YOK#: 26-0036

Justification for an Exception to Fair Opportunity (Above SAT)

1. **IDENTIFICATION OF AGENCY AND CONTRACTING ACTIVITY:** This is a Justification for an Exception to Fair Opportunity. The requiring activity is Ship Repair Facility Detachment Singapore (SRF Det SG); the contracting activity is NAVSUP Fleet Logistics Center (FLC) Yokosuka Site Singapore, Contracting Dept. Code 257.

2. **NATURE/DESCRIPTION OF CONTRACT ACTION:** This is a sole source action to be awarded as a new task order to the single awardee identified below. This action is an exception to the fair opportunity process and will be issued against the following multiple award contract (MAC) number:

[redacted]

The placement of a firm, fixed price order is anticipated.

3. **DESCRIPTION OF REQUIRED SUPPLIES/SERVICES:** The proposed acquisition is to provide Ship Riders and On-Site Representative (OSR) for the LCS 2 Variant. The period of performance for this action is for six (6) months, from 31 May 2026 through 30 November 2026. The Ship Riders are to ride onboard Littoral Combat Ships (LCS) deployed to the Western Pacific and Indian Oceans both underway and in-port at various locations throughout Asia and Australia, including, but not limited to Brunei, Japan, Guam, Singapore, Vietnam, Thailand, Malaysia, Indonesia, the Philippines, India, Sri Lanka, Diego Garcia, and South Korea. The shore-based OSR shall serve as the Hull, Mechanical, and Electrical (HM&E) coordinator. They will coordinate and support the onboard Ship Riders to provide troubleshooting, casualty identification, rider rotation planning, and repair support.

The estimated value is [redacted]

4. **EXCEPTION TO FAIR OPPORTUNITY RATIONALE AND/OR DEMONSTRATION OF CONTRACTOR'S UNIQUE QUALIFICATIONS:**

☒ FAR 16.507-6(b)(1) The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays.

☐ FAR 16.507-6(b)(2) Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized.

☐ FAR 16.507-6(b)(3) The order must be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order.

☐ FAR 16.507-6(b)(4) It is necessary to place an order to satisfy a minimum guarantee.

☐ FAR 16.507-6(b)(5) For orders exceeding the SAT, a statute expressly authorizes or requires that the purchase be made from a specified source.

☐ FAR 16.507-6(b)(6) For DoD, NASA, and the Coast Guard, the order satisfies one of the exceptions permitting the use of other than full and open competition listed in part 6.103 (10 U.S.C. 3406(c)(5)).

Note: 10 U.S.C. 3406(c)(5) provides an exception to the requirement for giving all multiple-award contract holders a "fair opportunity to be considered" for a task or delivery order. Specifically, it

allows an agency head to bypass the fair opportunity process if the order satisfies one of the exceptions to full and open competition listed in 10 U.S.C. 3204(a).

5. **RATIONALE JUSTIFYING USE OF CITED STATUTORY AUTHORITY.**

The current ship rider contract with [redacted] is scheduled to expire on [redacted] At the exact time of expiration, the incumbent subcontractor personnel from Duke Marine Engineering Consultants (DMEC) will be physically embarked and actively providing mission-critical support on two deployed vessels, the USS Tulsa and USS Santa Barbara, while they are supporting Operation Epic Fury in the 7th Fleet.

As stated by the Requiring Activity, it is logistically and operationally impossible to extract these personnel while the ships are deployed. A gap in their services, even for a single day, would mean the DMEC personnel are no longer authorized to perform their duties. Since they cannot be replaced where they are, their work would cease, resulting in a complete work stoppage. This work stoppage constitutes a direct and serious injury to the Government's ongoing mission during Operation Epic Fury. Extension of the current task order was determined by the Government not to be feasible due to the expiration of the underlying base contract. Therefore, the task order will be awarded off the new follow-on SEC WEST III MAC IDIQ.

To prevent mission failure during this critical 6-month window, the order must be issued on a sole source basis to the incumbent prime contractor, [redacted]. The unanticipated need to extend the ship riders and add OSR services has arisen due to the operational conditions of LCS deployed to the Western Pacific and Indian Oceans in support of Operation Epic Fury. Due to the highly fluid operational environment, unpredictable schedule of the vessels, and the contractor personnel deployed on the vessels, it is not feasible at this time to engage in a competitive task order award to extend these services. Providing a fair opportunity to other SEC WEST MAC IDIQ holders would result in unacceptable delays in the provision of these essential services and add risk to the continuity of service for deployed contractor personnel. Therefore, a 6-month task order is required. This time period represents the Government's estimate to safely cover the remainder of the vessels' operational deployment for Operation Epic Fury. During this 6-month period, the Government will analyze its operational requirement based on current conditions, and if further services are needed, anticipates conducting a full and open competition for the subsequent long-term requirement.

6. **DETERMINATION OF FAIR AND REASONABLE COST:** (a) The Littoral Combat Ships (LCS) Class Sustainment Execution Contract West Coast Part III (SEC West Pt. III) Indefinite Delivery Indefinite Quantity-Multiple Award Contracts (IDIQ-MACs) has already established a fully burdened Ship Repair Labor and Material rate for the ship repair services. However, the FLC Yokosuka Site Singapore Contracting Officer will still use the procedures in FAR 15.4 to ensure that the order represents a fair and reasonable cost to meet the Government's needs.

7. **DESCRIPTION OF EFFORTS MADE TO SOLICIT OFFERS FROM AS MANY OFFERORS AS PRACTICABLE:** Market research and a review of recent contract history were conducted. While historical data indicates that other SEC WEST III MAC IDIQ have successfully provided these services, ensuring the LCS vessels are provided uninterrupted service on day one of the new performance period without the unacceptable delays requires continuity in performance. As detailed in Section 5, [redacted] is the only MAC holder who is providing ship riders under the incumbent Task Order ([redacted]). Therefore, [redacted] is the only source capable of continuing this uninterrupted service on day one of the new performance period without obligating the vessels withdraw from operational commitments to replace the current deployed ship riders. For this reason, no other MAC holders will be solicited for this urgent, short-term order. If the Government continues to have this requirement following the six month extension, a full and open competition will be solicited for the follow-on requirement.

8. ANY **OTHER SUPPORTING FACTS:** All future requirements will be

handled on a case-by-case basis..

9. ACTIONS **TAKEN TO REMOVE BARRIERS TO COMPETITION:** The Government has taken deliberate actions to maximize competition to the greatest extent practicable, given the overriding and non-negotiable requirement for continuous, uninterrupted service from personnel already embarked on naval vessels. The primary barrier to full and open competition is the Government's critical need to retain the incumbent, embarked DMEC personnel. Removing these personnel to transition to a new subcontractor would cause an immediate service gap, resulting in unacceptable mission degradation and operational delays. This barrier is, therefore, essential to mission success and cannot be removed for this short-term action. To remove this barrier for future requirements, the Government is limiting this justification to six months, during which a full and open competition for the follow-on requirement will be prepared and solicited. The Government will continue to monitor the market for future requirements.

10. **CONTRACTING POINT OF CONTACT:** The point of contact at FLCY Site Singapore is [redacted]

TECHNICAL/ REQUIREMENTS CERTIFICATION

I certify that the facts and representations under my cognizance which are included in this Justification and its supporting acquisition planning documents, except as noted herein, are complete and accurate to the best of my knowledge and belief.

Technical Cognizance:

[redacted]

LEGAL SUFFICIENCY REVIEW

I have determined this justification is legally sufficient.

[redacted]

CONTRACTING OFFICER CERTIFICATION

I certify that this Justification is accurate and complete to the best of my knowledge and belief. To the extent that the justification value is from SAT to $900K, the Contracting Officer's signature below also represents approval of the Justification.

[redacted]

CONTRACTING ACTIVITY COMPETITION ADVOCATE REVIEW

Upon the basis of the above justification, I hereby approve, as Competition Advocate, the solicitation of the proposed procurement(s) described herein using other than full and open competition, pursuant to the authority of 10 U.S.C. 3406(c)(1). To the extent that the justification value is from $900K to $20M, the Competition Advocate's signature below also represents approval of the justification.

[redacted]