

**Justification for Other Than Full and Open Competition**

U.S. Department of Housing and Urban Development  
Office of the Chief Procurement Officer

**PART 1 - PROGRAM OFFICE RECOMMENDATION**

I recommend the use of other than full and open competition for the acquisition of *[describe services or supplies]*  
Security Guard/Parking Attendant Services

Negotiations should be conducted with the following source(s) only *[provide names, addresses and points of contact; continue on separate sheets as needed]*:

DTM Corporation, 1320 Fenwick Lane, Suite 700, Silver Spring, MD 20910

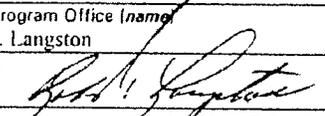
The estimated cost of this acquisition is: \$ **1,786,000.00**

The statutory exception which allows this use of other than full and open competition is *[select one]*:

- Only one responsible source and no other supplies or services will satisfy agency requirements - 41 USC 253 (c)(1) (see FAR 6.302-1)
- Unusual and compelling urgency - 41 USC 253 (c)(2) (see FAR 6.302-2)
- Industrial mobilization; engineering, developmental or research capability; or expert services - 41 USC 253 (c)(3) (see FAR 6.302-3)
- Authorized or required by statute - 41 USC 253 (c)(5) (see FAR 6.302-5)
- Public interest *(NOTE: requires Secretarial approval and Congressional Notification)* - 41 USC 253 (c)(7) (see FAR 6.302-7)
- A description of the circumstances which support the use of the above statutory authority is attached and included as Exhibit 1 to this justification.

**Program Office Certification.** I certify that the information contained in this justification is accurate and complete to the best of my knowledge and belief.

Head of Program Office *(name)*  
Robert E. Langston

Signature: 

Title/Name of Office:

Director, Office of Security Emergency Planning

Date:

3-12-09

For additional information contact:

Elaina S. Walker, X2160

**PART 2 - CONTRACTING OFFICER REVIEW AND CERTIFICATION**

*Provide additional justification and comments here. Continue on back as needed.*

See Exhibit 1

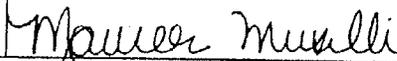
**Contracting Officer Certification.**

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

Name:

Maurcen Musilli

Signature:



Date:

3-24-09

**PART 3 - OTHER APPROVALS**

**Up to \$550,000 - Contracting Officer**

Name Maureen Musilli	Title Contracting Officer
Signature <i>Maureen Musilli</i>	Date 3-24-09

**\$550,000 to \$11,500,000 - Competition Advocate (CA)**

Name <i>Jacquelyn D. Harris</i>	Title <i>Assistant Chief Procurement officer &amp; CA</i>
Signature <i>Jacquelyn H. Harris</i>	Date 4/14/09

**\$11,500,000 to \$57,000,000 - Head of the Contracting Activity**

Name	Title
Signature	Date

**Over \$57,000,000 - Senior Procurement Executive**

Name	Title
Signature	Date

Additional Contracting Officer justification/comments from front *(attach additional pages if needed)*

**Additional Guidance for Completing the Justification**  
(see HUD Handbook 2210.3, Chapter 4)

1. **PART 1 - Program Office Recommendation**

The supporting documentation in the Exhibit 1 must describe:

- The nature of the proposed acquisition that requires other than full and open competition;
- The unique qualifications of any proposed sole source; and
- The market research conducted (see FAR Part 10) and the results or the reason(s) why market research was not conducted.

The cost estimate must include all costs of the proposed acquisition, e.g., options, systems life costs, etc. The total will determine the approval level needed (see 3 below).

FAR Subpart 6.3 describes the statutory exceptions, their applicability and limitations on their use.

"Head of the Program Office" means:

- For all Headquarters acquisitions: the cognizant Assistant Secretary or designee.
- For field acquisitions: the program office director (e.g., Director, Multifamily Housing) within the State or Area Office or the Director of the Administrative Service Center for Administration-initiated acquisitions.

**PART 2 - Contracting Officer Review and Certification**

Besides any information provided to support the program office's justification, the Contracting Officer shall provide:

- Documented results of any Commerce Business Daily notices or explanation of why no notice was published.
- A statement of actions the Department may take to remove barriers to competition for subsequent acquisitions of similar services / supplies; and
- A determination that the anticipated cost / price is fair and reasonable. (See FAR Subpart 6.3 for further guidance.)

The Contracting Officer signing the certification shall be the same individual who will sign the proposed acquisition action which is the subject of this justification.

**PART 3 - Other Approvals**

The Contracting Officer shall obtain the approval for the dollar value ranges indicated.

If any person required to sign in these blocks disapproves this justification, he/she shall return it to the requesting activity with a written determination.

The requesting activity may obtain the name of the "Contracting Activity Competition Advocate" from the cognizant contracting office.

The "Head of Contracting Activity" is defined at Subpart 2402.1 of the HUD Acquisition Regulation (48 CFR Chapter 24). The cognizant contracting office may also provide the name of this individual.

JUSTIFICATION AND APPROVAL  
FOR  
OTHER THAN FULL AND OPEN COMPETITION

Upon the basis of the following justification, I, as Contracting Officer, hereby approve the use of other than full and open competition for the proposed contract action pursuant to the authority of Federal Acquisition Regulation (FAR) Subpart 6.3 – Other than Full and Open Competition.

**BACKGROUND:**

Security Guard and Parking Attendant services are currently being performed by DTM Corp. under contract C-OPC-22127. The basic contract was awarded Oct 3, 2003 and expired Sep 27, 2008. Current services are being performed under Task Order 8 which was awarded Sep 29, 2007 and which currently expires Apr 3, 2009.

A new competitive RFP for these services was issued in May 2008. The award has been delayed for unforeseen reasons, such as the need to issue several amendments to respond to questions submitted by proposed offerors and the need to evaluate a proposal that was “found” long after the closing date for receipt of proposals. HUD could not have planned for these events and could not have avoided the time it has taken to get the competitive acquisition to the contract award stage. The proposed non-competitive bridge contract with DTM is required to allow sufficient time to award the new competitive procurement and to allow for a transition period to implement the SOW under the new competitive contract.

**JUSTIFICATION:**

**AGENCY AND CONTRACTING ACTIVITY (FAR 6.303-2 (a)(1)):**

**Agency:** The U.S. Department of Housing & Urban Development (HUD)

**Contracting Activity:** Office of the Chief Procurement Officer, Philadelphia Branch

**Program Office:** Office of Security and Emergency Planning (OSEP)

This document is a “Justification for other than full and open competition”.

**NATURE AND/OR DESCRIPTION OF THE ACTION (FAR 6.303-2 (a)(2)):**

The Office of Security and Emergency Planning (OSEP) within HUD is seeking the award of a non-competitive, short term, emergency bridge contract with DTM Corp. to continue ongoing security guard services and parking and operation and management services. The period of performance of the bridge contract is 30 days, April 1-30, 2009. The proposed contract will contain short option periods that will only be exercised if needed due to exigent circumstances. If the option periods are needed, they will be exercised as follows:

- Option 1: May 1-31, 2009
- Option 2: June 1-30, 2009
- Option 3: July 1-31, 2009
- Option 4: August 1-31, 2009

The total period of performance of this emergency bridge contract will not exceed five (5) months. The total estimated dollar value of this emergency contract if all options are exercised is \$1,786,000.00.

**DESCRIPTION OF THE SERVICES (FAR 6.303-2 (a)(3)):**

HUD requires a professional, certified, and highly trained security force to provide a safe and secure place for its employees, contractors, and visitors. DTM provides security personnel that maintain security integrity by controlling access to the HUD property; deterring and detecting security breaches; responding to security and medical emergencies and enforcing relevant rules and regulations. HUD also requires parking attendant service. The duties of the parking attendants include, but are not limited to movement of vehicles, monitoring three garage parking levels and two exterior lots, controlling vehicle entry and exiting, selling of permits, and both patron and vehicle safety.

**IDENTIFICATION OF STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION**

41 USC 253 © (2) (FAR 6.302-2) – Unusual and Compelling Urgency

**DEMONSTRATION OF CONTRACTOR'S UNIQUE QUALIFICATIONS (FAR 6.303-2 (a)(5))**

DTM is uniquely qualified to continue providing skilled, technically proficient armed Security Guards and professional Parking Attendant services because DTM provided these services to HUD for over five (5) years. DTM is uniquely qualified to perform this emergency bridge contract because no other contractor could perform all the required services starting on day one of the proposed emergency bridge contract. Any other contractor would require start up, transition time to perform all of the services required under this contract which would leave the Headquarters Building without adequate security.

**SOLICITATION OF AS MANY SOURCES AS IS PRACTICABLE (FAR 6.303-2 (a)(6))**

Only DTM will be solicited for this short term bridge contract. No other sources are being solicited because only DTM is qualified to perform on this short term basis. A posting of this requirement will not be placed in FedBizOps because the contract action is being made under urgent and compelling circumstances. The exemption to the synopsis requirement is 5.202(a)(2).

**DETERMINATION OF FAIR AND REASONBLE COST (FAR 6.303-2(a)(7))**

The proposed cost of this short term bridge contract is the same as is being currently paid to DTM under its current contract that was awarded on a competitive basis using FAR Part 15 procedures. In addition, the prices paid to DTM are consistent with the competitive prices received on the new RFP that is still being evaluated in accordance with FAR Part 15. Based on this, the Contracting Officer determines that the cost of this short term bridge contract is determined fair and reasonable based on a favorable comparison to the prices received on the previous competitive procurement in which DTM was determined the best value and based on a favorable comparison to the competitive prices received on the instant procurement for these exact services (which are still being evaluated for award).

**DESCRIPTION OF MARKET RESEARCH (FAR 6.303-2 (a) (8))**

Market research was sought for the new procurement for Security Guard/Parking Attendant services and vigorous price competition was received. There is not enough time to conduct market research for this emergency bridge contract, nor is market research necessary given the urgent and compelling nature of this acquisition.

**ANY OTHER SUPPORTING FACTS (FAR 6.303-2 (a)(9)iii)**

HUD will be seriously harmed if not permitted to award this emergency bridge contract to DTM. Security Guard services are necessary for the protection and safety of employees as well as visitors to HUD. If these services are left to expire, the Agency could see physical injury to employees and visitors, theft of property and many kinds of security breaches.

**LISTING OF INTERESTED SOURCES (FAR 6.303-2 (a) (10))**

No sources other than DTM were solicited and none have expressed a written interest in this instant requirement for a short term emergency bridge contract.

**ACTIONS TAKEN TO REMOVE BARRIERS TO COMPETITION (FAR 6.303-2 (a)(11))**

Security Guard/Parking Attendant services are normally procured on a competitive basis and HUD will continue to procure these services competitively. The current solicitation for these services received vigorous competition and the anticipated date of the new award is April 1, 2009

**CONTRACTING OFFICER'S CERTIFICATION (FAR 6.303-2 (a) (12))**

Based on the above, I hereby certify that this justification is accurate and complete to the best of my knowledge and belief. (See signature on HUD Form 24012).