

Justification and Approval (J&A)  
FOR OTHER THAN FULL AND OPEN COMPETITION  
Requirements Exceeding \$550,000 (IAW FAR 6.304)

**1. Contracting Activity.**

Regional Contracting Office (RCO) Guantanamo Bay (GTMO), Cuba.

**2. Description of Action.**

Request approval to exercise FAR Clause 52.217-8, Option to Extend Services, under Contract W91WRZ-09-D-0001 for Operations Security (OPSEC) and detainee educational services. The period of performance will be six months from 14 March 2013 to 15 September 2013. The estimated value of the six-month extension is [REDACTED]

**3. Description of Services.**

The referenced contract provides non-personal services to the Commander, United States Southern Command, Commander, Joint Task Force, Guantanamo Bay, Cuba, (JTF-GTMO) Plans and Operations (J3) and the JTF-GTMO Joint Detention Group (JDG). The contractor provides all personnel, management, supervision, transportation services, and other services (except where specified) in performance of this requirement for OPSEC and JDG detainee educational services. Detainee educational services include library operations, literary, art, as well as other courses such as life skills.

**4. Authority Cited.**

10 USC 2304(c) (1), as implemented by FAR 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.

**5. Reason for Authority Cited.**

Although FAR Clause 52.217-8, Option to Extend Services, was included in the contract when it was awarded, the value of the option was not included in the price evaluation conducted prior to contract award. A U.S. Government Accountability Office (GAO) ruling dated 14 September 2009 concluded that if the value of the option under FAR Clause 52.217-8 was not included in the price evaluation, approval of a J&A is required before the option under FAR Clause 52.217-8 can be exercised.

Exercising the option clause stated above will provide continued contractual coverage for the aforementioned services in support of the JTF-GTMO J3 and JDG directorates while new follow-on contracts are competed. On 5 November 2012, the JTF-GTMO Deputy Commander, BG James Lettko, decided that the J3 and JDG requirements will be procured under two (2) separate contracts for OPSEC services and detainee educational services respectively. This decision has increased the procurement lead time, thus, the need for the requested six-month extension of the current contract. If the current contract is not extended, the JTF-GTMO mission will be severely affected in a negative way by the consequent break in service that will occur until the new contracts are awarded. The estimated award date for the follow on contracts is on or about July 2013.

As it pertains to J3, if the current contract is not extended causing a break in service, then the JTF-GTMO will lose its OPSEC manager and his backup. In other words, the JTF-GTMO will not have an OPSEC program for 120+ days until the new contract is awarded.

Regarding the detainee educational services, the Geneva conventions require that detainees are provided with adequate mental stimulation to maintaining them in a good state of mental health.

For official use only.

SOURCE SELECTION INFORMATION - SEE FAR 3.104

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Thus, a break in service for this contract will result in non-compliance with the Geneva conventions and may result in an adverse finding by the International Committee of the Red Cross (ICRC). The ICRC regularly inspects the living conditions and detainee treatment at the JTF-GTMO camp(s) to ensure compliance with the terms and conditions agreed upon in the Geneva conventions.

Competing the requirement for a six-month period is not advantageous, nor is it feasible for the following reasons:

- a. **Additional Costs.** Assuming a new contractor is awarded a six-month contract. The cost of de-mobilizing current contractor personnel and their families is estimated at \$300,000. It would cost another \$600,000 to mobilize and de-mobilize new personnel for a six-month period. Thus, the estimated mobilization costs alone would be nearly \$1.0M for six months. If we add the estimated cost of the actual services [REDACTED] the estimated cost of a six-month contract awarded to a company other than the incumbent will cost an estimated [REDACTED] or about [REDACTED] percent more than if the current contract is extended.
- b. **Time constraints.** Assuming a new contractor is awarded a six-month contract. It takes between sixty and ninety days to complete in-processing of new personnel. To allow adequate time for in-processing, a new six-month contract would have to be in place by 15 January 2013. Less than sixty days is not enough time to adequately compete a new contract when considering that during the upcoming holiday season many federal government employees are required to take their use-or-lose leave. The resources to expedite a new contract may not be available during the holiday season.

Extending the current contract fulfills the need for the continuation of critical services at a price that has already been determined to be fair and reasonable.

**6. Actions to Increase Competition:** The follow-on contracts are in the process of being re-competed on a full and open competition basis.

**7. Market Research:** Market research was conducted for the follow-on contracts. A sources sought notice was posted on the Army Single Face to Industry and Federal Business Opportunities websites on 10 September 2012. The following five (5) companies responded:

Global Dimensions  
Chris Newton 410-908-6548  
President/CEO  
[cnewton@globaldlc.com](mailto:cnewton@globaldlc.com)

KMS Solutions, LLC  
Robert W. Turner 703-823-8405  
Vice President, Business Development  
[rwtturner@kmssol.com](mailto:rwtturner@kmssol.com)

MVM, Inc.  
Hilary Rice 571-223-4630  
[ricep@mvminc.com](mailto:ricep@mvminc.com)

DELTEK Insight

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Kevin Andrews 571-306-5626  
Associate Research Analyst  
[kevinandrews@deltek.com](mailto:kevinandrews@deltek.com)

Centurion Research Solutions, LLC  
Mark Ellsbury 703-956-6528  
Defense Research Manager  
[markellsbury@4centurion.com](mailto:markellsbury@4centurion.com)

**8. Procurement History.**

The current contract, W91WRZ-09-D-0001, awarded on 15 March 2009 for a one-year base period and two one-year option periods is currently on the last option period. This contract was issued as a result of a full and open competitive acquisition.

**9. Technical/Requirements Personnel's Certification.**

As evidenced by their signatures on the J&A signature page, the technical and/or requirements personnel have certified that any supporting data contained herein which is their responsibility is both accurate and complete (FAR 6.303-2(c)).

I certify that the supporting data under my cognizance which is included in the justification are accurate and complete to the best of my knowledge and belief.

Typed Name: Salicrup, Cesar CPT USSOUTHCOM JTFGTMO

Position Title: JTF-GTMO Detainee Program OIC

Signature: 

Date: 21 NOV 2012

**10. Fair and Reasonable Costs.**

The modification for the contract extension will use the same prices as those of the current option and will multiply these prices by the number of months (6). The prices for the current option were determined fair and reasonable at the time of award. Therefore, since the same prices will be used for the six-month extension, the prices for the contract extension have been determined fair and reasonable.

Typed Name: Lourdes Schroeder

Position Title: Contract Specialist

Signature: 


Date: 14 Nov 2012

**11. Contracting Officer's Certification.**

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I hereby certify that this justification is accurate and complete to the best of my knowledge and belief. Based on the foregoing, I approve this sole source justification subject to availability of funds, and provided that the services herein described have otherwise been authorized for acquisition.

Typed Name: Paula Claudio  
Position Title: Contracting Officer

Signature:   
Date: 14 Nov 2012

12. Legal Review.


Approve     Disapprove

Typed Name: ~~Robb Jefferson~~ CPT C. M. Scroggins

Position Title: Legal Counsel  
Signature:   
Date: 11/27/2012

13. Approval.

Based on the foregoing justification, I hereby approve the procurement of (state equipment/services being procured) on an other than full and open competition basis pursuant to the authority of 10 U.S.C.2304(c)(insert authority), subject to availability of funds, and provided that the services and property herein described have otherwise been authorized for acquisition.

Signature:   
MANUEL F. SAENZ  
Deputy Principal Assistant Responsible for Contracting  
410<sup>th</sup> Contracting Support Brigade  
Date: 30 Nov 2012