



**DEFENSE LOGISTICS AGENCY
ENERGY
8725 JOHN J. KINGMAN ROAD
FORT BELVOIR, VIRGINIA 22060-6222**

March 28, 2019

19-0014

Justification for Other than Full and Open Competition

1. Summary/Introduction:

Defense Logistics Agency Energy (DLA-E), a Major Subordinate Command of DLA, is the contracting activity for environmental remediation services at Defense Fuel Support Point (DFSP) Ozol, CA. This Justification & Approval (J&A) for Other Than Full and Open Competition, pursuant to the authority granted in 10 U.S.C. 2304(c)(1), is for the exercise of contract clause Federal Acquisition Regulation (FAR) 52.217-8 Option to Extend Services which was not evaluated at the time of contract award. The option permits the Government to extend the contract with the same terms and conditions for up to six months. This J&A supports the six-month contract extension to APTIM Federal Services, LLC (APTIM), the incumbent, for environmental remediation services at DFSP Ozol in Martinez, California.

The current contract is a requirements type. The anticipated value for the six-month extension is \$754,411.55, increasing the total contract value from [REDACTED] to [REDACTED]. The period of performance of the option is May 1, 2019 to October 31, 2019.

2. Nature and/or description of the action being approved (FAR 6.303-2(b)(2)):

The action being approved is exercise of contract clause FAR 52.217-8 Option to Extend Services to extend the current contract for environmental remediation services at DFSP Ozol under FAR 6.302-1 – Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements. Under the circumstances and as explained below, APTIM is the only responsible source capable of performing services at DFSP Ozol; therefore, an extension is appropriate to maintain continuity of operations. The extension period was not evaluated at the time of award and, therefore, this J&A is being completed in accordance with the requirements of FAR 17.207(f) and FAR Part 6.

DFSP Ozol is assigned to the United States Department of the Air Force (Air Force) in Martinez, CA. DLA operated the site for the Air Force until 1999 and is now responsible for the environmental remediation of the facility. The environmental remediation services performed under the current contract at DFSP Ozol are highly specialized and require continuous 24-hour/7-day remediation system operations. The current contract expires on April 30, 2019. The Government intends to compete and award a follow-on environmental remediation services contract under a new solicitation. However, the follow-on award will not be completed in sufficient time to allow for an uninterrupted transition of services at DFSP Ozol. Because the Government has a continued need for remediation services, exercise of the option under the current contract will ensure that there is no gap in services in fulfilling the agency's requirements pursuant to FAR 6.302-1(a)(2)(iii)(B).

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(SPE600-16-D-5003 – APTIM)

Additionally, a new contractor would need to procure a sufficient inventory of off-the-shelf and custom designed components and tools to ensure remediation systems are properly maintained and operational 24 hours per day. A new contractor would also need to set up hazardous waste disposal accounts, procure internet and phone services, and obtain/update permits. A new contractor will need to establish accounts with multiple utility companies in order to process payments. Not only would this add time to the project schedule, the contractor's pricing would take all of these costs into account. The pricing would present a substantial increase or duplication of cost to the Government that is not expected to be recovered through competition, especially for such a short duration until a new follow-on contract can be awarded.

The estimated value of the six month extension is \$754,411.55. FY 19 Defense Working Capital Funds will be used to fund this requirement. Separate PRs will be created to issue task order(s) to authorize work and obligate funds under this contract.

3. Description of supplies or services required to meet the agency's need (including estimated value) (FAR 6.303-2(b)(3)):

The current contract for these services was competitively awarded to Shaw Environmental, Inc. (formerly CB&I Federal Services, LLC and now APTIM) on April 16, 2014 under contract number SP0600-14-D-5412. Due to Enterprise Business System limitations, a new contract number was assigned (SPE600-16-D-5003). The total dollar value of the current contract is [REDACTED].

In order to meet the [REDACTED] at DFSP Ozol, it is [REDACTED] that the environmental remediation services are [REDACTED]. Under this contract, APTIM is responsible to provide all materials, labor, and equipment to perform the following tasks:

- 1) Project Management
- 2) Remedial System O&M
- 3) Site Monitoring
- 4) Analytical Testing
- 5) Reports
- 6) Assessment
- 7) Remediation
- 8) On-Site Extraordinary Support
- 9) Off-Site Extraordinary Support
- 10) Compliance Services
- 11) Emergency Response Event Evaluation
- 12) Environmental Caretaker Activities

4. Identification of the statutory authority permitting other than full and open competition (FAR 6.303-2(b)(4)):

This J&A is based upon the authority of 10 U.S.C. §2304(c)(1), as implemented by FAR 6.302-1, and more specifically, the authority of FAR 6.302-1(a)(2)(iii). The services sought are highly

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specialized and award to a new source would likely result in substantial duplication of cost to the Government that is not expected to be recovered through competition, and would result in unacceptable delays in fulfilling the agency's requirements.

5. Demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited (FAR 6.303-2(b)(5)):

The [REDACTED] at DFSP Ozol is dependent upon the environmental remediation services currently being provided by the incumbent, APTIM. While it is no longer an active installation, there is significant community and regulatory interest related to the ongoing restoration activities at DFSP Ozol. These services are [REDACTED] to support the management transfer of DFSP Ozol (facility transfer) from DLA to the Air Force. DLA's [REDACTED] requires multiple aggressive remediation and time-critical coordination with multiple agencies at the federal, state and local levels. APTIM is managing the operations of 2 groundwater extraction systems (1 in the administration area and 1 in the tank farm) and multiple groundwater monitoring wells in the administration area, tank farm, and concord pump station. The existing work force is trained and able to conduct operations without interruption. [REDACTED]

Additionally, APTIM currently possesses the vehicles, equipment, and personnel to sustain the services [REDACTED]. A new contractor would require 45 to 60 days of preparation time prior to beginning performance to acquire the necessary equipment, utility accounts and access agreements to perform the requirements, including time to develop and implement operations, training plans, and personnel. Per FAR 6.302-1(a)(2)(iii)(A), an award for this short term requirement through full and open competition would result in substantial duplication of these costs to the Government that is not expected to be recovered through competition.

6. Description of the efforts made to ensure that offers are/were solicited from as many potential sources as is/was practicable, including whether a notice was or will be publicized as required by Subpart 5.2 and, if not, which exception under 5.202 applies (FAR 6.303-2(b)(6)):

On December 21, 2018, a Sources Sought was posted to FBO.gov to provide notice of the contract requirement and solicit capability statements from potential vendors. DLA Energy – FESDA did not receive any responses to the sources sought notice by the closing date of January 7, 2019.

7. Determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable (FAR 6.303-2(b)(7)):

The Contracting Officer has determined that the anticipated cost to the Government is fair and reasonable. The current contract was awarded for a contract period of May 1, 2014 – April 30, 2019. The solicitation contained FAR clause 52.217-8 - Option to Extend Services (Nov 1999), which permits the Government to extend the contract with the same terms and

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conditions for up to six months. DLA Energy intends to exercise the extension period for six months via a bilateral modification to the contract. The total option price of this six-month extension is estimated to be \$754,411.55. This price is composed of the rates of the current requirements contract and was evaluated as fair and reasonable using [REDACTED]. The IGCE for a re-solicited procurement estimates the six-month extension performance period for the same services at [REDACTED]

8. Description of the market research conducted and the results or a statement of the reason market research was not conducted (FAR 6.303-2(b)(8)):

On December 21, 2018, a sources sought was posted to FBO.gov to provide notice of the requirement and solicit capability statements from potential vendors. DLA Energy received no responses by the closing date of January 7, 2019.

9. Any other facts supporting the use of other than full and open competition, such as (FAR 6.303-2(b)(9)):

(i) Explanation of why technical data packages, specifications, engineering descriptions, statements of work, or purchase descriptions suitable for full and open competition have not been developed or are not available.

Not applicable.

(ii) When 6.302-1 is cited for follow-on acquisitions as described in 6.302-1(a)(2)(ii), an estimate of the cost to the Government that would be duplicated and how the estimate was derived.

Please refer to Section 5.

(iii) When 6.302-2 is cited, estimated cost, or other rationale as to the extent and nature of the harm to the Government.

Not applicable.

10. A listing of the sources, if any, that expressed, in writing, an interest in the acquisition (FAR 6.303-2(b)(10)):

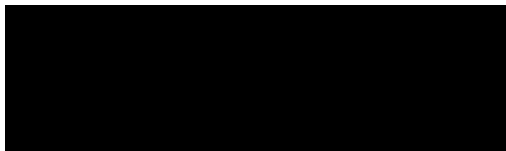
DLA Energy FESDA did not receive any responses to the Sources Sought notice posted on December 21, 2018 to FBO.gov by the closing date.

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(SPE600-16-D-5003 – APTIM)

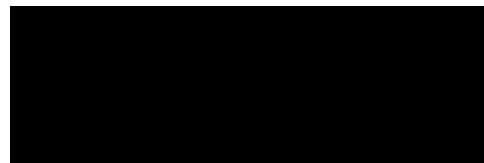
11. Actions that may be taken to remove or overcome barriers to competition before any subsequent acquisition for the supplies or services are required (FAR 6.303-2(b)(11)):

There are no known barriers to competition at this time for DFSP Ozol. The Government has procured these services competitively in the past and intends to do so in the future. The Government anticipates that the follow-on solicitation, will be issued using full and open competition, and a new contract is anticipated to be awarded on or before October 31, 2019, with performance beginning November 1, 2019.

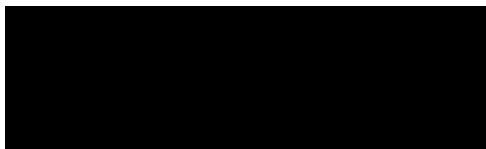
I hereby certify that the data that forms the basis for this justification is accurate and complete to the best of my knowledge and belief.



Contract Specialist
Environmental Services
Bulk Petroleum Supply Chain Services

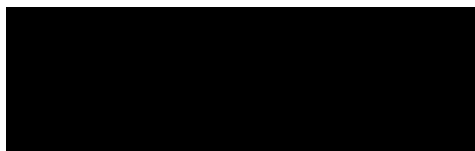


Contracting Officer
Environmental Services
Bulk Petroleum Supply Chain Services



Division Chief
Aircraft Refueling, Environmental Services,
& Lab Testing Services Division
Bulk Petroleum Supply Chain Services

I hereby certify that the data which forms the basis for this justification is accurate and complete and that the purchase request covers only the minimum requirements to satisfy the needs of the Government.



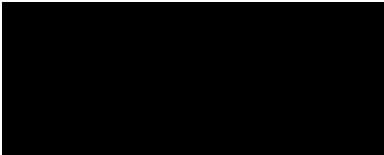
Chief, Environmental Division
DLA Installation Operations Energy

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I have reviewed and concur with this Justification.

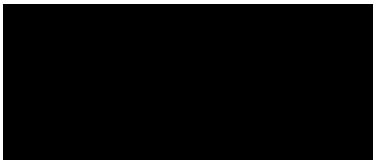


Director
Bulk Petroleum Supply Chain Services



Assistant Counsel
DLA Energy Counsel

Approved:



Advocate for Competition