U.S. Immigration and Customs Enforcement

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
41 U.S.C. 3304(A)

J&A-26-0008, Rev 1

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 rational required under RFO 6.104-1 as follows:

1. **Agency and Contracting Activity.**

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

2. **Nature and/or description of the action being approved.**

   (a) Nature of the action: DHS intends to procure comprehensive detention services (housing, guards, meals, medical care, and transportation) on a sole source basis.

   (b) Name and address of the contractor:
   The GEO Group Inc.
   4955 Technology Way
   Boca Raton, FL 33431

   (c) Contract type: Single Award Indefinite Delivery Indefinite Quantity (IDIQ) contract. The task orders will be hybrid firm-fixed-price and labor-hour.

   (d) Estimated total value (including options):

Period	Time	Total
Year 1	12 mos.	$79,440,000.00
Year 2	12 mos.	$90,160,000.00
Year 3	12 mos.	$93,846,540.00
Year 4	12 mos.	$95,721,936.00
Year 5	12 mos.	$97,923,248.00
		$457,091,724.00

   (e) Type of funding: Operations and Support

   (f) Year of funding: Multi-Year, 2025-2029

   (f) Solicitation number: TBD

   (g) Background information: 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

[1] In this document, citations to RFO Part 6 are citations specifically to FAR Class Deviation 25-11, which was issued as part of the Revolutionary FAR Overhaul (RFO), implemented in response to Executive Order 14275, ***Restoring Common Sense to Federal Procurement***, signed April 15, 2025.

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).

ICE's law enforcement mission requires it arrest and detain aliens unlawfully present in the United States to effectuate their removal. ICE maintains detention capacity in facilities nationwide in a mixture of ICE-owned, privately-owned, and state and local facilities. Each detention facility operates under ICE's national detention standards and provides all services and resources needed to house aliens pending the outcome of immigration proceedings. ICE increases and decreases detention capacity to ensure sufficient beds are available to accommodate shifting migration patterns and to support enforcement priorities as dictated by the administration and DHS leadership.

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 five (5) years of comprehensive detention services within 150 miles of Richmond International Airport. 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 1,500 detainees, 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.

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) as implemented by:

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

5. Identification of Exception to the Buy American Statute.

Not applicable.

6. Demonstration that the nature of the acquisition requires use of the authority cited.

ICE has a requirement for additional detention beds supporting detention and removal operations not only nationwide but specifically in regions of the country that were previously not utilized to fulfill detention requirements. More specifically, this contract requires a turnkey facility within 150 miles of Richmond International Airport to accomplish detention and transportation services throughout the Washington Field Office (WASFO) AOR. With expanding operations in the WASFO, and the loss of several under-72-hour facilities, the impact of not receiving this product or service would greatly reduce the available physical space to house detainees, thus limiting detention and removal operations. Without the addition of transportation services, this places an undue burden on ICE ERO Deportation Officers, who would have to transport detainees to and from field offices and facilities, preventing them from focusing on their primary duties of detention and removal operations.

Market research as described in section 9 below determined that there was only one responsible facility readily available to provide the services that will satisfy ICE's minimum requirements. The Rivers Correctional Facility, owned and operated by the GEO Group, is the only responsible source that can currently satisfy ICE requirements. Rivers is an existing facility within the required geographical area with an efficient surface commute time in relation to Richmond International Airport. It can be operational within three months of contract award date. Recent market research, outlined in section 9 below, determined that no other companies can provide a feasible approach for comprehensive detention services within the required geographical area within a reasonable amount of time after contract award.

The impetus for this requirement is that on January 20, 2025, President Trump issued a series of Executive Orders related to border security, including the "Declaration of a National Emergency at, and along, the Southern Border of the United States," and orders for "Securing Our Borders," and "Protecting the American People Against Invasion." These Executive Orders direct DHS to, among other things, take all appropriate actions to detain, to the fullest extent permitted by law, aliens apprehended for violations of immigration law until their successful removal from the United States. Also, on January 29, 2025, the President signed the Laken Riley Act, Public Law 119-1, into effect requiring ICE to, among other things, detain certain aliens who have been arrested for burglary, theft, larceny, or shoplifting. This law creates a new category of aliens who are considered a public safety risk and would previously not have been detained by ICE. Accordingly, ICE has a requirement to bring approximately 60,000 additional detention beds online to accommodate increased arrests within the interior of the US in furtherance of the executive orders, which would bring ICE's total bed capacity to nearly 100,000 beds.

7. Description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.

On May 28, 2025, ICE publicly issued a request for information. The government received seven (7) responses. However, only one response was able to meet the requirements in the necessary timeline, indicating that only one responsible source can satisfy the Agency's requirements. See Section 9 for further details.

8. Determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.

The contracting officer determines that the anticipated price(s) will be fair and reasonable based on prior prices paid for facilities that match the geographical location and required services as the facility listed above. The program office provided estimated costs for all required services for a five-year period of performance. The contracting officer also reviewed the government estimates against historical pricing for similar detention facilities currently under contract with ICE. A detention services cost statement will be required from the vendor and will be evaluated to determine price reasonableness.

9. Description of market research.

Market research was conducted by posting a request for information to SAM.gov on May 28, 2025. The request for information requested capability statements from service providers who could deliver comprehensive detention services (housing, guards, meals, medical, and transportation services) for up to 1,500 detainees in the required geographical area. There were seven (7) respondents to the request for information (see Section 11 for list of respondents). Only one respondent, GEO Group,

identified an acceptably sized existing facility, within the required geographical area, and the capability to provide comprehensive services within a reasonable time of contract award date, making GEO the only responsible source capable of satisfying the agency's requirements.

Two respondents to the request for information identified the Augusta Correctional Center as a possible source for this requirement. That facility is currently owned by the Virginia Department of Corrections and is for sale. Officials from ICE toured the facility in early October 2025. Based on sight alone, it was clear the facility requires extensive renovations and a considerable amount of time before it could meet the requirements for comprehensive ICE detention services. Since ICE's requirement is for an immediately viable solution, the Augusta facility is not a feasible option for this requirement. There are several issues that make this facility uninhabitable. The major issues are listed in Section 11 below. As such, the only feasible response to this RFI was from The GEO Group for services at Rivers Correctional Facility as detailed in the table below.

10. Any other facts supporting the use of other than full and open competition.

ERO Washington must have Rivers opened ASAP to support the increased operational requirements that will result from their merger with FOD Baltimore. ERO Washington will subsume/absorb FOD Baltimore, which does NOT include any detention facilities in their AOR, but will add nearly 200 officers who will increase AOR arrests by up to 50 a day.

11. A listing of the sources, if any that expressed, in writing, an interest in the acquisition.

A summary of the seven (7) responses to the request for information is provided below.

Company	Response	Feasibility
Baptiste Group	Identified three (3) facilities, all over 200 miles from Richmond International Airport which is outside of the required geographical area for this effort.	Not feasible
Moxie Asset Group	Identified the Augusta Correctional Center. This facility is within the required 150-mile radius of Richmond International Airport. However, this facility is in a current state of disrepair and is uninhabitable. Major renovations required include installation of new heating and cooling systems and replacing the porcelain sinks and toilets with stainless steel units. A significant amount of funding will be required just to renovate the facility to become safe for workers and detainees. This funding is required in addition to the funding required for daily operations over a 5-year period.	Not feasible
Global Emergency Response, Inc. (GER)	Also identified the Augusta Correctional Center and does not include transportation services.	Not feasible
BEPHE LLC	Expressed interest only.	N/A
GEO Group, Inc.	Identified Rivers Correctional Facility which is 105 miles from Richmond International Airport. Will include housing, guards, meals, medical care and transportation. Can be fully operational within a reasonable time of contract award date.	Feasible
USA Up Star	Identified soft-sided facilities with location determined after contract award. Did not offer comprehensive services.	Not feasible
Homelands USA	Identified commercial-off-the-shelf soft-side facility with no existing location. Guards, meals, medical care, and transportation would be coordinated through multiple organizations at additional cost.	Not feasible

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 continuously conducts market research to assess available detention capacity across the United States to support ERO's detention and removal mission. After award of this action, DHS intends to post the approved/signed justification pursuant to RFO 6.301.

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] [redacted]

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] [redacted]

Technical Representative/COR Date

14. Concurrence.

[redacted] [redacted]

Head of Contracting Activity / Procuring Activity Advocate for Competition Date

15. Approval.

[redacted] [redacted]

Chief Procurement Officer Date