

Justification for Other than Full and Open Competition
Bureau of Reclamation
FAR 13.5, Simplified Acquisitions - Test Program for Certain Commercial Items

10253000022/R10PS20257

1. Identification of the agency and the contracting activity.

Bureau of Reclamation, Mid-Pacific Region, Klamath Basin Area Office, Klamath Falls, OR.

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

Action for approval is a sole source contract to MBK Engineers for Technical Assistance on Klamath Project Drought Plan.

3. A description of the supplies or services required to meet the agency's needs.

Contractor shall provide services to assist Klamath and Klamath Basin Restoration Agreement (KBRA) staff in the development of a drought plan. The contractor shall coordinate with a small group that is currently working on the KBRA drought plan in accomplishing the following in coordination with Bureau of Reclamation (BOR) KBAO, KWAPA, and KBRA stakeholders: assist in defining drought and extreme drought, assist in developing a decision process, assist in development of the actual drought plan, assist in defining the roles and responsibilities of the federal, tribal and state agencies involved in the KBRA and KWAPA, assist in resolution of drought planning issues such as but not limited to fishery management considerations and enforcement entity identification and assist in the determination of need for modeling.

4. The statutory authority permitting other than full and open competition.

The Services Acquisition Reform Act of 2003 (41 U.S.C. Sec. 253(c)(1)) and FAR 6.302-1.

5. A statement demonstrating the unique qualifications of the proposed contractor or the nature of the action requiring the use of the authority.

The Klamath Basin is a meteorologically and geophysically complicated basin that requires familiarity with multiple facets including historical hydrologic operations and water delivery strategies. There are few entities that have developed a firm understanding of the subtle nuances associated with the climate patterns, inflow, and water delivery requirements of the Klamath Project. Additionally, the recently negotiated Klamath Basin Restoration Agreement (KBRA) adds another layer of complexity on an already difficult operational protocol and few firms have developed an understanding of the KBRA. MBK has historically worked in the Klamath Basin and with Klamath Basin interests for many years including the development of the KBRA. MBK understands the subtleties associated with Klamath Project operations and are best suited to deal with these complexities.

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

Klamath staff has attended KBRA meetings and have not come in contact with any other firms that have the necessary experience with respect to KBRA. The tasks in the statement of work require the contractor be very familiar with the terms of KBRA and the Klamath Basin as outlined in item 5 above.

7. The anticipated dollar value of the proposed acquisition including all options, if applicable and a determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.

The independent government cost estimate is \$249,760.00. The anticipated cost will be fair and reasonable as the proposed cost will be compared to MBK's pre-negotiated rates as a subcontractor in the 2006 IDIQ Professional Services Contract 06CS204097.

8. A description of the Market Research (MR) conducted and the results or a statement of the reason MR was not conducted.

MR conducted consists of the factors discussed in item 6 above. If this was solicited to other offeror's they would need to subcontract or consult with MBK to be able to complete the tasks required.

9. Other facts supporting the use of other than full and open competition, such as: FAR Part 13.106-1(b)(1).

- a. **Explanation of why technical data packages, specifications, engineering descriptions, statements of work or purchase descriptions suitable for full and open competition have not been developed or are not available.**

The statement of work has been developed for full and open competition; however, a different contractor would need assistance in coming up to speed with KBRA issues.

10. A listing of the sources, if any, that expressed a written interest in the acquisition. None.

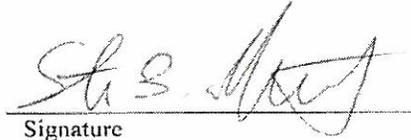
11. A statement of actions the agency may take to remove or overcome any barriers to competition if subsequent acquisitions are anticipated.

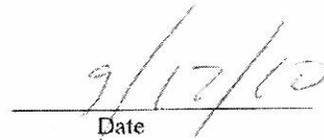
This is a onetime immediate need to accomplish the unique work requirement, no additional actions are anticipated.

Certification:

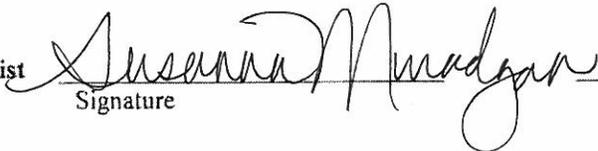
The information contained in this Justification for Other than Full and Open Competition is certified accurate and complete to the best of my knowledge and belief.

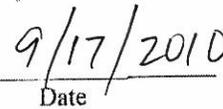
Requestor


Signature

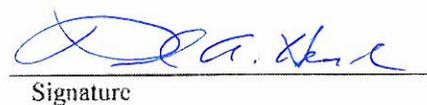

Date

Contract Specialist


Signature

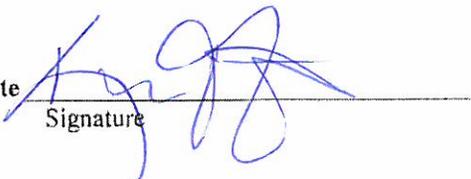

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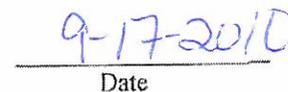
Contracting Officer


Signature


Date

Assistant
Competition Advocate


Signature


Date