JUSTIFICATION REVIEW DOCUMENT
Justification and Approval
For Other than Full and Open Competition
(RFO Part 6)

Program/Equipment: Capacity Increase of Firm-Fixed-Price (FFP), Single Award Task Order Contract (SATOC) No. W912EK22D0004 for the Advanced Contract Initiative – Regional Contracts for Debris Management Services (ACI – RCDMS), Pacific Ocean Division (POD) Region, covering states of Alaska (AK), Hawaii (HI), The Northern Mariana Islands, American Samoa, Guam, and Other U.S. Outlying Areas within POD. The U.S. Army Corps of Engineers requests this capacity increase to support disaster response and recovery efforts within the POD region following the impact of Super Typhoon Sinlaku, a Category 5-equivalent storm that struck the Commonwealth of the Northern Mariana Islands on 14-15 April 2026, and the subsequent Presidential major disaster declaration (FEMA-4910-DR) for affected areas, issued on 23 April 2026.

Authority: Title 10 United States Code (U.S.C.) § 3204(a)(2) as implemented by Revolutionary FAR Overhaul (RFO) 6.103-2, Unusual and Compelling.

Amount: Increase of [redacted]

Prepared by:

Contracting Officer:

Contracting Chief:

Technical:

Requirements:

[redacted]

[redacted]

Reviews

I have reviewed this justification and find it adequate to support other than full and open competition.

Program Manager:

[redacted]

Small Business:

[redacted]

Legal Counsel:

[redacted]

Counsel to Senior Contracting Official – MVD:

[redacted]

Senior Contracting Official – MVD:

[redacted]

[redacted]

Assistant Chief Counsel for Procurement Law and Contract Disputes:

[redacted]

Command Advocate for Competition:

[redacted]

[redacted]

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1. Contracting Activity:

U.S. Army Corps of Engineers (USACE), Rock Island District (MVR), Contracting Division (CEMVR-CT), 1500 Rock Island Drive, Rock Island, IL 61201.

2. Description of Action:

This action requests approval of a contract modification to increase the capacity of the existing Firm-Fixed-Price (FFP), Single Award Task Order Contract (SATOC) No. W912EK22D0004 with ECC Constructors LLC (CAGE: 63J28, 700 Airport Blvd Ste 250, Burlingame, CA 94010) [redacted]

The SATOC covers the Pacific Ocean Division (POD) region, including Alaska, Hawaii, The Northern Mariana Islands, American Samoa, Guam, and other U.S. Outlying Areas. This modification will increase the contract capacity [redacted] The table below summarizes the original capacity, remaining capacity before this modification, and the proposed increase:

[redacted]

This capacity increase is necessary to support ongoing and anticipated disaster response and recovery operations in the POD region following Super Typhoon Sinlaku and the resulting Presidential major disaster declaration.

Funding for this action and any resulting ACI – RCDMS task orders, will be funded through the Disaster Relief Fund (DRF) to support Federal Emergency Management Agency (FEMA) mission assignments for the affected areas.

3. Description of Supplies/Services:

The requirement is for comprehensive disaster debris management and recovery services in the POD region following the landfall of Super Typhoon Sinlaku, a Category 5-equivalent storm that struck the Commonwealth of the Northern Mariana Islands (CNMI) on 14-15 April 2026, causing catastrophic damage, particularly to Saipan, Tinian, and Rota. The typhoon severely damaged critical infrastructure—including power, water, and communications systems—prompting a multi-agency federal response under a presidential emergency declaration.

[redacted]

Services include:

- Household hazardous materials (HHM) separation, containment, removal, and offshore disposal;
- Removal, testing, remediation, containment, and offshore disposal of damaged transformers;
- Right-of-way debris removal;
- Site management and environmental compliance;
- Logistical support in challenging island environments.

Estimated Total Cost & ACI Contract Capacity for Super Typhoon Sinlaku

The estimated total cost for these services under the current mission is approximately [redacted] with rough order of magnitude (ROM) estimates and contract capacity requirements as follows:

Item/Description	Estimated Quantity	Unit	Total Estimated Cost
Household Hazardous Waste Removal	[redacted]		
Damaged Transformer Removal			
Right-of-Way Debris Removal Services			
Temporary Debris Staging and Reduction			
Total Estimated Mission Cost			
Remaining ACI Contract Capacity (Before Mod)			
Additional ACI Contract Capacity Required			

The Government requires completion of this work within a 90-day period from the disaster declaration date (23 April 2026) to mitigate ongoing threats to public safety, health, and infrastructure, and to accelerate recovery operations.

This work will be performed by ECC Constructors LLC under SATOC No. W912EK22D0004, a pre-vetted contractor with demonstrated experience conducting complex debris missions in geographically dispersed island environments and the capability to rapidly mobilize specialized crews and equipment.

The pre-negotiated pricing and rapid task order process enable immediate deployment—often within 24 hours when required, thereby avoiding the extended lead times and cost associated with new procurements of this magnitude.

4. Authority Cited:

This action is authorized under Title 10 U.S.C. §3204(a)(2), as implemented by RFO 6.103-2, Unusual and Compelling Urgency. As specified in RFO 6.103-2(b), agencies may contract without providing for full and open competition when the agency's need for the 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 bids or proposals. This

[redacted]

J&A is subject to all applicable DoD class deviations, including: 2026-O0003, 2026-O0031, 2026-O0048 and 2026-O0017. These deviations make the RFO applicable to this J&A. The RFO citations contained within this document are current as of the date of this document.

5. Reason for Authority Cited:

a. Background

Super Typhoon Sinlaku, a Category 5-equivalent storm, made landfall on 14-15 April 2026 in the POD region, causing catastrophic damage to Saipan, Tinian, Rota, and surrounding areas. The storm severely impacted critical infrastructure including transportation networks, utilities, communication systems, and residential and commercial structures, generating an estimated [redacted] cubic yards of disaster debris. FEMA issued a Presidential major disaster declaration (FEMA-4910-DR) on 23 April 2026, activating a coordinated federal response.

On 14 April 2026, prior to the declaration, USACE received verbal mission assignments to oversee debris operations under Emergency Support Function (ESF) #3, and to pre-position personnel and the ACI contractor for rapid response.

On 30 April 2026, USACE received a formal mission assignment authorizing comprehensive debris management, including removal, collection, disposal, and hazardous materials recovery.

The Government requires completion of debris removal and hazardous materials recovery within 90 days after the disaster declaration date (23 April 2026), to mitigate immediate threats to public health, safety, and the environment. The scale of debris and compressed timeframe demand immediate commencement of debris removal operations. Comprehensive debris removal is the operational prerequisite for all subsequent recovery efforts; critical missions, such as power grid restoration, utility repair, and residential reconstruction, are physically obstructed and delayed until primary infrastructure footprints are cleared of hazards.

Operating in this island environment presents unique challenges, including large volumes of vegetative debris blocking limited roadways, restricted access points, complex inter-island logistics for moving equipment and debris, and limited disposal capacity on small islands. These factors require specialized equipment and experienced contractors familiar with island disaster response operations. Debris removal operations must also comply with strict environmental and regulatory requirements to protect sensitive ecosystems and culturally significant sites.

The compressed schedule and magnitude of the mission preclude the use of normal competitive procedures. Immediate action is necessary to prevent prolonged threats to public health, safety, and the environment.

[redacted]

b. Justification for Authority Cited

Pursuant to RFO 6.103-2(b), the Government's need is of such unusual and compelling urgency that limiting competition is necessary to prevent serious injury to the Government and affected communities.

The magnitude of the debris removal mission, combined with the strict 90-day completion requirement, creates an operational urgency that makes full and open competition impossible. Conducting a new competitive procurement under normal procedures would cause unacceptable delays, jeopardizing timely disaster response and prolonging threats to public health, safety, and the environment.

Therefore, limiting competition is necessary to ensure rapid mobilization and execution of critical debris management services in support of immediate and forthcoming disaster recovery efforts.

c. Unique Qualifications of the Contractor

The existing SATOC No. W912EK22D0004 provides immediate access to pre-negotiated rates and terms, continuity of operations, and rapid mobilization capability necessary to perform complex debris missions in the geographically dispersed and logistically challenging POD region. The contractor's proven performance history, established environmental compliance protocols, and pre-established infrastructure uniquely position it to meet the Government's urgent needs.

d. Alternatives Considered

The only immediately available contract vehicle capable of supporting urgent debris removal in the POD region is the existing ACI – RCDMS SATOC No. W912EK22D0004 with ECC Constructors LLC. This contract offers pre-established, competitively priced rates and enables rapid task order awards.

Other alternatives were considered but rejected for the following reasons:

(1) New Competitive Procurement

A new competitive procurement was considered but ruled out because the award timeline would exceed the 90-day performance requirement. There are also concerns about the availability of contractors capable of rapid mobilization across the POD region.

(2) Small Business Administration 8(a) Contracts

The SBA 8(a) program was considered. However, typical debris mission task orders exceed the direct award threshold allowed under 8(a) sole-source contracts. Additionally, the time required to conduct competitive 8(a) procurements or negotiate large sole-source awards would cause unacceptable delays incompatible with the urgent mission timeline.

(3) Alaska Native Corporation (ANC) Contracts

ANC contracts permit sole-source awards up to $100 million, but the negotiation, pricing, and contractor onboarding processes for such large awards in an emergency setting are similarly time-prohibitive. Furthermore, the limited number of ANC firms with the geographic coverage and specialized experience necessary to perform complex debris removal across the Pacific Ocean Division region further limits this option's viability.

(4) Transitioning Work to Local or Competitively Selected Contractors

Deploying the current contractor immediately and later transitioning to local or competitively sourced contractors was evaluated but rejected. Multiple contractors operating concurrently would cause coordination challenges, inefficiencies, and delays. A single contractor is essential to maintain momentum and meet urgent timelines.

In summary, increasing the capacity of the existing SATOC is the only viable option that allows the Government to meet its urgent and compelling needs without risking serious injury.

e. Impact of Not Using the Authority

Failure to increase contract capacity and award task orders under the existing SATOC promptly will result in disastrous consequences and significant injury to the Government's mission. Specifically, leaving an estimated [redacted] cubic yards of Household Hazardous Waste (HHW) and [redacted] damaged transformers in place creates an immediate and unacceptable risk to public health and the environment in the POD region.

Furthermore, because debris clearance is the operational prerequisite for the broader federal response, any delay in removing the [redacted] cubic yards of right-of-way debris will stall critical follow-on missions, including the restoration of power, water, and emergency communications systems. Given the geographic isolation of Saipan, Tinian, and Rota, failure to utilize the sole pre-vetted contractor capable of immediate inter-island mobilization will lead to increased recovery costs and prolonged economic disruption.

Therefore, pursuant to RFO 6.103-2(b), full and open competition is not practicable due to the unusual and compelling urgency necessitating award to the sole capable source without delay.

6. Efforts to Obtain Competition:

Pursuant to RFO 5.101(b)(2), the requirement to post a presolicitation notice is waived for this action due to the use of other than full and open competition under unusual and compelling urgency (RFO 6.103-2).

[redacted]

The original SATOC was competitively awarded on November 10, 2021, following full and open competition. Given the emergency nature of the current requirement and the imminent threat posed by accumulated debris, solicitation of competition for this capacity increase is not practicable within the urgent timeframe.

a. Effective Competition:

While this capacity increase is a sole source modification, the original competitive award and pre-negotiated pricing provide a competitive baseline. The limited time available and urgent operational needs preclude conducting a new competition for this requirement.

b. Subcontracting Competition:

The prime contractor is required to maximize competition among subcontractors in accordance with its approved small business subcontracting plan, which will apply to the entire contract capacity, including this increase. This approach promotes competition at the subcontract level despite the limited competition at the prime contract level.

7. Actions to Increase Competition:

USACE is actively planning for the next ACI – RCDMS contract suite, scheduled for award in November 2026, which will be competed fully and openly. This action supports a one-time urgent requirement. Consequently, no immediate alternative competition is viable.

The Government will continue to pursue opportunities to increase competition for future debris management requirements, including procurement of technical data and breakout of contract components where feasible.

8. Market Research:

Recent market research conducted in June 2025 for the next ACI – RCDMS contract suite, schedule for award in November 2026 ,confirms that no other existing contracts or sources possess the combination of geographic coverage, rapid mobilization capability, and pre-negotiated pricing necessary to meet the urgent operational needs in POD region.

9. Interested Sources:

No other sources have expressed interest in performing this work within the required timeframe. To date, no other firms have submitted capability statements or proposals in response to government notices.

This requirement was not synopsized pursuant to the exception in RFO 5.101(b)(2) for other than full and open competition due to unusual and compelling urgency (RFO 6.103-2).

[redacted]

10. Other Facts:

a. Procurement History

The original SATOC No. W912EK22D0004 was competitively awarded on 10 November 2021. No prior contract for this scope was awarded via full and open competition for this specific disaster event.

b. Other Facts

USACE has deployed debris subject matter experts, a debris planning & response team, and environmental engineers to the region to oversee operations. [redacted] Constructor LLC's performance record demonstrates successful execution of comparable missions in POD, further supporting this sole source capacity increase.

11. Technical Certification:

I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

[redacted]

12. 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]

[redacted]

13. Fair and Reasonable Cost Determination:

I hereby determine that the anticipated cost/price to the Government for this contract action will be fair and reasonable. This determination is based on price analysis utilizing the pricing structure established in the original FFP SATOC No. W912EK22D0004. Prices remain consistent with market standards and the original award was based on adequate competition. Certified cost or pricing data are not required pursuant to RFO 15.403-2(b)(1).

[redacted]

14. Contracting Officer Certification:

I certify that this justification is accurate and complete to the best of my knowledge and belief.

[redacted]

[redacted]

Approval

Based on the foregoing justification, I hereby approve the procurement of disaster debris management services and household hazardous materials removal under the modification to FFP SATOC No. W912EK22D0004 with ECC Constructors LLC, increasing contract capacity by [redacted] on an other than full and open competition basis pursuant to the authority of 10 U.S.C. §3204(a)(2) as implemented by RFO 6.103-2(b), Unusual and Compelling Urgency, subject to availability of funds and provided the services have otherwise been authorized.

[redacted]

Head of Contracting Activity

[redacted]