



# Operational Procedures

<b>OFFICE:</b>	Acquisitions Division
<b>DATE:</b>	November 8, 2005
<b>SUBJECT:</b>	Acquisition of Non-Federal Detention Services
<b>NUMBER:</b>	0002

## PURPOSE

To delineate the role of the various offices involved in planning for and procuring non-federal secure detention services.

## OBJECTIVES

The expected results of this Policy Directive are:

- To identify the need for non-federal secure detention bed space as part of the Office of the Federal Detention Trustee (OFDT) overall detention population management planning process.
- Implement a process efficiently to acquire non-federal secure detention services.
- To ensure that Department of Justice and Department of Homeland Security policies consider the particular needs of non-federal secure detention services.

## DEFINITIONS

**Non-Federal Secure Detention Facility:** Place of continuous confinement for individuals charged with federal offenses and detained while awaiting trial, sentencing, a hearing on immigration status, or deportation under a statement of work, Performance-Based Standards, U.S. Immigration and Customs Enforcement Detention Requirements, American Correctional Association (ACA) Standards for Adult Local Detention Facilities (ALDF), Standards Supplement, Standards for Health Services in Jails, latest edition, and the National Commission on Correctional Health Care (NCCHC), set forth by a contract between the OFDT and a service provider.



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**Source Selection Plan:** Plan addressing all technical, business, management, and other significant considerations that will control an acquisition. It summarizes acquisition-planning deliberations and identifies milestones for decisions in the acquisition process.

**Source Selection Official (SSO):** The SSO is the government official responsible for selecting a source or sources in a competitive negotiated acquisition. The SSO selection decision is based on the proposal evaluation results accomplished by the Source Selection Evaluation Board and the Source Selection Advisory Council. The Chief, Detention Standards Compliance Division (DSC), OFDT, shall serve as the SSO for the acquisition of private secure detention services.

**Source Selection Evaluation Board (SSEB):** The SSEB is responsible for creating the evaluation plan and evaluating the proposals. This board shall be composed of government personnel from the U.S. Immigration and Customs Enforcement (ICE), the United States Marshals Service (USMS) and OFDT representing the various relevant functional and technical areas of private secure detention services.

**Source Selection Advisory Council (SSAC):** The SSAC is appointed to supplement and report the findings of the Source Selection Evaluation Board to the Source Selection Advisory. For the acquisition of private secure detention services, this board shall consist of senior government personnel appointed by the SSO from the ICE, USMS, and OFDT.

**Contracting Officer (CO):** An OFDT employee, by virtue of a Contracting Officer's Warrant, empowered to negotiate, award, administer, cancel, or terminate contracts on behalf of the United States Government.

**Detention Management Specialist:** The designated OFDT employee responsible for the oversight of the contractor's performance.

## PLANNING

The Chief, DSC, in conjunction with the ICE and USMS determines the need for privately operated secure detention services. If a need exists, the Chief, DSC, will identify to the Chief, Procurement and Acquisitions Division:

- ▶ Location of the services;
- ▶ Number of detention beds needed;



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Security level of the facility;

- ▶ Type of detainees to be housed; and
- ▶ Names of OFDT Facilities Specialist, ICE and USMS staff assigned to the SSEB and the SSAC.

### **PROCUREMENT LEAD TIMES**

The minimum adequate time for general types of procurements is listed below. "Minimum days" indicate the required time from receipt of an approved procurement package by OFDT (includes approval of funds, various justifications, etc.) through the contract award:

<u>Contract Detention Facilities:</u>	<u>730 days or 24 months</u>
<u>Inter-Governmental Agreements:</u>	<u>60 Days</u>

### **SOURCE SELECTION PLAN DEVELOPMENT**

Upon notification the Chief, Procurement and Acquisitions Division, will assign an OFDT CO to assist the OFDT Facilities Specialist and SSEB in the development of the Source Selection Plan to include, at a minimum, the following sections of the Request for Proposal (RFP):

- ▶ Statement of Work;
- ▶ Technical Instructions to Offerors;
- ▶ Proposal Evaluation Criteria;
- ▶ Request for Contract Action;
- ▶ Independent Government Estimate;
- ▶ Evaluation Team Members; and
- ▶ Projected contract milestones.

### **CONTRACT SOLICITATION AND AWARD**

The CO ensures that a notice is placed in the FedBizOpps informing potential contractors of a new RFP. The CO will serve as the focal point for inquiries from all prospective offerors. After receipt of proposals, the CO shall control all exchanges<sup>1</sup> with offerors.

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<sup>1</sup> Federal Acquisition Regulation 15.303 6(c)

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When the RFP has closed, the proposals are to be evaluated consistent with the Department of Justice (DOJ) Acquisition Policy and the Federal Acquisition Regulation. After the proposals have been evaluated and a final report prepared by the SSEB, the results are forwarded to the SSAC. The SSAC makes a source selection recommendation to the SSO. The recommendation shall include the rationale for the potential award of a contract. The SSO will make the final recommendation for award and forward to the CO. After the recommendation has been received, the CO will make the award and notify the successful and the unsuccessful offerors.

The CO will arrange a pre-performance conference involving the CO, representatives of OFDT, ICE, USMS, contract oversight staff, other DOJ staff as necessary, and the contractor.

#### **STAFF ASSISTANCE IN THE PROCUREMENT PROCESS**

The success of the OFDT's efforts to provide privately operated secure detention service depends on the involvement of staff from ICE and USMS. Expert staff is needed to:

- ▶ Assist in the development of the statement of work;
- ▶ Serve on the award panel to evaluate the technical merits of the proposals;  
and
- ▶ Assist in other aspects of the award process.

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Office of the Federal Detention Trustee

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Date