

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION**  
**Contract R09PC20136**

1. The Bureau of Reclamation, Mid Pacific Region, proposes to enter into a contract for water right services with the State of California, State Water Resources Control Board. 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, Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.
3. The cited authority must be used because only the proposed contractor possesses the following unique qualifications which are required for this acquisition:

The Bureau of Reclamation possesses water rights, and requires water rights to perform its mission of moving water from water sources to water users within the State of California. Much of the work accomplished by Reclamation is related to the use of water that requires an appropriation under State law. Water rights for such use must be established prior to that use of water. Under California State Water Code Sections 174, 175 and 179, the State Water Resources Control Board (SWRCB) exercises adjudicatory and regulatory functions of the State in the field of water resources, including water rights, within and for the State of California. The SWRCB is a part of the California Environmental Protection Agency. The SWRCB establishes and keeps records relative to who has rights to water sources in California. Anytime a party wishes to appropriate water, they have to apply to the SWRCB. The SWRCB determines who has the right to the water source and in some cases issues a permit to utilize the source. Such services are necessary to enforce Reclamation's water rights or to defend against entities that dispute Reclamation's water rights. The Board charges all entities that require its water rights services.

4. Offers will be solicited from the following source(s):

State of California, State Water Resources Control Board  
Division of Water Rights, PO Box 2000  
Sacramento, CA 95812-2000

Pursuant to FAR 5.201, a synopsis notice of the contract was publicized on the Federal Business Opportunities website from April 2, 2009 through April 17, 2009. No responses were received in response to the synopsis.

5. The estimated cost of this transaction is \$688,807.28 (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 on 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:

No development of specifications would merit further competition of this requirement.

8. During any future acquisition of the required supplies or services, the following actions may be taken in advance to remove or overcome barriers to competition:

This is an inherent State government function, therefore, no efforts can be made to remove or overcome these barriers.

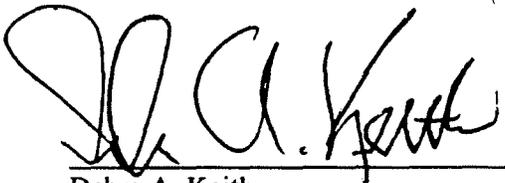
I certify that the information contained in and attached to this justification is accurate and complete to the best of my knowledge and belief.



Janice Webb  
Water Rights Specialist

8-3-09

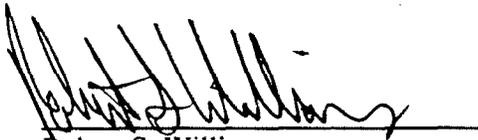
Date



Debra A. Keith  
Contracting Officer

8/3/09

Date



Robert S. Williams  
Chief of the Contracting Office

8/3/09

Date

Approved:



Reclamation Competition Advocate  
Diana Terrell

8/12/09

Date