

**American Recovery and Reinvestment Act (ARRA)**

**Justification for Other Than Full and Open Competition  
(Limited or Sole Source Justification)**

*(Refer to FAR 6.303-2 for further guidance on information to be provided)*

U.S. Department of Interior, Bureau of Reclamation

Mid-Pacific Region

Sacramento, California

Project Title Refuse Collection for Lake Berryessa Resort Areas

<b>1- Office requesting the action</b>	
Acquisition Services, Mid-Pacific Regional Office, Sacramento, California	
<b>2- Nature and/or Description of proposed action</b>	
Mark one.	
<input checked="" type="checkbox"/> sole source acquisition <input type="checkbox"/> limited competition acquisition	
<b>3- Description of supplies or services required to meet the agency's needs</b>	
This requirement is being awarded to support a separate ARRA requirement. A separate contract is being awarded for the demolition of travel trailers, mobile homes, and facilities that are located at the seven resorts within the Lake Berryessa Resort Area. This contract will require the delivery of empty debris boxes, pick up the boxes once they are filled, dispose of the waste at appropriate locations, and then return empty debris boxes for reuse. These services will continue until all the waste has been removed.	
<b>4- Estimated value</b>	\$ 600,000
<b>5- Authority permitting other than full and open competition</b>	
<i>[mark the appropriate statutory citation]</i>	
<input checked="" type="checkbox"/> FAR 6.302-1 [41 U.S.C. 253(c)(1)] Only one responsible source	<input type="checkbox"/> FAR 6.302-4 [41 U.S.C. 253(c)(4)] International agreement
<input type="checkbox"/> FAR 6.302-2 [41 U.S.C. 253(c)(2)] Unusual and compelling urgency	<input type="checkbox"/> FAR 6.302-5 [41 U.S.C. 253(c)(5)] Authorized or required by statute
<input type="checkbox"/> FAR 6.302-3 [41 U.S.C. 253(c)(3)] Industrial mobilization, engineering, development or research capability; or expert services	<input type="checkbox"/> FAR 6.302-6 [41 U.S.C. 253(c)(6)] National security
	<input type="checkbox"/> FAR 6.302-7 [41 U.S.C. 253(c)(7)] Public interest <i>(Requires determination by the Agency Head.)</i>
	<b>Other ARRA-specific justification requirements:</b>
	<input type="checkbox"/> Non-competitive 8(a) award or modification to existing 8(a) contract
	<input type="checkbox"/> Non-competitive HUBZone
	<input type="checkbox"/> Contract Modification
<b>5a- Discussion in support of the above authority</b>	

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IAW Napa County Ordinance 8.48.020 (see attached), Berryessa Garbage Service Inc. is the only company with a franchise agreement with the county permitting them to provide collection and disposal services of all solid waste for zone 2. The franchise agreement was awarded on June 2, 2009 and expires on July 17, 2013 at midnight. Lake Berryessa is part of the franchise zone number 2, therefore is covered by Ordinance 8.48.020. The requirement is being funded under Public Law 111-5, The American Recovery & Reinvestment Act of 2009 (ARRA).

In accordance with FAR 5.705 (b)(7)(ii), a post award synopsis will be posted to the Recovery.gov website to meet ARRA requirements.

The Contracting Officer is using simplified acquisition procedures authorized by FAR 13.5 for the acquisition of commercial services, pursuant to Section 4202 of the Clinger-Cohen Act of 1996.

**6- Effort made to obtain offers from multiple sources**

*Name the source(s) from which the product(s) or service(s) are to be acquired.*

*Berryessa Garbage Service Inc.*

*6095 Steele Canyon Rd.*

*Napa, CA 94558-9628*

*Phone Number 707-226-9543*

**7- Description of market research performed**

*Explain actions taken and provide (by attachment) documentation of results of the market research, or an explanation of why no market research was done.*

No market research was accomplished due to Deputy Napa County Counsel Robert Martin advising Mr. Jim Turner (solicitor for Reclamation) that there is a Napa County ordinance 8.48.020, which states that Berryessa Garbage Service Inc. is the only company that has a franchise agreement with the County permitting them to provide collection and disposal of all solid waste in Napa County Zone 2. A statement from Berryessa Garbage Service Inc. was received stating that they were awarded Napa County Agreement No. 7230 for Zone 2. The exclusive Napa County Agreement No. 7230 was awarded on June 2, 2009 and expires on July 17, 2013. A notice of intent to award to a sole source contractor (Berryessa Garbage Services Inc.) was posted to FedBizOpps on 11/09/2009 and closed on 11/13/2009. No responses were received in response to this notice of intent.

**8- Determination of fair and reasonable cost**

*Explain how we know or will be able to determine reasonableness of price/costs.*

The estimated cost of this transaction is \$600,000. The amount of any resulting contract action will be determined to be fair and reasonable based on pricing techniques set forth in FAR 13.106-3(a)(2).

**9- Other facts supporting use of other than full and open competition**

*Address applicable items such as why specifications, statement of work, etc., are not or cannot be available timely; harm, financial or otherwise, to the Government if not procured as proposed, etc.*

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A statement from the Contractor was received stating that Napa County (in accordance with ordinance 8.48.020) has a franchise agreement with only one company authorizing them to perform collection and disposal of all solid waste for Zone 2. The exclusive franchise agreement from the county of Napa was provided to the Contractor (Berryessa Garbage Service Inc.) by the Napa County Board of Supervisors approved as Napa County Agreement No. 7230 on June 2, 2009 and expires on July 17, 2013.

10- List any sources that have expressed interest in this proposed acquisition

Not Applicable.

11- Effort to overcome barriers to competition for future acquisition

*Explain what can and will be done to improve our ability to obtain competition for these services or supplies when next required.*

This is considered a one-time action. If a future action is necessary Napa County will be contacted regarding its Ordinance 8.48.020 for any changes to determine the availability of competition.

12- Certification

Preparer's / requestor's name  
Janet Rogers

Preparer's / requestor's title  
Park Manager

I certify that the information and documentation provided with this requested justification are accurate and believe they form a valid basis to proceed with the requested acquisition without full and open competition.

*Janet Rogers*  
Preparer / requestor signature

Date *12/10/09*

*(Proposed actions \$100k or less, do not require original signature. The request can be transmitted electronically.)*

**Approval Requirements** *(refer to ET ARRA 09-01, Implementation of the American Recovery and Reinvestment Act of 2009)*

**Mark one.**

The requested action is **APPROVED**:

The requested action is **DENIED**  
*(Explanation is provide below.)*

I certify that this justification is accurate and complete to the best of my knowledge and belief and hereby approve this justification and authorize the action to proceed.

Debra A. Keith  
Contracting Officer

*Debra A. Keith*  
CO signature

Date *12/10/09*

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Robert S. Williams Chief of the Contracting Office	CCO signature	Date
Bureau Procurement Chief (name) <i>Diana M. Farrell</i>	BPC signature	Date <i>12/18/09</i>
Head of the Contracting Activity (name) <i>N/A</i>	HCA signature	Date
DOI Senior Procurement Executive (name) <i>N/A</i>	SPE signature	Date
Explanation of denial:		