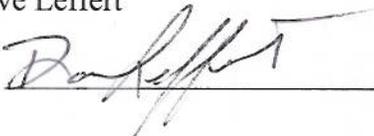
Northeast Military Sales, Inc. has been performing this contract successfully for the past 8 years. Based on the past performance information provided by the stores covered by this contract, NEMS is providing the products and services required by the contract. NEMS is the only known source that is available to operate the deli/bakeries in these commissary stores for this extension period. 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.

- 6. Efforts to Obtain Competition:** No Changes from Initial J&A.
- 7. Fair and Reasonable Cost Determination and Contracting Officer Certification:** No Changes from initial J&A.
- 8. Market Research:** No Changes from initial J&A.
- 9. Other Factors:** No Changes from initial J&A.
- 10. Interested Sources:** No Changes from initial J&A.
- 11. Action to Increase/Foster Competition:** No Changes from initial J&A.

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.

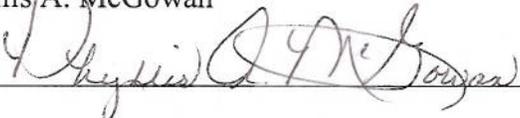
Name: Dave Leffert Commissary Management Specialist

Signature:  Date: Aug 20, '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.

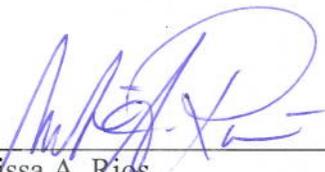
Name: Phyllis A. McGowan Contracting Officer

Signature:  Date: 8/17/2012

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 45-day extension, September 1, 2012, through October 15, 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: 8/22/12
Melissa A. Rios
Competition Advocate