



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND, MID-ATLANTIC
9742 MARYLAND AVENUE
NORFOLK, VA 23511-3095

JUSTIFICATION AND APPROVAL FOR
OTHER THAN FULL AND OPEN COMPETITION
SOLICITATION N40085-09-R-5041

PROPRIETARY PRODUCT AUTHORITY FOR
NATO PROJECT FX61,
ADDITIONS TO HEADQUARTERS (HQ), SUPREME ALLIED
COMMAND TRANSFORMATION (SACT) BUILDING,
NAVAL SUPPORT ACTIVITY, NORFOLK, VIRGINIA
K Wood Dated 8 May 2009

Recommended by Macklin Smith HBA and William Wheller Hankins and Anderson.

1. CONTRACTING ACTIVITY. This action is being taken by the Commanding Officer, NAVFAC MIDLANT, Norfolk, VA. NAVFAC MIDLANT is a component of the Naval Facilities Engineering Command.
2. DESCRIPTION OF THE ACTION BEING APPROVED. This procurement will result in a firm-fixed-price construction contract. The contract will be solicited full and open, and the Contractor will be selected via a best value source selection. This justification provides for the use of a restrictive specification to limit competition for Water Filtration Systems. The filtration systems proposed will help meet the Command requirement to reduce water running off the area of the project. It also will provide for cleaning of the water. The recommended systems are Filtera Bioretention System on drawing C-406 of the drawings and StormFilter Filtration System on drawings C-406.
3. DESCRIPTION OF SUPPLIES/SERVICES. Filtera Bioretention System on drawing C-406 of the drawings and StormFilter Filtration System on drawings C-406. These proprietary manufactured BMP systems available for removing phosphorous, nitrogen, TSS and other pollutants from the storm water runoff. Both systems have been rated by the Virginia Department of Conservation and Recreation as providing a phosphorus removal rate of 50%, and thus are capable of providing a relatively high rate of treatment.

The StormFilter system includes a series of filters that can fit within a standard large manhole, curb inlet, or concrete vault. Setting the smaller system inside the manhole works well for collecting the runoff from the roof drains while hiding the system underground. The system can be installed at any depth, so setting the stormwater discharge pipe below the footing does not prohibit the StormFilter's use. Maintenance includes replacing the filter medium between 1 and 3 years depending on the sediment loading and annual inspections of the filters.

The Filterra system includes a tree set in a concrete vault to treat the stormwater runoff and is set up to collect runoff from a parking lot similar to a curb inlet. The system can be placed anywhere in the drainage path as long as the large storms are allowed to flow past the system. The Filterra system requires the stormwater runoff to enter from the top; thus, this system cannot be used when only connected to underground piping. Semi-annual maintenance includes removing trash and excessive sediment from the top layer, replacing the upper layer of mulch and pruning the trees. The filter media and tree will need to be replaced if the tree dies and irrigation may be required if there is insufficient rain available.

4. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION. The statutory authority permitting other than full and open competition is 10 U.S.C. 2304(c)(1), as implemented by FAR 6.302-1(a)(2). Only One Responsible Source And No Other Supplies Or Services Will Satisfy Agency Requirements.
5. RATIONALE JUSTIFYING USE OF CITED STATUTORY AUTHORITY. Three competing proprietary manufactured BMP systems, StormFilter, StormTreat, and Filterra, were found that the Commonwealth of Virginia Department of Conservation and Recreation recognizes as removing 50% of the phosphorus. The other competing proprietary manufactured BMP systems include the Stormceptor, Vortechs, Downstream Defender, and Bay Saver; but these systems are only rated for removing 15% - 20% of the phosphorus. Thus, use of the second group of proprietary manufactured BMP systems would not meet the water quality requirements for this site. Non-proprietary BMP systems options are available and require collecting the storm water runoff in open basin systems. The treatment ranges from 35% phosphorus removal to 65% phosphorus removal and requires open land. Insufficient open space was available on-site to provide the minimum treatment requirements for use of a non-proprietary BMP system.

Each of the three available proprietary manufactured BMP treatment systems were considered and found to have strengths and weaknesses that limit their use. All of the systems are limited to the quantity of runoff they can treat and work most efficiently when they can collect the runoff directly from a source with a high percentage of impervious area as opposed to being placed in line on the storm sewer system.

The StormFilter system includes a series of filters that can fit within a standard large manhole, curb inlet, or concrete vault. Setting the smaller system inside the manhole works well for collecting the runoff from the roof drains while hiding the system underground. The system can be installed at any depth, so setting the stormwater discharge pipe below the footing does not prohibit the StormFilter's use. Maintenance includes replacing the filter medium between 1 and 3 years depending on the sediment loading and annual inspections of the filters.

The StormTreat system is a relatively shallow chamber (1.2 m) that includes wetland grasses and other plant to provide the treatment. The StormTreat system requires open access to the surface to allow the wetland grasses to grow, thus this system is limited in its use as the pipe depth cannot be deeper than 1 meter. Maintenance includes pumping the sediment every 3 to 5 years and annual inspections and replacement of the grit filter bag.

The Filterra system includes a tree set in a concrete vault to treat the stormwater runoff and is set up to collect runoff from a parking lot similar to a curb inlet. The system can be placed anywhere in the drainage path as long as the large storms are allowed to flow past the system. The Filterra system requires the stormwater runoff to enter from the top; thus, this system cannot be used when only connected to underground piping. Semi-annual maintenance includes removing trash and excessive sediment from the top layer, replacing the upper layer of mulch and pruning the trees. The filter media and tree will need to be replaced if the tree dies and irrigation may be required if there is insufficient rain available.

Conclusion

Based on the strengths and weaknesses of each of the available systems, the Filterra systems were chosen to be used in the parking lot because the parking lot is subject to a heavier sediment loading, the footprint of the Filterra curb system is smaller, and the trees help hide the BMP. The StormFilter system was chosen for the building discharges because the use of the standard large manhole provides greater flexibility for design. The proprietary product will be included in the construction contract specifications. The StormTreat system was determined to be unable to be used due to the limited depth of the system and the inability for the system to fit in the locations required.

5.1 DESCRIPTION OF MARKET SURVEY. The market survey included thoroughly reviewing each of the available storm water treatment systems that have been recognized by the Commonwealth of Virginia Department of Conservation and Recreation, determining their effectiveness, and determining their ability to be used in the site conditions available. The following items were considered for each available system:

1. Recognition by the Commonwealth of Virginia Department of Conservation and Recreation as a viable storm water treatment system.
2. Phosphorus Removal Rating
3. Stormwater Collection Method
4. Minimum and Maximum depth requirements
5. Area of land required for use
6. Quantity of stormwater to be treated
7. Maintenance
8. Power requirements
9. Costs (Initial and maintenance)
10. Aesthetics

Thorough comparison of each system to the restrictions noted above and in the order noted above, we were able to determine that a limited number of systems will meet the requirements. We also determined that each of the two systems selected will be limited to where they can be used on the site and cannot be interchanged.

5.2 ANY OTHER SUPPORTING FACTS. none

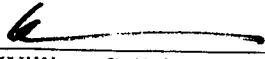
5.3 LISTING OF INTERESTED SOURCES.

1. Filterra Bioretention Systems
11352 Virginia Precast Road
Ashland, VA 23005
Toll Free Sales: 866-349-3458
Toll Free Engineering Support: 866-349-3458
Fax: 804-798-8400
2. CONTECH Construction Products Inc.
9025 Centre Pointe Drive, suite 400
West Chester, OH 45069
1-800-338-1122
513-645-7000

6. DESCRIPTION OF EFFORTS MADE TO SOLICIT OFFERS FROM AS MANY OFFERORS AS PRACTICABLE. Hankins & Anderson, Inc. researched all available stormwater treatments systems available on the market that have been approved for use by the Commonwealth of Virginia Department of Conservation and Recreation.
7. DETERMINATION OF FAIR AND REASONABLE COST. The total estimated cost of the proprietary filtering systems is \$185,000 for the Filterra system and \$66,000 for the StormFilter system.
8. ACTIONS TAKEN TO REMOVE BARRIERS TO COMPETITION. Considerations were made for each of the available systems to determine if other systems could be used while meeting the requirements of the state regulations for the site conditions available. After due consideration of the site constraints, user requirements, and state regulations, the Filterra and StormFilter systems were identified as the only reasonable systems for the specific uses identified.

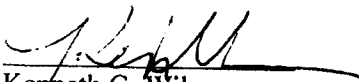
CERTIFICATIONS AND APPROVAL

TECHNICAL/REQUIREMENTS CERTIFICATION - I certify that the facts and representations under my cognizance which are included in this justification and its supporting Acquisition Plan (if applicable) and which a basis for this justification are complete and accurate. (FAR 6.303-1(b)).


William C. Wheeler, P.E., PMP
Associate, Project Manager
Hankins & Anderson, Inc.
804-285-4171

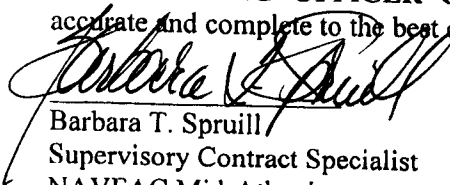
5/20/09
Date

LEGAL SUFFICIENCY REVIEW - I have determined this Justification is legally sufficient.


Kenneth G. Wilson
Legal Counsel
NAVFAC Mid-Atlantic
(757) 444-5680 ext 3279

5/21/09
Date

CONTRACTING OFFICER CERTIFICATION - I certify that this Justification is accurate and complete to the best of my knowledge and belief.


Barbara T. Spruill
Supervisory Contract Specialist
NAVFAC Mid-Atlantic
(757) 444-7083

6/2/09
Date

APPROVING OFFICIAL (NFAS 6.304)

Upon the basis of the above justification, I hereby approve, 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. 2304 (c)(1).

Date