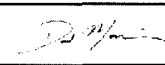
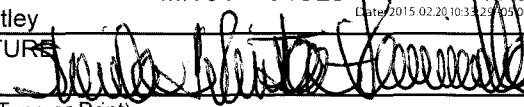
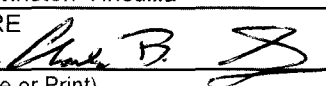


JUSTIFICATION REVIEW DOCUMENT FOR OTHER THAN FULL AND OPEN COMPETITION

CONTROL NO. NAE-15-04

PROJECT: NJDEP LSRP Site Investigation Closeout NJARNG		
AUTHORITY: 6.302-1(a)(2)(iii)		AMOUNT: \$522,380.73
Prepared By:	NAME (Type or Print) James Kelly KELLY.JAMES.	TELEPHONE NO 978-318-8227
	TITLE Project Manager A.1228596708	DATE 2/20/2015
Contracting Officer Same as 13 & 14 in J&A	NAME (Type or Print) Sheila M. Winston-Vincuilla	TELEPHONE NO 978-318-8699
	TITLE Contracting Officer	DATE
Technical	NAME (Type or Print) James Kelly KELLY.JAMES.	TELEPHONE NO 978-318-8227
	TITLE Technical Lead A.1228596708	DATE 2/20/2015
Requirements	NAME (Type or Print) Scott E. Acone, P.E. 	TELEPHONE NO 978-318-8162
	TITLE Chief, Engineering/Planning Division	DATE 2/20/2015

SIGNATURES ARE REQUIRED BELOW:

<i>I have reviewed this J&A and find the justification adequate to support other than full and open competition</i>		
Deputy for Small Business	SIGNATURE DANTUONO.E	DATE 2/25/2015
	NAME (Type or Print) Eva Marie D'Antuono VA.M.1228536128	TELEPHONE NO 978-318-8427
Project Manager* If no PM, use N/A	SIGNATURE KELLY.JAMES.	DATE 2/19/2015
	NAME (Type or Print) James Kelly A.1228596708	TELEPHONE NO 978-318-8227
Office of Counsel	SIGNATURE ASTLEY.JOHN.	DATE 2/20/2015
	NAME (Type or Print) John Astley III.1012731325	TELEPHONE NO 978-318-8244
DCC/CCC Contracting Chf	SIGNATURE 	DATE 2/27/15
	NAME (Type or Print) Sheila M. Winston-Vincuilla	TELEPHONE NO 978-318-8159
Field Competition Advocate	SIGNATURE 	DATE 2/27/15
	NAME (Type or Print) LTC Charles Gray	TELEPHONE NO 978-318-8222

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

**FOR:
Site Investigation and Closeout,
New Jersey Army National Guard**

AMEC Environmental & Infrastructure, Inc

**In Support of
New Jersey Army National Guard**

**CONTRACTING DIVISION
U.S. Army Corps of Engineers
New England District**

February 19, 2015

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

1. CONTRACTING ACTIVITY:

The U.S. Army Corps of Engineers Contracting Office, New England Contracting District, 696 Virginia Road, Concord, MA 01742.

2. DESCRIPTION OF ACTION:

The action being proposed is a sole source, firm fixed price, new stand alone 'C' architect-engineer (AE) contract with AMEC Environmental & Infrastructure, through the issuance of solicitation W912WJ-15-R-0011. The action is required to perform AE services to provide compliance related cleanup support for the New Jersey Army National Guard (NJARNG) to complete environmental compliance support at seven NJARNG sites.

AMEC Environment & Infrastructure, Inc. was awarded Task Order 0008 under its W912WJ-11-D-0005 IDIQ AE contract for the purpose of completing environmental compliance work at select sites in support of the NJARNG in Fiscal Year 2014 (FY14). Prior to issuance of task order 0008 and, as a result of administrative inadvertence, an option to extend the IDIQ contract was not timely exercised. Task order 0008 was within the scope, within the maximum value of the IDIQ contract, and within the potential ordering period of the IDIQ contract had the options been exercised timely. In the interest of transparency, in an abundance of caution, and to prevent any continued actual or apparent irregularities, the Government is terminating for convenience IDIQ W912WJ-11-D-0005 and replacing it with a new stand alone 'C' architect-engineer (AE) contract.

This action is identified solely as a means to perform AE services in support of New Jersey Guard Environmental Compliance program. AMEC will not perform work for any other project or program under this specific contract action. The scope of this contract is estimated to be approximately \$586,800.00. This figure includes the remaining balance on Task Order 0008 of \$520,000.00 and \$66,800.00 in additional work to complete compliance activities necessary for site closure, which is within the scope of the original contract task order. The additional work was anticipated at the time of Task Order award with an expectation that an in-scope modification would later be executed towards the overall goal of site closures. The estimate for the remaining \$520,000.00 balance of the existing Task Order 0008 is based on the negotiated terms of the task order and the remaining work that needs to be done, which includes all costs associated with the contract, including contingencies. The additional work consists of Optional Task 2.10 intended under the original award to be executed up to 40 times for a total of \$66,800.00. This Optional task is required in order to respond to regulatory requests, site visits and general LSRP project-related issues at each of the seven NJ Guard sites, work that is an unavoidable, inherent part of the remaining items of the original Task Order work.

The anticipated plan of action for the new contract is to award the \$520,000.00 of remaining work on Task Order 0008, and exercise Option 2.10 up to 40 times (\$66,800) for a total of \$586,800.00. The current work involves record reviews and site inspections in order to determine what is needed in order to achieve site closure and compliance.

3. DESCRIPTION OF SUPPLIES/SERVICES:

The work consists of providing the full range of New Jersey Department of Environmental Protection (NJDEP) Licensed Site Remediation Professional (LSRP) services at multiple locations throughout the NJARNG. LSRP services shall include, but not be limited to, assigning LSRP status on individual projects, historical records review, site visits, developing project work plans, completing receptor evaluations, developing conceptual site models, developing gap analyses, advising the NJARNG regarding completion of NJDEP requirements and what steps must be taken to achieve compliance, and developing program recommendations for remedial action activities.

4. AUTHORITY CITED:

10 U.S.C. 2304(c)(1), as implemented by FAR 6.302-1(a)(2)(iii), Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements

5. REASON FOR AUTHORITY CITED:

(1) Background:

AMEC Inc was awarded Task Order 0008 under its W912WJ-11-D-0005 IDIQ AE contract for the purpose of completing environmental compliance work at select sites in support of the New Jersey Guard in Fiscal Year 2014 (FY14). This work involves the investigation and closeout of NJARNG sites at various locations within New Jersey. The project is required in order to attain compliance with New Jersey Technical Requirements for Site Remediation at N.J.A.C. 7:26E.

A large portion of Task Order 0008 is to develop recommendations for remediation work that will need to be completed and for which a construction Remedial Action Contract (RAC) will need to be awarded in FY15. The \$520,000.00 in remaining work of Task Order 0008 will need to be awarded and executed by spring 2015 to allow for the award of a construction project in FY2015. The anticipated completion of the construction is by beginning of FY2016. These construction funds in the amount of \$933,000.00 are programmed in FY2015 and New Jersey Guard will lose this funding if it is not obligated.

Prior to the termination for convenience of the Government of this task order, AMEC will have completed assignment of LSRPs, records review, work-plans and partial technical recommendations consisting of approximately 10% of the value of the required services as the LSRPs-of-record. Through this effort, AMEC developed significant expertise and knowledge of the unique characteristics of the seven NJARNG sites. The resulting institutional knowledge and irreplaceable skill set necessary for them to successfully complete the work for the project makes them uniquely capable and indispensable as the general contractor.

(2) Justification:

AMEC's successful completion of work to date for this project demonstrates its unique, specific, and detailed knowledge of the requirements associated with this project, including:

- Familiarity with site information obtained during record reviews
- Local regulations and requirements

- Keeping established relationships with stakeholders
- Maintaining assigned LSRPs
- Ability to meet current project schedule
- Site visits have been completed for each of the seven sites by assigned LSRP's
- Work-Plans and Technical Memorandums have been completed for 3 of the 7 sites

AMEC has performed all compliance services for this project to date, and has therefore attained unique and detailed knowledge of the site specific requirements associated with this project. The work is only partially complete, and AMEC is the only responsible source that can efficiently and effectively complete the work within the Government's constraints for scope, cost, and schedule.

If this project is solicited competitively, there will be unacceptable delays to the completion of the work, along with substantial duplication of costs that will not be recovered through competition. Additionally, the impact of delays to the New Jersey Army Guard Compliance Program will cause significant ripple effects to funding and completion of other projects and to their ability to execute their mission. Should a different contractor be selected as a result of such a solicitation:

- time and money would be spent "relearning" the existing conditions, obtaining and assigning new LSRPs, and obtaining the necessary site knowledge before work could commence. This would amount to substantial duplication of costs up to \$50,000.00.
- the schedule would be extended up to 12 months and New Jersey would not meet funding obligation requirements or meet regulatory compliance on hazardous waste remediation sites. An unacceptable risk to human health and the environment will remain at each of the NJARNG sites.
- NJARNG sites are currently out of compliance and subject to fines by the New Jersey Department of Environmental Protection (NJDEP). Fines could range from \$10,000 to \$25,000 for each of the seven sites depending on the specific non-compliance issues. Remedial Investigation Reports should have been completed by 7 May 2014 and are currently out of compliance. NJDEP has elected not to enforce non-compliance fines at this time, however extended delays and/or inactivity would cause them to reconsider.
- the cost of six months of USACE procurement and contracting oversight would be duplicated. This is estimated to be approximately \$50,000.00.

Accordingly, AMEC is the only responsible source to complete the services in terms of total cost, schedule, and product quality for this project. It is in the best interest of the government to sole source to AMEC.

(3) Impact:

If this Justification and Approval is not approved, there will be unacceptable delays in the completion of the compliance work due to duplication of work already performed and unacceptable delays to subsequent work, thus putting the ability to obligate programmed funds at risk and causing undue impact to NJARNG program and associated mission.

The New England District estimates the delays and impacts associated with openly competing a new requirement would be up to approximately 12 months, including:

- Five (5) months for soliciting and awarding a new A/E contract (EP 715-17, Appendix 7 indicates a typical duration for the solicitation and award of an A/E contract is 145 days)
- Three (3) months for the awardee to develop the necessary background and skill sets necessary to familiarize itself with the project including review of site documentation, site visits and to meet with USACE and New Jersey Guard officials.
- Four (4) months to develop safety and remedial investigation work-plans, and reassign a LSRP of record for each of the sites. The LSRP of Record to include the development of the project's close out strategy. There is a high probability that every LSRP will have a unique opinion on that strategy. It is not unconceivable that the ideas for closure could be very different, if not extremely divergent.

The New England District estimates the delays and impacts associated with utilizing an existing IDIQ through another USACE District would be up to approximately 10 months, including:

- Three (3) months for soliciting and awarding a new Task Order utilizing a existing IDIQ
- Three (3) months for the awardee to develop the necessary background and skill sets necessary to familiarize itself with the project including review of site documentation, site visits and to meet with USACE and New Jersey Guard officials.
- Four (4) months to develop safety and remedial investigation work-plans, and reassign a LSRP of record for each of the sites. The LSRP of Record to include the development of the project's close out strategy. There is a high probability that every LSRP will have a unique opinion on that strategy. It is not unconceivable that the ideas for closure could be very different, if not extremely divergent, which would result in greater duplication of effort and delay.

These two options (new solicitation and existing IDIQ) would both result in considerable delays to the schedule up to 12 months. FY15 funds are currently allocated for remediation efforts at each of the NJARNG's sites. This FY15 remedial work cannot be initiated until FY14 funded investigation work is complete. If the design cannot be awarded and completed this FY, NJARNG's mission would continue to be degraded, thus impacting their ability to remain in compliance with New Jersey Environmental Regulations and would likely subject the NJARNG to considerable fines by NJDEP.

The existing risk to human health and the environment that exist from these sites is a critical consideration. Delays to the schedule associated with openly competing this requirement or using an existing IDIQ with another contractor will allow continued risk to human health and environmental receptors. The current work is needed in order to evaluate the extent of risk to human health and the environment at each of the seven NJ Guard sites.

Impacts include:

- The schedule to complete work would be extended by up to 12 months thereby jeopardizing New Jersey Guard ability to obligate FY2015 funding in the amount of \$933,000.

- New Jersey Guard would not attain compliance with New Jersey Technical requirements for Site Remediation at N.J.A.C. 7:26E.

Although full and open competition may appear to be suitable, the delays and impacts mentioned above would cause significant additional costs. Approval of this Justification and Approval for a sole source, new stand alone 'C' contract would avoid the unacceptable delays and impacts outlined above.

6. EFFORTS TO OBTAIN COMPETITION:

As stated in paragraph 5, above, AMEC is the only responsible source to complete the remaining work that can provide the most efficient and effective approach for meeting New Jersey Guard's Mission of environmental compliance. A full and open competition for this action would introduce unacceptable delays in work. Although a secondary consideration, full and open competition would result in a substantial duplication of costs to the Government that would not be expected to be recovered through such competition.

7. ACTIONS TO INCREASE COMPETITION:

The New England District (NAE) is one of two designated HTRW Design Centers for the North Atlantic Division (NAD). NAE is also the FUDS program and project management district for NAD. NAE is tasked to provide a full range of environmental investigative, evaluation, and design services to complete assigned missions that include but are not limited to the Superfund, BRAC, and FUDS programs.

New England District is in the process of soliciting for additional HTRW AE IDIQ contracts. The contracts to be acquired are to replace five recently expired HTRW AE IDIQ contracts. The recommended approach, which is presently under headquarters review, will be to solicit eight new contracts with a total value not to exceed \$40M. These will include two unrestricted contracts at a total value of \$10M each; two Small Business Contracts at a total value of \$5M each, and up to four socioeconomic small businesses (SDVOSB, EDWOSB, and/or 8(a)) contracts, at a total value of \$2.5M each. All contracts will have a five-year ordering period. The small business considerations were based on the results of a Market Survey that were received by a Sources Sought announcement (closing date of 5 September 2014.) Of the responses received, twelve Small Business firms demonstrated the capabilities to perform the proposed work with the following small business concerns represented: three 8(a); zero HUBZone; three Service-Disabled Veteran-Owned; and six Economically Disadvantaged Women-Owned.

Solicitation is expected to be issued in second quarter of FY 15 with award anticipated in third quarter.

8. MARKET RESEARCH:

A Notice of Intent to award a sole source follow-on contract was synopsisized on December 5, 2014, and published for the required fifteen days on Federal Business Opportunities. Past history and market research indicates that there are AEs with design and construction phase services experience, but no other contractor will be able to address specific site issues and facility specifications, while also accommodating the programmatic needs of New Jersey Guard by meeting the compliance phase deadline in a timely (and cost effective) manner. This Justification

and Approval for other than full and open competition will be made publicly available on the Federal Business Opportunities website.

9. INTERESTED SOURCES:

There were no interested sources in response to the Notice of Intent.

10. OTHER FACTS:

The need for this Justification and Approval is based on the need for AMEC to perform the design services, based on the specialized experience and capability they possess. AMEC was previously awarded the original IDIQ Contract, W912WJ-11-D-0005, for AE services, Task Order 0008, specifically for compliance related clean-up support for the NJARNG.

11. TECHNICAL CERTIFICATION: Include the following statement:

I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.

NAME: James Kelly

DATE: 2/19/2015

TITLE: Engineering Tech Lead

SIGNATURE: KELLY JAMES
Digitally signed by
KELLY JAMES, A.1228596708
DN: c=US, o=U.S. Government,
ou=DoD, ou=PKI, ou=USA,
cn=KELLY JAMES, A.1228596708
Date: 2015.02.19 13:16:59 -0500

12. REQUIREMENTS CERTIFICATION:

I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.

NAME: Scott E. Acone, P.E.

DATE: 20 February 2015

TITLE: Chief, Engineering/Planning Division

SIGNATURE: Scott E. Acone
Digitally signed by
SCOTT E. ACONE, A.1228571905
Date: 2015.02.20 12:12:31
-0500

13. FAIR AND REASONABLE COST DETERMINATION:

I hereby determine that the anticipated cost or price to the Government for this contract action will be fair and reasonable. Proposed prices will be compared to the independent government estimate that has been developed using historic costs for similar projects. Certified cost or pricing data will be requested if determined to be necessary.

NAME: Sheila M. Winston-Vincuilla

DATE: Sheila Winston Vincuilla

TITLE: Contracting Officer

SIGNATURE: 2/27/15

14. CONTRACTING OFFICER CERTIFICATION:

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

NAME: Sheila M. Winston-Vincuilla

DATE: 2/27/15

TITLE: Contracting Officer

SIGNATURE: Sheila Winston Vincuilla

APPROVAL

Based on the foregoing justification, I hereby approve the procurement of a firm fixed price, new stand alone 'C' contract with AMEC Design Venture LLC on an other than full and open competition basis pursuant to the authority of 10 U.S.C. 2304(c)(1), subject to the availability of funds, and provided the services herein described have otherwise been authorized for acquisition.

NAME: Sheila M. Winston-Vincuilla

DATE:

2/27/15

TITLE: Contracting Officer

SIGNATURE:



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

**FOR:
Site Investigation and Closeout,
New Jersey Army National Guard**

AMEC Environmental & Infrastructure, Inc

**In Support of
New Jersey Army National Guard**

**CONTRACTING DIVISION
U.S. Army Corps of Engineers
New England District**

February 19, 2015

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

1. CONTRACTING ACTIVITY:

The U.S. Army Corps of Engineers Contracting Office, New England Contracting District, 696 Virginia Road, Concord, MA 01742.

2. DESCRIPTION OF ACTION:

The action being proposed is a sole source, firm fixed price, new stand alone 'C' architect-engineer (AE) contract with AMEC Environmental & Infrastructure, through the issuance of solicitation W912WJ-15-R-0011. The action is required to perform AE services to provide compliance related cleanup support for the New Jersey Army National Guard (NJARNG) to complete environmental compliance support at seven NJARNG sites.

AMEC Environment & Infrastructure, Inc. was awarded Task Order 0008 under its W912WJ-11-D-0005 IDIQ AE contract for the purpose of completing environmental compliance work at select sites in support of the NJARNG in Fiscal Year 2014 (FY14). Prior to issuance of task order 0008 and, as a result of administrative inadvertence, an option to extend the IDIQ contract was not timely exercised. Task order 0008 was within the scope, within the maximum value of the IDIQ contract, and within the potential ordering period of the IDIQ contract had the options been exercised timely. In the interest of transparency, in an abundance of caution, and to prevent any continued actual or apparent irregularities, the Government is terminating for convenience IDIQ W912WJ-11-D-0005 and replacing it with a new stand alone 'C' architect-engineer (AE) contract.

This action is identified solely as a means to perform AE services in support of New Jersey Guard Environmental Compliance program. AMEC will not perform work for any other project or program under this specific contract action. The scope of this contract is estimated to be approximately \$586,800.00. This figure includes the remaining balance on Task Order 0008 of \$520,000.00 and \$66,800.00 in additional work to complete compliance activities necessary for site closure, which is within the scope of the original contract task order. The additional work was anticipated at the time of Task Order award with an expectation that an in-scope modification would later be executed towards the overall goal of site closures. The estimate for the remaining \$520,000.00 balance of the existing Task Order 0008 is based on the negotiated terms of the task order and the remaining work that needs to be done, which includes all costs associated with the contract, including contingencies. The additional work consists of Optional Task 2.10 intended under the original award to be executed up to 40 times for a total of \$66,800.00. This Optional task is required in order to respond to regulatory requests, site visits and general LSRP project-related issues at each of the seven NJ Guard sites, work that is an unavoidable, inherent part of the remaining items of the original Task Order work.

The anticipated plan of action for the new contract is to award the \$520,000.00 of remaining work on Task Order 0008, and exercise Option 2.10 up to 40 times (\$66,800) for a total of \$586,800.00. The current work involves record reviews and site inspections in order to determine what is needed in order to achieve site closure and compliance.

3. DESCRIPTION OF SUPPLIES/SERVICES:

The work consists of providing the full range of New Jersey Department of Environmental Protection (NJDEP) Licensed Site Remediation Professional (LSRP) services at multiple locations throughout the NJARNG. LSRP services shall include, but not be limited to, assigning LSRP status on individual projects, historical records review, site visits, developing project work plans, completing receptor evaluations, developing conceptual site models, developing gap analyses, advising the NJARNG regarding completion of NJDEP requirements and what steps must be taken to achieve compliance, and developing program recommendations for remedial action activities.

4. AUTHORITY CITED:

10 U.S.C. 2304(c)(1), as implemented by FAR 6.302-1(a)(2)(iii), Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements

5. REASON FOR AUTHORITY CITED:

(1) Background:

AMEC Inc was awarded Task Order 0008 under its W912WJ-11-D-0005 IDIQ AE contract for the purpose of completing environmental compliance work at select sites in support of the New Jersey Guard in Fiscal Year 2014 (FY14). This work involves the investigation and closeout of NJARNG sites at various locations within New Jersey. The project is required in order to attain compliance with New Jersey Technical Requirements for Site Remediation at N.J.A.C. 7:26E.

A large portion of Task Order 0008 is to develop recommendations for remediation work that will need to be completed and for which a construction Remedial Action Contract (RAC) will need to be awarded in FY15. The \$520,000.00 in remaining work of Task Order 0008 will need to be awarded and executed by spring 2015 to allow for the award of a construction project in FY2015. The anticipated completion of the construction is by beginning of FY2016. These construction funds in the amount of \$933,000.00 are programmed in FY2015 and New Jersey Guard will lose this funding if it is not obligated.

Prior to the termination for convenience of the Government of this task order, AMEC will have completed assignment of LSRPs, records review, work-plans and partial technical recommendations consisting of approximately 10% of the value of the required services as the LSRPs-of-record. Through this effort, AMEC developed significant expertise and knowledge of the unique characteristics of the seven NJARNG sites. The resulting institutional knowledge and irreplaceable skill set necessary for them to successfully complete the work for the project makes them uniquely capable and indispensable as the general contractor.

(2) Justification:

AMEC's successful completion of work to date for this project demonstrates its unique, specific, and detailed knowledge of the requirements associated with this project, including:

- Familiarity with site information obtained during record reviews
- Local regulations and requirements

- Keeping established relationships with stakeholders
- Maintaining assigned LSRPs
- Ability to meet current project schedule
- Site visits have been completed for each of the seven sites by assigned LSRP's
- Work-Plans and Technical Memorandums have been completed for 3 of the 7 sites

AMEC has performed all compliance services for this project to date, and has therefore attained unique and detailed knowledge of the site specific requirements associated with this project. The work is only partially complete, and AMEC is the only responsible source that can efficiently and effectively complete the work within the Government's constraints for scope, cost, and schedule.

If this project is solicited competitively, there will be unacceptable delays to the completion of the work, along with substantial duplication of costs that will not be recovered through competition. Additionally, the impact of delays to the New Jersey Army Guard Compliance Program will cause significant ripple effects to funding and completion of other projects and to their ability to execute their mission. Should a different contractor be selected as a result of such a solicitation:

- time and money would be spent "relearning" the existing conditions, obtaining and assigning new LSRPs, and obtaining the necessary site knowledge before work could commence. This would amount to substantial duplication of costs up to \$50,000.00.
- the schedule would be extended up to 12 months and New Jersey would not meet funding obligation requirements or meet regulatory compliance on hazardous waste remediation sites. An unacceptable risk to human health and the environment will remain at each of the NJARNG sites.
- NJARNG sites are currently out of compliance and subject to fines by the New Jersey Department of Environmental Protection (NJDEP). Fines could range from \$10,000 to \$25,000 for each of the seven sites depending on the specific non-compliance issues. Remedial Investigation Reports should have been completed by 7 May 2014 and are currently out of compliance. NJDEP has elected not to enforce non-compliance fines at this time, however extended delays and/or inactivity would cause them to reconsider.
- the cost of six months of USACE procurement and contracting oversight would be duplicated. This is estimated to be approximately \$50,000.00.

Accordingly, AMEC is the only responsible source to complete the services in terms of total cost, schedule, and product quality for this project. It is in the best interest of the government to sole source to AMEC.

(3) Impact:

If this Justification and Approval is not approved, there will be unacceptable delays in the completion of the compliance work due to duplication of work already performed and unacceptable delays to subsequent work, thus putting the ability to obligate programmed funds at risk and causing undue impact to NJARNG program and associated mission.

The New England District estimates the delays and impacts associated with openly competing a new requirement would be up to approximately 12 months, including:

- Five (5) months for soliciting and awarding a new A/E contract (EP 715-17, Appendix 7 indicates a typical duration for the solicitation and award of an A/E contract is 145 days)
- Three (3) months for the awardee to develop the necessary background and skill sets necessary to familiarize itself with the project including review of site documentation, site visits and to meet with USACE and New Jersey Guard officials.
- Four (4) months to develop safety and remedial investigation work-plans, and reassign a LSRP of record for each of the sites. The LSRP of Record to include the development of the project's close out strategy. There is a high probability that every LSRP will have a unique opinion on that strategy. It is not unconceivable that the ideas for closure could be very different, if not extremely divergent.

The New England District estimates the delays and impacts associated with utilizing an existing IDIQ through another USACE District would be up to approximately 10 months, including:

- Three (3) months for soliciting and awarding a new Task Order utilizing a existing IDIQ
- Three (3) months for the awardee to develop the necessary background and skill sets necessary to familiarize itself with the project including review of site documentation, site visits and to meet with USACE and New Jersey Guard officials.
- Four (4) months to develop safety and remedial investigation work-plans, and reassign a LSRP of record for each of the sites. The LSRP of Record to include the development of the project's close out strategy. There is a high probability that every LSRP will have a unique opinion on that strategy. It is not unconceivable that the ideas for closure could be very different, if not extremely divergent, which would result in greater duplication of effort and delay.

These two options (new solicitation and existing IDIQ) would both result in considerable delays to the schedule up to 12 months. FY15 funds are currently allocated for remediation efforts at each of the NJARNG's sites. This FY15 remedial work cannot be initiated until FY14 funded investigation work is complete. If the design cannot be awarded and completed this FY, NJARNG's mission would continue to be degraded, thus impacting their ability to remain in compliance with New Jersey Environmental Regulations and would likely subject the NJARNG to considerable fines by NJDEP.

The existing risk to human health and the environment that exist from these sites is a critical consideration. Delays to the schedule associated with openly competing this requirement or using an existing IDIQ with another contractor will allow continued risk to human health and environmental receptors. The current work is needed in order to evaluate the extent of risk to human health and the environment at each of the seven NJ Guard sites.

Impacts include:

- The schedule to complete work would be extended by up to 12 months thereby jeopardizing New Jersey Guard ability to obligate FY2015 funding in the amount of \$933,000.

- New Jersey Guard would not attain compliance with New Jersey Technical requirements for Site Remediation at N.J.A.C. 7:26E.

Although full and open competition may appear to be suitable, the delays and impacts mentioned above would cause significant additional costs. Approval of this Justification and Approval for a sole source, new stand alone 'C' contract would avoid the unacceptable delays and impacts outlined above.

6. EFFORTS TO OBTAIN COMPETITION:

As stated in paragraph 5, above, AMEC is the only responsible source to complete the remaining work that can provide the most efficient and effective approach for meeting New Jersey Guard's Mission of environmental compliance. A full and open competition for this action would introduce unacceptable delays in work. Although a secondary consideration, full and open competition would result in a substantial duplication of costs to the Government that would not be expected to be recovered through such competition.

7. ACTIONS TO INCREASE COMPETITION:

The New England District (NAE) is one of two designated HTRW Design Centers for the North Atlantic Division (NAD). NAE is also the FUDS program and project management district for NAD. NAE is tasked to provide a full range of environmental investigative, evaluation, and design services to complete assigned missions that include but are not limited to the Superfund, BRAC, and FUDS programs.

New England District is in the process of soliciting for additional HTRW AE IDIQ contracts. The contracts to be acquired are to replace five recently expired HTRW AE IDIQ contracts. The recommended approach, which is presently under headquarters review, will be to solicit eight new contracts with a total value not to exceed \$40M. These will include two unrestricted contracts at a total value of \$10M each; two Small Business Contracts at a total value of \$5M each, and up to four socioeconomic small businesses (SDVOSB, EDWOSB, and/or 8(a)) contracts, at a total value of \$2.5M each. All contracts will have a five-year ordering period. The small business considerations were based on the results of a Market Survey that were received by a Sources Sought announcement (closing date of 5 September 2014.) Of the responses received, twelve Small Business firms demonstrated the capabilities to perform the proposed work with the following small business concerns represented: three 8(a); zero HUBZone; three Service-Disabled Veteran-Owned; and six Economically Disadvantaged Women-Owned.

Solicitation is expected to be issued in second quarter of FY 15 with award anticipated in third quarter.

8. MARKET RESEARCH:

A Notice of Intent to award a sole source follow-on contract was synopsisized on December 5, 2014, and published for the required fifteen days on Federal Business Opportunities. Past history and market research indicates that there are AEs with design and construction phase services experience, but no other contractor will be able to address specific site issues and facility specifications, while also accommodating the programmatic needs of New Jersey Guard by meeting the compliance phase deadline in a timely (and cost effective) manner. This Justification

and Approval for other than full and open competition will be made publicly available on the Federal Business Opportunities website.

9. INTERESTED SOURCES:

There were no interested sources in response to the Notice of Intent.

10. OTHER FACTS:

The need for this Justification and Approval is based on the need for AMEC to perform the design services, based on the specialized experience and capability they possess. AMEC was previously awarded the original IDIQ Contract, W912WJ-11-D-0005, for AE services, Task Order 0008, specifically for compliance related clean-up support for the NJARNG.

11. TECHNICAL CERTIFICATION: Include the following statement:

I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.

NAME: James Kelly

DATE: 2/19/2015

TITLE: Engineering Tech Lead

SIGNATURE: KELLY JAMES
Digitally signed by
KELLY JAMES.A.1228596708
DN: c=US, o=U.S. Government,
ou=DoD, ou=PKI, ou=USA,
cn=KELLY JAMES.A.1228596708
Date: 2015.02.19 13:16:59 -0500
A.1228596708

12. REQUIREMENTS CERTIFICATION:

I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.

NAME: Scott E. Acone, P.E.

DATE: 20 February 2015

TITLE: Chief, Engineering/Planning Division

SIGNATURE: Scott E. Acone
Digitally signed by
MARCOUS DAVID E.1228574905
Date: 2015.02.20 12:12:31
-0500

13. FAIR AND REASONABLE COST DETERMINATION:

I hereby determine that the anticipated cost or price to the Government for this contract action will be fair and reasonable. Proposed prices will be compared to the independent government estimate that has been developed using historic costs for similar projects. Certified cost or pricing data will be requested if determined to be necessary.

NAME: Sheila M. Winston-Vincuilla

DATE: Sheila Winston Vincuilla

TITLE: Contracting Officer

SIGNATURE: 2/27/15

14. CONTRACTING OFFICER CERTIFICATION:

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

NAME: Sheila M. Winston-Vincuilla

DATE: 2/27/15

TITLE: Contracting Officer

SIGNATURE: Sheila Winston Vincuilla

APPROVAL

Based on the foregoing justification, I hereby approve the procurement of a firm fixed price, new stand alone 'C' contract with AMEC Design Venture LLC on an other than full and open competition basis pursuant to the authority of 10 U.S.C. 2304(c)(1), subject to the availability of funds, and provided the services herein described have otherwise been authorized for acquisition.

NAME: Sheila M. Winston-Vincuilla

DATE: _____

2/27/15

TITLE: Contracting Officer

SIGNATURE: _____

