

Office of Acquisition Management

Limited-Sources Justification For Orders or BPAs Exceeding the Simplified Acquisition Threshold

The justification for the use of the statutory authority under FAR Subpart 8.405-6 Limited Sources is based on the following facts and rationale required under FAR Subpart 8.405-6(c) as follows:

1. Agency and Contracting Activity

The U.S. Department of Homeland Security (DHS), Immigration & Customs Enforcement (ICE), Office of Acquisition Management (OAQ), proposes to issue a task order against GSA Contract Number GS-07F-0313N for a four (4) month base period and four (4) 1-month option periods for a total of eight (8) months on a Limited Sources basis.

2. Nature and/or Description of the Action Being Approved

DHS, ICE, Enforcement and Removal Operations (ERO) proposes to issue a task order to Spectrum Security Services, Inc. on a limited sources basis for guard and transportation services. The contracting activity is OAQ, Detention, Compliance, and Removal (DCR)-Laguna. The base period of performance of the task order will be for 120 Days from April 12, 2018 to August 11, 2018 with four (4) 1-month option periods. The estimated amount for the base period and four (4) 1-month option periods extension is \$20,483,834.00.

3. Description of Supplies/Services

The requirement is to provide security for detainees at local hospitals and other sites, to provide general support as required during the housing and removal process of detainees, and to pick-up and safely transport detainees within the Los Angeles and San Diego AORs to and from service processing centers, detention facilities, Ports of Entry/Exit, release locations, airports, jails, prisons, courthouses, juvenile centers, hospitals and other points as needed to fulfill the mission.

4. Identification of Statutory Authority Permitting Other Than Full and Open Competition

The statutory authority permitting the use of Limited Sources is 41 U.S.C. §§ 3102 et seq.; 40 U.S.C. § 501, Services for Executive Agencies, and FAR 8.405-6(a)(1)(i)(A), an urgent and compelling need exists, and following the procedures would result in unacceptable delays.

5. Demonstration that the Contractor's Unique Qualifications or the Nature of the Acquisition Requires the Use of the Authority Cited

Blanket Purchase Agreement (BPA) no. 70CDCR18A00000003 was competitively awarded under the authority of the Multiple Award Schedule Program to Spectrum Security Services, Inc. on March 27, 2018 with a start date of April 1, 2018. Two (2) task orders were issued against the BPA to provide Guard and Transportation Services throughout the Los Angeles and San Diego Areas of Responsibility (AOR). However, stop-work orders were issued for the BPA and both task orders on April 12, 2018 because G4S Secure Solutions (USA) Inc. filed a protest with the U.S. Government Accountability Office (GAO) on April 9, 2018. However, the guard and

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transportation services provided by Spectrum are still required and considered mission critical.

Therefore, it has been determined to be in the best interest of the Government to issue a task order with a period of performance of one (1) base period for four (4) months and four (4) – 1-month option periods to allow Spectrum Security Services, Inc. to continue to provide guard and transportation services pending resolution of the protest.

Spectrum Security Services, Inc. is currently providing the services required at the level of quality required. As the incumbent, Spectrum Security Services has the intrinsic knowledge of procedures and processes for providing guard and transportation services and the most recent Performance Based National Detention Standards (PBNDS) 2011. Transportation of ICE detainees is unique in that they are not considered to be inmates or prisoners, but they do require a level of security not found in commercial transportation. Security requirements outlined in the PBNDS must be strictly adhered to, so familiarity with the procedures and processes is mandatory.

Additionally, the contractor has on-board the resources necessary to accommodate the volume of detainees requiring transportation and detention. Contractor employees have already received the mandatory background checks, clearances, and extensive training necessary to perform the required services in accordance with PBNDS and at the level of quality required.

Any other vendor would be required to hire manpower in the numbers required to provide the service, and obtain background checks, clearances and training for each employee. This is a time-consuming and costly process for a four-month period. It would be virtually impossible for any other vendor to hire personnel and have them cleared and trained within the timeframe necessary to ensure there is no disruption to services. The cost to the government and the disruption to the mission caused by transitioning to another contractor on a short-term basis is not economically justifiable. It is much more efficient and there is no disruption of the mission by issuing a short-term task order until the protest is resolved.

The Competition in Contract Act (CICA), 31 U.S.C § 3553, prohibits a contract award in any procurement after the Federal agency has received notice of a protest with respect to such procurement from the Comptroller General and while the protest is pending. ICE determined that it would not seek to override the CICA stay of award, but because of its need for continuous and uninterrupted guard and transportation services, ICE would instead issue a short-term (120-day) bridge task order to provide contract coverage during the pendency of the protest. The protest bridge task order to Spectrum Security Services, Inc. is the best available reasonable alternative to acquiring the required services until the protest is resolved. The 120-day period of performance will enable continuous performance of guard and transportation services until the protest is resolved.

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6. Efforts to Obtain Competition

No efforts were undertaken to obtain competition as this task order is required to maintain continuity of services until the protest is resolved.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government Will be Fair and Reasonable

The Contracting Officer has determined that the price for the task order will be fair and reasonable as the pricing will be in accordance with Spectrum's GSA Schedule pricing which has already been determined to be fair and reasonable.

There have been no changes in the market which would indicate a lower cost would be achievable.

8. Description of Market Research

Market Research was conducted and determined that there are vendors available for competitive purposes. However, it would not be feasible or cost effective for a new vendor to hire sufficient personnel, obtain required security clearances and background checks, and provide mandatory training within the required timeframe and at the level of quality required.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition

N/A

10. A Listing of the Sources, if any, that Expressed in Writing an Interest in the Acquisition

None.

11. 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

No barriers to competition are anticipated. The award was competitively awarded to Spectrum Security Services, Inc. However, the BPA was protested.

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12. 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:



Daniel A. Pomplun, COR Los Angeles Field Office

4/12/18
Date



Perry E. Weidman, COR San Diego Field Office

4/12/18
Date

Contracting Officer:

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



Bethany Stutler
Contracting Officer

4/12/18
Date

13. Approval

It is determined that the basis for the use of limited sources is justified.



Albert Dainton
Acting OAQ HCA
Office of Acquisition Management

4/12/18
Date