U.S. Immigration and Customs Enforcement

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
41 USC 3304 (A): USE OF NONCOMPETITIVE PROCEDURES

J&A-26-0146

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), proposes to enter into a hybrid contract with both firm-fixed price (FFP) and cost reimbursable (CR) contract line item numbers (CLINs) on behalf of the Enforcement, Removals, and Operations Division (ERO) on a basis of other than full and open competition.

2. **Nature and/or description of the action being approved.**
(a) Nature of action:
OAQ will procure, on a sole source basis, comprehensive Operational Support Aircraft Maintenance (OSAM) based on ERO's Statement of Objectives (SOO). DHS has an urgent need for the establishment of a performance-based, multi-mission OSAM contract utilizing Government Furnished Aircraft (GFA) under a Government-Owned, Contractor-Operated (GOCO) construct. The contractor shall maintain two C-37B (or equivalent) Gulfstream 650ER GFA to support and maintain airworthiness. The contractor shall provide maintenance and minimal operational support for inter-agency aircraft use agreement missions upon receipt of written authorization from DHS and confirmation of funding arrangements from the requesting agency. The Government requires the contractor to deliver and maintain a safe, compliant, mission-ready aviation enterprise that operates with transparency, discipline, and enterprise-level governance.

This requirement will provide the personnel, engineering services, and supply chain management necessary to ensure continuous airworthiness of all aircraft. The contractor will support comprehensive scheduled and unscheduled maintenance in alignment with OEM guidance, airworthiness directives, and other FAA regulatory requirements. At the time of award, the contractor is expected to operate and maintain a mixed fleet of government furnished aircraft (GFA), consisting of two C-37B (or equivalent) Gulfstream 650ER aircraft

The contract will have a period of performance of May 28, 2026, through June 27, 2026, with a one-month option period that, if executed, could extend the period of performance through July 27, 2026. DHS originally utilized these aircraft through charter flights [redacted]; however, once the aircraft were purchased by DHS and became

[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.

GFA, the operations and maintenance of these aircraft were not addressed through contract support. [redacted] The critical issue that warrants a sole source award is the requirement of maintaining the aircraft. Aircraft become non-air-airworthy in short order and can endure significant damage if they are not regularly maintained, and utilized, to include flight operations. While the aircraft are owned/possessed by the Government, the proposed sole source vendor below currently houses (parked and stored) the aircraft with the seven aircraft [redacted]

The urgency surrounding the sole source award for aircraft operations and maintenance was driven by several unusual and compelling factors. Aircraft require continuous, specialized maintenance and operational activity to remain airworthy; even brief lapses can lead to rapid degradation, costly repairs, or permanent loss of certification. Upon transfer of ownership, the Government did not have the infrastructure, personnel, or contracts in place to assume maintenance responsibilities immediately, and any delay in securing maintenance would have jeopardized the aircraft's condition and value.

The Contractor that received the award possessed unique, immediate access to the aircraft, as they were already housed and maintained alongside other DHS assets under the CSRO IDV contract. No other vendor could mobilize the necessary resources, personnel, and equipment on such short notice without risking the aircraft's airworthiness. Furthermore, Federal Aviation Administration (FAA) regulations mandate strict adherence to maintenance schedules and operational checks; failure to comply could result in regulatory penalties, loss of airworthiness certificates, and inability to deploy the aircraft for mission-critical operations. The aircraft are essential for DHS mission requirements, and any period of non-availability directly impacts operational readiness, homeland security, and public safety.

There are no viable alternatives at this time as no other vendor can provide the required maintenance and operational support within the necessary timeframe. The urgency is compounded by the risk that attempting to compete the requirement or transition to another vendor would introduce delays, during which the aircraft would be unmaintained and at risk. While it may be argued that this situation results from a lack of planning, the urgency is not solely due to planning gaps, but rather the unforeseen timing and circumstances of the asset transfer combined with the highly specialized nature of aircraft maintenance and operational requirements. The Government is acting promptly to mitigate risk and ensure compliance with safety and regulatory standards, and the sole source award is a temporary measure to bridge the gap until a competitive procurement can be conducted.

(b) Name and address of the contractor:
Salus Worldwide Solutions Corp
1616 Fort Myer Drive, Suite 1600
Arlington VA 22209

UEI #: EA4VD72SB1W3

(c) Contract Type:
New award of a Hybrid type contract with FFP and CR CLINs

(d) Estimated Total Value (including options). Provide breakdown as shown below:

Period	CLIN	Estimated Amount
Base	0001A: C37B-1 Fixed Maintenance Oversight	$1,279,368.00
	0001B: C37B-1 Maintenance Flight Hour	$790,000.00
	0001C: C37B-1 Other Direct Costs:	$1,500,632.00
	0001D: C37B-1 Fixed Ownership Amounts	-
	0002A: C37B-2 Fixed Maintenance Oversight	$1,279,368.00
	0002B: C37B-2 Maintenance Flight Hour	$790,000.00
	0002C: C37B-2 Other Direct Costs:	$1,500,632.00
	0002D: C37B-2 Fixed Ownership Amounts	-
	Base Period Total	$7,140,000.00
Option Period 1	1001A: C37B-1 Fixed Maintenance Oversight	$1,279,368.00
	1001B: C37B-1 Maintenance Flight Hour	$790,000.00
	1001C: C37B-1 Other Direct Costs:	$1,500,632.00
	1001D: C37B-1 Fixed Ownership Amounts	-
	1002A: C37B-2 Fixed Maintenance Oversight	$1,279,368.00
	1002B: C37B-2 Maintenance Flight Hour	$790,000.00
	1002C: C37B-2 Other Direct Costs:	$1,500,632.00
	1002D: C37B-2 Fixed Ownership Amounts	-
	Option Period 1 Total	$7,140,000.00
	Estimated Total Value:	$14,280,000.00

(e) Type of funding (*Example: Operations and Support Funds*).
Operations and Support Funds

(f) Year of funding:
Multi-Year: FY 2025 to FY 2029

(g) Solicitation Number:
Released without a number

(h) Background information about the requirement:
This is a new requirement for ICE stemming from a previous sole source procured by DHS.

3. Description of Supplies/Services.

This is an immediate requirement for routine and non-routine maintenance support, aircraft readiness activities, maintenance coordination, discrepancy resolution, inspection support, and limited flight activity necessary to validate maintenance actions or aircraft systems performance. Key activities supported through this contract include the following items:

1. **Maintenance, Engineering, and Airworthiness Support:**
   The contractor will ensure the fleet maintains continuous airworthiness, high operational readiness, and optimized lifecycle sustainment, while minimizing mission disruption through proactive maintenance planning and responsive technical support.

2. **Management, Staffing, and Operation of Aircraft:**
   Maintenance activities shall be conducted in accordance with applicable regulatory requirements, aircraft technical data, manufacturer guidance, maintenance program requirements, Government direction, and aircraft-specific readiness priorities. The contractor shall provide the personnel, management oversight, procedures, coordination mechanisms, and technical support necessary to safely and effectively maintain the aircraft in an appropriate readiness posture throughout the period of performance. To meet this requirement, the contractor shall perform the following:
   a. Providing qualified pilots to support maintenance-related flights, functional check flights, test flights, repositioning flights, post-maintenance validation flights, and other limited flight activities required to maintain or validate aircraft readiness
   b. Support test flights required for one of the G650 ER aircraft to complete secure communications accreditation with DHS/CIO. The amount of test flights are based on maintenance needs.
   c. Provide qualified maintenance personnel and technical subject matter experts to coordinate, support, and implement scheduled and unscheduled maintenance activities for the two G650ER aircraft.
   d. Conduct maintenance coordination, discrepancy tracking, inspection support, servicing support, return-to-service planning, and readiness validation activities in accordance with applicable aircraft technical data, maintenance requirements, and Government direction.
   e. Provide program management personnel to coordinate maintenance priorities, track mission-critical milestones, support Government reporting requirements, and ensure timely execution of OSAM activities during the period of performance.
   f. Coordination between the Government, aircraft maintenance providers, OEM representatives, avionics providers, secure communications stakeholders, and other authorized parties, as required, to support aircraft readiness and completion of required maintenance or accreditation-related activities.

3. **Safety, Compliance, and Airworthiness:**
   GFA will be maintained in accordance with applicable DHS-specific Flight Program Standards. When performing test, maintenance, Government personnel transportation, or other domestic activities, such operations will be conducted as Public Aircraft Operations (PAO) pursuant to 49 U.S.C. §§ 40102(a)(41) and 40125. For missions conducted under

these designations, aircraft will be maintained in accordance with Part 91 before and after each operation. Flight safety standards will conform to DHS Flight Program Standards. The flight standards are based off the Department of Homeland Security Management Directive System MD Number: 0020.1 Issue Date: 02/22/2005 AVIATION MANAGEMENT AND SAFETY. To ensure continued airworthiness and operational safety all aircraft modifications, including the integration of secure communications systems, will comply with approved engineering data and FAA Supplemental Type Certificate (STC) processes, unless otherwise reviewed and approved by the appropriate Government authorities.

4. **Reporting, Data Management, and Operational Transparency**
The contractor shall provide transparent, accurate, and timely reporting in accordance with mutually agreed-upon contract deliverables to ensure continuous Government situational awareness, effective oversight, and informed decision-making.

4. Identification of statutory authority permitting other than full and open competition.
This justification is prepared pursuant to 41 U.S.C. 3304(a)(2), implemented by RFO 6.103-2, Unusual and Compelling Urgency, which permits contracting without providing for full and open competition when the Government's need for supplies or services is of such an unusual and compelling urgency that the Government would be seriously injured, financially or otherwise, unless the agency is permitted to limit the number of sources from which it solicits proposals.

The 150-day period of performance limitation at HSAR 3006.103-2(c)(70)) (HSAR Class Deviation 25-01) applies to this procurement.

The statutory authority permitting other than full and open competition is 41 U.S.C. §3304 as implemented by:

[Select only one of the following circumstances permitting other than full and open competition:]

☐ RFO 6.103-1: Only one responsible source and no other supplies or services will satisfy agency requirements.

☒ RFO 6.103-2: Unusual and compelling urgency.

☐ RFO 6.103-3: Industrial mobilization; engineering, development, or research capability; or expert services.

☐ RFO 6.103-4: International agreement.

☐ RFO 6.103-5: Authorized or required by statute.

☐ RFO 6.103-6: National security.

☐ RFO 6.103-7: Public interest.

5. Identification of Exception to the Buy American Statute:
Not Applicable

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

(a) Rationale for using the authority cited in section 4 of the J&A.

The authority that applies to this justification is RFO 6.103-2: Unusual and compelling urgency due to the immediate need for maintenance on this existing fleet of Government Owned Aircraft. Without sufficient maintenance, the aircraft will fall into disrepair, become non airworthy, and will significantly impact the operational mission of ERO. The planned contract period of performance of a one-month base period with an available one-month option period allows sufficient time to work toward a competitive solicitation for a more permanent solution in accordance with RFO 6103-2(d).

The unusual and compelling urgency in this case is from the U.S. President's declaration of a national emergency to remove dangerous illegal aliens who have entered the U.S. without proper legal authority. Although the national emergency declared by the U.S. President regarding the removal of dangerous illegal aliens has been in effect for over a year, operational demands and risks to homeland security have continued to escalate. A previous six-week sole source contract was awarded by DHS immediately after the purchase of these aircraft to allow time for a competitive solicitation; however, the extensive DHS shutdown prohibited that action. Also, unforeseen increases in deportation requirements and ongoing threats have outpaced available resources and maintenance support for the Gulf of America (GFA) aircraft fleet.

The connection between the emergency and the urgent need for this maintenance contract remains direct and critical. Without immediate award, there is a substantial risk of fleet degradation, which would compromise the Department's ability to respond to national security threats and fulfill removal operations. Adding further delay to facilitate a full competitive process would likely result in irreparable harm to operational readiness and asset integrity, outweighing the benefits of competition under these unique circumstances.

(b) Details covering what events lead to the situation requiring use of other than full and open competition procedures including whether any portion of the work can be segregated to allow for competition.

Recent circumstances have prevented the government from pursuing full and open competition for this requirement. The short-term Operations & Maintenance (O&M) contract expired before a new competitive contract could be awarded due to unforeseen delays in the DHS procurement process due to the shutdown, unforeseen increases in deportation requirements, ongoing threats, and the transfer of this requirement from DHS to ICE. These delays resulted in a loss of required regular maintenance coverage for the

two aircraft to remain airworthy, including engine lubrication and periodic system checks. Without a maintenance contract in place, these essential tasks cannot be performed, risking degradation of the aircraft and loss of operational capability. The nature of the required maintenance is such that it cannot be segregated or deferred. No portion of the work can be separated for competition without compromising the integrity of the maintenance program and operational requirements.

(c) Summarize alternatives considered and why they will not work; and

Under the current circumstances, several alternatives to the proposed sole-source action were evaluated, including conducting a full and open competition and pursuing a limited competition among multiple vendors; however, both alternatives were determined to be unworkable due to the urgency of the requirement.

A full and open competition would require significant lead time for market research, solicitation development, proposal submission, evaluation, and award. Based on recent procurement timelines for similar requirements, this process would likely take more time than is available. This delay would limit support for ERO and other Agency and Governmental support missions due to a lapse of critical maintenance, resulting in operational disruptions, increased risk to mission continuity, and potential impacts to public safety and security. A limited competition among pre-qualified vendors was also considered. While this approach could reduce the procurement timeline somewhat, it would still require time for vendor identification, proposal solicitation, and evaluation. Even with expedited procedures, the anticipated delays would be incompatible with the immediate need for uninterrupted maintenance support.

The urgency of the requirement stems from the fact that ERO and other Agency missions rely on continuous, comprehensive maintenance support to sustain essential operations. Any gap in support would jeopardize the Agency's ability to fulfill its statutory obligations, respond to emergent situations, and maintain operational readiness. Delays caused by competitive procurement processes would directly impact mission-critical functions, including facility management, equipment reliability, and the ability to support law enforcement and public safety operations.

Given these considerations, the sole-source action is justified as the only viable approach to ensure immediate and uninterrupted maintenance support for ERO and other Agency and Governmental missions. The risks associated with procurement delays outweigh the benefits of competition in this instance.

(d) Impact to the mission that would result if the J&A is not approved and, consequently, the product or service is not provided.

Under these circumstances, failure to approve this J&A would adversely impact DHS's ability to maintain the two C-37Bs owned by the Government. There would be additional cost to get the aircraft back to operational readiness. If the required maintenance for the DHS-owned C-37B (or equivalent) Gulfstream 650ER aircraft is not completed, the planes will become non-airworthy, with critical systems such as engines, hydraulics,

avionics, and environmental controls degrading due to inactivity. For example, engines require regular operation for proper oil lubrication; if left idle, internal corrosion and mechanical failures can occur, resulting in costly repairs and extended downtime. As inspections lapse and airworthiness directives are not met, the aircraft will violate regulatory requirements and may suffer physical damage, including discharged batteries, flat-spotted tires, and dried seals.

The urgent and compelling need for this maintenance contract arises from a specific, time-sensitive operational requirement: the ICE Border Czar's mandated rapid response to emergent border security incidents. The Border Czar must have immediate access to a dedicated aircraft to conduct site visits, coordinate with field teams, and respond to operational surges at geographically dispersed and remote border locations. This mission-critical requirement cannot be met through commercial air travel or shared aviation assets due to the unpredictable nature of border incidents and the necessity for secure, direct, and reliable transportation.

Currently, the designated DHS/ICE AIR aircraft required for these operations are approaching mandatory maintenance inspections and component replacements. Without immediate contracted maintenance support, these aircraft will be grounded, directly preventing the Border Czar from executing urgent operational tasks. This would result in delayed response times, reduced situational awareness, and compromised border enforcement effectiveness during a period of heightened activity. While other DHS leadership and interagency partners may also rely on these aviation assets, the justification for this urgent award is centered on the Border Czar's operational needs for border enforcement and removal missions that cannot be postponed or substituted. The maintenance contract's short period of performance is specifically designed to bridge the gap while a longer-term operations contract is finalized, ensuring continuous support for these critical missions.

Any delay in awarding this contract would result in immediate operational downtime, non-compliance with federal aviation safety requirements, and the inability to fulfill urgent border security objectives. The risk is not hypothetical; it is tied to ongoing and anticipated operations that require uninterrupted aircraft availability. The justification does not extend to simultaneous use by multiple program offices or individuals, but rather to the specified urgent operational needs of the Border Czar and associated enforcement activities.

Currently, the government is paying $100,000.00 per month to store these planes; that additional cost will cease once these planes go into maintenance. If these planes remain non-airworthy for long, the government could incur costs related to engine preservation/auxiliary power unit (APU) work at $41,000.00 per month, crew retraining at $10,000.00 per month, and required inspections/compliance at an additional $41,000.00 per month.

Salus Worldwide Solutions Corp is uniquely positioned to provide immediate mobilization and maintenance services within the required timeframe, ensuring the aircraft remain safe, reliable, and available for these urgent operations. Full and open competition would introduce unacceptable delays and jeopardize the government's ability to respond to current and emerging border security threats.

(e) *Rationale for use of the nonavailability exception to the Buy American statute, including detailed information explaining why the particular articles, materials, or supplies of the class or kind to be acquired, either as end items or components, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.*
Not Applicable

7. **Description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.**
The proposed contract action was not publicized in accordance with RFO 5.101(b)(2) whereas this contract action is unusual and compelling urgency and precludes competition to the maximum extent practicable, and the Government would be seriously injured if the agency complies with the time periods specified pursuant in RFO 5.101. Efforts to solicit offers from multiple sources were limited due to the unique circumstances surrounding this requirement. Prior to the current urgent need, the Government assessed the market and determined that only a limited number of sources were capable of providing the required maintenance support for the existing fleet of GFA. Given the immediate life-safety and mission-critical timelines, further solicitation at this stage would result in unacceptable delays. Therefore, the Government proceeded without broader competition to ensure continuity of operations and to meet the compelling and urgent need for maintenance support. Consistent with the requirements of the cited authority, The Government will, to the maximum extent practicable, seek to expand consideration of additional responsible sources for any follow-on or longer-term requirements once the immediate emergency has stabilized. DHS anticipates initiating a solicitation for capability statements from other potentially qualified vendors within 30 days after the emergency response phase concludes. This process will support subsequent phases of the effort or establish a more enduring contract mechanism.

This justification will be posted in accordance with RFO 6.301.

8. **Determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.**
The contracting officer has determined that the anticipated cost to the Government will be fair and reasonable. The proposed contract structure utilizes firm-fixed-price CLINs for maintenance oversight, maintenance flight hours, and fixed ownership amounts, combined with cost reimbursement of actual other direct costs incurred (exclusive of profit), which aligns contractor compensation with verifiable costs and defined performance outputs.

ERO constructed an Independent Government Cost Estimate (IGCE) based on historical pricing of the short-term DHS contract [redacted] utilizing a similar

pricing structure. This historical pricing will be utilized to ensure a fair and reasonable price prior to contract award.

9. **Description of Market Research.**
From May 14, 2026 – May 18, 2026, market research was conducted by DHS, including, but not limited to, reviewing internal and commercial sources to the extent practicable under the circumstances. During the DHS sole source procurement, the Government faced urgent operational requirements that precluded the possibility of conducting a full and open competition. The accelerated timeline was driven by mission-critical needs, and there was insufficient time to issue a solicitation, allow for proposal development, and complete the evaluation process. As a result, the sole source approach was necessary to ensure continuity of services and prevent mission disruption. These timing constraints remain relevant, as the process to modify GSA schedule contracts and conduct a competitive procurement would not allow the Government to meet its immediate needs While a competitive solicitation should have been completed during this previous sole source, the DHS procurement office assigned to this procurement was affected by the partial Government shutdown and failed to do so. Since there is an immediate need for maintenance support, it was determined that the best plan of action is to award a sole source requirement to provide the time necessary to put a more permanent solution in place through a competitive solicitation .This review also included analysis of known vendors, existing contract vehicles, and available information on providers with relevant contingency aviation and aircraft operations experience. However, due to the urgent, life- and time-sensitive nature of the requirement, formal, comprehensive market research sufficient to support full and open competition could not be completed without jeopardizing mission timelines and increasing risk to personnel in life threatening environments. The market research that was conducted indicates that only Salus Worldwide Solutions Corp. possesses the necessary combination of established operational readiness infrastructure and demonstrated aircraft operations experience to immediately meet this requirement.

10. **Any other facts supporting the use of other than full and open competition.**
None. All relevant facts have already been discussed.

11. **A listing of the sources, if any that expressed, in writing, an interest in the acquisition.**
No sources expressed written interest in this 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.**
Before any subsequent acquisition for these supplies or services, the agency will take steps to remove or overcome barriers to competition. This will include conducting market research to identify additional potential sources, engaging with industry to clarify requirements, and revising technical specifications or statements of work to eliminate unnecessary restrictions. The agency will also publicize future requirements to maximize vendor awareness and participation and assess any proprietary or sole-source constraints to determine if they can be removed. These actions are intended to foster greater competition and ensure compliance with Federal Acquisition Regulation requirements for full and open competition in future acquisitions.

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.

MATTHEW J CARNES Digitally signed by MATTHEW J CARNES
Date: 2026.05.27 09:11:27 -04'00'

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.

STEPHEN W TAITANO Digitally signed by STEPHEN W TAITANO
Date: 2026.05.27 06:20:50 -07'00'

Technical Representative/COR — Date

15. Approval.

MELANIE ALSTON Digitally signed by MELANIE ALSTON
Date: 2026.05.27 15:48:17 -04'00'

Head of Contracting Activity
Procuring Activity Advocate for Competition — Date