Number: 26-087

JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN COMPETITION (41 U.S.C. 1901)

Pursuant to the requirements of the Competition in Contracting Act (CICA) as implemented by the Federal Acquisition Regulation (FAR) 6.103, Class Deviation 25-11 and in accordance with the requirements of RFO 6.104, the justification for the use of the statutory authority under RFO 12.102 and 41 U.S.C. 1901 is justified by the following facts and rationale required under RFO 6.104-1 as follows:[1]

1. Agency and Contracting Activity.

The Federal Emergency Management Agency (FEMA), Individual Assistance (IA), Individuals and Households Program (IHP), Service Delivery Branch (SDB) and the IA Resource and Readiness Branch (RRB), proposes to enter into a contract on a basis other than full and open competition.

2. Nature and/or Description of the Action being Approved.

(a) Nature of the action:
The Federal Emergency Management Agency intends to limit competition on a sole source basis.

(b) Name and address of the contractor:
THE GORDIAN GROUP LLC.
30 Patewood Drive, Suite #350
Greenville, SC 29615

(c) Contract type: Firm Fixed Price

(d) Estimated total value (Including Options)

Period		Total
Base	12 months	$223,000.00
Option Year 1	12 months	$181,650.00
Option Year 2	12 months	$190,732.48
Option Year 3	12 months	$200,267.40
Option Year 4	12 months	$210,282.12
Total		**$1,005,932.00**

[1] In this document, citations to RFO Part 5, RFO Part 6, RFO Part 8, RFO Part 10, RFO Part 15, RFO Part 25, and HSAR Part 3006 are citations specifically to Federal Acquisition Regulation (FAR) Class Deviation 25-17 for FAR Part 5, FAR Class Deviation 25-11 for FAR Part 6, FAR Class Deviation 25-20 for FAR Part 8, FAR Class Deviation 25-06 for FAR Pary 10, FAR Class Deviation 26-08, Revision 1, for FAR Part 15, FAR Class Deviation 26-09, Revision 1, for FAR Part 25, and Homeland Security Acquisition Regulation (HSAR) Class Deviation 25-01 for HSAR Part 3006, which were issued as part of the Revolutionary FAR Overhaul (RFO), which was implemented in response to Executive Order 14275, *Restoring Common Sense to Federal Procurement*, signed April 15, 2025.

Note: If the products or services under the justification were previously awarded under another contract, also provide the period of performance end date for that contract(s).

(e) Type of funding: Operations

(f) Year of funding: Funding was obligated between fiscal Year 2021 to 2026

(g) Solicitation number: 70FB7021Q00000018

(h) Background information about the requirement:
The Federal Emergency Management Agency (FEMA) provides assistance to disaster victims during presidentially declared disasters. FEMA requires a continuous, updated residential construction cost database delivering unit costs for home repairs reflective of local economic conditions to calculate survivor eligibility.

3. **Description of Supplies/Services.** Describe the supplies or services to be acquired. Include the purpose the supplies or services are intended to fulfill or the function the supplies or services provide.

FEMA requires the contractor to develop and maintain a comprehensive database of unit costs for home repair components covering all phases of residential construction powered by RS MEANS proprietary software. The database provides unit costs across all phases of residential construction, updated quarterly, and delivered via MS Access Database for direct integration into FEMA systems.

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. 1901 entitled, "Simplified Acquisition Procedures".

5. **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 41 U.S.C. 1901 is used because this requirement is for proprietary data peculiar to one manufacturer, and Gordian is the Original Equipment Manufacturer (OEM) and sole provider of RS Means–branded construction cost data. Only Gordian can meet FEMA's minimum needs. FEMA's Individual Assistance (IA) business processes, damage assessment methods, and payment calculations are natively built around RS Means' proprietary data structures and indices. Both the National Emergency Management Information System (NEMIS) and the planned Salesforce-based IA system require RS Means–formatted data via Microsoft Access Database to function. Restricting consideration to Gordian is legally and

technically necessary to maintain system interoperability, data integrity, and mission performance.

(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;

Over time, FEMA's IA systems and processes have become technically and operationally dependent on RS Means–branded data embedded in NEMIS and designed into the upcoming Salesforce-based IA platform. Market research, including an RFI through NASA SEWP and an RFI on SAM.gov, showed no vendor able to provide a comparable database or RS Means–branded data other than Gordian. While some ancillary services may be competed separately in future acquisitions, the core requirement for RS Means–branded data and compatible delivery cannot be meaningfully segregated for competition because it is proprietary to Gordian.

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

FEMA considered using alternative or non-proprietary construction cost databases, competing among vendors offering RS Means data, and having a contractor develop a new FEMA-specific database. Each alternative would require major reengineering of systems, interfaces, and business rules, resulting in substantial additional cost, multiyear delays, and high operational risk during disasters. Market research, including RFIs, confirmed that no other vendor can provide RS Means–branded data in the required format, and no respondents offered a viable equivalent database, so these alternatives will not meet FEMA's minimum technical and schedule requirements.

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

If this J&A is not approved, FEMA will lose its primary, validated source of unit construction costs used to calculate repair and replacement assistance for disaster survivors. NEMIS and the new Salesforce IA platform would experience an immediate operational halt or severe degradation. This would force FEMA to rely on slow, manual, and unvalidated workarounds, drastically increasing application processing times and introducing the risk of inconsistent or inaccurate assistance determinations. Ultimately, denying this request will directly impair FEMA's statutory mission to deliver rapid, equitable financial support to survivors during active federal disaster operations.

(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. This is not applicable to this requirement.

- **If using "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements" as your authority, also include the following:**

  - **Specific Requirements:** Nationwide, line-item residential construction cost database (MS Access format) matching RS Means structure to interface with FEMA's NEMIS and Salesforce platforms, including licenses, updates, and technical support.
  - **Why Only One Contractor:** Gordian is the OEM and sole provider of RS Means data. FEMA's architectures, database schemas, and algorithms are hardcoded to these proprietary structures.
  - **Inability of Other Contractors:** RFIs confirmed no other vendor offers an equivalent nationwide database. Third-party integrators (e.g., Siver Solutions) only map data and do not own independent cost data.
  - **Unique Contractor Qualifications:** Gordian holds exclusive copyrights/patents on RS Means data models and indices. Only Gordian can issue authorized code updates and modifications to ensure system interoperability.
  - **Harm to the Government:** Bypassing Gordian would halt automated financial assistance for disaster survivors, cost millions in system redesigns, cause multi-year delays, and force error-prone manual workarounds during active disasters.

6. Description of Efforts Made to Ensure that Offers are Solicited from as Many Potential Sources as is Practicable.

The contracting activity conducted extensive market research to maximize potential competition:
- An initial RFI (No. 368511) was posted under the NASA SEWP GWAC from February 13, 2026, through February 23, 2026, seeking commercial sources capable of generating a comprehensive line-item construction cost database.
- A subsequent RFI (No. 70FB8026I00000007) was posted on SAM.gov from February 26, 2026, through March 5, 2026, seeking sources for RS Means-branded data or fully interchangeable equivalent data structures.

Responses to these notices confirmed that no alternative sources possess the proprietary data rights, architectural compatibility, or technical infrastructure needed to meet FEMA's baseline requirements.
In accordance with FAR 5.201, a combined synopsis/solicitation announcing FEMA's intent to award a sole source contract to Gordian will be posted on SAM.gov concurrently with the posting of this approved J&A.

7. 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 total price of $1,005,932.00 to the Government will be fair and reasonable based on detailed cost analysis under FAR 15.404-(c).

While the IGCE was [redacted], a detailed evaluation revealed the estimate was low. The [redacted] variance is fully justified by the following cost drivers:

1. Labor Category Alignment & Rate Analysis: Gordian proposed utilizing the IT Facility Service Consultant III labor category across both primary and secondary CLINs. Importantly, Gordian's proposed Consultant III labor rates [redacted] across the five periods) are consistently lower than the Government's estimated Consultant III rates [redacted]
2. Realistic Execution Labor Hours & BAFO Reduction: The initial IGCE severely underestimated historical level of effort by assuming only [redacted] labor hours annually ([redacted] hours total). Gordian's historical execution data demonstrated an actual burn rate of [redacted] hours annually to format quarterly datasets and maintain the Master Mapping file.
3. One-Time Scope Addition (Tribal Remote Alaska & FIPS Mapping): The Base Period total of $223,000.00 [redacted] accounts for intensive, one-time manual engineering, onboarding, and architectural mapping required to incorporate newly identified Tribal Nations and Regional Educational Attendance Areas (REAAs) in Remote Alaska based on the updated place analysis provided on June 25, 2026.
4. Correction of Baseline Pricing & Inflation Normalization: The previous contract baseline lacked year-over-year inflation adjustments, causing the vendor to [redacted]

8. Description of Market Research. The market research conducted (see part 10) and the results or a statement of the reason market research was not conducted.

(a) Describe the market research techniques utilized, the specific results of the market research, the date when the market research was conducted, and how the market research was used by the contracting officer to determine price reasonableness.

Market research was conducted from November 5, 2025, through March 9, 2026, including GSA MRAS, web research, and two RFIs. Results confirmed Gordian is the sole source capable of delivering the proprietary dataset.

(b) Describe the market research results that support the determination that the items are nonavailable. *(Section is required to be completed when the J&A includes the exception listed under RFO 25.103(b)(2) or RFO 25.202(a)(2))*. This section is not applicable.

(c) If market research was not conducted, a reason for its absence must be cited here. Market research was conducted.

(d) If patents, copyrights, and/or intellectual property are applicable to the acquisition, describe the circumstances for acquiring a patented or copyrighted product on the representation of the intellectual property holder that has not been licensed for resale.

Gordian is the sole owner and copyright holder of RSMeans data. Gordian does not license its core data to third-party resale; sole source to Gordian is required to maintain legal and technical compliance.

Consequently, any attempt to compete this requirement is legally blocked by the manufacturer's refusal to license its intellectual property for third-party resale. The

government must contract directly with Gordian to obtain the required data access without violating federal copyright and intellectual property protections.

9. Any Other Facts Supporting the Use of Other Than Full and Open Competition. This section presents an opportunity to strengthen the justification by presenting supplemental or *supporting* information. Do not summarize or duplicate information already stated in previous sections. This section should include information such as:

(i) An explanation why technical data packages, specifications, statement of work, or purchase descriptions are not suitable for full and open competition.

Technical Data Package Unsuitability: Developing a vendor-neutral specification is impossible because FEMA's core infrastructure (NEMIS, Line Item Mapping Master, and Salesforce IA platform) is hardcoded around proprietary RS Means unit codes, indices, and data structures.

(ii) For a proposed contract subject to the restrictions of RFO 6.103-1 for follow-on acquisitions as described in 6.103-1(c)(2)(i), ***all Components*** must provide an estimate of the cost to the Government that would be duplicated and detailed information on how the estimate was derived.

Performing this requirement in-house would cost $382,000.00 per year ($1,910,000.00 over five years), approximately 165 percent more than the contractor option. In addition, the Government does not own or control the proprietary RS Means software necessary to perform this work internally.

10. A Listing of the Sources, if Any That Expressed, in Writing, an Interest in the Acquisition.

In response to the government's publicized market research notices, two (2) sources expressed an interest in this acquisition in writing:

- **The Gordian Group, Inc. (Gordian / RS Means)** submitted a formal capability statement in response to SAM.gov RFI No. 70FB8026I00000007.
  - *Capability Assessment:* Technically Capable. Gordian is the proprietary copyright holder, Original Equipment Manufacturer (OEM), and exclusive provider of the required nationwide RS Means-branded dataset and native API delivery infrastructure.

- **Siver Solutions** submitted a written capability statement in response to SAM.gov RFI No. 70FB8026I00000007.
  - *Capability Assessment:* Not Technically Capable. Siver Solutions identified itself as a systems integrator capable of mapping third-party data feeds via APIs. The vendor explicitly confirmed that it does not own, generate, or license independent, line-item construction cost data, and cannot provide the proprietary RS Means dataset. Because they lack the mandatory core data architecture, they cannot fulfill FEMA's minimum technical requirements.

Note on NASA SEWP Notice: Prior to the open-market SAM.gov posting, a targeted Request for Information (RFI No. 368511) was issued under the NASA SEWP government-wide acquisition contract (GWAC) vehicle from February 13, 2026, through February 23, 2026. This initial notice sought commercial sources capable of generating a nationwide, line-item construction cost database. No sources responded to this notice.

11. 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. Include a statement of actions taken or that will be taken to increase competition for future acquisitions of the same item/service.

FEMA is actively taking steps to overcome barriers to competition prior to any subsequent procurement for these services. During the five-year performance period, the agency will execute the following strategy:

- **Design for Vendor Portability:** As the Individual Assistance (IA) modernization transitions from NEMIS to the Salesforce-based platform, FEMA will mandate modular interfaces and flexible data structures. This engineering approach ensures future configurations can ingest alternative, non-proprietary cost datasets.

- **Continuous Market Surveillance:** The program office will conduct ongoing market research, including SAM.gov RFIs and GSA Market Research As a Service (MRAS) inquiries—to identify emerging datasets or vendors that achieve functional equivalence with the current baseline.

- **Segregate Ancillary Services:** FEMA will actively evaluate whether supporting requirements, such as systems integration, analytics, reporting tools, and user training, can be unbundled and competed separately if they do not depend directly on the proprietary RS Means architecture.

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12. 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.

LASSEY A WILSON-BAHUN Digitally signed by LASSEY A WILSON-BAHUN
Date: 2026.07.27 13:35:33 -04'00'

Contracting Officer Date

13. 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.

JULIE A MITCHELL [redacted]

Technical Representative

APPROVAL:

LASSEY A WILSON-BAHUN [redacted]

Contracting Officer Date

Rahsaan Edwards [redacted]

Procuring Activity Advocate for Competition Date

Note: The Procuring Activity Advocate for Competition (PAAC) is the final approving official when the action exceeds $900K but is less than or equal to $20M. Approval by the PAAC is not required if the J&A is reviewed and approved by an official designated by the Component who is a member of the armed services at the general or flag officer level or a civilian in a grade above the GS-15 (or equivalent) level. However, this exception does not apply to justifications citing that cite RFO 6.103-2 Unusual and Compelling Urgency as the authority.