

**LIMITED SOURCES JUSTIFICATION**  
41 U.S.C. 3102 et seq. and 40 U.S.C. 501  
**Enforcement and Removals Office (ERO) Support Services**

Pursuant to the requirements of 41 U.S.C. 3102 et seq. and 40 U.S.C. 501, Services for Executive Agencies as implemented by Federal Acquisition Regulation (FAR) Subpart 8.4, and in accordance with the requirements of FAR Subsection 8.405-6, the justification for the use of the statutory authority under FAR Subpart 8.4 is justified by the following facts and rationale required under FAR Paragraph 8.405-6(a)(1)(i)(B).

**(1) Agency and Contracting Activity**

The U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Office of Acquisition Management (OAQ) proposes to extend a current order pursuant to FAR 8.405-6(a), Limiting Sources, for Enforcement and Removal Operations (ERO) Support Services.

**(2) Nature and/or Description of the Action Being Approved**

ICE Enforcement and Removals Operations (ERO) intends to limit the number of sources solicited to extend the current BPA Call Order HSCEMS-15-F-00032 with Capgemini Government Solutions, LLC, 1900 Campus Commons Drive, Reston, VA 20191 for **46** full-time equivalents (FTEs) to provide programmatic support within various ERO offices. at an estimated cost of [REDACTED]. The current contract value is [REDACTED] and the total contract value after adding [REDACTED] will be [REDACTED]. Fiscal Year 2018 funds will be used.

**Type of Contract** - A contract modification will be issued to extend the current Labor Hour BPA Call Order HSCEMS-15-F-00032 to Capgemini under the provisions of the Business and Program Solutions for Law Enforcement (BAPSLE) Blanket Purchase Agreement (BPA) number HSCEDM-14-A-00005, and GSA Schedule contract number GS-10F-0037N.

**Period of Performance (POP)** - The POP for this BPA Call extension shall be five (5) months in total from March 16, 2018 through August 15, 2018.

**(3) Description of the Supplies/Services**

Enforcement & Removal Operations (ERO) requires Planning and Detention Management efforts. Such services include:

- Providing advisory and support services to the ERO ground transportation activities to include contract optimization, ground route optimization, replacing short haul flights with ground transportation, and daily operational requests for analysis;
- Maintaining the capacity forecasting and planning “Bed Space Model Overview”;
- Using forecasting data from internal and external apprehending entities, length of stay statistics, case types, and nationality data to continue to develop bed-space capacity forecast requirements for the future;

- Maintaining and enhancing the detention facility database to assist ERO in validating decisions regarding capacity expansion;
- Assisting in the automation of the detention facility review process to include the development of tracking reports that detail conditions of confinement and deficiencies at ICE detention facilities that could impact expansion capabilities based upon planned forecast projections;
- Conducting training workshops on Performance Based National Detention Standards 2011 (PBNDS 2011) or National Detention Standards (NDS) and provide guidance;
- Conducting pre-occupancy facility inspections.

The BPA Call extension will provide critical support for the following ERO programs:

<b>ERO Office</b>	<b>Position Description</b>	<b>FTEs</b>
<i>Capacity Forecasting and Planning Support</i>	(2) Manager 2 (2) Senior Consultant 3 (1) Senior Consultant 2 (3) Consultant 2	8
<i>Detention Management Support</i>	(2) Manager 2 (3) Manager 1 (2) Consultant 3 (1) Consultant 2	8
<i>Incident and Special Response Unit (ISRU) Support</i>	(1) Senior Consultant 1	1
<i>ERO Front Office (Executive Communications) Support</i>	(2) Manager 3 (4) SMS 1	6
<i>ERO Juvenile and Family Residential Management Unit (JFRMU) Support</i>	(3) Senior Consultant 2 (1) Consultant 2	4
<i>ERO Alternatives to Detention Unit (ATD) Support</i>	(1) Senior Consultant 2 (2) Consultant 2	3
<i>ERO Custody Programs Division (CPD) Support</i>	(1) Manager 2 (1) Manager 1 (4) Senior Consultant 2 (1) Consultant 3 (2) Consultant 2 (3) SMS 1	12
<i>ICE Office of Detention Policy and Planning (ODPP) Support</i>	(1) Manager 2 (1) Consultant 3	2
<i>Office of Diversity and Civil Rights (ODCR)</i>	(2) Consultant 2	2

Award	Period of Performance	Amount
Base	05/16/2015-04/15/2016	██████████
Option Year 1	04/16/2016-04/15/2017	██████████
Six (6)-Month Extension -52.217-8	04/16/2017-10/15/2017	██████████
BPA Call Five (5)-Month Extension	10/16/2017-03/15/2018	██████████
BPA Call Five (5)-Month Extension	03/15/2018-08/15/2018	██████████
Total Contract Value		██████████

The total value of the extension to the Call Order is ██████████.

**(4) Authority and Supporting Rationale.**

**A) Identification of Statutory Authority Permitting Other Than Full and Open Competition**

8.405-6(a)(1)(i)(B) Only one source is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized.

The statutory authority permitting other than full and competition is 41 U.S.C. 3102 et seq. and 40 U.S.C. 501, Services for Executive Agencies implemented by FAR Subpart 8.405-6 entitled “Limited Sources.”

**B) Demonstration that the Contractor’s Unique Qualification or the Nature of the Acquisition Requires the Use of the Authority Cited.**

The current BPA Call Order HSCEMS-15-F-00032 was awarded in April 2015 with a period of performance from May 16, 2015 through April 15, 2017. In accordance with FAR 52.217-8, ICE exercised a six (6) month extension to this Call Order in April 2017, extending the period of performance from April 16, 2017 through October 15, 2017.

In January 2017, ICE ERO implemented a project to fully assess operations and to design an organization capable of meeting future demands. Due to this project’s assessment of ERO operations, organizational structure and workforce changes could have resulted that directly impact the need for Contractor provided services within the various offices of ERO HQ, whether through the elimination/restructuring of offices or through elimination of Contractor provided support roles themselves. For this reason, delaying any re-procurement efforts and exercising the FAR 52.217-8 option to extend the services under HSCEMS-15-F-00032 until an assessment was made on the long term ERO organizational structure was determined to be in the Government’s best interest. ERO completed the project in mid-2017 and made a determination on its requirements for contractor provided services. As a result, ICE entered into a short-term limited sources extension to the current BPA Call Order HSCEMS-15-F-00032 with Capgemini

through March 15, 2018 in order to conduct a re-competition and allow for a possible 45-day transition period.

A Request for Quote (RFQ) was issued on January 19, 2018 to all BAPSLE BPA Holders to award a new task order before March 15, 2018. The RFQ was cancelled since ERO determined additional charges were needed to the requirement. Despite reasonable efforts to keep the procurement process on schedule in order to meet the March 15, 2018 full performance target date, additional time is still required to finalize the requirement. Extensive coordination has been required at various levels within ERO, and as a result of the ICE ERO project findings, OAQ requires additional time to finalize procurement details for the new RFQ to award a new task order.

During this procurement process finalization, Capgemini is the only source that can provide vital support services for this short-term extension. Awarding to a new Contractor would require significant time to on-board, vet and clear any new staff through the Office of Professional Responsibility Personnel Security Unit (OPR-PSU). Preliminary fitness determinations generally take 45-60 days for new Contractor staff, and might possibly require more time than the length of this short term extension. Capgemini currently possesses trained and cleared staff with the expertise required to conduct forecast planning that results in optimized capacity utilization. Specifically, Capgemini currently provides all the planning and management support tools, labor, and materials necessary to assist in effective capacity forecasting, and reporting of current and future detention capacity requirements. In addition, a disruption of services could result in the ERO program not having the personnel and support available to respond to emergency situations, and daily planning functions would be jeopardized.

In the event the current task order was not extended, ERO will fail to effectively gather and analyze critical data from EARM, EADM, and other ICE data systems and disseminate population data and field office daily detention reports. These reports provide vital information used by ERO, both HQs and the field, to make critical decisions regarding detention operations (inclusive of bed-space forecasting) and other high-profile policies such as segregation and sexual assault. The contract also supports other key business processes such as detention facility compliance inspections and alternatives to detention. Without these reports and process support, ERO faces a risk of making uninformed decisions and developing a backlog of key business processes within ERO. Additionally, ERO would not have sufficient resources to support the ERO Executive Associate Director's office in managing and monitoring ERO-related inquiries, information requests, media, and other communications topics of executive importance. ERO would be unnecessarily putting at risk the analysis and provision of critical data and reports which communicate ERO operations, trends, and performance metrics to Congress, the Department, White House, Non-governmental Organizations, and other external stakeholders.

**(5) A determination by the ordering activity contracting officer that the order represents the best value consistent with 8.404(d).**

The rates for this five (5) month extension will remain the same as the rates under the previous five (5) month extension exercised under FAR 8.405-6(a)(1)(i)(B). The CO performed price analysis against the Capgemini BAPSLE and GSA schedule pricing and also reviewed other GSA schedules for similar services against Capgemini's and found the Capgemini pricing remains fair and reasonable.

**(6) Description of Market Research**

Market Research is required in accordance with FAR Part 10. ERO conducted market research by considering internal department-wide contract vehicles and Federal Supply Schedules on GSA in early 2015 on the initial award of HSCEMS-15-F-00032. Additionally, market research was conducted under the original BAPSLE BPA that was awarded on July 24, 2014 to the nine (9) BAPSLE vendors.

**(7) Any Other Facts Supporting the Use of Other than Full and Open Competition**

The Office of the Chief Financial Officer assigned its Balance Workforce Strategy (BWS) to closely scrutinize the recommendations for changes in the ICE ERO overall business structure made as result of the ICE ERO Project to adequately verify that the services required are not inherently government functions. As ICE ERO relies on Contractor provided support services within various offices at ERO HQ, the program is embarking on an agency wide effort to meet with the ERO offices impacted by this requirement to revise the services and tasks for the future re-compete. Additional time was therefore required in order to properly determine ICE's long term needs for the Contractor provided support services. Additionally, these support services to the various program offices within ICE ERO are integral to the daily operations and the agency cannot afford any gap in service. Therefore, Capgemini is the only responsible source and no other service providers can satisfy agency requirement for this short-term extension.

**(8) A Statement of the Actions, if Any, the Agency May Take to Remove or Overcome Any Barriers to Competition Before Any Subsequent Acquisition for Supplies or Services Required.**

IAW FAR 8.405-6(a)(1)(i)(B): Only one source is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized.

**(9) Certifications**

I certify that the facts and representations under my cognizance, which are included in this justification, meet the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

**Requirements/Technical Personnel:**

[Redacted Signature]

[Redacted Signature]

[Redacted Name]

Date

Technical Representative

**Contracting Officer:**

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

[Redacted Signature]

[Redacted Signature]

[Redacted Name]

Date

Contracting Officer

**Section Chief:**

[Redacted Signature]

[Redacted Signature]

[Redacted Name]

Date

Section Chief

**Concurrence:**

**ICE Competition Advocate**

I concur with this justification.

[Redacted Signature]

[Redacted Signature]

[Redacted Name]

Date

ICE Competition Advocate