



JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

41 USC 3304 (A): USE OF NONCOMPETITIVE PROCEDURES

J&A-26-0102

Pursuant to the requirements of the Competition in Contracting Act (CICA) as implemented by the Federal Acquisition Regulation (FAR) 6.103 (FAR Class Deviation 25-11.¹) and in accordance with the requirements of RFO 6.104, the justification for the use of the statutory authority under RFO 6.103 is justified by the following facts and rationale required under RFO 6.104-1 as follows:

1. Agency and Contracting Activity.

The Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Office of Acquisition Management (OAQ), on behalf of the Enforcement and Removal Operations (ERO), proposes to enter into a contract on a basis other than full and open competition.

2. Nature and/or Description of the Action being Approved.

DHS intends to procure comprehensive detention services (housing, guards, meals, medical care, transportation) on a sole source basis in support of Enforcement and Removal Operations (ERO), Seattle Field Office Area of Responsibility (AOR) from the following vendor:

GEO Group, Inc.,
4955 Technology Way,
Boca Raton, Florida 33431

The procurement is a bridge action to ensure uninterrupted operation of the detention facility in the Seattle AOR while the long-term strategy is finalized. ICE ERO is committed to the administration's directives and will compete the requirement in accordance with regulations once the strategy is established. [REDACTED]

The contract type is a single award Indefinite Delivery Indefinite Quantity (IDIQ) contract. The task orders will be hybrid firm-fixed-price and labor-hour.

The solicitation number is 70CDCR26R00000007, and fiscal year 2026, multi-year operations and support funding will also apply to this action.

¹ FAR Class Deviation 25-11 is implemented as a result of Revolutionary FAR Overhaul, referred as RFO, following Executive Order 14275, *Restoring Common Sense to Federal Procurement*. All citations in this document follow applicable DHS RFO Deviations therefore are referred as RFO.



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This requirement includes the use of up to [REDACTED] detention beds for a period of seven (7) months at an estimated total value of [REDACTED]

The breakdown is provided below:

Period		Unit Price	Total
Base Year	7 mos.	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]

Currently, the contractual support for these services is performed by Geo Group under an award made following full and open competition. The award was established as a task order (70CDCR25FR0000004) under IDIQ contract number HSCEDM-15-D-00015.

Contract number HSCEDM-15-D-00015 was awarded to Geo Group on September 24, 2015. Task order number 70CDCR25FR0000004 was issued on October 28, 2024, and expired on September 27, 2025. At the conclusion of the performance period, the government elected to exercise its unilateral right provided under FAR 52-217-8 Option to Extend Services and extended the task order for an additional six months. As a result, the ultimate contract completion date is March 27, 2026.

As part of its immigration enforcement mission, ICE ERO maintains a network of detention facilities throughout the United States to house aliens placed in removal proceedings and for those awaiting removal from the United States. ICE strives to maintain sufficient bedspace to support its own law enforcement activities, including the arrests of aliens with criminal histories from prisons and jails and aliens at-large that pose threats to national security and public safety in the interior of the United States, and to accommodate fluctuating alien referrals from U.S. Customs and Border Protection (CBP).

3. Description of Supplies/Services.

ICE needs to increase bed capacity to meet the administration’s interior enforcement and border decompression goals. ICE ERO has a requirement for seven months of comprehensive detention services within the Seattle AOR. This required geographical area is essential for ERO to accomplish its apprehension and detention, and removal mission in the most cost efficient and timely manner. The facility must have a capacity of up to 1,635 detainees of all security levels (High (Level 3), Medium (Level 2), or Low Risk (Level 1)), while also providing guards, meals, medical care, and transportation services. It must also be fully operational within a reasonable time of the contract award date. These services are required to support ERO’s mission to safely detain illegal aliens while they await trial or deportation.



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The contractor provides all personnel, detention management, equipment, facilities, supplies, transportation, and onsite hearings in accordance with the ICE 2025 National Detention Standards (NDS), American Correctional Association (ACA) Standards for Adult Local Detention Facilities (ALDF), Standards for Health Services in Jails, National Commission on Correctional Health Care (NCCHC), and other state and local laws.

4. Identification of Statutory Authority Permitting Other Than Full and Open Competition.

The statutory authority permitting other than full and open competition is 41 U.S.C. 3304(a)(1) implemented by the RFO Subpart 6.103-1 entitled "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements."

5. Identification of Exception to the Buy American Statute

The exception to the Buy American statute permitting the purchase of articles that are not domestic end products does not apply to this requirement.

6. Demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.

[REDACTED]

[REDACTED]

[REDACTED]

GEO Group is the sole owner and operator of the identified facility and currently provides detention services in the facility. GEO is the only contractor that satisfies ICE's requirements for this procurement in the timeframe and is the only responsible source that can currently satisfy ICE detention service. NWIPC is an existing facility within the required geographical AOR (Seattle), as well as local jurisdictions, which prohibit State, County, and local jails from housing ICE detainees. Federal Bureau of Prisons and other federal detention facilities in the area are designated for individuals serving criminal sentences and are not suitable for ICE detainees who require a facility specifically designed for detention and removal operations.



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NWIPC facility uniquely provides proximity to emergency services, airport access, and the full range of staffing, equipment, and operational support required by ICE.

ICE considered state, county, local jails, Federal Bureau of Prisons and other detention facilities. However, ICE detainees are prohibited from being detained in these facilities. ICE has conducted extensive market research and outreach to identify alternative facilities, but no other facilities are available for the required services based on prohibitions for immigrant detainees in the state and limitations on other existing federal facilities. ICE requires a 24/7 secure detention facility with proximity to emergency and airport services, as well as specialized staffing to accommodate the required NDS 2025 and meet ICE operational needs.

Failure to approve this J&A and secure the required detention facility would severely impact ICE's ability to conduct detention and removal operations in the Seattle AOR. ICE would lack a suitable facility to house detainees, compromising public safety, and operational effectiveness.

7. Description of Efforts Made to Ensure that Offers are Solicited from as Many Potential Sources as is Practicable.

A Request for Information (RFI) was posted on SAM.gov from December 19, 2025, through January 5, 2026. Four responses were received, including a response from GEO. The program office evaluated the capability statements submitted and determined that only GEO could meet all of ICE's operational, logistical, and security requirements for detention facility services within the Seattle AOR. No other respondents demonstrated the ability to provide the required services in this area of responsibility without substantial interruption of operations, or to provide the services in compliance with federal, state, and local restrictions.

8. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable.

[REDACTED]

9. Description of Market Research.

Market research was conducted, including outreach to state, county, and local jails, Bureau of Prisons, and federal detention facilities. All were found unsuitable or unavailable due to legal restrictions or operational limitations.

Additional market research was conducted by publicizing an RFI to determine if market capability exists that could meet the Government's requirements.

A summary of the responses is provided below:



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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ICE seeks comprehensive detention services through a contractor owned and contractor operated detention facility. [REDACTED]

[REDACTED] he results of the market research determined that the requisite services are only available through GEO.

10. Any Other Facts Supporting the Use of Other Than Full and Open Competition.

GEO Group facility is uniquely positioned to provide uninterrupted detention services within the Seattle AOR. Transitioning to another provider would not be feasible, as no other facility in the region is authorized or equipped to house ICE detainees due to state and local restrictions. Attempting to establish a new facility or modify an existing one to meet ICE



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requirements would result in significant delays and substantial costs to the Government, including construction, permitting, staffing, and equipment procurement. These may require several years to complete, based on industry benchmarks for secure detention facility development and operational startup.

Additionally, any interruption in detention services would jeopardize ICE's ability to safely and securely detain individuals pending removal proceedings, potentially resulting in detainees being released into the community and undermining public safety.

11. A Listing of the Sources, if Any That Expressed, in Writing, an Interest in the Acquisition.



12. A Statement of the Actions, if Any, the Agency May Take to Remove or Overcome Any Barriers to Competition Before Any Subsequent Acquisition for Supplies or Services Required.

ICE will review and make determinations on facility acquisitions and development efforts nationwide as part of the reimagined detention initiative.

After award of this action, DHS intends to post the approved/signed justification pursuant to RFO FAR 6.301.

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13. Contracting Officer's Certification

I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.

[Redacted Signature] [Redacted Date]

Contracting Officer

Date

14. Technical/Requirements Personnel Certification

I certify this requirement meets the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

[Redacted Signature] [Redacted Date]

Technical Representative

Date

15. Competition Advocate

[Redacted Signature] [Redacted Date]

Procuring Activity Advocate for Competition

Date

16. Approval:

[Redacted Signature] [Redacted Date]

Head of Contracting Activity

Date