

**Department of the Interior  
Bureau of Safety and Environmental Enforcement (BSEE)**

**JUSTIFICATION FOR EXCEPTION TO FAIR OPPORTUNITY  
For ID/IQ contracts in accordance with FAR 16  
(LSJ for Acquisition > SAT)**

FAR Subpart 16.505 (b)(2)(ii)(B) Orders exceeding the simplified acquisition threshold. As a minimum, each justification shall include the following information and be approved in accordance with the FAR Subpart 16.505 (b)(2)(ii)(C):

1. Identification of the agency and the contracting activity, and specific identification of the document as a "Justification for an Exception to Fair Opportunity."

Department of the Interior  
Bureau of Safety and Environmental Enforcement (BSEE)  
Acquisition Operations Branch  
Herndon, Virginia

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

The Government intends to issue a modification for additional work to an existing task order number E12PD00044 that was previously awarded to Abacus Technology Corporation under the COMMERCE Information Technology Solutions Next Generation (COMMITTS NexGen) Government-Wide Acquisition Contract (GWAC) number CM130105CT0019. The modification will include a Statement of Work describing the information technology services required to support the relocation of five government offices to be performed on a labor-hours basis with a cost-reimbursable (no fee) component for long-distance travel. At the time the task order was awarded, the office moves were not anticipated or included in the task order. Therefore, the needed information technology services to support the relocations are considered additional work within the general scope of the task order.

3. A complete description of the supplies and/or services required to meet the agency's needs (including estimated value).

Between August 2014 and April 2015, BSEE expects to relocate five of its existing offices to new locations. In order to support the office moves, BSEE requires the contractor to provide network and desktop computer support, including the disassembly and packaging of existing computers and associated equipment, reconfiguration, installation, testing and confirmation of network connectivity, and troubleshooting problems when required. The services will also require project management to coordinate and document the activities, track and direct progress of the moves, and report problems and progress on a regular schedule and on an as-

needed basis. The total estimated value of this additional work is approximately \$450,000.

4. An identification of the exception to fair opportunity (see 16.505(b)(2)) and the supporting rationale, including a demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the exception cited. If the contracting officer uses the logical follow-on exception, 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).

In accordance with 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 services ordered are unique or highly specialized. The contractor currently provides all Enterprise Information Technology Core Services to BSEE and the Bureau of Ocean Energy Management (BOEM) at various government office locations across the nation under the task order described in Section 2 above. As part of the task order requirements, the contractor is responsible for ensuring the proper management and operation of the network and desktop computers. The contractor also provides help desk/call center services to implement those services. The contractor is responsible for information technology asset management, to include the logistics, installation, configuration management, testing, and inventory management of computers and network equipment. In addition to these services, the contractor provides engineering services for new enterprise systems and upgrades to existing systems while ensuring the designs are interoperable with the enterprise architecture and business applications. Service Level Agreements (SLAs) are in place under the task order to qualitatively monitor the contractor's performance and provide incentives and disincentives for timely performance results.

The contractor is uniquely qualified to perform this additional work because the contractor is currently responsible for the network operability and asset management under the existing task order and has the requisite knowledge of the operating procedures and security access to manage the system. Allowing another contractor to manipulate the network assets and access the system would present problems in administering the SLAs and maintaining accountability for system security and performance. In an environment where multiple contractors would possess elevated System Administration rights and are able to manipulate the network, the ability to hold any single contractor accountable for system-wide performance and asset management would be compromised. This would present a risk to the network operations, network security, and asset management to a level that would be unacceptable to the Government.

- 5. A determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.**

The Contracting Officer will evaluate the pricing for the modification to determine that the costs to the Government are considered fair and reasonable. The pricing is expected to be based upon hourly labor rates that have already been incorporated into the task order and were previously determined to be fair and reasonable. The Contracting Officer and the Program Office will also review the anticipated level of effort to ensure that it is consistent with the work required by the modification. During performance, the labor hours incurred by the contractor will be subject to surveillance by the Contracting Officer's Representative (COR). Travel incurred by the contractor will be reviewed by the government and will be reimbursed only for actual expenses incurred that are determined to be reasonable and within the limitations of the Federal Travel Regulations (41 Code of Federal Regulations (CFR), Chapters 300 through 304).

- 6. 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 task order under which this additional work will be placed is scheduled to end on 12 December 2015, if the final option period is exercised. The follow-on task order for services beyond that date will be issued on a competitive basis. Any future information technology services required to support office relocations before 12 December 2015 would be expected to be handled on a non-competitive basis for the reasons explained above.

- 8. The contracting officer's certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief.**

See below.

- 9. The contracting officer shall post the justification as appropriate:**

In accordance with FAR 16.505(b)(2)(ii)(D), within 14 days after placing the order, the Contracting Officer will publish a notice in accordance with FAR 5.301 and make publicly available the justification at [www.fedbizopps.gov](http://www.fedbizopps.gov) and on the website of the agency, which may provide access to the justification by linking to [www.fedbizopps.gov](http://www.fedbizopps.gov), for a minimum of 30 days.

## REVIEW AND APPROVAL

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### Certification

#### Acquisition Initiator/ Contracting Officer Representative (COR):

I certify that the facts and representations under my cognizance, which are included in this justification and which form a basis for this justification, are complete and accurate.

< FOIA Exemption (b) (6)

8/13/14

Signature

Date

Ralph Murphy, BSEE Contracting Officer's Representative

#### Contracting Officer (CO):

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

FOIA Exemption (b) (6)

8/14/2014

Signature

Date

Francis E. Bennett, BSEE Contracting Officer

### Reviews and Approvals

#### Chief of the Contracting Office (CCO):

I certify that the facts and representations under my cognizance, which are included in this Exception to Fair Opportunity and which form a basis for it, are complete and accurate. Since this effort exceeds \$150K but does not exceed \$650K, this certification serves as approval.

FOIA Exemption (b) (6)

8/14/2014

Signature

Date

Douglas M. Marr

Chief, Acquisition Operations Branch

**ALL QUESTIONS REGARDING THIS JUSTIFICATION ARE TO BE REFERRED TO FRANK BENNETT, CONTRACTING OFFICER, DEPARTMENT OF THE INTERIOR, BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT AT (703) 787-1633.**