

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
FEDERAL CORRECTIONAL COMPLEX, TERRE HAUTE, INDIANA**

Pursuant to Federal Acquisition Regulations (FAR) Part 6.302-2, the Federal Bureau of Prisons has determined that the need for emergency Transformer replacement at the Federal Correctional Complex Terre Haute, Indiana meets the criteria established for other than full and open competition due to unusual and compelling urgency. This limitation on competition is justified as supported by the following information:

1. Agency:

Department of Justice
Federal Bureau of Prisons
FCC Terre Haute
Terre Haute, IN

2. Description of Action Being Approved:

This action is for the procurement of materials, and equipment to install and repair a electrical transformer that has malfunctioned. Our facilities department has determined that this damage constitutes an emergency and immediate replacement of the transformer that effects lighting, security cameras, operation of towers and rear gate.

3. Description of the services required to meet the agency needs (including estimated value): FCC Terre Haute has a requirement for all the materials, and equipment necessary to complete repair of a electrical transformer at the Federal Correctional Institution. Our government estimate generated by facilities department estimates a cost of \$160,000.00

4. Statutory authority permitting other than full and open competition: Pursuant to the provisions of 41 U.S.C. 253(c) (2), as implemented by FAR 6.302-2 "Unusual and Compelling Urgency."

5. The Nature of the Acquisition Requires Use of the Authority Cited Due to the Following:

FCC Terre Haute requires emergency action for its electrical power to the federal correctional institution. On March 1, 2023, FCI Terre Haute suffered a loss of power to the Institution. The areas affected are the Rear Gate, Command Center, Towers 2, 3 and 4, perimeter fence lighting and security cameras. The Facilities Department Electricians tested and revealed that the Phase B side coil of the transformer had suffered a catastrophic failure and it also had an adverse effect on the feed wire from the main line and would also need replacing. The outage has affected the normal running of the institution with the loss of the perimeter lighting, security cameras to the rear gate, security zone sensors, all posing an escape risk.

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Efforts to ensure that offers are solicited from as many potential sources as is practical: Time is of the essence and does not permit the use of normal full and open competition procurement procedures. Due to the extreme circumstances, this procurement will be completed under authority found in FAR 6.302-2 Unusual and compelling urgency. In accordance with Federal Acquisition Regulation 5.202 (a) (2), this action will not be synopsisized. Due to urgency of this requirement, a local small business that has done work historically with the Federal Bureau of Prisons can be utilized, and is able to achieve and accomplish the work in a timely manner as established by past practice. Native American Design is in Indiana and is recommended by facilities for work accomplished and awarded through past projects at FCC Terre Haute.

7. **Contracting Officer Determination that price to the Government will be fair and reasonable:** The Contracting Officer anticipates the cost to the Government will be fair and reasonable due to competitive pricing received in the past from Native American Design. This information does not constitute the fact that a fair and reasonable price will be submitted again. A Cost Analysis will have to be achieved in comparison to our IGE in order to determine if their quote will be fair and reasonable.
8. **Description of the Market Survey conducted:** Due to the emergency nature of the requirement, market research was not conducted.
9. **Other facts supporting the use of other than full and open competition:** The urgent and compelling nature of this action requires immediate attention. The current emergency plans require emergency entrances and exits be accessible via emergency vehicles for egress in case of fire or any other emergency, where a response would be needed. This poses a life and safety issue for Staff, Inmates and the orderly running of the Institution.
10. **List of sources, expressed in writing, interest in the acquisition:**
None for this acquisition.
11. **Actions taken by the agency to remove or overcome barriers to competition before any subsequent acquisition for the supplies or services required:**
This particular acquisition will utilize FAR 6.302-2 due to the extreme nature and circumstance. Subsequent acquisitions will be competed as per policy, and no specific action would be required unless future circumstance or statute would dictate.

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12. CONTRACTING OFFICER'S CERTIFICATION:

I hereby certify that this justification and the supporting data for the certification are accurate and complete to the best of my knowledge and belief



Scott Ballinger, Contracting Officer
FCC Terre Haute



Date 3/22/2023



Joe Parr, Facility Manager Institution FCC Terre
Haute



Date 3/22/2023



Mike Gibson, Supervisory Contract Specialist FCC Terre
Haute



Date 3/22/2023