

**Justification for Exception to Fair Opportunity
Exceeding the SAT pursuant to FAR 16.505(b)(2)(ii)(B)**

JEFO No.: FY16-0173

Date: April 8, 2016

PR Number(s): CISOIT16473

1. Agency and Contracting Activity.

The Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) Office of Contracting prepared this Justification for an exception to fair opportunity to procure Secure Enterprise Technology Infrastructure (SETI) services on behalf of the USCIS Office of Information Technology (OIT).

2. Nature and/or description of the action being approved

The USCIS Office of Contracting intends to extend, via a modification, the SETI task order HSSCCG-15-J-00123, issued under contract HSHQDC-14-D-E2024 on the Enterprise Acquisition Gateway for Leading Edge Solutions (EAGLE) II to Science Applications International Corporation (SAIC), without considering other EAGLE II awardees pursuant to FAR 16.505(b)(2)(ii)(B). This justification is needed to allow for continued performance by the incumbent contractor through August 1, 2016, to allow for the competitive award to, and transition-in of, the successor contractor.

3. A description of the supplies or services required to meet the agency's need (including the estimated value).

The services required include professional Information Technology (IT) technical and program management support services. The contractor will coordinate, direct, and oversee the design, development, integration, computer security accreditation and certification, computer security training, and operation of the USCIS enterprise-wide IT Infrastructure. The contractor support being acquired provides reliable operations, engineering, implementation and project management support services to the USCIS enterprise infrastructure components including networks, servers, voice, video, datacenter class platforms, and the storage area network. Additionally, these services support active directory, exchange, smart phones, data and voice circuits, blackberry components, security assurance requirements and authority to operate, as well as, processes, procedures and policies that enable USCIS to meet mission deliverables and goals.

The Period of Performance (PoP) of the extension is anticipated to be three months. As a logical continuity to the current task order, the first two months will be an extension to the current Option 3. Currently, the PoP for Option 3 is 4/2/16 – 5/1/16. If the task order is extension request is approved, the PoP for Option 3 will be 4/2/16 – 7/1/16. Option 4 will be an additional one-month option to be exercised only as needed.

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| Ext. of Option 3 5/2/16 – 7/1/16 | Option 4 7/2/16 – 8/1/16 | Total POP 5/2/16 – 8/1/16 |
|-------------------------------------|-----------------------------|------------------------------|
| | | Total Estimated Value |
| | | |

4. Identify the exception to fair opportunity and supporting rationale, including a demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the exception cited.

 x FAR 16.505(b)(2)(i)(B). Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized.

Rationale:

This justification is prepared to obtain approval pursuant to FAR 16.505(b)(2)(i)(B), to extend the services that are currently being performed on the SETI task order for the period of May 2, 2016 to August 1, 2016. This three month extension will allow time to: 1) complete the acquisition for the Support for Platform Engineering and DevOps Integration (SPEDI) requirement, which is the replacement for the SETI requirement; 2) complete the Entry on Duty (EOD) process for the new contractor, if necessary; and 3) transition from SETI to SPEDI.

The original JEFO for task order HSSCCG-15-J-00123, JEFO #FY15-0431, requested an extension through January 1, 2016, to complete the award of SPEDI and the transition-in period since the goal of the Contracting Officer (CO), at that time, was to make an award without discussions. After evaluations were completed, the CO determined it was in the Government's best interest to hold discussions, and so JEFO #FY16-0036 was approved to extend the task order through May 1, 2016. Discussions were held with the most highly rated offerors on December 14, 2015. Final Proposal Revisions (FPRs) were received on January 5, 2016, the Technical Evaluation Committee (TEC) and Business Evaluation Committee (BEC) completed reviews of the FPRs and submitted revised reports to the Source Selection Authority (SSA), and the award was planned for February 28, 2016. During this time period, the CO, [REDACTED] separated from USCIS, and a new CO, [REDACTED] was assigned to the SPEDI requirement. This change affected the timeframe for this requirement. Currently, the file is with the new CO undergoing contract award review. Based on these delays, this request is necessary. Option 4 is included to account for: 1) any slippages in the award due to the highly complex nature of this acquisition, and 2) USCIS' EOD process, which is historically longer than 30 days if initial package submissions require any additional information. A notice to proceed cannot be issued for the new task order until a program-determined sufficient number of EODs have been approved. (That actual number will be determined once an awardee is selected based on its particular staffing and transition plans). It is anticipated that the notice to proceed will be issued during Option 4 in July, 2016.

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Only the incumbent contractor, SAIC, has the capability to continue performance of this requirement at the level of quality required since it has been doing the work continuously since 2010. Only SAIC, that currently supports USCIS OIT, possesses the required Information Technology skills, cleared staffing, recruitment capabilities, and operational readiness to continue to support this requirement during the requested extension without disruption and a detrimental impact to USCIS. No other contractor has the knowledge and infrastructure in place to support this requirement for the three-month extension period requested.

5. Determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.

The CO has determined that the anticipated cost to the Government will be fair and reasonable based on acquisition history. There is substantial historical information available from the current and previous task orders to ensure that the correct level of resources is proposed. Additionally, the CO will review, where possible, task orders of similar services and will apply price analysis techniques, described at FAR 15.404-1, to help reach a determination that the proposed prices are fair and reasonable. Because fair and reasonable hourly rates are already established for EAGLE II, any needed price analysis will likely be limited to an analysis of the labor categories and number of labor hours needed to perform the work.

6. Any other facts supporting the justification.

It should be noted that the acquisition that will replace the current SETI task order is not a true "replacement," but has actually evolved into a much more robust acquisition to fit the information technology needs of USCIS both now, and for the foreseeable future. Moreover, the new requirement entails and incorporates a change in OIT's approach from Waterfall to Agile methodologies. As USCIS has already redefined the requirement to promote competition, it would not make sense to do two simultaneous competitions, particularly when one would be for a requirement that will soon be superseded. There is high interest among IT contractors for the new, more robust acquisition. Qualified (EAGLE II) offerors have submitted proposals, a competitive range has been established, discussions have been held with those offerors who submitted the most highly rated proposals, and FPRs have been received for the four year SPEDI acquisition. Award is planned for June, 2016.

7. A statement of the actions, if any, the agency may take to remove or overcome any barriers that led to the exception to fair opportunity before any subsequent acquisition for the supplies or services is made.

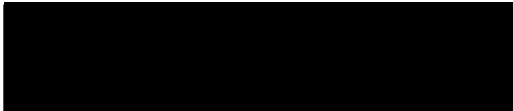
The Agency will overcome barriers that led to this Exception to Fair Opportunity with the competitively awarded SPEDI acquisition.

8. DHS intends to post this requirement on FedBizOpps pursuant to FAR 16.505(b)(2)(ii)(D).

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9. Technical/Requirements Personnel Certification.

Pursuant to FAR 16.505(b)(2)(ii)(B)(9), I certify that this requirement meets the Government's minimum need and that the supporting data, which form a basis for the justification, are accurate and complete.

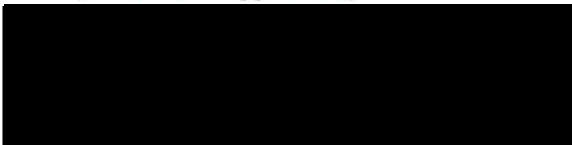


4-20-2016
Date

Technical Representative/COR

10. Contracting Officer Certification and Approval

Pursuant to FAR 16.505(b)(2)(ii)(B)(8), I certify that this justification is accurate and complete to the best of my knowledge and belief and hereby determine that the circumstances for an exception to fair opportunity exist:



APR 20 2016
Date

Contracting Officer

11. Approval.

Pursuant to FAR 16.505(b)(2)(ii)(B)(10), I hereby determine that the circumstances for an exception to fair opportunity exist. I certify the circumstances in FAR 16.505(b)(2)(i)(B) apply to the order so an exception to the fair opportunity exists.



4/21/16
Date

Head of Contracting Activity