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U.S. General Services Administration

JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN COMPETITION
NATIONAL COMPLEX CONSTRUCTION MATOC
PERIOD OF PERFORMANCE EXTENSION

1. Agency and Contracting Activity

U.S. General Services Administration
Public Buildings Service
Office of Acquisition Management
PBS Centralized Acquisition Services Division – PQ1AB

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

This Justification and Approval (J&A) authorizes bilateral modifications to extend the ordering period for the nine existing National Complex Construction Indefinite-Delivery Indefinite-Quantity (IDIQ) contracts below.

Firm Name	Contract Number
Brasfield & Gorrie, LLC	47PH0821D0004
Spawglass Contractors, Inc.	47PH0821D0005
J.E. Dunn Construction Company	47PH0821D0006
Hensel Phelps Construction Company	47PH0821D0007
Charles N. White Construction Company	47PH0821D0008
The Robins & Morton Group	47PH0821D0009
Sauer Construction, LLC	47PH0821D0010
The Whiting-Turner Contracting Company	47PH0821D0011
The Ross Group Construction Corporation	47PH0821D0012

The ordering period will be extended for seven months, from August 3, 2026 through March 3, 2027. The current maximum ordering limitation is $900,000,000 with $151,409,405 in capacity remaining. The current estimated value of the project requiring this extension is [redacted] and as such no maximum ordering limitation increase is sought.

This ordering vehicle supports the procurement of construction projects exceeding $5 million. This seven-month extension provides the minimum necessary coverage to prevent a critical gap in short-procurement-cycle construction capability while GSA completes the competitive Governmentwide Construction Multiple Award Task Order Contract (MATOC), expected in May 2027. The extension is designed solely to permit efficient award of one urgent $9,000,000 project. No other orders will be placed against this vehicle during the seven-month extension.

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3. Description of the Supplies or Services Required to Meet the Agency's Needs (Including the Estimated Value)

GSA and the U.S. Courts require this seven-month extension for the Restack and Renovation project of the Ed Edmondson U.S. Courthouse in Muskogee, Oklahoma. The Federal Government would face substantial harm if the National Complex Construction IDIQ is not used.

The Major Crimes Act provides for exclusive United States jurisdiction over crimes committed by Indians in Indian country. 18 U.S.C. § 1153. In a landmark 2020 case, the Supreme Court held that much of eastern Oklahoma remains Indian country. *McGirt v. Oklahoma*, 591 U.S. 894 (2020). As a result, thousands of criminal cases that would have been handled by Oklahoma state courts now need to be handled by the Federal court system. The U.S. Courts have an urgent need to expand facility capacity to accommodate these changed conditions.

The project scope includes restacking and renovating the U.S. Courthouse in Muskogee, Oklahoma from design through construction to create additional courtroom and chamber spaces for the U.S. District Court for the Eastern District of Oklahoma. The project will provide an additional district courtroom, three judges' chambers, hearing rooms, clerk's office space, an enlargement of the jury assembly room and grand jury suite. The project will consolidate offices to create space required for the additional courtroom, chambers and enlarged areas. The construction is anticipated to be complex since the U.S. District Court needs to remain in session during construction, requiring careful phasing.

The Restacking and Renovation project is expected to be awarded on January 22, 2027. The construction award is currently in the acquisition planning stage with the task order RFP expected to be released by September 30, 2026. If this project is not awarded against the existing IDIQ, the efficiencies associated with utilizing this IDIQ will not be realized and therefore the contract award will be delayed. The delays in contract awards will result in increased risk of late project completion and subsequent failure to meet mission-critical goals and performance targets. The current estimated value of this project is [redacted].

4. Identification of the Statutory Authority Permitting Other Than Full and Open Competition

The statutory authority for this action is 41 U.S.C. § 3304(a)(2), which permits other than full and open competition where an executive agency's need for services is of such an unusual and compelling urgency that the Federal Government would be seriously injured unless the executive agency is permitted to limit the number of sources from which it solicits bids or proposals. 41 U.S.C. § 3304(a)(2) is implemented by FAR 6.103-2 (GSA Class Deviation RFO-2025-06), Unusual and Compelling Urgency.

5. Demonstration That the Proposed Contractor's Unique Qualifications or the Nature of the Acquisition Requires Using the Authority Cited

This action requires use of the cited authority due to the critical nature of the Restacking and Renovation project. The current IDIQ expires August 3, 2026. All options have been exercised and a 6-month extension was executed in accordance with FAR 52.217-8. A lapse in coverage would eliminate the agency’s ability to avail itself of the expedited purchase timelines the IDIQ offers.

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The typical award time for a capital construction task order against an IDIQ contract is 120-180 days, depending on the estimated value. In contrast, typical award timeframes for a full and open capital contract is 250 days, with some acquisitions stretching much longer.

The Restacking and Renovation of the Ed Edmondson U.S. Courthouse presently has an anticipated award date of January 22, 2027. The additional procurement time associated with full and open competition would yield months of delays, potentially pushing award out to summer 2027. Given the Eastern District of Oklahoma's increased case load associated with the *McGint* decision, these delays would impact schedules on scores of court proceedings, while also causing further accumulation of the existing backlog. The Sixth Amendment of the United States Constitutions states in part that "[i]n all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial." Beyond impacting this Constitutional guarantee, delays in proceedings have significant consequences for individuals' lives, the public's trust in the United States justice system and the Federal Government broadly. These are major harms which cannot be allowed to occur.

In recent years, inflation in the construction market has continually pushed costs higher for the taxpayer. Delays on this project are likely to cause material increases to pricing. In addition to taxpayer impacts, additional inflationary costs may strain or compromise GSA's ability to complete the project. These are serious harms and risks. Leveraging the current IDIQ is the only viable path to maintain the current schedule and budget.

Current IDIQ contractors already have many of the required clearances needed for this project. This allows for construction work to start immediately after award. If new contractors are required for the project, the security clearance process would result in additional and significant delays.

In addition to costs and schedule impacts, this project will occur at a complex work site, which will need to be operational during construction. The current IDIQ contractors were evaluated and awarded IDIQ contracts on a best-value basis with technical factors being significantly more important than price. Significant consideration was given to the offerors' past experience at complex sites such as federal courthouses. If an inexperienced contractor is awarded this project outside of the IDIQ, the project could be adversely impacted. This could easily result in additional delays, defective deliverables, impacts to the administration of justice and cost increases. In addition acquisition and project management staff would be required to spend more time monitoring construction work resulting in costs for additional hours and travel spent conducting oversight. The risk of these serious harms must be avoided on this urgent and complicated project, and extending the IDIQ adequately addresses this risk.

Altogether this period of performance extension is essential to maintain facility operations and meet the immediate need for the critical Restack and Renovation project at the Ed Edmondson U.S. Courthouse in Muskogee, Oklahoma. This short extension, limited to just this one project, is essential to provide additional time to successfully award the task order prior to the expiration of the current IDIQ. This IDIQ is the only ordering vehicle that is both available and able to reliably deliver the needed requirements. This extension is strictly a temporary measure to maintain procurement capability for this project until the competitive Governmentwide Construction IDIQ contracts are awarded in May 2027. Once the new competitive IDIQ contracts are in place, no additional extensions of the current IDIQs will be needed. This action avoids significant harms to the administration of justice and the risk of additional harms associated with inflation and potential inexperience.

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6. Description of Efforts Made to Ensure That Offers Are Solicited from as Many Potential Sources as Possible

This project will use the IDIQ's fair opportunity procedures for award. This will result in a solicitation from as many sources as possible. An alternative to extending the IDIQ's period of performance is a sole-source award. Using the IDIQ results in maximum competition for this requirement.

7. Determination by the Contracting Officer That the Anticipated Cost to the Government Will Be Fair and Reasonable

The ordering period extension is a no cost action with no additional funding obligated. The required task order will be competed among multiple eligible contract holders ensuring competitive pricing. The Task Order Contracting Officer will make an independent determination that the task order price is fair and reasonable prior to award. This extension represents the best value to the Government by maintaining a proven competitive structure that secures fair and reasonable pricing while avoiding the pricing risks and delays associated with alternative procurement approaches during this limited bridge extension. Accordingly, the anticipated cost to the Government will be fair and reasonable.

8. Market Research Conducted and the Results

GSA conducted market research to evaluate whether GSA's Modernized General Construction/Design-Build IDIQ could serve as an ordering vehicle. A review of the contractors' capability statements by the Project Manager resulted in a determination that they did not have the expertise and capabilities to perform the specialized work. As such, the Modernized General Construction/ Design-Build IDIQ is not a viable option to fulfill the needs of this project.

Additionally, the 2024 GC/DB Construction IDIQ for Oklahoma was considered; however the maximum value of a task order that can be placed against the IDIQ is $5,000,000. Since the estimate for this project is [redacted], these IDIQs were not considered to be a reasonable contracting vehicle option.

On June 24, 2026, GSA contacted each of the nine contractors on the current IDIQ contract to inform them that the Government was considering issuing a bilateral contract modification to extend the period of performance. Contractors were asked to respond indicating their willingness to sign the modification. All nine firms responded stating they would sign such a modification and were capable of meeting the additional requirements. This reveals that the firms have both the capacity and resources to support the Restack and Renovation project of the Ed Edmondson U.S. Courthouse during the additional proposed timeline.

While the new Governmentwide construction IDIQs are being procured, this pool of contractors, with demonstrated high interest in capital construction project types in this area, dedicated capacity, and proven operational readiness, represents the only reliable source group capable of ensuring successful procurement execution of the urgent Restack and Renovation project at the Ed Edmondson U.S. Courthouse.

9. Any Other Facts Supporting the Use of Other Than Full and Open Competition

This extension is immediately necessary to ensure continuity of operations and represents the only viable solution to prevent mission disruption. The complex nature of the Restack and Renovation project makes it essential to use the most reliable and efficient procurement vehicle

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available. The National Complex Construction IDIQ's streamlined task order procedures and highly experienced contractor pool allows the Task Order Contracting Officer to process a competitive project award in the most expeditious manner possible. This capability would be impossible to replicate through a standalone procurement or through reliance on the Modernized GC/DB IDIQs, where contractor interest, availability and capability pose significant risk based on market research.

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

As indicated, the incumbent contract holders all expressed interest in performing work during the timeframe of this specific extension.

11. A Statement of the Actions, If Any, the Agency May Take to Remove or Overcome Any Barriers to Competition

The Government is actively conducting a new Governmentwide Construction IDIQ procurement which is in the acquisition planning stages. Awarding this new vehicle will overcome barriers to competition. While GSA initially expected award in the near future, recent legal and policy changes, and PBS reorganizations have delayed the procurement process. Award has been pushed back significantly. Nonetheless, this ongoing acquisition demonstrates GSA's commitment to full and open competition. Again the extension required and justified herein is necessary for and limited to the Ed Edmondson Courthouse Project.

As indicated previously, one alternative approach to satisfying this requirement is to issue an urgent sole-source award. By extending the IDIQ, GSA can make use of the vehicle's fair opportunity processes, which supports competition to the maximum extent possible.

This J&A will be posted to SAM.gov in accordance with FAR 6.301 (GSA Class Deviation RFO-2025-06), ensuring full transparency regarding this action.

12. Contracting Officer Certification

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

[redacted] 7/27/2026 | 16:26:53 BST

MATTHEW DEPTUCH Date
Contracting Officer
Office of Acquisition Management (PQ1AB)

REVIEW AND APPROVAL

[redacted] 7/27/2026 | 16:43:25 BST

JUSTIN PANASIUK Date
Branch Chief

[redacted] 7/27/2026 | 17:19:18 BST

JAMES SMITH Date
Acquisition Director

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[redacted]

7/30/2026 | 21:20:14 BST

JACKIE DE SIMONE
Competition Advocate

Date