General Services Administration
Public Buildings Service

MEMORANDUM TO FILE (TAB 4)

SUBJECT: Justification and Approval - FAR 6.104 (GSA Class Deviation RFO-2025-06)

PROJECT: Custodial and related services

Wilbur J. Cohen Federal Building
330 Independence Ave SW
Washington, DC 20237

In accordance with FAR 6.104-2(a) (GSA Class Deviation RFO-2025-06), this Justification and Approval (J&A) requires approval from the advocate for competition. FAR 6.104-1 (GSA Class Deviation RFO-2025-06), Justification content, is outlined below:

I. **Identification of the agency and the contracting activity, and specific identification of the document as a "Justification for other than full and open competition."**

The U.S. General Services Administration (GSA), Public Buildings Service (PBS), is executing a justification for other than full and open competition for the emergency short-term procurement of custodial and related services at the Cohen Federal Building.

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

PBS has an urgent and compelling need for custodial and related services at the Cohen Federal Building in Washington, D.C. Current services will expire on June 30, 2026, and immediate service continuation is required on July 1, 2026. The proposed action is to award a short-term bridge contract to the incumbent contract holder for a period of three months, with a six-month option to extend.

III. **A description of the supplies or services required to meet the agency's needs (including the estimated value)**

The Contractor shall perform custodial services in a manner that will maintain the condition and cleanliness of the facility in accordance with the standards and regulations outlined within the performance work statement (PWS) for this requirement.

This short-term bridge contract is needed while the Acquisition Team works on a consolidated blanket purchase agreement (BPA) solution for the Mary E. Switzer Federal Building and the Wilbur J. Cohen Federal Building. These locations are both historically and physically connected, as they were constructed together in the late 1930s as part of the same New Deal-era federal building project. The buildings are physically connected by an operable large utility and pedestrian tunnel running beneath C Street SW. These two buildings make up two-thirds of the HHS Southwest Complex.

A consolidation analysis has been signed and approved by GSA's senior procurement executive (SPE), Mr. Jeff Koses, in accordance with FAR 7.107-2 (GSA Class Deviation RFO-2025-07).

IV. <u>An identification of the statutory authority permitting other than full and open competition.</u>

The authority for this limited source justification is 41 U.S.C. 3304(a)(2). As outlined in FAR 6.103-2(b) (GSA Class Deviation RFO-2025-06), the agency's need for the services is of such an unusual and compelling urgency that the Government would be seriously injured, financially or otherwise, unless it is permitted to limit the number of sources from which it solicits bids or proposals.

V. <u>A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires using the authority cited.</u>

The proposed contractor, Melgar Facility Maintenance (MFM), has performed these services at this location since at least 2018. They have maintained satisfactory performance. Due to the complexity and time sensitivity of this requirement, and the essential nature of the services required, it is in the best interest of the Government to award the short-term bridge contract to the proposed contractor, which will provide the Government with sufficient time to put a new consolidated BPA in place using competitive procedures.

Previous contracts for these services were awarded as 8(a) contracts directly to the proposed contractor, which has now graduated from the 8(a) program. The Revolutionary FAR Overhaul (RFO) and recent policy shifts have moved away from 8(a) direct awards. Furthermore, GSA has determined that a consolidated BPA for custodial and other related services at the Cohen and Switzer buildings will improve and enhance performance and efficiency, reduce costs, and streamline the acquisition process.

In addition, PBS recently underwent significant organizational restructuring which led to workload shifts. The requiring activity has materially changed, as well as all participants involved in the administration and re-procurement for these services. As a result, urgent and compelling circumstances exist requiring GSA to pursue a vendor by means other than full and open competition to obtain services within this building in order to properly maintain the building and continue mission critical operations without any disruptions or loss until the consolidated BPA is competitively awarded.

The aforementioned urgent and compelling circumstances for this requirement exempts GSA from the full and open competition requirements under the identified statutory authority. The estimated value of this acquisition is $1,253,747.25, inclusive of the above-described base and option period.

VI. <u>A description of efforts made to ensure that offers are solicited from as many potential sources as possible, including whether a notice was or will be publicized as required by part 5 and, if not, which exception under part 5 applies.</u>

N/A

VII. <u>A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.</u>

PBS will use historical pricing and an independent government estimate (IGE), among other price analysis techniques, to ensure fair and reasonable pricing. MFM's current pricing has been determined to be fair and reasonable, and PBS does not have a reason to believe that this will change for the brief bridge period.

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

The progress of the follow-on procurement was severely hampered by the October 19, 2025, PBS re-organization and by the October 2025 Government Shutdown. The current contract team became involved with the follow-on procurement in January 2026. As a result, there was not sufficient time to make this acquisition available for competition, making it impractical to perform market research for this temporary contract solution. This bridge contract will allow GSA to adequately develop, solicit, and award a new competitive BPA. Once this order is in place, GSA will begin the procurement process to award a competitive consolidated BPA. Future procurements will be closely monitored to ensure early planning and execution of replacement contacts/BPAs are in place prior to the expiration of the existing BPA.

IX. Any other facts supporting using other than full and open competition.

Although the Government has taken deliberate steps to avoid reliance on multiple bridge contract extensions, circumstances associated with the competitive acquisition process and the complexity of the acquisition necessitate this limited additional extension

The current services provided by MFM at the Cohen building must continue during the consolidated BPA procurement process. A lapse in services would result in essential services not being performed to maintain the building at a level required for safe tenant occupancy. This would be in violation of occupancy agreements with tenant agencies and could result in preventable damage to the building, as well as increased health and safety risks to personnel, which could be exceedingly expensive to remediate or replace.

GSA sought the Small Business Administration's (SBA's) concurrence on removing this follow-on bridge contract from the 8(a) program, in accordance with 13 C.F.R. 124.504(d) and FAR 19.108-11(b) (GSA Class Deviation RFO-2025-19), but received no response. GSA e-mailed and placed telephone calls to various SBA points of contact and publicized mailboxes on May 7, May 12, and June 10, 2026, attempting to have this requirement formally removed from the 8(a) program so that this short-term bridge contract could be awarded. SBA was non-responsive to these attempts. GSA needs to proceed with the bridge contract, despite not having received SBA's concurrence, to ensure no loss of essential services at the building.

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

N/A

XI. A 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.

PBS has performed market research and will publicize forthcoming contract opportunities in accordance with FAR Part 5 (GSA Class Deviation RFO-2025-05) on the subsequent anticipated competitive acquisition for these services. Market research was performed by posting Request for Information (RFI) #1795848 to eBuy for fourteen (14) days from February 11, 2026, to February 25, 2026, establishing a Sources Sought Notice. As the original requirements were part of the 8(a) program, GSA seeks to keep this consolidated requirement in the program as a competitive 8(a) award. Thirty-six (36) small business respondents showed interest in the RFI, with eleven (11) being 8(a) contractors. The anticipated competitive procurement directly removes competitive barriers associated with previous 8(a) direct contracts for this requirement.

Contracting Officer Certification:

I hereby certify that the above information is accurate and complete to the best of my knowledge.

[redacted]

Contracting Officer

6/25/2026 | 12:51:12 BST

Date

[redacted]

6/25/2026 | 13:54:57 BST

Date

[redacted]

GSA Competition Advocate

7/7/2026 | 16:23:32 BST

Date