



**SOLE SOURCE JUSTIFICATION: SIMPLIFIED PROCEDURES FOR CERTAIN
COMMERCIAL ITEMS EXCEEDING SAT, INCLUDING BRAND NAME**

J&A-23-0090

Pursuant to the requirements under the authority of simplified procedures for commercial items at 41 U.S.C. 1901 or the authority of 41 U.S.C. 1903 Special emergency authority as implemented by Federal Acquisition Regulation (FAR) Subpart 13.501 and consistent with the content requirements of FAR 6.303-2.

1. Agency and Contracting Activity.

The Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Office of Acquisition Management (OAQ), proposes to issue a purchase order to CoreCivic on behalf of Enforcement and Removal Operations (ERO) on a basis of other than full and open competition.

2. Nature and/or description of the action being approved.

- (a) Type of action: Firm-Fixed-Price Purchase Order
- (b) Amount the current J&A is justifying: \$678,077.00
- (c) Brief Description: OAQ intends to procure, on a sole source basis, 14 single (regular) and 10 American with Disability Act (ADA) compliant booths to comply with the District Court of Columbia's (DC) court order to install booths, providing privacy at the attorney-client visitation rooms in which counsel may utilize translation services and physically pass documents to and from their detainee client at the Central Arizona Florence Correctional Complex in Florence, Arizona (CAFCC). This action is being taken pursuant to the authority of FAR 13.501. The vendor listed below is the only company that can provide the required services.

CoreCivic
Central Arizona Florence Correctional Complex
1100 Bowling Road
Florence, AZ 85132
United States

3. Description of Supplies/Services. Describe the supplies or services to be acquired. Provide the estimated total value (including options, if any).

This is a one time purchase order to be awarded to CoreCivic to procure and install 24 private booths at the CAFCC. The purchase and installation is in compliance with DC court order. The total value of this effort, including labor, installation, booths, and materials is \$678,077.00.



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4. Identification of the authority.

This action is being taken under the authority of Simplified Procedures for Commercial Items, 41 U.S.C. 1901 or the authority of 41 U.S.C. 1903 Special emergency authority as implemented by FAR 13.501.

5. Demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.

This requirement is as a result of a Court Order and Preliminary Injunction as a result of Civil Action No. 22-3118 (CKK), Americans for Immigration Justice, et al., v. U.S. Department of Homeland Security. ICE has been ordered by the United States District Court for the District of Columbia (USDCDC) to either (1) install six private, confidential attorney-client visitation rooms in which counsel may utilize translation services and physically pass documents to and from their detainee client or (2) install or transfigure a ratio of 25 detainee to one telephone that block all others from listening to legal calls while in progress at the CAFCC in Florence, Arizona within 60 days of the February 1, 2023 court order. The court has granted another 30 day extension to enable the award of this purchase order.

After market research, ICE has decided to move forward to purchase and install 14 privacy booths and 10 ADA compliant booths for a total of 24 booths that facilitate private legal calls which fulfills the court order to install or transfigure telephones at a ratio of one phone per 25 detainees that block all others from listening to legal calls while in progress. The proposed purchase order will also cover furniture and video-teleconferencing equipment expenses that are required to facilitate both in-person and virtual legal visits within the privacy booths.

ICE currently receives detention services from CoreCivic at CAFCC through a task order against a USMS contract. CoreCivic owns and operates the facility. ICE reached out to CoreCivic directly, as the owner of the building, hence; ICE decision to issue a one-time sole source purchase order award to CoreCivic to implement the court order.

Any other alternative action would not be in the interest of ICE to comply with the court order considering the time frame allowed by the court to complete the action and that CoreCivic is the only entity authorized to change a facility they own. ICE must comply with the court order.

ICE's decision to make a sole source purchase order award to CoreCivic was to mitigate the impact of non compliance of the order. ICE non-compliance may result to contempt of court (disobeying court's order), penalties, fines, and even a jail term.

6. Description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.

☒ OAQ intends to make this justification publically available pursuant to FAR 6.305 on sam.gov within 14 days of contract award.



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

The contracting officer determines that the anticipated price(s) will be fair and reasonable based on comparison of the proposed prices to historical prices for the same item and comparison of proposed price obtained through market research for the same items.

8. Description of market research.

As owner of the building where the requirement is needed, only one contractor (CoreCivic) is capable of fulfilling the agency's need. CoreCivic has the experience and is eminently qualified to provide the services as they have previously installed private booths in other ICE facilities.

9. Any other facts supporting the justification.

Not applicable.

10. A listing of the sources, if any that expressed, in writing, an interest in the acquisition.

Not applicable.

11. 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.

This is a one-time contracting action and no future procurement activity requiring competitive effort is anticipated.

12. DHS intends to post the requirement pursuant to FAR 13.501(a)(1)(iii) and 6.305(a) or for brand name FAR 13.501(a)(1)(iv) and 5.102(a)(6).



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13. Technical/Requirements Personnel Certification.

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

Nathaly Gaffke
Technical Representative/COR

Date

14. Contracting Officer's Certification and Approval.

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.

EJIKEME EZEALA

Digitally signed by EJIKEME

EZEALA

Date: 2023.04.25 08:31:29 -04'00'

Ejikeme Ezeala
Contracting Officer

Date