



**DEFENSE THREAT REDUCTION AGENCY
AND
UNITED STATES STRATEGIC COMMAND CENTER
FOR COMBATING WEAPONS OF MASS DESTRUCTION
8725 JOHN J. KINGMAN ROAD, STOP 6201
FORT BELVOIR, VA 22060-6201**

**EXCEPTION TO FAIR OPPORTUNITY
FAR 16.505(b)(2)**

1. Nature and/or Description of the Action

The Defense Threat Reduction Agency (DTRA) contracting activity proposes to procure an effort entitled "CBEP Azerbaijan BTRIC Extension" without requesting proposals from all five (5) of the contractors on the Biological Threat Reduction Integrating Contractor (BTRIC) Indefinite Delivery/Indefinite Quantity (IDIQ). Black and Veatch (B&V) will be the only contractor solicited to provide the required technical effort. The proposed additional tasks include: management of TADR Activity Projects (TAPs), Broad Agency Announcement (BAA) science diplomacy support for Azerbaijan partners, proficiency testing and general biological safety and security mentorship, science research engagement coordination, and developing and implementing a sustainable Center of Excellence (CoE) for scientific reporting, grant proposal application and abstract writing.

The proposed additional tasks were previously competed under the BTRIC IDIQ, and were originally awarded to Bechtel National Inc. (BNI) under contract number HDTRA1-08-D-0010-0003. However, because almost all technical tasks ended on May 31, 2016, BNI is in demobilization and close-out mode through the end of the Period of Performance on July 20, 2016 and there remain some unfinished tasks due to circumstances outside the control of BNI. Additionally, DTRA intends to add tasks to cover gaps that are resulting from a delay in construction of a Central Reference Laboratory (CRL) in Azerbaijan, which is being executed by another foreign entity.

The cost of these tasks is roughly estimated to be \$4.5 million.

2. Background/Description of Services Required

DTRA awarded Task Order 0005 to Black and Veatch on 05 January 2013 in support of Cooperative Biological Engagement Program (CBEP) efforts in the Country of Azerbaijan, pursuant to fair opportunity competition. Four of the five BTRIC contract holders participated in the competition. The Period of Performance for Task Order 0005 ends on 04 October 2016. The addition of these tasks will necessitate an extension of the task order through 30 September 2018. The purpose of this task order was to provide construction and engineering oversight and management for the construction of a national Central Reference Laboratory (CRL) in Baku, Azerbaijan. With the near completion of the CRL there are still significant programmatic gaps in training and mentorship because of the delay in the completion of the CRL and because the other BTRIC task order will be coming to an end in July 2016. If these gaps remain unfulfilled it will negatively impact DTRA's programmatic end states that require Azerbaijan to assume operation of the CRL upon construction completion, and delay the institutionalization of the Biological Threat Agent Detection and Response (TADR) system in Azerbaijan. DTRA requires the delivery of biosafety and biosecurity training, biosecurity level-3 (BSL-3) diagnostics training, and CRL operational training to Azerbaijan. In addition, with the completion of the CRL, there

are requirements to move and transition key pieces of laboratory equipment from the Republican Anti-Plague Station (RAPS) to the CRL where this equipment is intended to be housed. This move will require subject matter expertise in disassembly and reassembly to ensure proper installation into the CRL.

3. Exception to Fair Opportunity

The statutory basis for this non-competitive action is:

FAR 16.505(b)(v)(B)(2)(C), provides that every awardee under an IDIQ must be given a fair opportunity to be considered for a delivery/task order unless the order must be issued on a sole source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract, provided all awardees were given a fair opportunity to be considered for the original order.

4. Justification Rationale

Interest of Economy. Awarding this effort on a sole source-basis would be the most cost-effective approach because it obviates the need for another contractor to ramp up, mobilize, and incur office stand-up charges, and demobilize in Azerbaijan. It will not require a transition or turnover period, i.e. the overlapping period between out-going and incoming contractors. Additionally, instead of paying one set of PMO costs and leveraging existing capabilities and resources, awarding to another contractor would mean that DTRA would incur double PMO costs, at a time when tasks are converging as DTRA is approaching the end of this of type of effort with the completion of the CRL. Competition is not likely to overcome the cost of mobilization, demobilization and transition costs.

Interest of Efficiency

The CBEP Azerbaijan project involves many stakeholders and collaborators, and thus coordination between the activities is necessary to ensure that the project is progressing as smoothly as possible. It is anticipated that several science projects will not be completed prior to the end of the BNI contract. The science projects are time sensitive because there are only a few months in the summer and fall to collect the samples needed to complete the science projects. A contractor is required to possess the necessary skills to oversee and manage the projects. By the time a new contractor is mobilized, the season for collecting samples will have passed and the work completed up until June 2016 will be at risk of becoming invalid. It could take more than 30 days to mobilize in country and then additional time is required to learn to work the project.

Additionally, the incoming contractor may not be available to assist with covering the gaps and providing training in a timely enough manner to meet the needs of the project, such as providing BSL-3 training for the operation of the lab in time for the commissioning of the CRL.

The current contractor's relationships with GoAJ, its ministries, and all other international and national stakeholders, coupled with its nuanced understanding of the project's numerous facets will ensure that overall project momentum will uphold until the completion. A new contractor will require several months to transition onto the project, which could further delay the transition to the GoAJ. There are also cost and schedule risks associated with introducing a new contractor

to forge relationships and establish rapport with all stakeholders in a timely fashion to maintain the current schedule. Competing this action will not likely yield a more economical and efficient performer.

DTRA and BNI could not come to an agreement on the terms of a Period of Performance extension to its current contract, considering BNI's plans for demobilization in the months of June and July.2016.

Logical Follow-on

This requirement is a logical follow-on to the current task order. The current B&V task order was awarded based on competition amongst the BTRIC IDIQ holders in 2013. The B&V Statement of Work required the contractor to support the Azerbaijan Ministry of Health in engineering and construction oversight, as well as training and preparing for the commissioning and operating of the CRL. DTRA identified gaps between the capabilities of the staff versus the skills needed to operate the CRL. The current contract has some scope for BSL-3 training and the proposed additional training and mentoring scope is an increase of the previously awarded scope under this contract.

5. Market Research

Market research was conducted as part of the initial base order. DTRA considered fulfilling discrete tasks with a small business, however, when considering the risks inherent in needing to operate in country, such as understanding, applying, and abiding by local tax and labor laws, and other regulations, a small business approach did not seem appropriate. Based on on-going market research, the other contractors on the BTRICs IDIQ are capable of performing this requirement. It is likely that other larger companies will be able to set up offices, apply for visas, and register the company to do business in Azerbaijan. As detailed in section 4 above, B&V is uniquely positioned to execute these tasks by leveraging current resources and historical knowledge and existing relationships under the CBEP AJ project. Awarding this work on a sole source basis furthers the Governments interest in economy and efficiency.

6. Other Supporting Facts

None.

7. Subsequent Actions

Based on the foregoing delays and circumstances, an Exception to Fair Opportunity is requested to complete the work identified in the CBEP Azerbaijan SOW under contract number HDTRA1-08-D-0007-0005.

Technical Certification

I certify that the data and information forming the basis for this justification are accurate and complete to the best of my knowledge and belief.

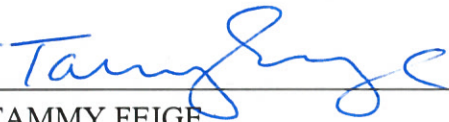
SIGNATURE REDACTED

NAME REDACTED
Project Officer

Date

Contracting Officer Certification and Determination

I certify that this justification is accurate and complete to the best of my knowledge and belief. Additionally, I determine that the order represents the best value consistent with Federal Acquisition Regulations.


TAMMY FEIGE
Contracting Officer

6/14/2014
Date

General Counsel Coordination

This justification is/~~is not~~ legally sufficient.

SIGNATURE REDACTED

NAME REDACTED
DTRA General Counsel

Date

Approval

Based on the above justification, I hereby approve accomplishment of this acquisition by means of limited sources.

SIGNATURE REDACTED

Competition Advocate

NAME REDACTED