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JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
FAR 6.103-2 (GSA Class Deviation RFO-2025-06) - Unusual and Compelling Urgency

1. **Identification of the agency and the contracting activity.**

   This Justification is on behalf of the Federal Emergency Management Agency (FEMA) and will be executed by the General Services Administration (GSA), Federal Acquisition Service (FAS) Office of Shared Services Delivery (FD) Office of Contracting Operations (FDB).

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

   This activity intends to award a purchase order under the GSA Emergency Acquisition (EA) Basic Ordering Agreement (BOA). All EA BOA orders are awarded competitively but competition is limited to the EA BOA holders and set aside for small business EA BOA holders as appropriate.

3. **A description of the supplies or services required to meet the agency's needs, including the estimated value.**

   This action is for the procurement of Roofing Supplies in support of FEMA with an estimated value of $1,750,000. GSA established the EA BOAs to enable the rapid solicitation, award and delivery of products and services to support general and declared emergencies on behalf of FEMA and other federal agencies as required and in accordance with fully executed Interagency Agreements (IAA) and/or the FEMA Mission Assignment (MA) process. GSA supports FEMA, and other federal agencies as required, in the areas of emergency preparation, response and recovery. This includes making rapid purchases in response to disasters under Stafford Act declarations and general emergencies (non-declared), as well as in preparation for future emergencies and disasters, such as assisting FEMA with Distribution Center (DC) restocking. Due to the uncertain nature of emergencies, the EA BOAs do not contain a catalog or list of supplies, services, labor categories or other required offerings, but instead can be used to support the purchase of any commercial supply or service in support of an emergency:

   Supplies: FEMA's Commonly Used Sheltering Items & Service Listing (CUSI-SL) lists many of the emergency supplies that GSA has procured in previous efforts in support of FEMA's emergency responses. It should not be considered all inclusive, but rather indicative of the types of supplies that federal agencies may require in support of emergency operations.

   Services: The government may require service providers to support emergency operations, including but not limited to, temporary transportation services, emergency vehicle rentals, equipment rentals, translation services, portable toilet services, catering services, environmental remediation, facility restoration, waste disposal, and sanitation or cleaning services.

   Managed Emergency Solutions: The government may require total managed solutions for emergency response, including a wide array of products and services together, to avoid the need to individually award and administer a myriad of contracts/orders in response to large scale emergencies.

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Specific requirements are provided for each EA BOA order solicitation. The EA BOA is limited to the purchase of commercial supplies and services only.

4. **An identification of the statutory authority permitting other than full and open competition.**

   In accordance with FAR 6.103-2 (GSA Class Deviation RFO-2025-06), this requirement supports FEMA's emergency preparation, response and/or recovery efforts (42 U.S.C. §§ 5121 *et seq*.) and will be awarded using other than full and open competition. All EA BOA orders are competed amongst EA BOA holders only.

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

   The EA BOAs have been established with a network of nineteen (19) contractors experienced in emergency and disaster preparation, response and recovery. The EA BOA holders can provide nation-wide coverage to purchase any commercial supply or service in support of an emergency (non-declared) or disaster on extremely short timelines. The EA BOAs have built in rapid response and delivery timeframes which can allow ordering officers to require a solicitation response in as few as 5 hours, and initial deliveries beginning in as few as 24 hours. The EA BOAs are flexible to changing requirements, quantities, and locations and offer a simplified process to expedite purchasing, making them the ideal process during emergencies, when time is the most important commodity. Restricting competition for emergency requirements to only those contractors holding active EA BOAs will ensure the government is conducting business with fully vetted contractors with expert capabilities while reaping the benefits of the EA BOA's expeditious ordering procedures. This will avoid losing valuable time associated with standard posting and competition requirements utilized for typical contracting actions, and will ensure that the government can meet emergency needs as quickly as possible.

6. **A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a notice was or will be publicized as required by subpart 5 and, if not, which exception under part 5 applies.**

   EA BOAs have been established with nineteen (19) contractors who specialize in rapid response and delivery in support of emergency situations. The EA BOAs were publicized via SAM.gov under full and open competition and the government sought responses from contractors with the capabilities to respond rapidly to emergency situations. The EA BOAs also include the ability for on-ramping events to bring new contractors into the EA BOA holder pool, if/when a capability gap is identified, and any on-ramping event will also be publicized via SAM.gov. The last on-ramping event was held in February 2024 and was posted to SAM.gov.

   In accordance with FAR 5.101(b)(2) (GSA Class Deviation RFO- 2025-05), this action was not synopsized via SAM.gov, as this action will be awarded using other than full and open competition. This justification was prepared in accordance with FAR 6.104-1 (GSA Class Deviation RFO-2025-06) and will be posted publicly via SAM.gov in accordance with FAR 6.301(b)(1) (GSA Class Deviation RFO-2025-06) within 30 days of contract award, and will remain available for a minimum of 30 days.

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

   Each order awarded under the EA BOAs is competed amongst the BOA holders. Accordingly, order prices are determined fair and reasonable based on adequate competition.

8. **The market research conducted and the results or a statement of the reason market research was not conducted.**

   Prior to the establishment of the EA BOAs, extensive market research was conducted to determine the availability of vendors capable of meeting FEMA's emergency acquisition needs within its rigid delivery requirements as follows:

   GSA Market Research as a Service (MRaaS): A report was requested from GSA's MRaaS, a service that surveys GSA MAS contractors to determine how many qualified vendors are available to provide an identified requirement. The MRaaS report identified five (5) vendors capable of meeting emergency acquisition requirements. All were small businesses and two (2) of the five (5) had previous experience providing supplies or services during an emergency.

   Request for Information (RFI): An RFI was issued in April 2021 through GSA's eBuy system. Twenty-two (22) responses were received in response to the RFI, with vendors providing capability statements and indicating the types of supplies or services they provide. All responding businesses were small businesses.

   Industry Day: An industry day was held on 23 June 2021 and advertised through SAM.gov to any interested vendors regardless of size status. Twelve (12) vendors participated in the event and several met with the EA Team on an individual basis to provide feedback regarding the draft BOA and the ordering process it describes.

   Market research showed that while vehicles, such as Federal Supply Schedules (FSS), existed for supplies and services anticipated to be purchased under the EA BOAs, the FSS contracts did not support required flexibilities regarding rapid response and delivery, and did not allow for variations in price often driven by emergency situations, therefore limiting contractor's ability to support emergency requirements. It was determined that a BOA was the most appropriate mechanism for meeting unknown emergency requirements as BOAs provide the required flexibility and can offer an expedited ordering process to meet needs quickly and efficiently.

   As stated above, the EA BOAs will only be used for the purchase of commercial supplies/services in support of emergency preparation, response, and recovery.

9. **Any other facts supporting using other than full and open competition:**

   The EA BOAs were specifically crafted to reap the benefits of an expedient ordering process and have been established with a pool of 19 vendors that specialize in emergency preparation, response, and recovery, eliminating the need for further extensive market research and acquisition planning when responding to an emergency. When an emergency requirement is received, the Contracting Officer can immediately move to issue a competitive solicitation to all BOA holders, bypassing costs and loss of time associated with

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the typical administrative burden of the acquisition process. An expeditious acquisition process is paramount to meeting emergency needs quickly to prevent further damage or harm as a result of an emergency or disaster. Emergencies include damages resulting from hurricanes, typhoons, flooding, fires, etc. Furthermore, the EA BOAs are built for quick competition among the BOA holders, therefore ensuring the government is getting the best available price at that time.

The EA BOAs were initially open to the public via SAM.gov and subsequent on-ramping events were also made publicly available, so as to maximize competition at the BOA level.

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

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 the supplies or services required.

All EA BOA orders are awarded competitively, however competition is limited to the EA BOA holders who are specifically positioned for rapid response and delivery during emergency situations. Reviews of each agreement are completed annually. During this annual review, GSA assesses the current capabilities of each EA BOA holder against anticipated needs. If and when a capability gap is identified, an on-ramping event will be held. This event will be publicized on SAM.gov as full and open, allowing new contractors to express their interest in joining the EA BOA holder pool and new agreements will be issued as appropriate.

12. Contracting officer certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief.

By signing this justification, the Contracting Officer hereby certifies that this justification is accurate and complete to the best of their knowledge.

13. Signatures and Approval

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Reagan Criddle
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Reagan P. Criddle
Contracting Officer (CO)
Office of Contracting (FDBDC)

Date

DocuSigned by:
Janet Schweer
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Janet Schweer
Competition Advocate
Contract Accountability Service Center (FDAE)

Date