Global Acquisition

U.S. DEPARTMENT of STATE

[redacted]

JUSTIFICATION AND APPROVAL FOR EXPEDITED PROCEDURES PACKAGE

TO: Elton Fortson

CC: Trena Mills

FROM: Julia Maynard, GHSD/PTSC

DATE: July 24th, 2026

RE: Transforming Rwanda Medical Supply Chain (TRMS) single award, firm-fixed-price Indefinite Delivery Indefinite Quantity Contract (IDIQ) # 72069621D00001

SUBJECT: Justification for Other than Full and Open Competition under the "Expedited Procurement for Procedures for Prevention, Care and Treatment of HIV/AIDS"

1. **This document sets forth the facts and rationale justifying the use of other than full and open competition.**

Approval is requested for the justification for use of other than full and open competition pursuant to the authorities under the Expedited Acquisition and Assistance Procedures (EPP) for "Expedited Procurement for Procedures for Prevention, Care and Treatment of HIV/AIDS", valid for the following period: January 1, 2025, through December 31, 2029. Your approval of this J&A constitutes the justification for other than full and open competition as required by Tab 1 (D&F for the Authorization of Less than Full and Open Competitive Procedures in the Modification or Award of Contracts) of the EPP.

RECOMMENDATION

It is recommended that you approve this justification for use of other than full and open competition pursuant to the Action Memorandum "Expedited Procurement for Procedures for Prevention, Care and Treatment of HIV/AIDS", valid for the following period: January 1, 2025, through December 31, 2029. Your approval of this J&A constitutes the justification for other than full and open competition as required by Tab 1 (D&F for the Authorization of Less than Full and Open Competitive Procedures in the Modification or Award of Contracts) of the EPP.

2. **The nature and/or description of the action being approved:**

This is a request to extend the period of performance of task orders already issued under

Ithe IDIQ from July 27, 2026, to August 30, 2027, and does not increase the overall ceiling of the IDIQ. The time extension for the IDIQ is necessary to continue to execute Task Order 6 (72069623F00003), Task Order 9 (72069625F00001), and Task Order 10 (72069625F00002).

3. **Description of the supplies or services required, including an estimated value:**

The purpose of the Task Orders that fall under the IDIQ is to procure warehouse and deliver essential HIV and malaria commodities. These commodities and associated activities are necessary to support mission critical operations and to ensure the United States Government's ability to meet health program requirements in Rwanda. Without these commodities, the USG would be unable to maintain the continuity of operations, resulting in unacceptable mission risks.

4. Statutory authority permitting other than full and open competition:

AIDAR 706.302-70(b)(3) and 40 U.S.C. §113; see Action Memorandum entitled "Expedited Procurement for Procedures for Prevention, Care and Treatment of HIV/AIDS", valid for the following period: January 1, 2025, through December 31, 2029.

5. A discussion of the proposed contractor's unique qualifications or the nature of the acquisition that requires use of the authority cited.

[redacted]

6. A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.

In accordance with AIDAR 705.202(b), advance notice is not appropriate or reasonable if the contract action is based on AIDAR 706.302-70(b)(3). Moreover, this requirement is time-sensitive and directly tied to ongoing services currently being performed under the IDIQ contract 72069621D00001. Introducing a new provider during this period would disrupt lifesaving health services, undermine continuity of care, and create risks to data security and program performance.[redacted] Given the complexity of this requirement and the ongoing transition, it was not practicable to solicit other vendors for this requirement.

7. A 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 costs will be fair and reasonable based on consideration of the unique challenges associated with performance in a remote and austere operating country such as Rwanda and the absence of authorized competition.

As this is a non-costed extension for an existing contract with an established contractor, there are no pricing implications or changes to the IDIQ as the pricing is expected to reflect the continued delivery of the same scope of services under the current terms and conditions of each of the respective task order.

By signing this justification, the Contracting Officer affirms that the cost to the Government is expected to be fair and reasonable.

8. A description of the market research conducted (see FAR Part 10) and the results or a statement of the reason(s) market research was not conducted.

According to market research, RMS is the only entity capable of delivering these services given its scope and scale. [redacted]

9. Other facts supporting the use of other than full and open competition.

The approval of this non-costed extension will allow the RMS to continue implementing the critical services of distribution of medical commodities and will avoid gaps in the availability of critical lifesaving malaria commodities at the national level. [redacted]

[redacted]

10. Sources, if any, that expressed, in writing, an interest in the acquisition.

In accordance with AIDAR 705.202(B), a synopsis was not posted on the System for Award Management (SAM) for this contract extension due to the circumstances described above. Competing the requirement at this time would risk significant disruption to program delivery and undermine the effective implementation of U.S. foreign assistance objectives.

11. The actions the Agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required:

The Department of State (DOS) recognizes the importance of full and open competition and values expanding vendor participation in future acquisitions for Health commodities procurement and distribution in Rwanda.

[redacted]

12. Technical or Requirements Personnel Certification:

In accordance with FAR 6.303, I hereby certify that the technical statements included above which form a basis for the justification are complete and accurate in accordance with EPP entitled "Expedited Procurement for Procedures for Prevention, Care and Treatment of HIV/AIDS", valid for the following period: January 1, 2025, through December 31, 2029 (attached).

Julia O Maynard

Digitally signed by Julia O Maynard
Date: 2026.07.24 14:18:59 -04'00'

13. General Council Clearance:

Diane A Perone Digitally signed by Diane A Perone Date: 2026.07.24 14:23:06 -04'00'

14. Contracting Officer Approval:

Elton E Fortson Digitally signed by Elton E Fortson Date: 2026.07.24 14:30:23 -04'00'

Tab 1—Determination and Findings (D&F)—Authorization for Use of Other than Full-and-Open Competition in the Award or Modification of Contracts Funded under the President's Emergency Plan for AIDS Relief

1. U.S. Agency for International Development (USAID).

Pursuant to the authority set forth in Section 706.302-70(b)(3)(ii) of USAID's Acquisition Regulation (AIDAR), I have determined that it is necessary to provide for the following exceptions to competition in the award and modification of contracts in support of activities and programs USAID manages under the President's Emergency Plan for AIDS Relief (PEPFAR) to avoid the impairment of U.S. foreign-assistance and foreign-policy objectives. I make this determination in consideration of the supporting findings set forth below, and it will remain in force and effect from this date through December 31, 2029.

2. The nature and/or description of the action being approved.

As a matter of law and policy, USAID's normal practice is to follow full-and-open competition in the award of contracts and in instances in which a proposed modification to an existing contract triggers competition requirements. However, in exceptional circumstances, these interests must give way to the overriding objective of providing life-saving interventions on a timely basis. Renewal of this authorization for exceptions to full-and-open competition is necessary to provide the flexibility that is essential to USAID's ability to implement uninterrupted activities under PEPFAR in a timely and vigilant manner to sustain the gains, continue to accelerate towards UNAIDS 2030 goals, and address shifting priorities and mandates when they arise.

This authorization covers activities under PEPFAR financed from all sources, including funds accepted by USAID under gift authority and prior-year funding and appropriations from the current and future Fiscal Years, whether appropriated directly to USAID or transferred from another Federal Department or Agency, unless Congress enacts special rules for these appropriations. This action authorizes the award of new contracts by using other than full-and-open competition procedures. It also authorizes non-competitive modifications to existing contracts for additional work similar to that performed under the initial contract.

Authorization of the use of other than full-and-open competition is necessary, given the urgent and overwhelming needs that come from providing HIV treatment and prevention, including the uninterrupted daily, lifelong medications and services required to sustain the tremendous progress, and continue acceleration, towards achieving the UNAIDS 2030 goals, and the shifting strategies and priorities of the U.S. Government and the governments of the countries in which we fund HIV programs. The authority under this Expedited Procedures Package (EPP) for HIV programs managed by USAID under PEPFAR would be available for new sole-source awards and modifications to existing awards to respond to urgent needs, such as geographic shifts in the epidemic into areas where PEPFAR has inadequate or non-existent coverage with implementing

partners. A rapid programmatic response is needed for countries with emerging HIV epidemics, especially where the number of new infections has significantly increased and the ability to make a sole source award or modify an existing award is crucial to containing the spread and achieving epidemic control. Expeditiously awarding or modifying a contract in the most responsive manner possible takes priority over other options that would delay the HIV response, especially where delay or inflexibility could compromise USAID's ability to reach individuals in urgent need of services or life-saving medicines and treatment.

3. Citation of the appropriate statute and/or regulation upon which the D&F is based.

Under Section 113(e)(2) of Title 40 of the United States Code (USC), competition requirements shall not impair or affect the authorities of an executive agency with respect to "any program conducted for purposes of ... transfer to foreign governments, or foreign aid, relief or rehabilitation." USAID has implemented this provision through Section 706.302-70(b)(3)(ii) of Title 48 of the Code of Federal Regulations (CFR), which provides an exception to competition for "supplies or services for countries, regions, or programs for which the Administrator of USAID makes a D&F (see FAR subpart 1.7) that compliance with full-and-open competition procedures would impair foreign assistance objectives, and would be inconsistent with the fulfillment of foreign assistance programs."

Under Section 706.302-70(c)(1) of Title 48 of the CFR, determinations under the authority used herein will not be subject to the requirement for certification by a Contracting Officer or approvals in accordance with Subpart 6.304 of the Federal Acquisition Regulation (FAR).

4. Findings that detail the particular circumstances, facts, or reasoning essential to support the determination. Necessary supporting documentation shall be obtained from appropriate requirements and technical personnel.

This authorization is used selectively in specific and limited cases. While it is impossible to list all of the circumstances that justify the use of this authority, the following are some of the most common situations in which it is necessary, and examples of how the Expedited Procedures Package (EPP) has supported life-saving interventions and U.S. foreign-assistance objectives:

First, USAID needs to be able to expand contracts beyond their present scopes, or extend them, to bridge gaps between existing activities and the establishment of new ones in response to geographic shifts in the HIV epidemic, shifts to PEPFAR priorities, and shifts in budgets. Ensuring the uninterrupted continuation of treatment regimens such as anti-retroviral (ARV) medication and provision of Pre-exposure prophylaxis (PrEP) is of utmost importance during programmatic changeovers and transitions. Expedited procedures that authorize the extension of contracts or expansion of present scopes of work will enable USAID to maintain treatment regimens and avoid interruption, which could increase the risk of premature mortality and the emergence and spread of drug-resistant strains. This will ensure ongoing patient relations, support strong

information systems, and deliver other programmatic components to ensure the health and well-being of patients and advance the goals of PEPFAR. In one example, the Dominican Republic Mission had an active award to strengthen the supply chain management of HIV-related commodities focused on 44 sites at the national and subnational levels to reach epidemic control in the country. An assessment identified that current interventions were insufficient and did not support long-term sustainability, risking an increase in HIV-related mortality. In year two of the award, the contract was modified to adapt to changes approved through the country operational plan process without risking gaps in service that would have occurred if the contract had to be recompeted.

Second, Missions need tools to respond flexibly and quickly if PEPFAR funding shifts to accommodate emerging priority geographic or technical areas and program innovations in which rapid roll-out helps advance HIV epidemic control. A few examples may include programmatic changes for the roll-out of new prevention technologies, such as long-acting injectable cabotegravir (CAB-LA), or programs that expand or shift geographically to meet changing local needs for HIV prevention, care or treatment supplies and services. Such programmatic changes and advances often result in USAID using existing contracts to meet the demand, with the approved Total Estimated Cost (TEC) of a contract reached years before the original completion date. When this happens, stopping programs prematurely or re-competing an award is not in the best interest of USAID, PEPFAR, or U.S. foreign policy, and USAID needs the tools to respond flexibly and conduct expedited procurements. When rapid changes are necessary a Mission or the Bureau for Global Health might need to develop new activities or scopes of work under an existing award or award new contracts in an urgent manner. Missions have selectively relied upon the EPP to add ceiling to the TEC and adjust project scopes to ensure expansion of quality programming or adjustment without a break in services. For example, the USAID Mission in Burundi was able to extend its contract for Site Improvement through Monitoring System (SIMS) reporting services and increase its ceiling to continue the services and avoid the risk of a gap or delay in collecting the PEPFAR data needed for timely and effective program monitoring and decision-making to ensure that programs are targeted appropriately. In this example, awarding to another source would have resulted in substantial additional costs to the Government and in unacceptable delays that would conflict with the timeline set by PEPFAR to achieve the new targets.

Third, this EPP authorization supports continuity of services during award transitions. As an example, the Mission in Uganda was able to rapidly put in place a long-term contract with a local organization to store and distribute HIV commodities procured by USAID, including life-saving ARV drugs, to the 1.2 million people on antiretroviral therapy (ART) in the Private Not For Profit (PNFP) sector in Uganda. This organization is a local entity that is established and capable of filling this role, and contracting with them ensured no break in services, while also contributing to USAID's PEPFAR local partner funding target. The continued availability of the EPP advances PEPFAR's goals for sustainability of HIV response as well as the Agency's

commitment to shift funding and leadership to institutions with the capabilities and credibility to drive change in their own countries and communities.

Other urgent or critical situations could arise in which it will be necessary to respond rapidly. The EPP provides the flexibility necessary for USAID Operating Units to respond most appropriately, without undue procedural constraints that would negatively affect program results.

5. A determination, based on the findings, that the proposed action is justified under the applicable statute or regulation.

I have determined that it continues to be critical to the objectives of PEPFAR that USAID maintains flexibility to respond rapidly, effectively, and without disruption to the HIV pandemic and to save lives. Since President George W. Bush launched PEPFAR in 2003 as an emergency response to HIV, substantial progress has taken place controlling the pandemic, however, there remains a vital urgency in the U.S. Government's response to the HIV pandemic, including the provision of uninterrupted daily, lifelong medications and services required to sustain the tremendous progress and accelerate epidemic control to achieve the UNAIDS 2030 goals. HIV remains a serious threat to global health security and economic development. The PEPFAR strategy, "Fulfilling America's Promise to End the HIV/AIDS Pandemic by 2030," focuses on building on the progress and accelerating the response to end the HIV pandemic as a public health threat by 2030. To be responsive, it is imperative that interventions continue without a break in service to the people that depend upon them and that assistance can flow rapidly to the area where it is needed most, with the most-effective interventions. In select situations, the timeframe required by fully competitive procurement procedures will not enable USAID to act in a manner that best promotes U.S. foreign policy objectives. The magnitude of the HIV/AIDS pandemic and the need for urgent assistance, coupled with the anticipated continuing high levels in authorized funding and the continued need to reach targets set by the Administration and Congress, necessitate the availability and use of expedited procedures. In light of such needs, the use of the cited authorities to expedite acquisitions on a case-by-case basis will provide the flexibility to implement PEPFAR programs effectively. Failure to do so will result in an impairment of the U.S. Government's foreign-assistance objectives.

6. Expiration date of the D&F, if required.

This D&F is effective January 1, 2025 through December 31, 2029.

7. <u>The signature of the official authorized to sign the D&F and the date signed.</u>

In accordance with Section 706.302-70(b)(3)(ii) of the AIDAR, as Administrator of USAID I am the appropriate official to sign this class D&F.

_____ 12/14/2024

Administrator Samantha J. Power Date