

SOLE SOURCE JUSTIFICATION AND APPROVAL

1. IDENTIFICATION OF AGENCY AND CONTRACTING ACTIVITY:

Requiring Activity: Task Force for Business Stability Operations
Stephen Finkel, Industry Team
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Voice: 571-296-8489

Contracting Activity: Washington Headquarters Services
2521 S Clark Street, Suite 3000
Arlington, VA 22202

2. NATURE AND/OR DESCRIPTION OF THE ACTION BEING APPROVED:

This is a sole source action to award a cooperative agreement to Yasmin ARA LLC LTD to support the Department of Defense (DoD) Task Force for Business Stability Operations (TFBSO) with an estimated value of \$4,500,000.00. The place of performance is Mazar-e-Sharif, Afghanistan. This sole source cooperative agreement will allow TFBSO to continue to effectively accomplish the mission assigned to them by the Office of the Secretary of Defense.

Approval is being requested for a sole source cooperative agreement for a period of eleven months. The proposed contractor is identified below:

Yasmin ARA LLC LTD
13534 Gray Bill Court
Clifton, VA 20124
United States
(703) 628-4444
zalmi-gul@yasminarallc.com

3. A DESCRIPTION OF THE SUPPLIES or SERVICES REQUIRED TO MEET THE AGENCY'S NEED (including the estimated value):

The independent government cost estimate (IGCE) for this effort is estimated to be \$4,500,000.00. The sole source is the means to provide assistance in establishing an anchor tenant in a new industrial zone in Mazar-e-Sharif and completing site preparation and access for the entire industrial zone. Yasmin ARA LLC provide the following:

- Comprehensive Site Preparation for the 50 acre anchor tenant site
- Minimal Site Preparation for the 150 remaining acres of the industrial site

The planned anchor tenant will be a glass factory with the expected benefits to include promoting the development of the domestic natural gas industry, promoting the development of

the domestic mining industry, generating income to GIRoA through business taxes, gas purchases, and royalties on raw material mined, creating 300 direct jobs plus indirect jobs, promoting regional stability by creating employment opportunities, promoting region investment by establishing an anchor tenant for a new industrial zone, and reducing dependence on foreign imports of glass from Iraq, China, and Pakistan.

4. IDENTIFICATION OF STATUTORY AUTHORITY:

This acquisition is conducted under the authority of 10 U.S.C. 2304(c)(1) or 41 U.S.C. 253(c)(1), as implemented by FAR Part 6.302-1, as there is only one responsible source and no other supplies or services will satisfy agency requirements.

5. DEMONSTRATION OF CONTRACTOR'S UNIQUE QUALIFICATIONS FOR NATURE OF ACQUISITION:

Yasmin ARA LLC holds exclusive rights to the mining of dolomite, limestone, and silica in mines located near the proposed 50 acre Industrial Zone and no other company will have the legal rights to mine in this area. Since dolomite, limestone, and silica are all required in the manufacturing of flat-glass, Yasmin ARA is the only company that can fulfill the need for a flat-glass manufacturing facility in Mazar-e-Sharif. There are also very few glass manufacturing experts in the world with knowledge of the float-glass process, and Yasmin ARA LLC already has an agreement with two of these experts to assist in the establishment of their manufacturing facility. The combination of glass manufacturing expertise and experience in heavy civil construction in Afghanistan make them the only source available in Afghanistan with the capability to perform site preparation for this project.

Yasmin ARA LLC also maintains exclusive land rights use agreements with the Government of the Islamic Republic of Afghanistan (GIRoA) for the 50 acre site and therefore is the sole company capable of performing the site preparation on the 50 acres. TFBSO also has rights to use the 150 acres to assist in developing the Industrial Zone, and TFBSO does not have similar rights in other areas. The 200 acres are also optimally located for TFBSO since it strategically close to the Yasmin ARA LLC mines and it is located near the TFBSO Gas-to-Mazar facility which will be able to provide power to numerous future business in the Industrial Zone. Since the 50 acre comprehensive site preparation accounts for approximately \$4M of the \$4.5M project, or approximately 89%, it is logical for Yasmin ARA LLC to perform the remaining limited site preparation for the additional 150 acres in the industrial zone as it will not be cost or time effective to hire a second company to do the additional work at under \$500,000.

6. A DESCRIPTION OF EFFORTS MADE TO ENSURE THAT OFFERS ARE SOLICITED FROM AS MANY POTENTIAL SOURCES AS IS PRACTICABLE, INCLUDING WHETHER A NOTICE WAS OR WILL BE PUBLICIZED AS REQUIRED BY SUBPART 5.2 AND, IF NOT, WHICH EXCEPTION UNDER 5.202 APPLIES.:

The Cooperative Agreement will be synopsisized in accordance with FAR 5.202.

7. A DETERMINATION BY THE CONTRACTING OFFICER THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE:

The contracting officer will make a separate determination as to the fairness and reasonableness of the price. Pricing information is available through the market research conducted by the TFBSO. Pricing for similar efforts, extensive market research has been performed for similar commercial services, and historical trends of the prior contracts have been analyzed to develop an accurate Government estimate.

8. A DESCRIPTION OF MARKET RESEARCH CONDUCTED AND THE RESULT OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED:

Construction-site preparation for a glass manufacturing facility requires expertise specific to the glass manufacturing industry in order to optimize the site for glass manufacturing. Site contouring, the location of roads, parking areas walkways, utilities distribution systems and raw-material storage areas, all depend on the design of the buildings themselves and the plan for flow of raw materials and finished goods. There is no manufacturer of flat glass currently operating Afghanistan as confirmed by two years of on-site work in Afghanistan, multiple discussions with numerous Afghanistan Government Ministries, discussions with USAID and the US State Department, discussions with foreign glass manufacturing companies, and internet research.

Based on all of the market research performed, there is only one potential supplier with the expertise required, which is the company planning to build the glass manufacturing plant which this project supports. This supplier is Jade Glass division of Yasmin ARA. This supplier has provided construction cost estimates based on their conceptual design and determined by their previous experience performing site preparation and construction in Afghanistan. Detailed construction and site preparation designs will not be available until after the project is funded, and because the detailed designs for the glass factory construction will be required prior to the initiation and completion of the site preparation, only Jade Glass can be qualified to perform the work. Due to lack of qualified competition and the fact that only a glass manufacturing company with site preparation capabilities can perform the work of site preparation for a glass manufacturing facility, competitive bidding is not possible at this stage of the project.

Despite this limitation, cost estimates provided by Jade Glass have been reviewed by the Project Manager, an experienced Manufacturing Engineer with construction experience, and by two experienced Construction Engineers employed by the Task Force with experience managing site preparation and construction in Afghanistan.

There is only one supplier with Glass Manufacturing expertise in Afghanistan, Jade Glass division of Yasmin ARA. Based on review of the cost estimates provided by this supplier, the TFBSO project Manager and Construction Engineers find these estimates to be at or below typical cost for this type and scope of work in Afghanistan. It should be noted that these estimates are based on cost to the supplier, and the government is receiving the benefit that no general contracting fee are being added to the fees paid by the supplier to subcontractors.

9. REQUIRING OFFICE CERTIFICATION:

I certify that the supporting data, which forms the basis of this Sole Source Justification, are accurate and complete to the best of my knowledge and belief.

Robert Johns
Program Manager, TFBSO

Date

10. CONTRACTING OFFICER CERTIFICATION:

In accordance with 6.302-1(b)(1)(I), I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.

Kellie Buck
Contracting Officer

Date

11. LEGAL REVIEW

Legal Counsel Review & Concurrence

Date

12. Competition Advocate Review

Mr. Richard Selby
WHS/AD Competition Advocate

Date