

CUI

Control No: 25-025

Contractor: KBR Services, LLC

Service: LOGCAP V Support, Dona Ana in support of Southern Border Operations

Est Dollar Value: [REDACTED]

**JUSTIFICATION REVIEW DOCUMENT  
FOR EXCEPTION TO FAIR OPPORTUNITY**

**Supply/Service:** Logistics Civil Augmentation Program (LOGCAP) V Base Life Support Services for Southern Border Operations

**Authority:** Federal Acquisition Regulation (FAR) 16.505(b)(2)(i)(A), Ordering

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**Reviews:** I have reviewed this justification and find it adequate to support an exception to fair opportunity.

**Competition Advocate:** Rachel M. Phelps PN: 520-693-0277

Signature: *Rachel M. Phelps*

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**Department of the Army  
Justification for Exception to Fair Opportunity  
Under Multiple Award Indefinite Delivery Contracts**

**1. Contracting Activity:** U.S. Army Contracting Command – Rock Island (ACC-RI), Rock Island Arsenal, Rock Island, IL 61299-8000.

**2. Description of Action:** A cost-plus-fixed-fee (CPFF) task order under Contract W52P1J-19-D-0044 to KBR Services, LLC (KBR) in support of U.S. Army North (ARNORTH) and Joint Task Force Southern Border (JTF-SB), to include the 101<sup>st</sup> Division Sustainment Brigade (DSB). The Contractor shall provide Logistics Civil Augmentation Program (LOGCAP) support at Dona Ana Base Camp (DABC), Fort Bliss Texas. This is a post award Justification to Fair Opportunity (JEFO) for the LOGCAP support described in the following paragraphs. On [REDACTED], the Senior Contracting Official provided approval via email for the issuance of a sole source task order under LOGCAP V to KBR for requested LOGCAP support at DABC, based on known details at the time.

The LOGCAP Program Management Office requested ACC-RI issue a letter Notice to Proceed (NTP) for DABC on [REDACTED] due to ARNORTH's and JTF-SB's urgent and compelling need for LOGCAP support. The NTP was issued against LOGCAP V Indefinite-Delivery/Indefinite-Quantity (IDIQ) multiple task order award Contract W52P1J-19-D-0044 to KBR. ACC-RI formally implemented this requirement via Undefinitized Contract Action #25-22 as a new task order, W519TC-25-F-0183, against Contract W52P1J-19-D-0044 on [REDACTED]. ARNORTH provided Fiscal Year [REDACTED] Operations and Maintenance, Army funds to support this effort.

An Acquisition Plan is not required in accordance with (IAW) Defense Federal Acquisition Regulation Supplement 207.103(e) because this acquisition is included in the Principal Assistant Responsible for Contracting approved LOGCAP V program level Acquisition Plan, dated 18 December 2017. The LOGCAP V Acquisition Plan approved the use of Multiple Award IDIQs with regionally aligned Setting the Theater (STT) task orders to satisfy the guaranteed minimum. Initial service performance task orders were awarded to the regionally aligned contractor. New requirements within a theater are competed unless a JEFO approval is obtained. IAW the LOGCAP V Acquisition Strategy, Business Arrangement, requirements approved under a JEFO are sourced to the regionally aligned contractor.

On 12 April 2019, the four LOGCAP V base IDIQ contracts and multiple task orders were awarded. This included a task order award to KBR for the United States Northern Command (USNORTHCOM) STT activities, which includes crisis action planning and emerging requirements. KBR was the only contractor to receive a LOGGCAP V task order in the USNORTHCOM region. Under the STT task order, the regional LOGCAP contractor conducts pre-activation planning, including efforts prior to LOGCAP being

authorized to perform services, to shorten response time and establish the conditions for successful execution of future operations. Pre-activation planning includes developing an in-depth knowledge of the area of operations, a robust vendor base with possible sub-contractors, and an in-depth understanding of the geo-political environment in order to function in a multitude of possible scenarios. KBR is the regionally aligned contractor for USNORTHCOM and is the only LOGCAP V contractor currently providing LOGCAP support in the USNORTHCOM area of responsibility. As such, the actions described above supporting the Southern Border were awarded to KBR on a sole source basis due to ARNORTH's urgent and compelling need for LOGCAP support. Providing fair opportunity amongst all LOGCAP V IDIQ contract holders would have resulted in unacceptable delays to this critical requirement, which is further explained in paragraph 5 below.

**3. Description of Supplies/Services:** LOGCAP was established to provide critical base life support and augment the force by providing a wide spectrum of services to Combatant Commanders and Army Service Component Commanders worldwide. LOGCAP services include, but are not limited to, the following:

- Camp Construction
- Various Health and Medical Services
- Facilities Management
- Hazardous Material/Hazardous Waste Management
- Vector & Pest Management Services
- Laundry Service Operations
- Food Service Operations
- Morale, Welfare, and Recreation
- Power Generation
- Water Production
- Billeting
- Waste and Sewage Management
- Material Handling Equipment Operations
- Maintenance
- Transportation Motor Pool Operations
- Shuttle Bus Service
- Class III Retail Operations
- Fire Fighting Services and Fire Protection
- Oxygen Generation Operation and Maintenance
- Project Planning
- Government Provided Automation Systems
- Government Support Services
- Mortuary Affairs
- Corps Logistics Services Support
- Material Yard

- Gravel Trans Load
- Corps Logistics Services Support Distribution Center
- Central Issue Facility
- Self Service Supply Center
- Class II Bulk Fuel Operations
- Class V Operations
- Class VIII Medical Supply Support Activity
- Class IX (Air) Supply Support Activity
- Field Maintenance
- Theater Transportation Mission
- Airfield Operations and Management Services
- Theater Transportation
- Recovery Operations
- Theater Movement Control
- Container and Cargo Management
- Convoy Support Center
- Defense Logistics Agency Contingency Support
- Retrograde
- Procurement and Supply management
- Agricultural Cleaning in Support of Retrograde Operations
- Redeployment Staging Base Operations

The DSB, on behalf of JTF-SB, requested LOGCAP services in support of the Southern Border operations. The task order award currently includes [REDACTED] activated services for the anticipated location of DABC to include Food Service Operations, additional structure installation, laundry service, and various temporary force protection measures installed.

Task order W519TC-25-F-0183 is for a Mobilization/Transition Period of [REDACTED]

[REDACTED] initial base period of [REDACTED] with an option to extend [REDACTED] through [REDACTED]. The cumulative price ceiling of this JEFO is [REDACTED] based on Rough Order of Magnitude (ROM) titled, ROM – SB Support – Dona Ana – 800 PAX – 20250404 created by ASC PMO, and is further detailed by [REDACTED] in the following table:

**4. Authority Cited:** FAR 16.505(b)(2)(i)(A). The agency's need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays.

**5. Reason for Authority Cited:** Title 10, United States Code (U.S.C.) 3406, "Task and delivery order contracts: orders" and FAR 16.505 "Ordering" require generally that when multiple task or delivery order contracts are awarded, all awardees shall be provided a fair opportunity to be considered for each task or delivery order that is to be issued. 10 U.S.C. 3406(c)(1), and FAR 16.505(b)(2)(i)(A) provide an exception to the fair opportunity process when the agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays.

[REDACTED] the President of the United States (POTUS), by the authority of sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.), declared a national emergency at the southern border of the United States, invoking section 12302 of title 10 U.S.C. The President further declared that this emergency requires use of the Armed Forces and, IAW section 301 of the National Emergencies Act (50 U.S.C. 1631), that the construction authority provided in section 2808 of title 10 U.S.C. is invoked and made available, according to its terms, to the Secretary of Defense and, at the discretion of the Secretary of Defense, to the Secretaries of the military departments, which provides additional authority to the Department of Defense (DoD) to support the Federal Government's response to the emergency at the southern border.

[REDACTED] POTUS clarified the military's role in protecting the territorial integrity of the United States, assigning USNORTHCOM the mission to seal the borders and maintain the sovereignty, territorial integrity, and security of the United States by repelling forms of invasion including unlawful mass migration, narcotics trafficking, human smuggling and trafficking, and other criminal activities. USNORTHCOM established JTF-SB on [REDACTED] to lead this effort. In early [REDACTED] an Army Division Headquarters and Headquarters Battalion deployed to establish the infrastructure necessary for the JTF-SB headquarters at Fort Huachuca, Arizona. Multiple active Army units from around the country also deployed to conduct operations at the southern border as part of JTF-SB. Several National Guard and Reserve units, previously deployed in support of the Department of Homeland Security's FY 2025 Request for Assistance for Southern Border Support, are now aligned under JTF-SB. The current force totals over [REDACTED] United States service members, many of which are being billeted in commercial lodging establishments and receiving full per diem for meals.

JTF-SB delegated responsibility for consolidating JTF-SB sustainment requirements and leading the Operational Contract Support Integration Cell to the 101<sup>st</sup> DSB. While every effort has been made to leverage existing capabilities at designated Base Support Installations, more efficient and cost effective consolidated contracting solutions are required. The current location requiring a solution is Fort Bliss, Texas where approximately [REDACTED] soldiers will be billeting in existing training area facilities at DABC beginning [REDACTED]

The military's support to the United States Government's ongoing fight to maintain the sovereignty, territorial integrity, and security of the United States requires contracted logistics support. Army Sustainment Command (ASC) is postured to support DoD and other Federal Agencies by providing contracted logistics support services for base life support functions such as billeting, food service operations, laundry, showers and latrines through employment of LOGCAP. LOGCAP provides contracted capabilities to plan for and, when directed, rapidly provides sustainment capabilities necessary to set theaters and enable Army and Joint Interagency, Intergovernmental, and Multinational operations, to include Defense Support to Civil Authorities. As such, the 101<sup>st</sup> DSB requested LOGCAP support at DABC on [REDACTED]

The LOGCAP V competition required all offerors to demonstrate a global capability. This means that all [REDACTED] LOGCAP V contract holders are capable of performing the required services. However, due to the immediate mobilization required at DABC, there was insufficient time to conduct a task order competition under LOGCAP V using fair opportunity procedures. Due to the rapidly changing environment at the Southern Border, the requirements were not defined or formally requested until [REDACTED] via Letter of Request for LOGCAP Support to ARNORTH Southern Border Operations in response to the Presidential National Emergency Declaration and Executive Orders. DSB's statement of urgency, on behalf of JTF-SB, utilizing ARNORTH funding, required LOGCAP services initial operational capabilities no later than [REDACTED]. This left only [REDACTED] until the target date for LOGCAP performance. Standard procurement timelines could not be applied to requirements in support of this mission. Based on similar LOGCAP procurements, it would take at least [REDACTED] days for ACC-RI to compete the requirement amongst the [REDACTED] LOGCAP V contract holders. This encompasses a minimum of [REDACTED] to provide adequate time to request and receive proposals from the four LOGCAP V contract holders, followed by evaluations, meaningful exchanges (if required), task order award, debriefings, and potential protests. Additionally, LOGCAP V was designed so that the contractor awarded a STT task order would be uniquely suited to perform in response to emerging requirements within its geographically awarded area. KBR is the regionally aligned contractor for USNORTHCOM and is the only LOGCAP V contractor currently providing LOGCAP support in the USNORTHCOM area of responsibility.

If this JEFO is not approved, attempting to replicate the contracted LOGCAP services would be extremely difficult, if not impossible, without causing degradation to the operations at the southern border, which is unacceptable for this requirement of national significance. It is crucial that KBR support this requirement, as the services requested are extensive, highly critical, specialized, and necessary to avoid life, health, and safety risks to United States military forces. The United States military does not possess an organic capability to perform these functions without detriment to its mission. Existing contracts in the area do not have the similar scope, ceiling, responsiveness or capability to replace LOGCAP. Moreover, there is insufficient time to solicit and award a stand-alone contract. The time required to solicit and award an equivalent stand-alone contract

would take at least [REDACTED] based on research conducted for similar previous urgent actions.

**6. Market Research:** ARNORTH and other entities, including ASC and JTF-SB, executed multiple Pre-Deployment Site Surveys (PDSS) to assess various areas for operation. Early in [REDACTED] a PDSS for Ajo, Arizona was executed, followed by a [REDACTED] of PDSS at both Ajo, Arizona and Davis-Monthan Air Force Base. Lastly, in early April a final PDSS was executed at DABC to assess the area for operations.

Market Research and the PDSS revealed that KBR, as the LOGCAP V NORTHCOM contractor, was uniquely situated to perform this requirement because it is already conducting operations in the USNORTHCOM region. The other three LOGCAP V contractors are capable of performing these services; however, awarding to anyone other than the LOGCAP V USNORTHCOM contractor would require a task order level competition, for which there is no time for due to the highly urgent nature of the requirement.

**7. Actions to Increase Competition:** ACC-RI will conduct task order competitions for new, emerging requirements under LOGCAP V using fair opportunity procedures when conditions permit. At this time, the United States Government believes this is a one-time requirement, and as such does not anticipate an enduring situation that would justify a future competition among LOGCAP V multiple award IDIQ contract holders., Consideration will be given to the Randolph Sheppard Act (RSA) if the requirements within this JEFO become sustaining, to include additional market research. ACC-RI recognizes the RSA provides priority to blind vendors when competing full food service dining facility requirements.

## 8. Other Facts:

### a. Procurement History

Contract Vehicle/Contract Type	Contract Number	Award Date	Competitively Awarded (Y/N), Authority if restricted/JEFO Control No.	Awardee/Contractor	Current Award Expires	Dollar Value
IDIQ/CPFF	W52P1J-19-D-0044 / W52P1J-21-F-0422	8/24/21	N / JEFO 21-114	KBR	9/24/21	[REDACTED]
IDIQ/CPFF	W52P1J-19-D-0044 / W52P1J-20-F-0485 / P00014	7/9/20	N / JEFO 21-065	KBR	7/9/21	[REDACTED]
IDIQ/CPFF	W52P1J-19-D-0044 / W52P1J-21-F-0327	5/20/21	N / JEFO 21-094	KBR	8/25/21	[REDACTED]

IDIQ/CPFF	W52P1J-19-D-0044 / W52P1J-20-F-0485 / P00003	10/16/20	N / JEFO 21-004	KBR	7/9/21	[REDACTED]
IDIQ/CPFF	W52P1J-19-D-0044 / W52P1J-20-F-0485	11/23/20	N / JEFO 21-004	KBR	7/9/21	[REDACTED]
IDIQ/CPFF	W52P1J-19-D-0044 / W52P1J-20-F-0485 / P0001	8/7/20	N / JEFO 20-100	KBR	7/9/21	[REDACTED]
IDIQ/CPFF	W52P1J-19-D-0044 / W52P1J-20-F-0539	8/13/20	N / JEFO 20-099	KBR	8/16/21	[REDACTED]
IDIQ/CPFF	W52P1J-19-D-0044 / W52P1J-20-F-0485	7/10/20	N / JEFO 20-090	KBR	7/9/21	[REDACTED]
IDIQ/CPFF	W52P1J-19-D-0044 / W52P1J-19-F-0395	4/12/19	Y	KBR	3/2/30	[REDACTED]
IDIQ/CPFF	W52P1J-19-D-0044 / W52P1J-19-F-0396	4/12/19	Y	KBR	9/11/25	[REDACTED]
IDIQ/CPFF	W52P1J-19-D-0044	4/12/19	Y	KBR	3/2/30	[REDACTED]

**9. Technical Certification:** I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.

[REDACTED]

**10. Requirements Certification:** I certify that the supporting data under my cognizance which are included in the justification are accurate and complete to the best of my knowledge and belief.

[REDACTED]

**11. Fair and Reasonable Cost Determination:** I hereby determine that the anticipated cost or price to the Government for this contract action will be fair and reasonable. A technical evaluation and cost analysis will be conducted on the proposal. Certified cost and price data will be required.

Date: \_\_\_\_\_

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Alissa S. Rohm  
Contracting Officer

**12. Contracting Officer Certification:** I certify that this justification is accurate and complete to the best of my knowledge and belief.

Date: \_\_\_\_\_

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Alissa S. Rohm  
Contracting Officer

**Approval**

Based on the foregoing justification, I hereby approve, after-the-fact, the award of LOGCAP V task order W519TC-25-F-0183 supporting Southern Border operations at DABC using an exception to fair opportunity pursuant to the authority of FAR 16.505(b)(2)(i)(A), Exceptions to the Fair Opportunity Process, "the agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays." The approved periods of performance for task order W519TC-25-F-0183 are as follows: (1) a mobilization/transition period of [REDACTED] (2) a base [REDACTED] and (3) [REDACTED] option to extend through [REDACTED] at an estimated price ceiling of [REDACTED]. This approval is subject to the availability of funds, and provided that the services or supplies herein described have otherwise been authorized for this acquisition.

