

JUSTIFICATION REVIEW DOCUMENT

**Description of Acquisition:** Modification to extend contracts HDEC02-07-D-0001 and HDEC02-07-D-0002 to provide uninterrupted fresh beef products to the meat departments in the commissaries within the former DeCA East Region (all commissaries east of the Mississippi River) to include Puerto Rico and Guantanamo Bay, Cuba within the Defense Commissary Agency.

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

**Amount:** \$11,998,566.88

**Total Amount:** \$23,997,133.76

**Prepared by:** Irma B. Weaver

Telephone: (804) 734-8000, ext 86120

Contract Specialist

Date: January 20, 2012

**CO:**

Kimberly A. Cooper

Telephone: (804) 734-8000, ext 48920

Contracting Officer

Date: January 20, 2012

**PCO:**

Sheila S. Norfus

Telephone: (804) 734-8000, ext 48889

Contracting Officer

Date: January 20, 2012

**Requirements:** Leslie Simpson

Telephone: (804) 734-8000, ext 48446

Commissary Management Specialist

Date: January 20, 2012

**Signatures are required below:**

**Director of Sales:** Christopher T. Burns

Telephone: (804) 734-8000, 48278

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

1-20-2012

**Legal Counsel:** Helen J. White

Telephone: (804) 734-8000, 48116

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

1-20-2012

**Chief of Contracting Office**

John P. Lavinus III

Telephone (804) 734-8000, 48547

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

1-20-2012

**DeCA Competition Advocate**

Melissa A. Rios

Telephone: (804) 734-8000, 48680

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

1/23/12

**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 contracts HDEC02-07-D-0001 and HDEC02-07-D-0002 with Tyson Fresh Meats, Inc. Amendment 0001 provides for an additional one month period of contract performance and the modification will extend the period of performance from its current expiration date of January 31, 2012 to February 29, 2012. HDEC02-07-D-0001 and HDEC02-07-D-0002 were previously extended for 30 days, from December 31, 2011 to January 31, 2012 on J&A HDEC02-12-04 at a combined total estimated contract amount of \$11,998,566.88 which was signed by DeCA's Competition Advocate on December 20, 2011.

HDEC02-07-D-0001 has a monthly estimated contract amount of \$9,820,000.00 and HDEC02-07-D-0002 has a monthly estimated contract amount of \$2,178,566.88. The estimated contract extension amount was derived by determining the monthly estimated contract amount and dividing by 12 to yield the estimated amount per month. The amended estimated total contract amount of \$11,998,566.88 is added to the cost of the original estimated contract cost for a total estimated contract amount of \$23,997,133.76 that must be signed by the Head of the Contracting Activity. 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 fresh beef products to the meat departments in the commissaries within the former DeCA East Region (all commissaries east of the Mississippi River) to include Puerto Rico and Guantanamo Bay, Cuba within the Defense Commissary Agency.
4. **Authority Cited:** 10 U.S.C. 2304(c)(1), in accordance with FAR 6.302-1(a)(2)(ii), only one responsible source and no other supplies and services will satisfy Agency requirements.
5. **Reason for Authority Cited:**

The contract award was projected for January 10, 2012. Subsequent delays in the award process have led to a projected award date of January 27, 2012.

Due to a lengthy investigation into concerns of one of the offerors' corporate status and whether or not the company was responsible, the initial projection of contract award in October 2011 was pushed into mid December 2011, then to January 10, 2012, and now to January 27, 2012. The dollar threshold for the new contract(s) will require Congressional notification prior to making awards. The average startup time for this type of contract is typically 30 days. This additional extension will allow for a 30-day start up period for the contract awardee.

Addition details are contained in the original J&A document.

6. **Efforts to Obtain Competition:** This amended justification will be made available for public inspection, after the completion of the contract modifications, in accordance with FAR 6.305.
7. **Fair and Reasonable Price Determination and Contracting Officer Certification:** See original J&A document.
8. **Market Research:** See original J&A document.
9. **Other Factors:** With the exception of synopsisizing the requirements, Tyson Fresh Meats is the only source expected to express an interest in performance for this abbreviated extended performance period of 30 days.
10. **Interested Sources:** See original J&A document.
11. **Action to Increase/Foster Competition:** The follow-on acquisition has been solicited on a full and open competition basis and it is anticipated that all future acquisitions will be competed on a full and open basis.

**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: Christopher T. Burns

Director of Sales Directorate

Signature:  \_\_\_\_\_

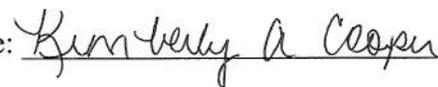
Date: 1-20-2012

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

I hereby determine that the prices for these contract actions are fair and reasonable. I certify that this J & A is accurate and complete to the best of my knowledge and belief.

Name: Kimberly A. Cooper

Contracting Officer

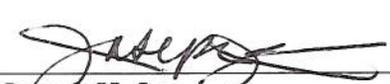
Signature:  \_\_\_\_\_

Date: 20 Jan 2012

**APPROVAL**

Based on the abovementioned justification, I hereby approved the procurement of the continuation of deliveries of fresh beef products for 107 commissaries covered under contracts HDEC02-07-D-0001 and HDEC02-07-D-0002 for a 30 day extension until February 29, 2012 on an other than full and open competition basis pursuant to the authority of 10 U.S.C. 2304(3)(1), provided funds are available, or will be available, and provided that the products herein described have otherwise been authorized for acquisition.

**APPROVED:**

Signature:  \_\_\_\_\_  
Joseph H. Jeu  
Head of the Contracting Activity  
Director and Chief Executive Officer  
Defense Commissary Agency

Date: 1/30/12