



**JUSTIFICATION FOR EXCEPTION TO FAIR OPPORTUNITY  
EXCEEDING SAT: FAR 16.505(b)(2)(ii)(B)**

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**J&A-23-0053**

**1. Agency and Contracting Activity.**

The Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Office of Acquisition Management (OAQ), prepared this justification for an exception to fair opportunity on behalf of the Office of the Chief Financial Officer (OCFO).

**2. Nature and/or description of the item/service being procured and anticipated cost:**

(a) Type of action: Firm Fixed Price Task Order

(b) Amount the current J&A is justifying: \$867,964.68

(c) Brief Description: OAQ intends to procure, on a sole source basis, Budgetary, Executive and Program Support Services. The vendor listed below is the only company that can provide these services.

Deloitte Consulting LLP  
Suite 1919, North Lynn Street  
Arlington, VA 22209-1742

**3. Description of Supplies/Services.**

OCFO has a need to continue the Budgetary, Executive and Program Support Services provided under Contract HSCEMS-17-F-00052, which expires on March 22, 2023. The current vendor assisted ICE produce robust modeling and analytics that informs the Budget Director of potential macroeconomic and geopolitical factors driving the annual budget. For example, the vendor developed calculations of current and future bed rate costs in collaboration with the Office of Data Analytics to inform leadership of the increasing detainees population flows. These rates support one of the agency's strategic mission measures within the Congressional Budget Justification. Strategic measures communicate results delivered for our agency mission and are considered our Government Performance and Results Act Modernization Act (GPRAMA) measures. Since the vendor is making significant strides supporting the Government comply with these strategic measures, the Government believes it is in its best interest to continue these services until the agency awards a new, competitive contract in Q3 FY23.

According to the Congressional Budget Justification, the cost of detention various factors, including geographic region. ICE utilizes an analytical model to project the average daily cost for adult beds based on direct costs, including bed and guard costs, detainee healthcare costs, and other direct costs. The vendor supports the Government produce these models to communicate inflationary changes and other factors that contribute to the total cost of supporting detainees. These services help the Chief Financial Officer and Budget Director of the agency determine total detention capacities and incorporate other direct costs into the model.



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The Budgetary, Executive and Program Support Services are imperative to the financial operations within ICE to facilitate ICE/OCFO's mission and ensure ICE has access to efficient and effective budgetary resources and documents. These services must continue uninterrupted until the agency awards a new competitively contract.

Period	Time	Price	Total
Base	2 mos.	\$289,321.56	\$578,643.12
Option	1 mo.	\$289,321.56	\$289,321.56
<b>Total of 2 month interim contract plus 1 Option month</b>			<b>\$867,964.68</b>

**4. Statutory Exception and rationale for its use:**

Exception:

- ☐ 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.
- ☐ 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. *[For logical follow-on, the rationale shall describe why the relationship between the initial order and the follow-on is logical (e.g., in terms of scope, period of performance, or value)]:*
- ☐ 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 that the purchase be made from a specific source.

Rationale:

Market research, conducted 02/01/2023 through 02/17/2023, indicates Deloitte Consulting LLP is the only company that has the necessary experience and knowledge to immediately provide the needed services to operate and maintain the budget support services without any delay or disruption to current operations pending transition to a competitively awarded vendor.

As the incumbent contractor, who assisted with the initial development of the fiscal year and previous years documents, and procedures Deloitte Consulting, LLP is uniquely able to continue providing Budgetary, Executive and Program Support Services to the OCFO's Office of Budget and Program Performance on an uninterrupted basis. Deloitte Consulting LLP is the only



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source available that is capable of meeting ICE's requirements. Accordingly, it is in the best interest of the Government to issue this short-term award to the current contractor, Deloitte Consulting, LLP, while ICE accomplishes these critical tasks, finalizes solicitation documents for a new task order, issues a competitive solicitation, and makes a new task order award.

Issuing a new solicitation and/or seeking a new awardee at this time will interfere with ICE's budget formulation, analytics, and modeling work. ICE budget analysts provide budgetary support provide cost estimation and scenario planning tools to forecast financial requirements and evaluate budgetary implications of operational and financial scenarios. Without this support, DHS strategic priorities will be delayed and could lead to Congress potentially reducing the appropriation levels of the agency or delay important strategic initiatives. Additionally, a disruption in services will delay ICE from providing budgetary reports to the Department of the Homeland Security Office of the Chief Financial Officer, the Office of Management and Budget, or Congress in a punctual manner.

During this phase of the period of performance of Task Order HSCEMS-17-F-00052, the vendor assists ICE Government staff update and validate cost estimation models; centralize and standardize project and program code management; close gaps in the budgeting and strategic objectives across each Directorate and implement and enhance the spend plan program. These four (4) strategic initiatives streamline collaboration across the OBPP Office, and ensures OBPP Front Office has direct, immediate data across multiple budget reporting areas. Additionally, the vendor supports the Government implement innovative automation processes to deliver transparent costs control measures, program performance data, and a significant return on investment to the Government customers and the American public. The utilization of these technologies and the application of these automation tools reduce the Government's dependence on manual processes thus strengthening the Government's partnerships with ICE directorates. Improving the relationships with customers reduces the budget cycle period and allows Government members to comprehend broader macroeconomic activities affecting each Directorate.

The current vendor also has business expertise which will ensure the Government completes its modeling and maintenance of benchmarking and reporting to the Budget Director and Chief Financial Officer. Deloitte's specialized knowledge and relational expertise during Q2 is help the Government communicate processes and adjust to immediate reporting requirements from internal and external customers. While this interim contract supports existing activities, the Government has prepared the necessary documents for the recompetete.

The Government understands that fair and open competition is important the vendor community. As such, the Government, in conjunction with this J&A, is preparing a new acquisition. The new acquisition shall open this work to the industry and comply with all acquisition standards to compete this new requirement. The purpose of this J&A is to ensure the Government receives uninterrupted budgetary services through June 22, 2023, allowing sufficient time to transition to a new contract.

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



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The Contracting Officer determines that issuing a contract award to Deloitte Consulting LLP for the continuation of performance represents the best value and will result in the lowest cost, considering price and administrative costs, to meet the Government's needs. Prior to award, the government will consider the level of effort and the mix of labor proposed to perform the specific tasks required in order to determine that the total proposed price is fair and reasonable. The contractor's labor mix and level of effort will also be compared to the Independent Government Cost Estimate (IGCE) and historical data to ensure that it is fair and reasonable.

**6. Any other facts supporting the justification.**

not applicable

**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 government has initiated the acquisition process. A solicitation will be issued to all OASIS contract holders in late April / early May of FY23.

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

**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.

**10. Contracting Officer Certification**

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:

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**11. Approval.**

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