

Justification for an Exception to Fair Opportunity
FAR 16.505(b)(2)

General Services Administration
Federal Acquisition Service
Southeast Sunbelt Region

1. Requiring and Contracting Activity

- a. Requiring Activity: Department of the Air
Force 53rd Wing
203 West D Avenue
Eglin AFB, Florida 32542
- b. Contracting Activity: General Services Administration
Federal Acquisition Service
Assisted Acquisition Services Division
(AASD)
77 Forsyth Street SW, Suite 2700
Atlanta, GA 30303
- c. Contracting Officer: Michael Giordano
- d. Award PIID: 47QFSA23F0009
- e. Estimated Value of This Action: \$48,702,131.55
- f. Contract Vehicle: Alliant II GWAC
- g. Period of Performance:
 - Base Period: 01 February 2023 – 31 May 2023
 - Option Period: 01 June 2023 – 31 July 2023
 - Six Month Extension of Services: 01 August 2023 – 31 January 2024

2. Nature and Description of Action

The General Services Administration (GSA), Federal Acquisition Services (FAS), Assisted Acquisition Services Division (AASD) received a requirement to provide Information Technology (IT) and related services to the 53rd Wing located at Eglin Air Force Base (AFB), FL.

GSA/R4/AASD conducted a best value source selection under competitive procedures for this requirement. Award was made on March 7, 2022; however, a GAO protest was received on April 4, 2022, that resulted in a CICA Stay of the new award. As a result of the GAO protest a bridge task order was put in place (47QFSA22F0081) for a base period of three (3) months that included FAR 52.217-8 Option to Extend Services. The current bridge contract is set to expire on 31 January 2023. However, the GAO protest required

extensive corrective actions which involves numerous offerors and is taking longer than expected. The current milestones to complete corrective actions and award the competitive task order is estimated to be March 2023. The current bridge task order expires on January 31, 2023 and falls short of providing coverage to the award date for the competitive task order. Hence, this sole source bridge effort is required to avoid a break in service and detrimental loss in mission support to the 53rd Wing, Eglin AFB.

Since the current task order (47QFSA22F0081) ends 1/31/2023, the Government needs to ensure that a break in service does not occur, while the current GAO protest corrective action is resolved. This bridge task order (47QFSA23F0009) is a means for ensuring continuity of operation and avoiding the potential impact on mission requirements. This bridge will be for a four (4) month base period of performance (02/01/2023 – 05/31/2023) with a two (2) month option period (06/01/2023 – 07/31/2023) and 52.217-8 Option to Extend Services, if needed. In determining the period of performance for the bridge contract, the Government considered protest/corrective action resolution, a reasonable transition time for numerous performance locations, and processing time for high level security requirements. FAR Clause 52.217-8 Option to Extend Services has been included in the Performance Work Statement (PWS) to allow for an extension (if needed). The estimated value of the four (4) month base period of performance is \$16,155,630.07, which will be incrementally funded. The DFARS Clause 252.232-7007, Limitation of Government's Obligation, has been incorporated in the PWS along with 52.232-22, Limitation of Funds. The total estimated value, which includes the four (4) month base, two (2) month option and 52.217-8 six (6) month extension, is \$48,702,131.55.

3. Description of Supplies or Service

Under this bridge effort, the incumbent contractor (Jacobs Technology, Inc.) shall provide support for IT projects for the 53rd Wing, Test and Evaluations, Eglin AFB, FL. The purpose of this requirement is to provide vital technical, engineering, and research management support for associated IT.

This task order also includes requirements for the contractor to provide support directly to the Air Combat Command, 53rd Wing, Department of Defense (DoD) agencies, military operations including Foreign Partners, and FMS defense programs involved with 53rd Wing operations (to include F-35 joint operations). The 53rd Wing requires Information Technology (IT) technical support for weapons and computer systems to support systems development and operations activities. This support includes a wide variety of combat systems engineering network support, electronic warfare, armament and avionics, chemical defense, reconnaissance and aircrew training devices, security (computer/physical/personnel), software, database and computer systems development, network systems operation support, project and configuration management, video teleconferencing (VTC), and operational test and evaluation support. These communications and weapons systems are interrelated due to coordinated development programs, weapons systems integration issues, and use of common communications systems, databases and test assets.

Incumbent Contractor Information:

Jacobs Technology, Inc.
600 William Northern Blvd
Tullahoma, TN 37388-4729
CAGE: 17038

4. Identification of Exception to Fair Opportunity and Rationale:

FAR 16.505(b)(2)(i) states, “The contracting officer shall give every awardee a fair opportunity to be considered for a delivery-order or task-order exceeding \$3,500 unless one of the following statutory exceptions applies:”

For this acquisition, the following exception applies

“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.”

Justification Rationale:

Due to the circumstances detailed herein, the nature of this action is to request approval to establish a bridge task order to continue services under the authority of 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.

The previous task order, GSQ0415DB0065, was competitively awarded to Jacobs Technology, Inc. as an Alliant task order with a Period of Performance of 1 Feb 2017 – 31 October 2021. The Cost-Plus Award Fee (CPAF) Task Order included an extension of services IAW FAR 52.217-8 which was exercised and ended on 30 April 2022.

The follow-on task order to effort (47QFSA22F0063) was competitively awarded via Request for Quote No. 47QFSA21Q0081 on 7 March 2022 to ManTech Advanced Systems International, Inc. It had a period of performance of 01 May 2022 – 30 April 2023, to include four (4), one year option period and an extension of services for up to an additional six (6) months.

On 4 April 2022, a GAO protest was received for the newly awarded 47QFSA22F0063 effort. On 4 April a stop work order was issued to ManTech as a result of the timely GAO protest granting a CICA stay. On June 14, 2022, the GAO dismissed the protest based upon the Agency's notice of intent to take corrective action.

A bridge contract was put in place, 47QFSA22F0081, with a period of performance of 1 May 2022 – 31 January 2023.

The current bridge task order, 47QFSA22F0081, was awarded to Jacobs Technology, Inc. as an Alliant 2 task order with a Period of Performance of 1 May 2022 – 31 January 2023. The CPAF Task Order included an extension of services IAW FAR 52.217-8 which has been exercised and the current (and final) extension period ends on 31 January 2023.

The Government has moved forward with the re-competed effort under 47QFSA22F0063 with corrective actions taking place due to a GAO protest received after award. The Government has been engaged in good faith and diligent efforts to complete the corrective action efforts in a manner that ensures compliance with the amended solicitation, the notice of corrective action, and regulations. At this time the Government has concluded that the ongoing corrective action efforts which involves many of the offerors that submitted proposals as part of the originally protested acquisition, will not be complete before the current period of performance expires under the bridge task order 47QFSA22F0081; accordingly additional time is required and continuation of performance of the unique and highly specialized services at the required level of quality is necessary. The length of the base period of performance should provide time for protest resolution, a reasonable transition time for numerous performance locations, and for processing high level security requirements, unless it becomes necessary to exercise the 52.217-8 option (i.e., if protested and any required corrective action remains unresolved, the option will give the new contractor a two-month transition needed for performance to start).

The 53rd Wing is the organization designated to perform operational test and systems evaluation for the Air Force. Thus, any asset being added to the Air Force inventory that requires testing must go through the 53rd Wing test process before it can be fielded. This task order supports the computer networks and computer security supporting this critical testing. Thus, unique skill sets and clearances are required to ensure operational testing can be performed and data moved where it needs to go for analysis/fielding. In addition, the 53d Wing supports operation electronic warfare reprogramming for the F-35 and other combat aircraft for the Air Combat Command. This ensures operational Warfighter units have the data files needed before going into hostile environments.

This bridge contract requires access to sensitive compartmented information (SCI) facilities and materials. The contractor shall provide personnel that have TS/SCI clearance eligibility. The contractor shall meet all requirements for having a Secret facility IAW DoD 5220.22-R paragraph 2-301. No Top-Secret information shall be discussed/stored/processed at the contractor's facility. For most positions, a current Top Secret (TS)/Sensitive Compartmented Information (SCI) clearance will be required, and the other positions would be secret (as outlined in the "Workforce Projection" in the solicitation).

Once personnel have these clearances, they are then required to meet DoD 5205.07-M, Volume 2, DoD Special Access Program (SAP) Security Manual: Personnel Security, 24 November 2015, security clearance requirements. Another contractor could theoretically provide employees with the TS/SCI eligibility, but the personnel would still have to be cleared by a totally separate, higher level adjudication authority. The 53rd Wing (requiring agency) imposes a more stringent standard above and beyond the TS/SCI standard due to extraordinary conditions and circumstances. There are no other vendors that can provide

the number of technically proficient personnel who are able to begin work on the project immediately (i.e., already have the required clearances) without incurring a delay beyond what is needed to continue work on the 53rd Wing effort while personnel are vetted through the 53rd Wing's additional security review. The vetting process is in accordance with DoD Manual 5200.01 Volume 2, overall program requirements security that provides the types of data that the 53rd deals with that are at/above Top Secret. Any additional information on the security requirements cannot be provided at the unclassified security level.

Based on the size, scope, complexity, workforce composition [REDACTED], and the number of performance locations (eight), Jacobs is the only contractor capable of performing the four (4) month base period, two (2) month option period with 52.217-8, Extension of Services, six (6) month option period of performance, while the pending corrective action in response to the protest is being resolved. This task order supports the computer networks and computer security supporting critical testing (i.e., systems for combat aircraft, aircrew life support systems, aerial reconnaissance improvements, and new armament and weapons delivery systems). The complexity of this requirement is such that unique skill sets and clearances are required to perform operational testing and operational electronic warfare reprogramming. This support ensures operational warfighter units have the data files needed before going into hostile environments.

Some of the technical requirement elements that require unique or highly specialized personnel with TS/SCI clearances are as follows:

- Develop and implement worldwide, classified network system(s) in support of multiple government organizations (to include F-35 communities of interest) by developing and installing local and wide area classified and unclassified network.
- Technical Writing/Documentation: The contractor shall develop draft and final documentation in support of network support activities. These documents may include (but is not limited to) test plans, test procedures, checklists, security policies, operating procedures, reports and other documentation as required. These documents shall be written in standards determined by the government (Institute of Electrical and Electronics Engineers (IEEE), the Director of Central Intelligence Directive (DCID), the Joint Air Force, Army and Navy Manual (JAFAN), Joint Security Implementation Guide (JSIG), DoD Joint Security Implementation Guide (DJSIG), etc.).
- Provide encryption device and cryptological key management support. The contractor shall define requirements for fielding and supporting encryption and cytological equipment/keys for a number of classified networks.
- Information Security Program: The contractor shall provide information security/document control management support of all classified activities. These duties will include, but not be limited to assisting management with interpretation of classified guidance for classification management and safeguarding requirements; advise/interpret established security policies, practices, procedures,

and techniques to a variety of organizations or situations that differ in kind and level of security, complexity, and local conditions or circumstances requiring adjustment or modification of established approaches. Disseminate classified policies; develop procedures for the protection of classified information originated or controlled by installation activities.

- The contractor shall specifically support the Specialized Electronic Combat Tool Kit and Reprogramming Environment (Spectre) software.

The task order provides IT technical support for weapons and computer systems to support systems development and operations activities for the 53rd Wing Operations. These capabilities are key components in developing, implementing, and field deployments of very specific mission related tasks.

It is imperative to continue this effort under a bridge task order, which is the most advantageous method of fulfilling the Government's requirement, price and other factors considered. This allows the actions of 47QFSA22F0063 to be fully accomplished according to the Agency's notice of corrective action. The scope of this bridge task order (47QFSA23F0009) includes all requirements of the current bridge CPAF task order, 47QFSA22F0081 and the previous task order GSQ0415DB0065. The award of the bridge task order is necessary to acquire contractor services as the Agency accomplishes corrective action from the GAO protest. Awarding this bridge task order is in the Agency's best interest to avoid a disruption of direct mission services for the US Air Force.

5. Contracting Officer Determination – Fair and Reasonable Cost:

[REDACTED] For this bridge effort, the contractor will provide CPAF rates and the Government will ask the contractor to offer discounts and verify the rates are in accordance with Forward Pricing Rate Agreement or Forward Pricing Rate Recommendation, whichever is applicable. The Contracting Officer will obtain certified cost and pricing data, conduct cost analysis, and negotiate a fair and reasonable price.

6. Market Research:

In accordance with FAR Part 10 and as appropriate to the circumstances of this task order, market research was completed in December 2022. The review of historical data and previous quotes from Alliant 2 vendors determined that there are other vendors under the Alliant 2 GWAC contract that are technically capable of performing this requirement. However, Jacobs is the only contractor that can perform within the required timeframe allowed for transition and the clearing/vetting process. This takes into consideration the stringent security considerations of contractor personnel and the required transition time that would be required of any other contractor. Personnel transition would involve simultaneous hiring actions in multiple geographically separated locations in a very short timeframe. The Government lacks a basis to conclude or assume a new contractor would definitely be able to recruit/retain a sufficient number of cleared and capable contractor

personnel in the respective geographic locations to perform the effort, within the required timeframe for transition. The complexity of this requirement is such that unique skill sets and clearances are required to perform operational testing and operational electronic warfare reprogramming (i.e., systems for combat aircraft, aircrew life support systems, aerial reconnaissance improvements, and new armament and weapons delivery systems), and the clearances required of contractor personnel—specifically the additional 53rd Wing security review—cannot be received quickly. Based on the size, scope, complexity, workforce composition [REDACTED], and number of locations (eight), Jacobs is the only contractor capable of performing the four (4) month base, two (2) month option, and six (6) month option period of performance IAW 52.217-8, while the pending protest is being resolved.

Market Research was conducted knowing that this effort would be utilizing FAR 16.505(b)(2)(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.” As such a Request for Information advertising the intent to go sole source to the incumbent contractor, Jacobs Technology, Inc., was advertised via eBuy to Alliant 2 Large GWAC (RFQ ID: RFQ1599120) and VETS 2 (RFQ ID: RFQ1599124) Small Business GWAC on December 7, 2022. The RFI explained that going to Jacobs was necessary to provide continuous uninterrupted service to the 53rd Wing. The RFI asked that any contractor that thought they could provide the services listed in the timeframe needed to respond to the Contracting Officer in writing. The PWS and Workforce projections were included in the RFI. Both RFI’s gave a period of 7 days response, which ended on December 15, 2022. Ultimately, no responses from industry were received to this RFI.

Only one (1) offeror, Jacobs, is capable of performing without the usually required two-month transition time. The questions that were received during the solicitation 47QFSA21Q0081, asked what the length of the transition for the new award and the answer was was sixty (60) days.

The PWS provides a list of tasks a contractor, other than the incumbent, must accomplish in the sixty days for a full transition to occur. Solicitation 47QFSA21Q0081, task order 47QFSA22F0063 PWS 2.5 stated:

“The Transition-In Plan must take into account that the Government requires a minimum of 15 workdays for administrative processing of new contractor employees assuming there are no issues with the information on the personnel provided to the Government. The Government will require the Contractor to be fully operational, to include properly cleared personnel at the appropriate classification level, on the first day of task order performance. Therefore, as soon as possible after award notification, it is necessary to provide the Government with appropriate security documentation which will include the names and social security numbers of each employee. At a minimum, the Transition-In Plan shall include the following:

- a. Identification, by name and position, of each team member on the Transition Team along with each person’s associated responsibilities.
- b. Describe management’s involvement with the transition.
- c. Provide detailed steps of the transitioning-in activities with completion dates for each

activity.

- d. Explain the initial recruitment and hiring process for this requirement.
- e. Identify how personnel will meet all qualifications AND have the appropriate personnel security clearances prior to day one of task order performance.
- f. Identify how the sole source subcontracting support identified in paragraphs 17.4.1 and 17.4.2 of the PWS would be acquired, if required by the Government.
- g. Identify the name and provide the qualifications and the responsibilities that will be given to the projected on-site task lead listed in PWS paragraph 2.1.
- h. Identify how the appropriate facility clearance will be obtained prior to task order performance.
- i. State the company's CAGE Code and Cognizant Security Office Name, Address and Zip Code."

It is not feasible to expect that these tasks can be completed without a two-month transition period by a contractor that is not the incumbent.

Based on this current market research, it is clear that no vendor other than Jacobs would be able to mobilize and transition and be ready to perform by February 01, 2023, without the benefit of a two-month transition period. Selecting another vendor to perform the requirement would also require a competitive source selection to have been planned, solicited, evaluated, and completed weeks ago in order to meet the requirement and give a two-month period of time for transition. Conducting another competitive source selection using the acquisition streamlining available under the ALLIANT 2 GWAC could require approximately 90-120 days based upon available historical data on similar requirements. Even if awarded within such milestones, there would still be another 60-day transition to a new contractor needed. In sum, this alternative process could realistically take 150 - 180 days total for a new contractor to be in place and performing all the work on this effort. Such a timeline would create an intolerable gap in mission support. Jacobs (already in place and performing the work) remains the only awardee capable of supporting the mission requirements.

7. Other Supporting Facts:

Awarding a four (4) month base, two (2) month option, with 52.217-8, Extension of Services, six (6) month option period of performance will ensure continuation of services. Without this bridge, there would be a gap in services between the end of the period of performance for 47QFSA22F0081 on February 1, 2023, until such time as the corrective action is complete, currently projected on or around March 17, 2022. Without Jacobs' continued support through that interim period, a gap in services would occur and the 53rd Wing's ability to provide key components in developing, implementing, and field deployments of very specific mission related tasks.

Jacobs, the incumbent, already has the required clearances in place; they are familiar with the complexity of the services and are fully capable of continuing to perform for the additional time required. The transition time of two months for the tasks identified in PWS 2.5 is not required for and would not apply to any incumbent on the previous effort as noted in its PWS/ITO. This is a project which cannot practically end with a contractor one

day and begin with a new contractor the next without a proper transition. The Government included a two-month transition period in the award of 47QFSA22F0063 for the specific reason that any contractor, except for the incumbent, needs a two-month transition period to perform the effort at an acceptable level. The impact to the Government could have defense mission critical implications and jeopardize national security because failure to continue these efforts without interruption would result in the inability of the 53rd Wing to provide technical support for weapons and computer systems to support systems development and operations activities, which could result in inability of the US Air Force to carry out mission critical tasks/functions.

8. Statement of Actions to Overcome Barriers to Competition:

GSA awarded a bridge contract under Alliant 2 GWAC task order, 47QFSA22F0081, which ends on January 31, 2023 (with all options being exhausted). Every effort was made to obtain adequate competition on the effort that received a protest and is in corrective action (47QFSA22F0063). This competition resulted in eight (8) offerors under solicitation 47QFSA21Q0081. However, due to continued corrective action efforts on the recompetete task order and the current bridge task order 47QFSA22F0081 being at the end of its period of performance, including the FAR 52.217-8 Extension of Services option period by January 31, 2023, GSA must award a sole source bridge task order to avoid a break in this mission critical requirement. GSA expects to end this task order at the end of the base period, May 31, 2023, unless it becomes necessary to exercise the two (2) month option or the 52.217-8 option (e.g., if any required corrective action remains unresolved and to give the new contractor the two-month transition needed for performance to start). The Option to Extend Services clause in this bridge Task Order will ensure no lapse in service through as late as January 31, 2024, if an unforeseen delay occurs. However, despite the possible length of the period of performance, this bridge is being constructed to use only the time necessary to cover the projected corrective action completion period and avoid a break in critical services. In sum, a competitive source selection was conducted originally on the recompetete effort, and this bridge is not a result of any “barriers to competition.”

9. Determination

Based on the above facts, it is the Contracting Officer’s determination that the above referenced exception to fair opportunity is required and, in the Government’s best interest to fulfill the required acquisition.

10. Signatures:

Requesting Activity:

I certify that the supporting data under my cognizance which form the basis for this D&F are accurate and complete to the best of my knowledge and belief.

DocuSigned by:

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12/22/2022

Client Signature
Mickey Clements, Contracting Officer Representative

Date

Contracting Officer:

I certify that this D&F is accurate and complete to the best of my knowledge and belief.

DocuSigned by:

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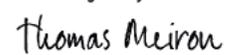
12/23/2022

Michael Giordano
Contracting Officer

Date

APPROVED:

In accordance with DFARS PGI 216.505(b)(2)(B), I have determined that the planned actions to remove or overcome any barriers that led to the exception to fair opportunity cited on the previous justification were completed. A competitive source selection was conducted, and this bridge contract is only required due to protest of that competitive action.

DocuSigned by:

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12/23/2022

Thomas Merion, R4 FAS
Head of Contracting Activity

Date

Attachment: ETFO 53rd Bridge 47QFSA22Q0087 19 April 2022 Signed Final.pdf