JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

Acquisition Title:	Strategic Information Technology Communications and Change Management Services Support for the Office of
Agency:	NIH
NIH Divisions and Centers:	CIT - Center for Information Technology
Acquisition Year (FY):	2026
Author:	[redacted]

2. Description of Action:

Nature:	☐ New Requirement	☐ Follow-on Order	
	☒ Modification to Existing Delivery/Task Order/Contract Number:		HHSN316201200018W_75N97A26F10001
Order Against:	Multiple Award ID/IQ Contract Number:		
Pricing:	☐ Firm-Fixed Price	☒ Time & Materials	☐ Cost Type
Funds:	☐ OMA	☐ Other Funds:	Labor Hour

3. Description of Applicable Contract Provisions:

Under the general scope of this contract for administrative and strategic Information Technology (IT) management communications services for CIT's Office of Administrative Management (OAM), these IT Communications and Change Management Services for IT Modernization Strategy and Execution Support (MSES) and Digital Experience Optimization (DXO) support to improve how NIH staff, researchers, and stakeholders interact with enterprise digital services. are included in the scope of the Statement of Work (SOW), Section 2 Tasks. This work will support the Office of IT Services Management (OITSM) and Office of Chief Information Officer (OCIO) which manages NIH's infrastructure and provides IT services to maximize agility and promote responsiveness in support of NIH IT. OITSM has recently identified the need for an Acting Deputy Director that is charged with maturing and modernizing the prioritized objectives of OITSM. This work added by supplemental change order will provide the support needed for that objective. The OCIO work will help advance the DXO initiative These resources are not key personnel. The existing security provisions are appropriate for the added resources. There are no AI components added by this supplemental change. Travel is not required normally, but on occasion the vendor may have to report to the Bethesda location.

4. Description of Supplies or Services:

The estimated value of the proposed action, including all options, is: $ [redacted]

5. Authority and Rationale:

The Contracting Officer shall give every awardee a fair opportunity to be considered for a delivery/task order exceeding the micro purchase threshold unless one of the following statutory exceptions applies. FAR 16.505(b)(2). Mark the applicable exception:

☐ The agency need for the supplies or services is so urgent that providing a fair opportunity would result in unacceptable delays [FAR 16.505(b)(2)(i)(A)];

☒ Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized [FAR 16.505(b)(2)(i)(B)];

This task order modification must be issued on a sole-source basis in the interest of economy and efficiency because it is a modification to an existing task order already issued under the CIO-SP3 contract. As the current contractor, only Deloitte is capable of providing the supplies or services required at the level of quality required because the services called for hereunder are for the unique and highly specialized NIH CIT and OCIO operational environments of which Deloitte is knowledgeable to perform this work.

Deloitte has been providing consistent and effective support in accordance with the SOW requirements, which are tailored to the Institute's unique operational environment and, therefore, has an in-depth understanding of CIT's and OCIO's operational environments and mission needs. Transitioning or competing this to a new contractor without sufficient time in the acquisition process at this critical juncture, would create substantial risk to service continuity, compromise CIT and OCIO's posture, and require extensive transition planning that would impede NIH plans and goals required for this effort. Not to mention that the cost to recompete and transition to a new contractor would not be recouped.

Only Deloitte is capable of providing the services required at this time at the level of quality required because the services are unique or highly specialized [FAR 16.505(b)(2)(i)(B)]. Deloitte has been performing the work called for under this SOW for over five years. The work required under this supplemental change is work needed from a partner familiar with the current NIH CIT and OCIO operational environments. Deloitte is uniquely knowledgeable about the current NIH CIT and OCIO environments (which are more complicated due to all the changes from the recent consolidation) and has specialized insight as a result. With this insight Deloitte can provide the Office of IT Services Management (OITSM) Deputy Director and OCIO with immediate input, as needed to perform this work. To assist with the guidance on a strategic plan and implement a discovery process is necessary to gain insights into the CIT Service Areas and identify actionable projects that will advance the organization's goals. Key activities that support this effort include the development of a 90-day plan, informational interviews with all service area managers designed to inform the action plan and identify key projects, the development of an action plan outlining key projects and the metrics / outcomes associated with each and support in reporting progress regularly to CIT and NIH leadership. Additionally, the OCIO effort will generate actionable insights and enhance performance visibility to improve service effectiveness and increase adoption of existing NIH digital capabilities. All activities will be completed in alignment with CIT centralization objectives and efforts. Deloitte is uniquely poised to understand and deliver on both these efforts. Another vendor would require as much as 30 to 90 days of time to learn the organization, both CIT and OCIO operational environments. Deloitte understands and already possesses the unique knowledge about the organizations. A new vendor fulfilling all the requirements of the CIT and OCIO organizations just so they could get to a point of where Deloitte is now, and come up to speed on the understanding of the organizations over a one to three month period, could cost anywhere from [redacted] in transition efforts, i.e., to understand the NIH CIT and OCIO environments sufficiently enough to perform the work called for and being added via this supplemental change.

CIT's OITSM and OCIO require an appropriate level of expertise and support to ensure their business and organizational requirements are met during the development of the strategic plan and DXO initiative called for via this supplemental change. The government estimates that a total of three labor categories from Deloitte's resources specifically familiar with the CIT and OCIO operational environments who can perform the strategic work called for hereunder are an IT Task Manager II, IT Senior Project Support I , and Project Manager II, all on a full-time basis. The Deloitte staff are familiar with the CIT and OCIO operational organizations, the workflows, the systems being used, the challenges within the organizations and are uniquely knowledgeable because of the work they have been doing for the life of this contract and this current bridge contract. Again, for another vendor to be selected to do this work would require administrative time and effort to compete it, and the cost for that vendor to go through a transition to understand the environments, workflows, systems, and challenges to provide the strategic input needed. For instance, they would need to learn who best to conduct surveys from and provide that insight to the new Deputy Director, etc. As mentioned above, the potential cost could be anywhere from [redacted] which would not be recouped from any competition to select a new vendor. The objective of this modification is to acquire appropriate levels of support and expertise from the current contractor, Deloitte to advise OITSM, CIT, OCIO and other stakeholders in both the quality of work, plan development, implementation, and operationalization. Timely and accurate project information can only come from Deloitte, who already has the unique insight to provide the real-time input, insight, and guidance.

Without this support, the information technology centralization efforts may stall, resulting in continued duplication of services, inconsistent governance practices, limited visibility into enterprise performance, and inefficient use of resources across Institutes and Centers. Delays may also hinder alignment with federal mandates promoting shared services, accountability, and modernization. This request is mission critical because it provides the structured expertise and execution capacity required to implement enterprise-wide centralization in a disciplined and measurable manner, which cannot be absorbed by existing operational staff without disrupting ongoing service delivery.

Without targeted OCIO Digital Experience Optimization and user enablement support, NIH will continue to experience: Reduced workforce productivity due to inefficient system interactions, Underutilization of existing IT investments, and an Increased operational burden and support demand. These issues directly impact NIH's ability to effectively deliver on its mission. Immediate support is required to improve user interaction with existing systems, increase adoption, and remove barriers to efficient service delivery.

☐ 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 that all awardees were given a fair opportunity to be considered for the original order [FAR 16.505(b)(2)(i)(C)];

☐ It is necessary to place the order to satisfy a minimum guarantee [FAR 16.505(b)(2)(i)(D)]; or

☐ A statute expressly authorizes or requires that the purchase be made from a specified source. [FAR 16.505(b)(2)(i)(E)].

6. Agency Actions to Take or Remove Barriers That Led to Fair Opportunity Exception (If applicable):
Describe the actions, if any, the agency may take to remove or overcome any barriers that led to the restricted consideration prior to any subsequent acquisition for the supplies of services is made. If no such actions have been taken, explain why.

The NIH CIT is currently working through the competitive process for competing the follow-on work currently covered under this SOW. Competition will be obtained using existing vehicles where fair opportunity will be provided to qualified, capable vendors in the market place.

7. Fair and Reasonable Price/Cost Determination: I hereby determine that the anticipated price/cost for this contract action will be fair and reasonable.

The Contracting Officer conducted a price analysis in accordance with FAR 15.404-1(b) to determine that the proposed modification pricing is fair and reasonable. Techniques used included:

-Comparison to historical pricing under the current contract HHSN316201200018W_75N97A26F10001 for similar labor categories and tasks from the base period, including any discounts offered.
-Cross-checking with the independent Government estimate, which was developed using current labor rates, escalation factors, and known market conditions.
-Assessment of price consistency across similar federal contracts for comparable services, such as the NITAAC SP3 and GSA MAS. Both these vehicles have rates that were previously determined fair and reasonable.

Based on these techniques, the Contracting Officer concluded that the proposed price is fair and reasonable and reflects current market conditions.

Signature:	[redacted]	Date:	May 21, 2026
Name:	[redacted]		
Title:	Contracting Officer		

8. Any other facts supporting the justification:

None.

9. Technical / Requirements Certification: By my signature below, I certify that the supporting data under my review which is included in this Justification for an Exception to Fair Opportunity is accurate and complete.

Program Manager	
Name:	[redacted]
Position Title:	Program Manager C&O

Email address:	[redacted]
Phone:	[redacted]
Program Manager Supervisor (or one level above Program Manager)	
Name:	[redacted]y
Position Title:	Deputy Executive Officer
Email address:	[redacted]
Signature:	[redacted]
Date:	5/21/2026

10. Contracting Officer's Approval (Required for proposed contract not to exceed $700,000 (value calculated including all options)): I hereby certify that this justification is accurate and complete to the best of my knowledge. I approve this sole source justification subject to availability of funds, and provided that the services and supplies herein described have otherwise been authorized for acquisition.

Name:	[redacted]	Phone:	[redacted]
Signature:	[redacted]	Date:	May 21, 2026

11. Legal Review:

12. OPDIV Competition Advocate Approval (Required for proposed contract over $700,000 but not exceeding $13.5 million value calculated including all options)):

I have reviewed this justification and find that it adequately supports an exception to fair opportunity.

Name:	[redacted]	Phone:	
Signature:	[redacted]-s	Date:	

13. Office of Small and Disadvantaged Business Utilization:

I have reviewed this justification and find that it adequately supports an exception to fair opportunity.

Name:		Phone:	
Signature:		Date:	

14. OPDIV HCA Approval (Required for proposed contract over $13.5 million but not exceeding $68 million value calculated including all options)):

Name:		Phone:	
Signature:		Date:	

15. Department Competition Advocate:

Concur:	☐	Non-Concur:	☐

Name:		Phone:	
Signature:		Date:	

(The below approval paragraph is required if the cumulative contract value, including all options, exceeds $68 million.)

16. HHS Senior Procurement Executive (SPE) Approval:

Based on the foregoing justification, I hereby approve the procurement of stated supplies/services being procured on the exception to the fair opportunity basis pursuant to the authority of paragraph 5, 41 U.S.C. 4101, as implemented by FAR 16.501-2.

State supplies/services being procured:

State the full statutory authority and FAR cite and title, consistent with paragraph 4, e.g. 41 U.S.C. 3304:

Name:		Phone:	
Signature:		Date:	