

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

1. **The Office of Acquisition Management is conducting this acquisition for a six-month extension of Conventional Weapons Destruction (CWD) services through June 30, 2011 on behalf of Bureau of Political Military Affairs, Office of Weapons Removal and Abatement (PM/WRA). The estimated cost is \$8,000,000.00.**

2. **Nature and/or description of the action being approved**

This contract is one of three issued under a large competitive Multiple Award Solicitation. The initial contract expired May 3, 2010. PM/WRA requests this contract be given an extension/additional work that will bridge the time from the expiration of the current (first) 6 month extension on 31 December 2010, through award of the new competitive contract including a transition period between the old contractor and new contractor, anticipated to be 30 June 2011. The total value of the contracts, including this modification will be \$159,700,044.18.

3. **A description of the supplies or services required to meet the Department's needs.**

The current contract required a base and four option years for conventional weapons destruction (CWD) services around the globe, which has been accomplished. Several task orders have been issued and DynCorp International, LLC (DI) is currently active in Lebanon, Afghanistan and Cambodia. These services will need to be continued until they can be transitioned to the new competitively awarded contract. The estimated cost of this action is \$8,000,000.

4. **An identification of the statutory authority permitting other than full and open competition.**

In accordance with 41 U.S.C. 253(c)(1) - Use of noncompetitive procedures, the statutory authority permitting other than full and open competition is FAR 6.302-1 - Only one responsible source and no other supplies or services will satisfy agency requirements. Only award to DynCorp will ensure uninterrupted CWD services which are critical for our mission objectives in Laos, Montenegro and Albania.

5. **A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.**

PM/WRA is currently in the process of re-competing a scaled down version requiring similar services; however, this new contract will not be negotiated and awarded prior to the expiration of the DynCorp contract. Due to the political climate where CWD services are performed, a delay in making an award to anyone other than DynCorp would result in unacceptable delays and jeopardize PM/WRA's ability to meet its mission objectives. No other contractor has the permissions, certifications, training and expert personnel to function productively in the countries where services are

currently being performed. The time lost in transiting to a new contractor would result in a significant gap in CWD services. This time lapse would result in unacceptable delays not anticipated to be recovered through competition. Additionally, DynCorp is currently mobilized on location, with GFE in their possession and is the only firm that can continue without a break in mission-critical services. The following services are ongoing and need to be continued without interruption. These services include: destruction of weapons, stockpiles, and MANPADS that may otherwise fall into use by terrorists, criminals or similar organization; humanitarian mine action in conflict or post conflict areas to remove the harmful effects of remnants of war; and physical security and stockpile management where unsecured or illicit weapons pose a hazard to others.

6. **A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.**

Pursuant to FAR 5.201 – Synopses of the Proposed Contract Action - General, this action will be synopsized and publicized on FedBizOpps for a period of 15 days (FAR 5.203 – Publicizing and response time).

7. **A determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.**

The Contracting Officer has determined the anticipated price will be fair and reasonable based on the value of the previous services competitively procured, the proposal price for this requirement and the Government cost estimate.

8. **A description of the market survey conducted and the results or a statement of the reasons a market survey was not conducted.**

A sources sought was published in the FedBizOpps on June 28, 2010 for the follow-on competitive contract. As a result the follow-on competition will be set aside to small business. No further market survey is expected to identify any other sources.

9. **Any other facts supporting the use of other than full and open competition.**

Initial acquisition planning was initiated in May 2010, however this planning was superseded by acquisitions necessitating more immediate AQM attention with regards to the end of fiscal year obligations. Additionally, the vacancies in the supervisory Branch Chief positions in AQM, and a lack of available contract specialists within AQM precluded the timely re-competition of these requirements.

The funding in the current contract will be expended approximately 31 December 2010. We need to continue funding without a gap to ensure that PM/WRA mission can be achieved, current CWD services remain intact, and Government furnished property is properly preserved and accounted for until a transition. Should there be a funding gap, we risk redeployment of team members to other projects, risk losing significant progress already achieved, and the political fallout from abandoning our allies even temporarily.

The solicitation for the re-competition is anticipated to be posted to FedBizOps in February 2011, with final award anticipated to be in June 2011.

10. **A listing of sources, if any, that expressed, in writing, an interest in the acquisition.**

None.

11. **A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required. Include a statement that this J&A for other than full and open competition will be published on FedBizOpps in accordance with FAR Section 6.305 within 14 days of award (or within 30 days if the J&A is for unusual and compelling urgency.)**

The follow on contract is in the competitive solicitation phase as a set aside to small business. It is anticipated that all future requirements will be competitively procured.