

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

National Preparedness Directorate, National Exercise Division (NED)
PrepToolkit

JEFO No.: 21-095

Date: August 16, 2021

PR Number: WX03671Y2021T

1. Agency and Contracting Activity

The Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Preparedness Directorate (NPD), National Exercise Division (NED), prepared this Justification for an Exception to Fair Opportunity.

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

FEMA intends to award an interim task order without considering other awardees under contract number HHSN316201200059W with Cambridge International Systems, Inc. pursuant to FAR 16.505(b)(2)(ii)(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. The interim task order is to continue design, development, implementation, integration, operations, and maintenance of its Universal Reporting Tool (URT), Preparedness Toolkit (PrepToolkit) System and it's transition to NPD's Joint OneResponder PrepToolkit contract anticipated to be awarded by May of 2022.

3. A description of the supplies or services required to meet the agency's need.

NED requires technical and management services to support the contract transition and continued design, development, implementation, integration, operations, and maintenance of its Universal Reporting Tool (URT), Preparedness Toolkit (PrepToolkit) System. The PrepToolkit provides an online platform that supports implementation of NPS through web-based tools to emergency and disaster preparedness professionals to improve our Nation's preparedness. It supports the following goals of the NPD:

1. Design, develop, and deploy a unified, public-facing web-based system that supports all six phases of the National Preparedness System (NPS)
2. Streamline and integrate IT infrastructure within NPD to achieve greater efficiency and security
3. Operate and maintain PrepToolkit in support of all six phases of the NP
4. Increase decision-making effectiveness by supporting more comprehensive analyses of preparedness data in support of the National Preparedness Goal (NPG) and the NPS.

The total estimated value of the task order is \$3,605,571.64.

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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.

_____ FAR 16.505(b)(2)(i)(A). The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays.

 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.

_____ FAR 16.505(b)(2)(i)(C). The order must be issue on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order.

_____ FAR 16.505(b)(2)(i)(D). It is necessary to place an order to satisfy a minimum guarantee.

_____ FAR 16.505(b)(2)(i)(E). For orders exceeding the simplified acquisition threshold, a statute expressly authorizes or requires that the purchase be made from a specified source.

Rationale:

NPD is currently integrating several technology systems including the PrepToolkit (PTK) to support a mutual aide, resource typing, and the overall National Qualification System (NQS). As the incumbent, Cambridge shall ensure continuity of services until the Joint OneResponder PrepToolkit contract is awarded and will facilitate the transition to the awardee.

The scope of the PTK requirement is incorporated into NPD's Joint OneResponder PrepToolkit requirement which is estimated to be awarded by May of 2022. Currently, the support services for the OneResponder Network and the PrepToolkit are provided by two different contractors under two separate contracts. Since the NPD is integrating their systems into one,, it was determined it would be cost beneficial to the government to combine the technical and management support of them into one solicitation.

The program estimates the transition period to the new Joint OneResponder PrepToolkit awardee will be two months. Therefore, the program requires an interim task order with a total period of performance of nine (9) months to ensure continuity of services and transition to the new Joint OneResponder PrepToolkit contract awardee.

FAR clause 52.217-8 Option to Extend Services has already been exercised to the fullest extent possible on the current task order, HSHQDC-13-D-E2030 GS, HSFE30-16-J-0641. As the period of performance of the task order expires on September 29, 2021, there is insufficient time
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remaining on the current task order to award the new contract and transition the requirement to the awardee.

Additionally, should this Justification of Exception to Fair Opportunity (JEFO) not be approved, the government will incur additional risks and costs due to performing two (2) six (2) month transitions in a nine (9) month period.

5. Determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.

The Contracting Officer determines that the anticipated price (s) will be fair and reasonable base on comparison of the incumbent's DHS's IDIQ HSHQDC-13-D-E2030 and CIO-SP3 to each other and the Independent Government Cost Estimate in accordance to FAR 15.404-1(b)(2)(v)

6. Any other facts supporting the justification.

Should this JEFO not be approved, there is insufficient time remaining on the current task order's period of performance for the incumbent to transition the scope of work to a new contractor. FAR clause 52.237-3 Continuity of Services cannot provide the time required to complete the transition out on the current task order.

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.

8. DHS intends to post this requirement on SAM 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.

Timothy Harris III
Technical Representative/COR

August 18, 2021
Date

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:

Marianne McCallum
Contracting Officer

Date

11. Approval.

Tyuana Bailey
Component Competition Advocate

Date