

**JUSTIFICATION REVIEW DOCUMENT**

**Description of Acquisition:** Modification to extend contract HDEC02-06-D-0001 with Northern Fish Products to provide for uninterrupted operation of seafood market operations at Bangor NSB, Bremerton, McChord AFB, and Whidbey Island, WA.

**Statutory Authority:** 10 U.S.C. 2304(c)(1)      Est. Amount: \$839,408 +  
Amended value of \$599,577  
= \$1,438,985

**Prepared by:** Patrick DeWyngaert      Contract Specialist  
Telephone (804) 734-8000, 48939      Date: June 26, 2012

**PCO:** Phyllis A. McGowan      Contracting Officer  
Telephone (804) 734-8000, 48900      Date: June 26, 2012

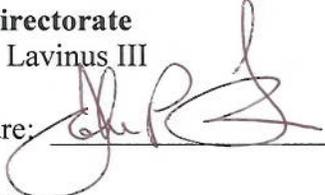
**Technical/ Requirements:** Leslie Simpson      Commissary Management Specialist  
Telephone (804) 734-8000, 48566      Date: June 26, 2012

**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:** Leslie Simpson      Telephone: (804) 734-8000, 48446  
Signature:       Date: 6-26-12

**Legal Counsel:** Elliot J. Clark      Telephone: (804) 734-8000, 48116  
Signature:       Date: 27 June 12

**Chief, Resale Contracting Directorate**  
John P. Lavinus III      Telephone: (804) 734-8000, 48547  
Signature:       Date: 28 June 2012

**DeCA Competition Advocate**  
Melissa A. Rios      Telephone: (804) 734-8000, 48680  
Signature:       Date: 6/28/12

**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 HDEC02-06-D-0001 with Northern Fish Products. This modification Amend 0004 will extend the period of performance for the current J&A Amend 0003 from its expiration of June 30, 2012, to November 30, 2012, a (5) five 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 Seafood markets at Bangor NSB, Bremerton, McChord AFB, and Whidbey Island, Washington commissaries. The total estimated value for this Amendment, including the previous extension periods and an additional (5) five month extension period (12 months total) is \$1,438,985.

**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:** In accordance with FAR 15.503(a)(2), Preaward Notices for Small Business Programs, notices were sent to the unsuccessful offerors in the competitive range on May 25, 2012, to identify the apparently successful offeror on the follow-on award to this contract. A timely protest was filed by Northern Fish on May 30, 2012, challenging the small business representation of the apparently successful offeror. As a result, the previously established timelines for the follow-on award were impacted and additional time was required to accommodate the size challenge process. On June 21, 2012 the Area VI SBA, Office of Government Contracting, determined that the apparent successful offeror for the Washington area commissaries, Pacific Pride Seafood, Inc d.b.a. Pacific Seafood Company of Washington, misrepresented its small business status. Due to the misrepresentation, the Contracting Officer did not receive at least one acceptable offer to meet the set-aside criteria IAW with FAR 19.502-2. As a result, the set-aside for the Washington area commissaries shall be withdrawn and the requirement shall be re-solicited. It is requested that J & A HDEC02-12-13 be amended to provide coverage for a "worse case" scenario and an additional (5) five month extension be granted. Thus, the original J & A and its Amendments 0001, 0002, and 0003 are amended to include an additional extension of (5) five months for this contract. This action will extend contract performance on HDEC02-06-D-0001 through November 30, should it be needed, however, contract performance on the follow-on award may commence sooner, in which case, the full extension of this amendment will not be utilized.

In the absence of a contract extension, seafood market 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

Therefore, it is essential that DeCA provides fully operational commissary stores, to include the seafood market operations, and that DeCA takes appropriate action to maintain the current source of those operations.

Northern Fish Products has been performing this contract successfully since 2006. Based on the past performance information provided by the stores covered by this contract, Northern Fish Products is providing the products and services required by the contract. Northern Fish Products is the only known source that is available to operate the seafood markets in these commissary stores for this extension period.

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

