

JUSTIFICATION REVIEW DOCUMENT

**Description of Acquisition:** The proposed contract award HDEC02-15-D-0001, with Tyson Fresh Meats Inc, to provide uninterrupted fresh beef products to the Central Meat Processing Plant (CMPP) that services the meat departments for Europe's commissaries of the Defense Commissary Agency.

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

**Original Amount:** \$ 36,331,870.00  
**J & A Amount:** \$ 0.00  
**New Total Amount:** \$ 36,331,870.00

**Performance Period:** November 1, 2014 to October 31, 2015

**Prepared by:** Diane Moore

Telephone: (804) 734-8000, ext. 4-8922

*for* Contract Specialist  
Date/Initials: 29 Oct 2014 / TPR

**Technical/ Requirement:** Norman Apt

Telephone: (804) 734-8000, ext 4-8298

CMS/Program Manager  
Date/Initials: 29 Oct 2014 / MSA

**PCO:** Trista P. Robinson

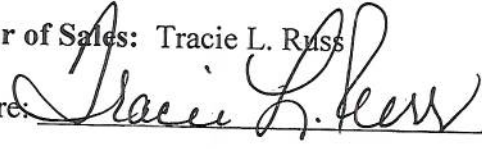
Telephone: (804) 734-8000, ext 4-8892

Contracting Officer  
Date/Initials: 29 Oct 2014 / TPR

**Signatures are required below:**

**Director of Sales:** Tracie L. Russ

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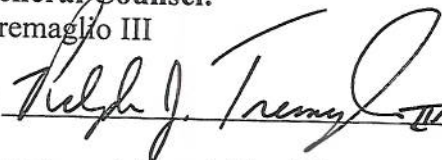
Signature: 

Date: 10/29/2014

**Deputy General Counsel:**

Ralph J. Tremaglio III

Telephone: (804) 734-8000, 4-8116


Signature: 

Date: 29 Oct 2014

**Deputy Director of Acquisition Management:**

Richard A. Deiter

Telephone (804) 734-8000, 4-8932

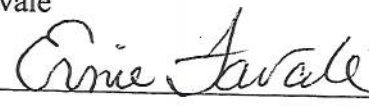
Signature: 

Date: 10/29/2014

**DeCA Competition Advocate:**

Ernie A. Favale

Telephone: (804) 734-8000, 4-8548

Signature: 

Date: 10/29/14

**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:** The proposed contract award HDEC02-15-D-0001 with Tyson Fresh Meats Inc. will be for a period of performance of twelve (12) months from November 1, 2014 - October 31, 2015 with a six month option. 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 supply of fresh and frozen beef products to the Central Meat Processing Plant (CMPP) at Ramstein AFB, Germany that services the meat departments in DeCA Europe's commissary locations. The proposed twelve (12) month contract award estimated value is \$36,331,870.
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:**

A bridge contract is required to allow continued performance while the follow on solicitation is being processed. A sources sought notification was published to FedBizOpps on August 8, 2014 to announce the Government's intent to award a twelve-month sole source bridge contract with a six-month option period to the incumbent contractor, Tyson Fresh Meats, unless other responsible, capable, and competitive sources were found who could support the Government's requirement to provide fresh and frozen beef products to the CMPP at Ramstein, Germany.

The sources sought notification requested a capability statement from any potential source that identified their infrastructure would permit performance beginning on November 1, 2014. Products needed to be in compliance with the Technical Data Sheet for Beef, dated July 1, 2014. A potential offeror's capabilities statement required: (1) Company Information (e.g. CAGE Code, DUNS Number, confirmation of registration in SAM); (2) Short statement regarding ability to transmit pricing and accept orders; (3) Ability to deliver products to Port of Embarkation (POE) Norfolk, VA for Government transshipment; (4) Acknowledgement of the company's knowledge and ability to comply with export certification requirements; (5) Acknowledgement of company's ability to supply all line items and requirement of pricing based on the USDA Weekly National Carlot Meat Report dated August 2, 2014; (6) Examples of work completed within last five years that were similar in size, scope, and complexity; and (7) Confirmation of company's capability to start performance on November 1, 2014. Responses were due on Friday, August 22, 2014.

The agency received four responses to the sources sought notification. The responses were reviewed for completeness and evaluated for suitability. Each offerors capabilities statement failed to meet the requirements of the sources sought notification based on the following requirements listed above:

- Offeror 1 - 3, 5, 6, and 7
- Offeror 2 - 3, 5, 6, and 7
- Offeror 3 - 3, 5, 6, and 7
- Offeror 4 - 3, 5, 6, and 7

As a result of the above evaluation, all of the potential offerors were determined not to be a viable source that would be a better alternative to the incumbent contractor. However, the notification letter to each of the offerors provided recommendations on areas to improve and encouragement to participate in the follow-on contract action that is presently ongoing.

In the absence of a bridge sole source contract award, the availability of fresh and frozen beef products will cease to be processed at the CMPP and subsequently will not be available in meat departments in store locations in Europe covered under this contract. 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.

Tyson Fresh Meats has been performing on their existing contract successfully for over the past six years providing products that conform to the contractual requirements, terms and conditions. Tyson 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:** Sources from the previous acquisition history, Google searches, the Small Business Administration Dynamic Search Database, FPDS-NG, as well as a sources-sought notice published to FedBizOpps on August 8, 2014, were used to conduct market research for this contract award and the follow-on requirement. A pre-solicitation notice for the follow-on requirement was published to FedBizOpps to state the government's intention to procure fresh and frozen beef products for DeCA's CMPP at Ramstein AFB, Germany. This follow-on solicitation will be issued on a full and open competitive basis. The justification and approval (J&A) for the bridge contract will be made available for public inspection, after the completion of the contract award, in accordance with FAR 6.305.
7. **Fair and Reasonable Price Determination and Contracting Officer Certification:** The Contracting Officer (KO) has determined that the cost to the Government for the twelve month bridge contract, to include the six month option, is fair and reasonable based on the prices evaluated using the National Weekly Meat Carlot Report issued on

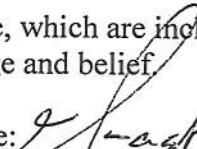
August 2, 2014 in comparison to the offers received in response to the sources sought notice. The current contractor has agreed to maintain the current pricing during the twelve month contract extension and six month option period.

8. **Market Research:** Market research did not reveal any contractors having the ability to facilitate the successful and expeditious execution of products and services required by this requirement.
9. **Other Factors:** Not applicable.
10. **Interested Sources:** Tyson Fresh Meats 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. Due to the complex nature of the procurement, it is unreasonable to expect that any contractor other than the incumbent will be capable to effectively start-up and perform the requirements in a timely manner due to the anticipated delay in notice of a new award.
11. **Action to Increase/Foster Competition:** The follow-on requirement 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. **Location covered under contract HDEC02-15-D-0001:** CMPP located at Ramstein, AFB, Germany services meat departments in commissary location throughout Europe.

**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.

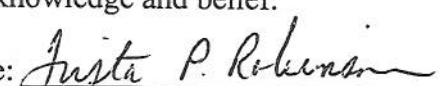
Name: Norman Apt  
CMS/Program Manager

Signature:   
Date: 29 Oct 2014

**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: 29 Oct 2014

**APPROVAL**

Based on the above mentioned justification, I hereby approve the twelve (12) month bridge contract award for the performance period of November 1, 2014 until October 31, 2015, for the continued delivery of fresh and frozen beef products for DeCA's Central Meat Processing Plant located in Ramstein, Germany. 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: \_\_\_\_\_

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

Date: 10/30/14