

Department of the Interior
Bureau of Safety and Environmental Enforcement
JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
(JOFOC for Acquisitions > SAT)
(Optional for Acqs. ≤ SAT)

I recommend that the **BUREAU OF Safety & Environmental Enforcement** on behalf of the Bureau of Ocean Energy Mgmt. use other than full and open competition for the acquisition of the following supplies or services. If this acquisition is to be made with only one source or a limited number of sources, negotiations will be conducted with the indicated proposed supplier(s).

1. Nature/Description of the Acquisition [FAR 6.303-2(b)(2)]

The Bureau of Ocean Energy Management (BOEM) is embarking on a scientific mission referred to as the Collaborative Baseline Survey Project, which will be conducted off the coast of Massachusetts. The mission will be to obtain limited baseline geophysical, archaeological, acoustic, and water quality data within the Massachusetts Wind Energy Area and serve as a prototype for future data-gathering efforts. BOEM will use the SRVx research vessel owned by the National Oceanic and Atmospheric Administration (NOAA) with contracted licensed crew services and material. NOAA is providing the vessel for BOEM's use at no cost.

2. Description of Supplies or Services [FAR 6.303-2(b)(3)]

On behalf of BOEM, the Bureau of Safety and Environmental Enforcement (BSEE) will enter into a contract for crew support services for the operation and maintenance of the NOAA-owned SRVx vessel. The contractor will perform maintenance coordination/management and provide licensed crews to operate the SRVx during the project timeline, between approximately 24 August and 9 September 2012. The Contractor shall coordinate with BOEM personnel and other personnel (technical leads for project) as required to support the efficient and safe operation of the vessel during the project.

3. Requisition No. 0040047439	5. Name of Proposed Source(s) Cardinal Point Captains, LLC
4. Cost Estimate (including options)[FAR 6-303-2(b)(3)] \$83,961.00	

6. REQUESTING OFFICE CERTIFICATION

I certify that this recommendation contains the information required by FAR 6.303-2 and its contents are accurate. I request the Contracting Officer's (CO's) assistance in conducting market research to identify potential sources.

Requesting Office Rep. (Name & Title) B. Carrier Jones, Archaeologist	Signature: FOIA Exemption (b) (6)	Phone No: 703-787-1623	Date:
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7. PROCUREMENT OFFICE CERTIFICATION

I certify that this justification is accurate and complete to the best of my knowledge and belief.

Contracting Officer (Name) Francis E. Bennett	Signature: FOIA Exemption (b) (6)	Phone No: 703-787-1633	Date: 7/5/2012
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I certify that this justification is accurate and complete to the best of my knowledge and belief.

Chief of the Contracting Office (Name) Douglas M. Marr	Signature: FOIA Exemption (b) (6)	Phone No: 703-787-1324	Date: 7/6/12
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Identify one statutory authority for this acquisition to be conducted under "other than full and open competition" procedures [FAR 6.303-2(b)(4)]. Provide narrative justification associated with the respective stated authority in block number 15.

THE COMPETITION IN CONTRACTING ACT OF 1984 (P.L.98-369)

8. **41 USC 253(c)(1) – Only one responsible source**

This authority shall be used in preference to the Public Interest justification. It shall not be used when any of the other circumstances are applicable. (Explain what makes this contractor the only responsible source: i.e., does this proposed contractor have facilities or equipment that is specialized and vital to the effort? Is the proposed contractor the only one that can meet critical schedules? Does the proposed contractor have prior experience of a highly specialized nature vital to the effort? Why won't any other product or service satisfy the need? Is the acquisition the result of an unsolicited research proposal [see FAR 6.302-1(a)(2)(i)]? Describe market survey and analysis efforts leading to this conclusion.)

9. **41 USC 253(c)(2) – Unusual and compelling urgency**

This authority applies in those situations where (1) an unusual and compelling urgency precludes full an open competition and (2) delay in award of contract would result in serious injury, financial or other, to the Government. (Explain why the agency's need for the supplies or services is of such an unusual and compelling urgency that the Government would be seriously injured unless it limited the number of sources. Solicitation from as many potential sources as is practicable under the circumstances is required.)

10. **41 USC 253(c)(3) – Industrial mobilization; engineering, developmental, or research capability; or expert services**

This authority applies when it is necessary to award the contract to a particular source or sources in order (1) to establish or maintain an essential capacity for theoretical analyses, exploratory studies, or experiments in any field of science or technology, or (2) to establish or maintain an essential engineering, research, or development capability to be provided by an educational or other nonprofit institution or a federally funded research and development center, or (3) to acquire the services of an expert for any current or anticipated litigation or dispute. (Does the proposed contractor have facilities and equipment that are vital in the event of a national emergency? Is the proposed contract to maintain properly balanced sources of supply for meeting the requirements of acquisition of programs in the interest of industrial mobilization? Is the proposed contract to create or maintain the required domestic capability for production of critical supplies by limiting competition to items manufactured in the United States or Canada?)

11. **41 USC 253(c)(4) – International agreement**

This authority may be used when the acquisition is to be reimbursed by a foreign country that requires the product to be obtained from a particular firm as specified in official written direction such as a Letter of Offer and Acceptance; or, when services are to be performed, or supplies are to be used in the sovereign territory of another country and the terms of a treaty or agreement specify or limit the sources to be solicited. (Cite the international agreement or treaty between the United States and the foreign government or international organization that precludes full and open competition. Provide the written directions of the foreign government reimbursing the agency for the cost of the acquisition, which precludes full and open competition.)

12. **41 USC 253(c)(5) – Authorized or required by statute**

This authority may be used when a statute expressly authorizes that the acquisition be made through another agency or from a specified source. (Cite the authority that expressly authorizes that the acquisition be made through another agency or from a specified source, and attach a copy of the statute.) Note: While this statutory exception includes the small disadvantaged business 8(a) set-aside program, a JOFOC is not required for this type of procurement.

13. **41 USC 253(c)(6) – National Security**

This authority may be used for any acquisition when disclosure of the Government's needs would compromise national security. It will not be used merely because the acquisition is classified, or merely because access to classified matter will be necessary to submit a proposal or to perform the contract. (Explain why the disclosure of the Government's needs would compromise the national security or violate security requirements.)

14. **41 USC 253(c)(7) – Public Interest**

This authority may be used when none of the other authorities above apply. Individual justification, Secretarial approval, and Congressional notification 30 days before award of contract are required.

15. JUSTIFICATION (Attach additional pages if needed)

(a) 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)]. [Prepared by Program Office]

Section 4.03(b)(2) of the NOAA Small Boat Standard and Procedures Manual requires that the SRVx vessel be operated by personnel with NOAA Component Course training and credentials. Furthermore, Section 4.04, "Personnel Qualification Standards Checklist" states that "Small Boat Operators must successfully complete a checkout process with their Vessel Operations Coordinator (or designee) for each type of mission and for each specific boat on which the personnel will be employed." The Vessel Operations Coordinator (VOC) is NOAA's Mr. Joseph Hoyt. As VOC, Mr. Hoyt has required that the boat operator possess an additional Component Course Instructor credential for the operation of the SRVx over this special multi-day mission. While there are several individuals with a NOAA Component Course qualification, Cardinal Point Captains, LLC is the only contract company that has a Component Course Instructor credential required by the VOC for this mission.

(b) Describe the efforts taken to ensure offers were solicited from as many potential sources as is practicable, including whether a Government-wide point of entry (GPE) notice was or will be published as required by FAR 5.2 and, if not, which exception under FAR 5.202 applies. [FAR 6.303-2(b)(6)]. [Prepared by Program Office]

A review has been conducted of the NOAA Small Boat Program web site where NOAA provides a list of Small Boat Component Training Instructors and it was confirmed that only two individuals with "contractor for hire" status possess the Component Course Instructor credential. According to the VOC, both of those individuals are employed by Cardinal Point Captains, LLC. A notice will be published in the Government-wide point of entry (GPE) in accordance with FAR 5.2. While BOEM has considered other vessels for this project, none of sufficient size for the project and its location offshore (considering safety of personnel aboard, equipment to be utilized, and project goals) can be obtained without substantial cost increase. BOEM contacted other agency partners to consider other possible vessels with none available that meet the schedule and size needs.

(c) Demonstration that the anticipated cost to the Government will be fair and reasonable [FAR 6.303-2(b)(7)].
[Prepared by Contracting Officer]

The Contracting Officer will conduct one or more cost and/or price analysis techniques of the Contractor's proposal as prescribed by the FAR.

15. JUSTIFICATION CONTINUED (Attach additional pages if needed)

(d) Describe the market research that was conducted and the results of that survey. If actions were taken by procurement personnel to satisfy this requirement such as a GPE sources sought synopses, please specify. [FAR 6.303-2(b)(8)]. [Initiated by the Program Office and finalized in collaboration with the Contracting Officer]

As discussed in item 15b above, a review of the NOAA Small Boat Program web site indicated that only two individuals with "contractor for hire" status possess the Component Course Instructor credential. According to the VOC, both of those individuals are employed by Cardinal Point Captains, LLC. Additionally, BOEM contacted, via telephone, six separate federal agencies and independent contractors for rough estimates of availability and cost of a vessel able to conduct an extended research program offshore Massachusetts. The Roper (independent), The Venture III (independent) and the NPS's 27-foot Boston Whaler would be of insufficient size. The USGS and NOAA-NMFS were unable to provide a sufficient vessel by the survey dates, requiring many more months of advance notice and a significant cost increase.

(e) Describe any other documentation to support the JOFOC. [FAR 6.303-2(b)(9)]. [Prepared by Program Office]

N/A

(f) List sources, if any, that expressed, in writing, an interest in the acquisition. [FAR 6.303-2(b)(10)].

[Prepared by Program Office]

N/A

(g) List the actions the Bureau will take to promote competition on any subsequent acquisitions for similar supplies or services. [FAR 6.303-2(b)(11)]. [Prepared by Contracting Officer]

Future competition is not anticipated because this JOFOC covers all known requirements.

APPROVALS (FAR 6.304)

Over \$650,000	16. Competition Advocate (Name & Title)	<input type="checkbox"/> APPROVE <input type="checkbox"/> DISAPPROVE	(Signature)	(Phone No.)
				(Date)
Over \$12.5 million	17. Head of the Contracting Activity (Name & Title)	<input type="checkbox"/> APPROVE <input type="checkbox"/> DISAPPROVE	(Signature)	(Phone No.)
				(Date)
Over \$62.5 million	18. Departmental Senior Procurement Executive (Name & Title)	<input type="checkbox"/> APPROVE <input type="checkbox"/> DISAPPROVE	(Signature)	(Phone No.)
				(Date)