Global Acquisitions

U.S. DEPARTMENT *of* STATE

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

SECTION 1: IDENTIFICATION OF THE AGENCY AND THE CONTRACTING ACTIVITY

Department of State Contracting Activity	☐ Acquisition Management ☐ Foreign Service Institute ☐ Office of Foreign Missions ☐ U.S. Mission to the United Nations ☒ Overseas Post: Pakistan
Requiring Activity	Third Party Monitoring Contracts

SECTION 2: NATURE AND/OR DESCRIPTION OF THE ACTION BEING APPROVED

Approval is requested to reactivate three (3) third-party monitoring (TPM) contracts in Pakistan as no-cost extensions (NCEs) for six months until December 31, 2026. The current awards have lapsed, and reactivation at no additional cost would allow continued monitoring activities for compliance without requiring new procurement or additional funding. The three contracts in question are:

1. CDM International Task Order **72039120F00001** under IDIQ 72039119D00005
2. Halcrow Pakistan Limited Task Order **72039120F00007** under IDIQ 72039119D00006
3. Techno Consult International Task Order **72039120F00009** under IDIQ 72039119D00009

SECTION 3: DESCRIPTION OF SUPPLIES/SERVICES REQUIRED TO MEET THE AGENCY'S NEEDS

Each of the three TPM contracts will provide independent oversight and impartial review that verifies that infrastructure programs in Pakistan are implemented as planned, deliver intended outcomes and meet the environmental, social and quality standards as described in the program descriptions. Through site visits, direct observations, document reviews and stakeholder feedback the third-party monitoring awards will collect and analyze data to show accountability.

The CDM International award is issued Task Order No.72039120F00001 with associated IDIQ 72039119D00005 to provide A&E Services and independent oversight to the Federally Administered Tribal Areas Infrastructure Program (FIP) and the Khyber Pakhtunkhwa Reconstruction Program (KPRP) under the greenlit, former-USAID FATA Infrastructure Program.

The Techno Consult International Pvt. Ltd award, Task Order 72039120F00009 under IDIQ No.72039119D00009 provides TPM services for Municipal services Program in Sindh.

The Halcrow award, Task Order 72039120F00007 under IDIQ No.72039119D00006 provides A&E Services for the Gomal Zam Command Area Development Project.

SECTION 4: IDENTIFICATION OF THE STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION

This acquisition is conducted under the authority of 41 USC 3304, as implemented by FAR 6.103 and substantiated by the following:

☒ FAR 6.103-2 – Unusual and compelling urgency.

SECTION 5: DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS OR THE NATURE OF THE ACQUISITION REQUIRES USE OF THE AUTHORITY CITED

The three Third-Party Monitoring (TPM) contractors were providing *required* oversight to three Government-to-Government (G2G) activities and were canceled during the foreign assistance review period. The following justifies the need for their continued engagement through non-competitive means.

These TPM contractors were originally selected through a competitive process and have cultivated extensive in-country expertise in delivering monitoring service in Pakistan. Having already monitored nearly 90% of the G2G programs, they have acquired profound knowledge of the projects from the time of inception. Their contracts were terminated as a result of the foreign assistance review, and not performance concerns.

Reinstating a competitive procurement at this stage would not only introduce unnecessary delays and costs but also jeopardize the continuity of oversight for active G2G activities. In addition, TPM contractors were monitoring G2G agreements that will end September 30, 2026, with all associated funding canceling, and there is no time to compete a new award.

Thus, non-competitive procurement actions are not only justified but necessary to reinstate the TPM contracts to ensure the completion of the original assigned work. This course of action guarantees programmatic continuity, maintains critical institutional knowledge, and fulfills our oversight obligations without any interruption.

SECTION 6. DESCRIPTION OF EFFORTS TO ENSURE THAT OFFERS WERE SOLICITED FROM AS MANY POTENTIAL SOURCES AS IS PRACTICABLE, INCLUDING WHETHER A NOTICE WAS OR WILL BE PUBLICIZED AS REQUIRED BY FAR SUBPART 5.2 AND, IF NOT, WHICH EXCEPTION UNDER FAR 5.201 APPLIES

Given the nature of the action, solicitation of offers from other sources is not practicable. Publication of a notice to amend the contract is not required per FAR 5.101(b)(2).
SECTION 7. DETERMINATION BY THE CONTRACTING OFFICER THAT THE ANTICIPATED COST TO THE GOVERNMENT IS FAIR AND REASONABLE
There are no additional costs to the Government due to the services covered by this J&A. Sufficient funds remain obligated to the contract that are sufficient for the period of performance being requested by the J&A.
SECTION 8. DESCRIPTION OF THE MARKET RESEARCH CONDUCTED (SEE PART 10) AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED
The market research was conducted to identify potentially new vendors but no new ones were found beyond the three already in performing in Pakistan.
SECTION 9. ANY OTHER FACTS SUPPORTING THE USE OF OTHER THAN FULL AND OPEN COMPETITION
The TPM contractors provide exceptional expertise and cultural understanding essential for certifying construction and infrastructure projects in sensitive regions. Their independent assessments ensure compliance, quality, and safety, which are crucial for regulatory acceptance. Under the statements of work and special awards requirements for the G2G agreements, the United States must use third party monitors to verify that the Government of Pakistan is meeting its obligations. To avoid disruptions and unnecessary costs, it is important to retain these three contractors for the current scope of work, as transitioning to a different source could complicate our efforts and lead to duplicate expenses.
SECTION 10. LISTING OF THE SOURCES, IF ANY, THAT EXPRESSED, IN WRITING, AN INTEREST IN THE ACQUISITION
No other vendors have expressed interest in the acquisition.
SECTION 11. STATEMENT OF THE ACTIONS, IF ANY, THE AGENCY MAY TAKE TO REMOVE OR OVERCOME ANY BARRIERS TO COMPETITION BEFORE ANY SUBSEQUENT ACQUISITION FOR THE SUPPLIES OR SERVICES REQUIRED
Once these contracts end, there will be no recompete.

SECTION 12. CERTIFICATIONS

All reviews and approvals should be completed in the order listed unless otherwise authorized or required.

TECHNICAL AND REQUIREMENTS CERTIFICATION

I certify that the facts and representations under my cognizance which are included in this Justification and its supporting acquisition planning documents, except as noted herein, are complete and accurate to the best of my knowledge and belief.

SIGNATURE:

[redacted]

SIGNATURE:

[redacted]

LEGAL SUFFICIENCY REVIEW

This J&A is hereby determined to be legally sufficient.

SIGNATURE:

[redacted]

CERTIFICATIONS (Continued)

CONTRACTING OFFICER CERTIFICATION (FAR 6.104-1(a)(12))
I certify that this submission is accurate to the best of my knowledge, and that it contains complete information necessary to enable other officials to make an informed recommendation for approval or disapproval.

SIGNATURE:

[redacted]