

Justification for Exception to Fair Opportunity  
(Less than SAT pursuant to FAR 16.505(b)(2)(ii)(A))

**1. Agency and Contracting Activity.** The Department of Homeland Security, United States Coast Guard (USCG), Civil Engineering Unit Juneau prepared this justification for an exception to fair opportunity.

**2. Nature and/or description of the action being approved.** USCG intends to award a task/delivery order to ECH Architects without considering other awardees under a new contract pursuant to FAR 16.505(b)(2)(ii)(A).

**3. Acronyms and Definitions.**

1. **USCG:** United States Coast Guard.
2. **CEUJ:** USCG Civil Engineering Unit Juneau.
3. **IDIQ:** Indefinite Delivery Indefinite Quantity
4. **CCSS:** Construction Contract Support Services
5. **FSS:** Field Support Services

**4. Description of Supplies/Services.** The A/E contractor (ECH Architects) will:

- Provide CCSS and FSS when awarded for the following three construction projects:
  - Construction Contract 1 (CC1): Kodiak Repair Utilities and Paving on Storis N27 to 518 (FY19) (PN 10884578). CC1 will be awarded in FY21 and constructed in FY22.
  - Construction Contract 2 (CC2): Kodiak CPOP Repair Utilities and Repave Storis Drive – Buildings 518 to 549 (PN 616817). CC2 will be awarded in FY22 and constructed in FY23.
  - Construction Contract 3 (CC3): Kodiak Repair Utilities Repave Storis Drive – Bldg 549 to Fuel Pier (PN 616821). CC2 will be awarded in FY23 and constructed in FY24.
- These CCSS and FSS services shall include but are not limited to shop drawing submittal review, technical support to answer RFIs and DCRs, assisting the Government in preparation of contract modifications, site visits during construction and final inspection, and preparation of final CAD as-builts from contractor provided redlines.

CCSS and FSS services for CC1 will be the base award; CCSS and FSS services for CC2 and CC3 will be options to be awarded approximately 365 days after the base award.

The independent government estimate for this work is   for each of the three construction contracts).

**5. Justification for Exception to Fair Opportunity.**

           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.

\_\_\_\_\_ 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.

X FAR 16.505(b)(2)(i)(C). The order must be issued 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:** In the interest of economy and efficiency, this work is considered logical follow-on work to Project No. 2166998 – Replace Storrs Waterline AE Design (Task Order HSCG-17-J-PJT876), which was awarded to ECH Architects on 09/29/2017 in the amount of [REDACTED]. The original award to ECH Architects was competed against a Regional, Multiple Award IDIQ contract. That task award document indicates bid option prices for providing CCSS and FSS for the three subsequent construction projects. At the time of the task award the intent was to award these options as construction of the first project approached. However, due to delays during the design and permitting process, the task's period of performance lapsed before the options were awarded. Therefore, a new task is required. Because ECH completed the design and permitting for all three construction projects, they are best suited to provide the expertise required to perform CCSS and FSS on the construction projects.

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

The contracting officer anticipates the cost to the government for this work will be fair and reasonable. This is based on the fact that:

1. Hourly rates for various labor categories are already established in the contractor's IDIQ contract;
2. The level of effort is reasonably predictable based on the same/similar work the contractor has performed in the recent past;
3. CEUJ has an established relationship with this contractor and has successfully negotiated reasonable prices on numerous projects;
4. The estimator of the IGE for this project has a history of developing very reliable estimates for similar A/E work.

**7. Demonstration that the Nature of the Acquisition Requires Use of the Authority Cited.**

Under Project No. 2166998, ECH Architects developed the design documents and permits required to execute the three construction projects. Satisfactory performance of CCSS and FSS

will require intimate knowledge of the project design and permitting. Therefore, in the interest of efficiency and economy, ECH Architects is the logical choice to perform this follow on work.

If the J&A is not approved, CEUJ anticipates that a 3<sup>rd</sup> party would likely be awarded a contract to perform CCSS and FSS. Because the design development and permitting of the three construction projects was complex, we anticipate that a 3<sup>rd</sup> party would require an inordinate amount of time, effort, and cost to become familiar enough with the documents to be able to perform CCSS and FSS satisfactorily.

**8. Posting of this requirement on Contract Opportunities**

Not applicable

**9. If applicable – A Listing of the Sources, if any that Expressed, in Writing, an Interest in the Acquisition.**

Not applicable.

**10. 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.**

As was originally intended when Project No. 2166998 was awarded, CCSS and FSS services are typically awarded to the design firm responsible for completing design analyses and preparation of construction and permitting documents. For the reasons explained elsewhere in this document, CEUJ will continue the practice of awarding CCSS and FSS to the responsible design firm in the future.

**11. 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.

[Redacted Signature]

Name : [Redacted]  
Contracting Officer

10/27/2021

Date

**12. Technical/Requirements Personnel Certification.**

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

[Redacted Signature]

Name

Date

Technical Representative/COR

**APPROVAL:**

*Final approver if total estimated value does not exceed \$750K and  
Signature still required here if total estimated value exceeds \$750K:*

[REDACTED]

Contracting Officer

10/27/2021  
Date