

**JUSTIFICATION REVIEW DOCUMENT**  
**FAR SUBPART 13.5 SIMPLIFIED PROCEDURES FOR CERTAIN COMMERCIAL**  
**ITEMS – SOLE SOURCE JUSTIFICATION AND APPROVAL**

**Program/Equipment:** : The 66th Military Intelligence (MI) Brigade has a requirement to provide 24/7 uniformed security guard services at the DAGGER Facility in Darmstadt, Germany.

**Authority:** Simplified Procedures for Certain Commercial Items, 41 U.S.C. 1901 as implemented by FAR Subpart 13.5.

**Amount:** \$1,065,941.45

**Prepared by:**

[REDACTED]

**Contracting Officer:**

[REDACTED]

**Technical:**

[REDACTED]

**Requirements:**

[REDACTED]

**Reviews:** I have reviewed this justification and find it adequate to support sole source.

**Program Manager:**

[REDACTED]

**Signature:**

[REDACTED]

**Legal Counsel:**



Signature:

**FAR Subpart 13.5 Simplified Procedures for Certain Commercial Items – Sole Source  
Justification and Approval**

**1. Contracting Activity:** The 409<sup>th</sup> Contracting Support Brigade / Theater Contracting Command.

**2. Description of Action:** The 66<sup>th</sup> MI requests a three (3) month bridge, with two (1) month options, for the continuation of services provided under Contract# W564KV-18-C-2002, which is due to expire on 27 March 2021. The contractor for this requirement is Triple Canopy, Inc., located at 12018 Sunrise Valley Dr., Suite 140, 20191-3444 Reston, VA. The Government projects the contract extension to be awarded no later than 27 March 2021 utilizing FY21 Operation and Maintenance (O&M) Army funds. [REDACTED]

This procurement does not require an acquisition plan because it does not meet the threshold at Defense Federal Acquisition Regulation Supplement 207.103(d)(i)(B).

**3. Description of Supplies/Services:** This requirement is for the award of a non-personal services Firm Fixed Price (FFP) Bridge for Security Guard Services at the Dagger Facility located in Darmstadt, Germany. This action shall include (i) static installation access control, (ii) static perimeter security, (iii) roving security patrols, (iv) intrusion detection system monitoring to include an Electronic Surveillance System, and (v) valid security related functions associated with the protection of U.S. materials, property, and personnel.

The services shall be conducted in strict compliance with the current twelve (12) month extension (#W564KV-18-C-2002 P00005), awarded to Triple Canopy Inc. on 25 March 2020 with a period of performance of 28 March 2020 through 27 March 2021. As a result, there will be no new work or deviation from the current service in the anticipated bridge. The period of performance and the estimated pricing for the bridge shall consist of the following:

Period of Performance:

Base Period: 28 March 2021 to 27 June 2021

Option Period 1: 28 June 2021 to 27 July 2021

Option Period 2: 28 July 2021 to 27 August 2021

Total Value: \$1,065,941.45 based on current year pricing

**4. Authority Cited:** Simplified Procedures for Certain Commercial Items, 41 U.S.C. 1901 as implemented by FAR Subpart 13.5:

- ☐ Unusual and compelling urgency
- ☐ Exclusive licensing agreements
- ☐ Industrial mobilization
- ☒ Other: Only one responsible source and no other services will satisfy agency requirements.

**5. Reason for Authority Cited:**

a) Sole Source Solution

Given the scope of this effort and the ongoing requirement for Dagger Guard services, the incumbent contractor, Triple Canopy Inc., is the only source that is able to meet the Government's requirement on short notice with no phase-in without causing an unacceptable delay in fulfilling the agency's requirements. [REDACTED]

On 13 November 2019, the contracting office began conducting market research in order to identify and develop the best acquisition approach for the recompetes of the Dagger guards requirement. [REDACTED]

The resultant changes required substantial changes to the procurement documents and added additional reviews and approves.

In order to facilitate this acquisition, a twelve (12) month bridge was necessary and expedited on [REDACTED]. This sole source extension was necessary to allow for adequate time to work with the requiring activities to revise the PWS and to align it with industry practices to increase competition. The extension was also necessary to allow the Government an opportunity to host an industry day, publicize a synopsis, and publicize a solicitation to maximize competition.

However, while the bridge contract was estimated to provide sufficient time to award the follow-on contract, it could not be anticipated at the time that this process would be hindered by

additional delays, shutdowns and shifts in workload due to the continued effects of COVID-19. Consequently, the Government was unable to achieve the acquisition milestones that it established at the time of the original bridge contract. The Government was able to synopsise and solicit the SFGS requirement, but was unable to host an industry day due to COVID-19 safety concerns.

There were also unforeseen delays that were not anticipated when the twelve (12) month bridge was determined such as (i) the lasting effect that COVID-19 would have throughout the entire period of performance of the bridge contract, (ii) Restriction of Movement (quarantine), (iii) illnesses and (iv) changes to the workplace requiring telework, all of which impacted the ability for a timely award of the SFGS contract.

[REDACTED] This later

[REDACTED] Although other contractors may have the ability to perform the required guard service, a 60-day phase-in period to switch to another contractor during the COVID-19 pandemic would result in a gap in service which would lead to mission failure of the Dagger facility. As Triple Canopy, Inc. is currently providing Dagger guard services, they are the only responsible source to ensure a timely continuance of this service. As a result, an additional three (3) month bridge is required to continue guard services for the Dagger site with the option for two additional one (1) month options to cover any additional delays that COVID-19 may cause to the award process.

In order to mitigate any future risks to the Government or mission due to COVID-19 or the risks associated with the recompetes, to include staffing, logistics and the phase-in/phase-out periods, two 1 month options have been incorporated into the bridge. The goal of these options are to allow time to rectify any possible problems and facilitate the smooth entry/exit of the incumbent/awardee respectively. Additionally, these options will also help to mitigate any new COVID 19 restrictions, requirements or testing placed on travel into Germany or lockdowns imposed by the German government.

b) Alternatives:

- i. Suspend Services: Dagger Guards are contractually obligated until 27 March 2021. Denying the request to sole source these services for three (3) months respectively will [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Given the above reasons, any break or delay in guard services [REDACTED]

[REDACTED]

ii. Use of in-house civilian or military personnel:

[REDACTED]

- iii. Awarding a new competitive contract for three (3) months: This alternative is also not feasible due to the time constraints of a competitive action. A competitive contract for three months could require up to 90 days under the current Army PALT goals. Additionally, once awarded the new contractor could require a minimum of 60 days for phase-in activities as confirmed in the most recent market research. Indeed, while the Government does not believe that a shorter phase-in could reasonably occur given the required clearances and pandemic restrictions on movement, even assuming for the sake of argument that a contractor could phase-in in 30 days, a competitive bridge contract would still result in a break in security services at the Dagger facility. As a result, a competitive bridge contract award can not occur in a timely manner in order to ensure the mission essential continuity of services, which would greatly impede the accomplishment of 66th MI's mission. Moreover, the results of a sources sought posted on beta.SAM.gov had one contractor that expressed interest. However, the risk associated with switching contractors at this point is not possible given the need for a phase-in and the risks entailed by such a transition on such an expedited and constrained schedule. The anticipated award date for the recompet is 29 April 2021.

**6. Efforts to Obtain Competition:** The Contracting Officer published the notices required by FAR 5.201. A sources sought notice was posted on beta.SAM.gov on 2 February 2021 with a closing date of 9 February 2021 to seek sources capable of performing the service.

[REDACTED]

**7. Actions to Increase Competition:** The SFGS requirement was solicited with full and open competition by posting a Request for Proposal (RFP) to the GPE from 3 December 2020 through 28 January 2021.

[REDACTED]

This will provide the Offerors with the necessary tools to have a thorough understanding of the requirements to develop a strong proposal maximizing competition. No further actions will be taken to increase competition as the Dagger guard requirement has already been competed through solicitation W564KV21R0022 for SFGS guards services.

**8. Market Research:** In accordance with the Army Federal Acquisition Regulation Supplement (AFARS) 5153.303-5(8), market research was conducted within the previous twelve months that is considered to be reasonable, meaningful and that demonstrated an attempt to discover all possible and capable sources. The research has revealed that there are at least [REDACTED] capable sources. This research also consists of previous contracts and the review of other acquisitions for guard services providing the same or similar services within Germany. The companies listed below were found to be capable of performing the requirement, but because of the time pressure and the risk of the break security services described above, none of these firms, other than the incumbent (Triple Canopy Inc.) is capable of performing the bridge contract contemplated by this justification:

	Company	Cage	Location	Entity	Capability/Experience
1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

**9. Interested Sources:** A Sources Sought notice was posted on beta.SAM.gov for this short-term requirement and only one company expressed interest.

	Company	Cage	Location	Entity	Capability/Experience
1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED] However, due to the short time-frame to conduct a full and open solicitation, to include a source selection process followed by staffing of the contract by the awardee, it has been determined that there would be a break in service due to the short time to find qualified employees to staff the contract as well as delays due to COVID-19. Based on the nature of this requirement and the need for trained staff, the inability to obtain qualified people on such short notice could result in a potential and costly risk to the Government and to the security of the site.

#### 10. Other Facts:

##### a. Procurement History

(1) Contract: W564KV-18-C-2002  
Initial Period of Performance: 30 March 2018 – 27 March 2020  
Structure: 12-month base period with one 12-month option period  
Contract Type: Firm Fixed Price  
Source Selection Process: Best Value – Trade Off  
Competition: Full and Open

- i) Bridge Period of Performance: 28 March 2020 to 27 March 2021  
Structure: 12-month base period  
Contract Type: Firm Fixed Price  
Competition: Only one responsible source

The extension of W564KV-18-C-2002 was necessary to provide sufficient time to award the follow-on contract, it could not be anticipated at the time of award that this bridge would be hindered by additional delays, shutdowns and shifts in workload due to the continued effects of COVID-19. The Government was able to achieve the goals set for establishing the bridge contract by synposing and soliciting the SFGS requirement, but was unable to host an industry day due to COVID-19 safety concerns.

(2) Contract: W564KV-12-C-0058  
Period of Performance: 30 September 2012 – 29 March 2018  
Structure: one year base period, four- one year option periods, and inclusion of FAR 52.217-8 – Option to Extend Services (6 months)  
Contract Type: Firm Fixed Price  
Source Selection Process: Lowest Price Technically Acceptable (LPTA)  
Competition: Full and Open

The re-compete for this requirement was recently solicited on beta.SAM.gov beginning 3 December 2020 though 28 Jan 2021 under the following criteria:

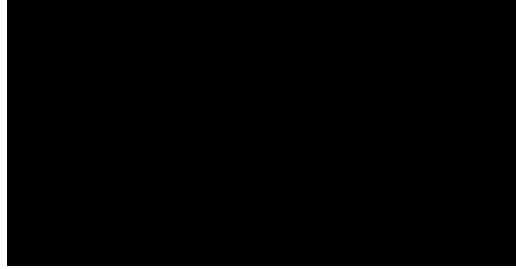
Solicitation: W564KV-21-R-0022 Secured Facility Guard Services  
Period of Performance: 28 March 2021 – 27 March 2026  
Structure: One year base period, four – one year option periods.  
Contract Type: Firm Fixed Price  
Acquisition Strategy: FAR 15 Best Value Trade Off  
Estimated Award Date: 29 April 2021

**11. Technical Certification:** I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.

Typed Name: [REDACTED]  
[REDACTED]

eDate:  
Signature:





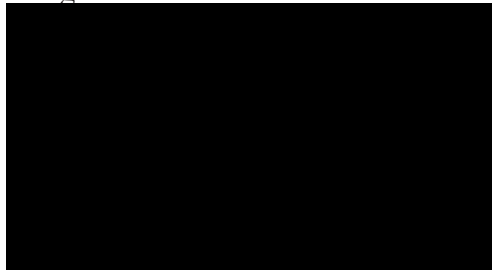
**12. Requirements Certification:** I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.

Typed Name:



Date:

Signature:



**13. Fair and Reasonable Cost Determination:** I hereby determine that the anticipated cost or price to the Government for this contract action will be fair and reasonable. [REDACTED]

[REDACTED] For this reason, I determine the prices associated with this bridge action are fair and reasonable.

Obtaining certified cost or pricing is not required since the Dagger guard services are being acquired commercially (refer to “exceptions to certified cost or pricing data requirements” at FAR 15.403-1(b)(3)).

This determination will be made using the following: ☐ price analysis ☐ cost analysis  
☒ IGCE ☐ audit: ☒ other: Pricing evaluated at the time of award and consistent with the current bridge action for this requirement.

Typed Name: [REDACTED]  
Title: [REDACTED]

Date:  
Signature:

[REDACTED]

**14. Contracting Officer Certification:** I certify that this justification is accurate and complete to the best of my knowledge and belief.

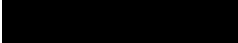
Typed Name: [REDACTED]  
Title: [REDACTED]

Date:  
Signature:

[REDACTED]

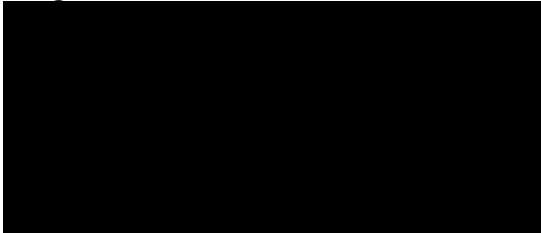
**Approval**

Based on the foregoing justification, I hereby approve the extension to the contract for security support at the Dagger facility on a sole source basis pursuant to the authority of the Simplified Procedures for Certain Commercial Items, 41 U.S.C. 1901 as implemented by FAR Subpart 13.5, subject to availability of funds, and provided that the services or supplies herein described have otherwise been authorized for acquisition.

  
409th CSB Command Advocate for Competition

Date:

Signature:



Approval Levels	
Dollar Value of Document	Approval Authority
SAT - \$750,000	Contracting Officer*
\$750,001 - \$15,000,000	Special Advocate for Competition