



**Limited Sources Justification
ICE Charter Flight Services
FAR 8.405-6(a)(1)(i)(A) & 8.405-6(c)**

1. Agency and Contracting Activity:

U.S. Immigration and Customs Enforcement (ICE), Office of Acquisition Management (OAQ)

2. Nature/Description of Action:

a. Acquisition Purpose and Objectives

The purpose of this acquisition is to provide for an extension of the period of performance on Task Order HSCECR-14-F-00007 for a period of four months and three one-month option periods, to be exercised if necessary. The government previously extended the period of performance for the task order on November 28, 2017. The government has awarded a new task order that replaces this task order. However, the small business status of the awardee was protested with the U.S. Small Business Administration (SBA) and two unsuccessful offerors have filed protests with the U.S. Government Accountability Office (GAO). Because the protests were filed within ten days of the award, the government stayed performance on the new task pursuant to the Competition in Contracting Act pending final decisions on the protests. This extension was and is necessary in order to maintain mission critical services for the Agency.

b. Project Background

The task order is for charter flight services and provides for reliable, safe, and secure mass air transportation for alien nationals placed in federal custody. In response to orders from immigration law judges, ICE's Enforcement and Removal Operations Division (ERO) procures both domestic flights to stage for removal flights, as well as international flights to the Caribbean, Central/South America, Africa/Middle East, and the Far East for the return of alien nationals to their home countries. These air charter services are being performed out of Alexandria, Louisiana by CSI Aviation, Inc. (CSI).

The current task order, HSCECR-14-F-00007, was competitively awarded to CSI against their GSA contract, GS-33F-0025V on March 27, 2014. The total value and periods of performance for the task order prior to the recent extension was:

Task Order #:	Period of Performance:	Total Value:
HSCECR-14-F-00007	04/02/2014 - 11/30/2017	\$97,200,736.55

3. Description of Supplies/Services Required and Estimated Value:

Under this action, ICE has acquired up to seven additional months of air transportation services as described in the section (a.) above. The purpose of this extension is to allow the Agency to continue to fulfill its mission while the SBA and GAO protests are being resolved. The extension shall be for a four month base and three, one-month option periods as set forth below:

Base Period:	12/01/2017 – 03/31/2018
Option Month 1:	04/01/2018 – 04/30/2018
Option Month 2:	05/01/2018 – 05/31/2018
Option Month 3:	06/01/2018 – 06/30/2018

The total estimated value, if all options are exercised, is \$19,553,830.00.

The full period of performance of this task order with this added extension will not exceed the five year maximum period of performance for service contracts (FAR 17.204(e)).

4. Authority and Supporting Rational:

a. Acquisition Authority:

This acquisition is conducted under the authority of FAR 8.405-6(a)(1)(i)(A), which states that the government may limit sources where, “An urgent and compelling need exists, and following the procedures would result in unacceptable delays.”

b. Supporting Rational:

This acquisition is supported under the authority of FAR 8.405-6(a)(1)(i)(A) for the following reasons:

- The Government competitively awarded a task order to replace the services required under this task order. Because the Government’s award was protested within ten days of award notification, performance of the new task order was stayed in accordance with FAR 33.104(c)(1). Because the task order expires on November 30, 2017 and there are no further options for extension available, the government has negotiated a short-term extension with the incumbent CSI to continue performance of services.
- Awarding an urgent and compelling extension to CSI in order to continue the services it has already been performing is the most economical and efficient way for the Government to meet its operational need during the pendency of the protests before SBA and GAO.
- These removal operations are critical to the Agency’s mission and cannot be halted or disrupted in any significant manner. For continuity of services, there will be no change in the nature or the scope of services currently being provided.

- The purpose of the short-term extension is not to grant one vendor a non-competitive extension but to maintain mission critical services while the government addresses the protests of its competitively awarded task order.

5. Contracting Officer Best Value Determination (FAR 8.404(d)):

The contracting officer has determined that the proposed task order represents the best value consistent with FAR 8.404(d). The proposed task order award represents the greatest overall benefit to the government, considering price and administrative costs, for the following reasons:

- 1) GSA has already determined that the fixed hourly rates for services under GSA schedule 599-4 & 599-5 contract GS-33F-0025V (the applicable schedule contract) are fair and reasonable;
- 2) CSI quoted rates are in accordance with its GSA contract rates and include a modest increase from rates already being charged to the government; and
- 3) Sole source extension for this task order is expected to result in the lowest overall cost to the government considering the costs of conducting a competitive acquisition for only four months (up to seven in all options are exercised) of services.

6. Market Research:

Market research was not necessary for this extension. ICE already performed extensive market research as part of the acquisition planning process for its competitively awarded task order that has been protested.

7. Additional Facts Supporting Justification:

None.

8. Actions Taken to Overcome Barriers that Led to Restricted Consideration:

The government has re-competed the work performed on this task order under FAR 8.4. There were multiple offerors competing for the work and the competition requirements of the FAR are satisfied. The award of this short-term extension is only to allow the government time to address protests of its award and will not result in any additional barriers to competition in the future.

9. Certifications:

Contracting Officer:

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



Ben Shih, Contracting Officer
Office of Acquisition Management

12/6/17

Date


Reviewed:



Broderick Morris, Section Chief
Office of Acquisition Management

11/20/17

Date



Albert Dainton
Deputy Chief Acquisition Officer
Office of Acquisition Management

12/4/17

Date

Approval:



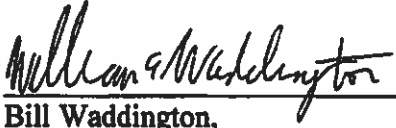
Bill Weinberg
Chief Acquisition Officer
Office of Acquisition Management

11 DEC 2017

Date

Technical Personnel:

This justification is certified as complete and accurate by the technical or requirements personnel.



Bill Waddington,
Management and Program Analyst
ICE Air Operations

12/08/17
Date