

JUSTIFICATION REVIEW DOCUMENT

Description of Acquisition: Modification to extend the period of performance for contract HDEC02-09-D-0004, with Luberski dba Hidden Villa Ranch, to provide uninterrupted egg products to the grocery departments for thirty (30) stores in the West Area of the Defense Commissary Agency.

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

Original Amount: \$37,194,837.00

J & A Amount: \$3,028,416.00

New Total Amount: \$40,223,253.00

Performance Period: March 29, 2015 to January 16, 2016

Prepared by: Irma Weaver
Telephone: (804) 734-8000, ext. 8-6120

Contract Specialist
Date/Initials: _____

Technical/ Requirement: Steven Villeneuve
Telephone: (804) 734-8000, ext 4-8495

CMS/Program Manager
Date/Initials: _____

PCO: Trista P. Robinson
Telephone: (804) 734-8000, ext 4-8892

Contracting Officer
Date/Initials: _____

Signatures are required below:

Director of Sales: Tracie L. Russ Telephone: (804) 734-8000, 4-8855

Signature: _____ Date: _____

General Counsel: Helen J. White Telephone: (804) 734-8000, 4-8324

Signature: _____ Date: _____

Deputy Director of Acquisition Management:
Richard A. Deiter Telephone (804) 734-8000, 4-8932

Signature: _____ Date: 03/20/2015

DeCA Competition Advocate:
Ernie A. Favale Telephone: (804) 734-8000, 4-8548

Signature: _____ Date: _____

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

1. **Contracting Office:** Defense Commissary Agency (DeCA), Resale Contracting Division, 1300 E. Avenue, Fort Lee, Virginia 23801-1800.
2. **Type of Contract Action:** Modification of contract HDEC02-09-D-0004 with Luberski dba Hidden Villa Ranch. The proposed modification will extend the period of performance for ten (10) months from March 29, 2015 to January 16, 2016. 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 an uninterrupted supply of egg products to the grocery departments in the thirty (30) store locations within the West Area of the Defense Commissary Agency. The proposed ten (10) month modification would increase the estimated contract value by \$3,028,416.00 for a new total estimated contract amount of \$40,223,253.00 and extend the contract performance until January 16, 2016.
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:**

Contract Number HDEC02-09-D-0004 will expire on March 28, 2015. Only the incumbent contractor can provide full, uninterrupted service to the commissaries until the new award is in place. The Agency incurred significant delays in completing the follow-on acquisition due to the completion of other priority solicitations. The additional ten (10) months is needed to allow sufficient time for issuance of the solicitation, complete the technical evaluation, Agency level contract reviews, to conduct senior management briefings/approvals, and allow for a sixty-day startup period for the contract awardee(s). The startup period allows for the awardee(s) to transition into its automated systems and to ensure the systems are functioning properly. The projected award date is October 30, 2015 with a performance start date of January 17, 2016.

In the absence of a contract extension, the availability of egg products will cease in the commissaries covered under this contract and the service member will be denied their commissary benefit provided to them by statute under 10 USC §2481 and 10 USC §2484. The commissary benefit is a cornerstone of the military quality of life and it is essential that DeCA provides a fully operational commissary. Loss of these products would negatively impact DeCA's mission to provide for military members and their families, especially during the upcoming holiday season.

Luberski has been performing this contract successfully for over six years, providing product that conform to the contractual requirements and terms and conditions. They have the systems in place to continue uninterrupted service. Luberski is the only source available that has the necessary infrastructure established to provide uninterrupted service in accordance with federal, state and agency requirements to the DeCA commissaries for this extension period.

- 6. Efforts to Obtain Competition:** This amended justification will be made available for public inspection, after the completion of the contract modification, in accordance with FAR 6.305. A pre-solicitation notice was published on the FedBizOpps website in September 2014 identifying the government's intention to procure egg products for thirty (30) West Area commissaries covered under the subject contract.
- 7. Fair and Reasonable Price Determination and Contracting Officer Certification:** The Contracting Officer (KO) has determined that the anticipated cost to the Government for the ten (10) month contract extension will be fair and reasonable based on the indication that the prices under the current contract are in accordance with the contract requirements. The contractor has agreed to maintain the current pricing during the extension period.
- 8. Market Research:** Market research did not reveal any contractors having the ability to facilitate the successful and expeditious execution of the products and services required via this modification. Due to the complex nature of the procurement it is unreasonable to expect that anyone other than the incumbent will be able to effectively start-up and perform the requirements in a timely manner due to the anticipated delay in notice of a new award.
- 9. Other Factors:** Not applicable.
- 10. Interested Sources:** Luberski is the only known source that is capable of providing all of the requirements, has the necessary logistics in place to provide the required deliveries, and with no increase in price.
- 11. Action to Increase/Foster Competition:** The follow-on acquisition will be 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.
- 12. Locations covered under contract HDEC02-09-D-0004:**

- | | | |
|-------------------------|-----------------------------|---------------------------|
| 1. Beale | 9. Vandenberg | 17. North Island |
| 2. McClellan | 10. Port Hueneme | 18. Miramar |
| 3. Travis | 11. Nellis | 19. Imperial Beach |
| 4. Ord Community | 12. Fort Irwin | 20. San Diego |
| 5. Moffett Field | 13. Edwards | 21. El Centro |
| 6. Lemoore | 14. Barstow | 22. Luke |
| 7. Fallon | 15. Twentynine Palms | 23. Yuma |

8. Hunter-Liggett
25. March
26. China Lake

16. Los Angeles
27. Camp Pendleton
28. San Onofre

24. Yuma Proving Ground
29. Davis-Monthan
30. Fort Huachuca

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: Steven Villeneuve
CMS/Program Manager

Signature: _____
Date: _____

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: Trista P. Robinson
Contracting Officer

Signature: _____
Date: _____

APPROVAL

Based on the above mentioned justification, I hereby approve the ten (10) month extension from March 29, 2015 until January 16, 2016, for the continued delivery of egg products for thirty (30) West Area store locations covered under contract HDEC02-09-D-0004. This J&A is approved 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 products herein described have otherwise been authorized for acquisition.

APPROVED:

Signature: _____
Ernie A. Favale
Competition Advocate

Date: _____