

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

Requisition Number: 09231000006

1. The Bureau of Reclamation Mid Pacific Region, proposes to enter into a contract for law enforcement enhanced patrol services at Shasta Dam and Power Plant. This project and justification is for a 5 year period (base year and 4 option years).
2. The authority for use of other than full and open competition for this transaction is 41 U.S.C. 253(c)(1) as implemented by FAR 6.302-1.
3. The cited authority must be used because only the proposed contractor possesses the following unique qualifications which are required for this acquisition:

Shasta Dam is formally designated as a National Critical Infrastructure (NCI) facility according to Presidential Decision Directive 63 (PDD-63) issued May 22, 1998. Shasta is among the top ten NCI facilities nationwide and is 1 of 5 NCI sites within the Bureau of Reclamation (Shasta, Folsom, Grand Coulee, Hoover and Glenn Canyon Dams). Based upon PDD-63 and the definition of critical infrastructure in the USA Patriot Act (October 26, 2001), an NCI facility is defined as being so vital to the United States that the incapacity or destruction of such facility would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters. The priority designation is based upon an evaluation of security vulnerabilities compared with the consequences in the event of a successful attack.

After September 11, 2001, a number of security measures were at Shasta pending the completion of comprehensive threat assessments. Interim measures included placing k-rails at the dam crest restricting the flow of traffic, 24-hours shifts for armed guard services, monitoring of authorized personnel entering restricted areas, monitoring of existing cameras and alarms and enhanced patrol services from the Shasta County Sheriff's Office, the local law enforcement of jurisdiction. The Sheriff is a state constitutional officer, elected by the citizens of Shasta County. The Sheriff is the Chief Law Enforcement Officer and responsible for the enforcement of laws within the unincorporated area of Shasta County. Shasta Dam (NCI) and other facilities located in Shasta County are in the jurisdiction authority of the Sheriff and would be the 1st responder for emergencies and non-emergency call for service. Sheriff's Office sworn personnel must meet and pass CA Peace Officer Standard of Training (POST) background check (similar to OPM BI) consisting of medical exam, physiological testing, polygraph exam prior to hiring. Prior to hire they either have completed a 28 week academy or completed the academy within 1 year. Prior to working by themselves the new deputy must pass a 17 week field training program. In addition they must complete POST mandatory sustainable training requirements. Sheriff's Office sworn personnel have peace officer authority to arrest and detain. Shasta (NCI) currently contracts with a private contractor for guard service, but due to NCI rating for Shasta, feel it necessary for enhanced patrol service with the local law enforcement of jurisdiction (Shasta County) who has peace officer powers and arrest authority granted under CA Penal

Code section 830.1 (a), and maintain an integrated access with local intelligence networks. Contractors have no more authority than a private citizen.

Since September 11, 2001, Reclamation has been engaged with the Department of Homeland Security, the Defense Treat Reduction Agency, the Federal Bureau of Investigation and numerous other agencies in developing a comprehensive security plan for Shasta. The plan requires the installation of sophisticated physical site security improvements including vehicle barriers, cameras, alarms, motion sensors access card readers and a control room for monitoring the surveillance system. The base mission – defending the standing infrastructure – further requires a highly trained, on site security force with an integrated access with local, state and federal intelligence networks and emergency and tactical response units.

In consultation with the Reclamation Office of Safety, Security and Law Enforcement, Northern California Area Office (NCAO) contracted with a higher trained armed private security force, integrated a new 7.2 million security system and determined contracting with the local law enforcement of jurisdiction would provide direct and instantaneous access to law enforcement, SWAT, intelligence, bomb detection unit and bloating safety unit was critical to meeting the security mission of Shasta. The service provider must provide qualified law enforcement officer 7 hours per day and provide record checks through restricted local, National Crime Information Center "NCIC" and Department of Justice "DOJ" files on permit applications prior to approval to cross Shasta Dam. The law enforcement agency must have jurisdictional authority at Shasta Dam. Law Enforcement and Records personnel, after a background check prior to hire, can access local data bases consisting of prior contacts (ie on parole, probation, arrest record, prior contacts, warrants etc.). They also access CLETS (Dept. of Motor Vehicle files which is part of Department of Justice file system) for vehicle registration and current driver's license information. CLETS requires Sheriff users who have the authorization to access their files be certified and re-certified every 2 years. Shasta Dam has a closure order in place with restrictions. NCAO will allow vehicle access across the dam crest, after a background check is completed on the individual(s) prior to granting authorization. Shasta is 1 of 5 Reclamation Nation Critical Infrastructure (NCI) and MP, NCAO and SSLE have increased tighter security measures. The Sheriff's Office meets these requirements. No private vendor has the authority to access this information

The Shasta County Sheriff's Office is the only agency to have the required law enforcement jurisdictional authority. The Shasta County Sheriff is the Region III Office of Emergency Services (OES) Coordinator and has mutual aid agreements with surrounding counties for critical incidents. The Sheriff is an elected official placed into office by the citizens of the county that he/she will represent with jurisdictional authority within that county and is responsible for the enforcement of laws within the unincorporated area of the county. The Sheriff's authorized authority comes from the CA Constitution and CA Government Code. No private vendor can be granted the authority or authorized to perform peace officer duties. A private vendor can hire retired peace officer's to perform this function. However, when a peace officer retires they lose their peace officer authority. Neither the Sheriff nor the state have the authority to grant

peace officer powers to a contractor or their employees. The term Peace Officer is defined under California Penal Code section 830.1(a).

4. Offers will be solicited from the following source:

Shasta County Sheriffs Office
1525 Court Street
Redding, CA 96001
Telephone: (530) 245-6165
Point of contact: Sheriff Tom Bosenko

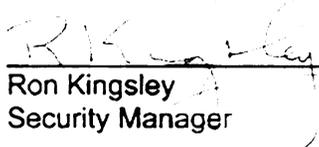
Pursuant to FAR 5.201, a synopsis notice of the contract action will be publicized in the Governmentwide Point of Entry.

5. The estimated cost of this transaction is \$560,199.00 (including all option years). The amount of any resulting contract action will be determined to be fair and reasonable based on pricing techniques set forth in FAR 15.4

6. Market research was not conducted because based upon the information in paragraph 3, the recommended source is the only source capable of performing the contracting action.

7. Additional facts to support this justification for other than full and open competition include:None.

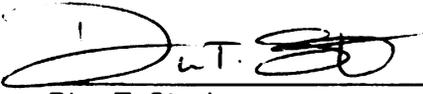
8. I certify that the information contained in and attached to this justification is accurate and complete to the best of my knowledge and belief.



Ron Kingsley
Security Manager

2/17/09

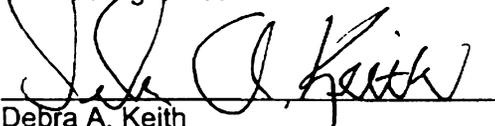
Date



Dion T. Steele
Contracting Officer

2/27/09

Date

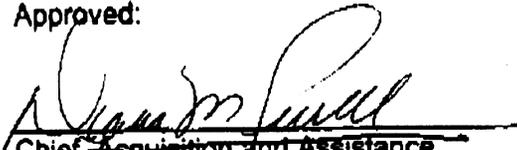


Debra A. Keith
Acting, Chief of the Contracting Office

2/12/09

Date

Approved:



~~Chief, Acquisition and Assistance
Management Division~~

Competition Advocate

2/12/09

Date