

OFFICE OF ACQUISITION MANAGEMENT
Justification For Other Than Full And Open Competition
41 U.S.C. 3304

J&A-19-0029

Pursuant to the requirements of the Competition in Contracting Act (CICA) as implemented by the Federal Acquisition Regulation (FAR) in accordance with the requirements of FAR 6.303-1. The justification for the use of the statutory authority under FAR Subpart 6.3 is based on the following facts and rationale required under FAR 6.303-2 as follows:

1. Agency and Contracting Activity

The U.S. Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) Denver Field Office and the Office of Acquisition Management (OAQ) Detention, Compliance and Removals Division (DCR) proposes to extend Contract HSCEDM-11-D-00003 on a basis of other than full and open competition.

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

(a) Type of action: Extension of Firm Fixed Price (FFP) Indefinite Delivery Indefinite Quantity (IDIQ) Surge Contract Line Item Number (CLIN) under Contract HSCEDM-11-D-00003

(b) Amount of Current J&A (b)(4) (Funds will be obligated under Task Orders)

(c) Brief Description: OAQ has a requirement to continue, on a sole source basis, surge support for detention and transportation services at the Aurora Contract Detention Facility (CDF) in Aurora, Colorado.

The current contractor for these services is the following:

The GEO Group, Inc.
4955 Technology Way
Boca Raton, Florida 33431

3. Description of Supplies/Services

The GEO Group Inc. (GEO) was awarded contract HSCEDM-11-D-00003 to provide detention services at the Aurora CDF on September 15, 2011. The contract Period of Performance expires on September 16, 2021. The Government has a need to extend a surge contract line item for an additional twelve (12) months to house up to 432 additional ICE detainees due to the surge of illegal aliens crossing the Southwest border. The surge CLIN currently expires on April 20, 2019 and will be extended from April 21, 2019 through April 20, 2020. The total value of the contract will increase from (b)(4) (b)(4) to \$320,271,488.47. These services are required to ensure the uninterrupted continuity of detention services that facilitate the ERO mission. The estimated value of this action is (b)(4)

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

The statutory authority permitting other than full and open competition is 41 U.S.C. § 3304 (a)(1), as implemented by FAR Subpart 6.302-1, Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.

5. Demonstration that the nature of the acquisition requires use of the authority cited.

GEO provides full time detention and transportation services at the Aurora Contract Detention Facility (CDF) in Aurora, Colorado for ICE detainees. Services include detention management, custodial supervision, case management, transfers to various areas of responsibility, foreign removals, premium medical care, onsite hearings and asylum services. Services are provided in compliance with the ICE 2011 Performance Based National Detention Standards (PBNDS 2011), American Correctional Association (ACA) Standards for Adult Local Detention Facilities (ALDF), Standards for Health Services in Jails, National Commission on Correctional Health Care (NCCHC), and other state and local laws on firearms.

GEO is currently the only source readily available that possess the requisite qualified facility and personnel that can provide detention, care, and removal services for approximately 432 ICE detainees within the Denver Area of Responsibility (AOR) in accordance with ICE standards. Delaying this extension would require ICE to relocate detainees to other AORs, some with serious medical conditions. Approval of the proposed extension ensures the uninterrupted continuity of services by allowing ICE to continue to detain, care for, and remove aliens within the Denver AOR.

6. Description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.

County jails in the Denver AOR and industry service providers were contacted to gauge interest and availability from the market place; however, no interested party other than GEO was found that could provide services for 432 detainees at this time.

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 anticipated price will be fair and reasonable as the extension is based on historical and current pricing data. The Department of Labor Wage Determination (WD) will be incorporated as it covers the majority of the work performed under the contract.

OFFICE OF ACQUISITION MANAGEMENT
Justification For Other Than Full And Open Competition
41 U.S.C. 3304

J&A-19-0029

8. Description of Market Research

The Denver Field Office solicited several private industry providers as well as the county jails that currently hold ICE detainees; however, GEO was the only vendor identified that could meet this immediate requirement.

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

None.

10. A Listing of the Sources, if any, that expressed in writing an Interest in the Acquisition

GEO is the only source that expressed an interest in performing this immediate requirement.

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

For future requirements of this type, ICE will once again conduct extensive market research to identify multiple sources for this requirement.

12. DHS intends to post the requirement pursuant to 6.305(a).

OFFICE OF ACQUISITION MANAGEMENT
Justification For Other Than Full And Open Competition
41 U.S.C. 3304

J&A-19-0029

13. Contracting Officer's Certification.

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.

(b)(6); (b)(7)(C)

Contracting Officer

(b)(6); (b)(7)(C)

4/12/19
Date

14. Technical/Requirements Personnel Certification.

I certify this requirement meets the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

(b)(6); (b)(7)(C)

Technical Representative/COR

(b)(6); (b)(7)(C)

4/12/19
Date

15. Approval.

(b)(6); (b)(7)(C)

Deputy Head of Contracting Activity
ICE Competition Advocate

4/12/2019
Date

(b)(6); (b)(7)(C)

Head of Contracting Activity

4/12/19
Date



Document Routing Form

1 Date: 4/4/2019 Purpose: Congressional DHS Routine FYI SharePoint Tracking No:

From: (b)(6); Office: OAQ Telephone No: 313-446-(b)(6); Room No:

Subject Title: Justification For Other Than Full and Open Competition -- Extension of the 432 Surge Beds at the Aurora CDF
#19-19-0029

Comments: Approval of the JOFOC Document to extend use of the surge beds at the Aurora facility.

2 Required Concurrences Before Routing to the Office of the Director

Name	Extension	Office	Action Requested	Initial	Date	Comments
OAQ, Contract Specialist	(b)(6); (b)(7)(C)	OAQ-CS	<input type="checkbox"/> Concur <input checked="" type="checkbox"/> Sign	(b)(6); (b)(7)(C)	4/4/19	
OAQ, Contracting Officer		OAQ-CO	<input type="checkbox"/> Concur <input checked="" type="checkbox"/> Sign		4/12/19	
OAQ, Section Chief		OAQ-Section Chief	<input type="checkbox"/> Concur <input checked="" type="checkbox"/> Sign		4/12/19	(b)(6); (b)(7)(C)
QAD, Proc. Analyst		QAD Policy Review	<input type="checkbox"/> Concur <input checked="" type="checkbox"/> Sign			
SB Specialist (b)(6);		OAQ-Policy	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
OPLA		ICE-OPLA	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
(b)(6); (b)(7)(C)		OAQ-CoS	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
		OAQ-DHCA	<input type="checkbox"/> Concur <input checked="" type="checkbox"/> Sign	(b)(6); (b)(7)(C)	4/12/19	
		OAQ-HCA	<input type="checkbox"/> Concur <input checked="" type="checkbox"/> Sign		4/12/19	

3 Office of the Director Concurrences

Name	Action Requested	Initial	Date	Comments
ICE Director's Office				
ICE Management and Administration				
Special Assistant (b)(6);	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
Special Assistant (b)(6);	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
DCoS for DD (b)(6);	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
DCoS for DD (b)(6);	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
DCoS for DD (b)(6);	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
CoS for DD (b)(6); (b)(7)(C)	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
Senior Advisor Jon Feere	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
Deputy Chief of Staff (b)(6); (b)(7)(C)	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
Chief of Staff Thomas Blank	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
SOPD Deputy Director Peter Edge	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			
SOPD Director Thomas Homan	<input type="checkbox"/> Concur <input type="checkbox"/> Sign			