

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION**Solicitation No.: INR13PS30099****Project Name: Farming Services for Cibola National Wildlife Refuge (CNWR)**

In accordance with FAR 6.302, the proposed contractual action is pursuant to the statutory authority of 41 U.S.C. 253(c)(4)

1. **Agency and Contracting Activity.** Bureau of Reclamation, Lower Colorado Regional Office, Acquisition and Assistance Management Office
2. **Nature/Description of Action.** The Bureau of Reclamation (Reclamation) has a need to create, enhance and restore native habitats in support of the implementation of the Lower Colorado Multi-Species Conservation Program (LCR MSCP). The LCR MSCP is a joint Federal-State (Arizona, California, and Nevada) undertaking to assure that water and power operations, both present and future, of Reclamation's Lower Colorado Region are in compliance with the Endangered Species Act (ESA). The MSCP partnership intends to accomplish this through the implementation of a 50-year program that will create and maintain native riparian habitat along the Lower Colorado River.

The Cibola National Wildlife Refuge (CNWR) is located in the floodplain of the lower Colorado River, just south of Cibola, Arizona. The refuge consists of approximately 17,000 acres of which the majority of the acreage is located in Arizona with the remainder in California. The refuge encompasses both the historic Colorado River channel as well as channelized portion constructed in the late 1960's. CNWR has diversified habitats including, backwaters, marsh, riparian and desert environments. At the present time the refuge manages several hundred acres of actively farmed fields for the wildlife. CNWR and the LCR MSCP have similar goals for creating land cover types for endangered and listed species. The created habitats will then be managed for the species covered under the MSCP throughout the life of the 50 year program.

Approximately 900 acres have been identified for the proposed conversion of active and non active farm fields to riparian habitat. The 900 acres include areas of alfalfa, grass, on-going research projects, cottonwood/willow, a loafing pond and idle ground. A schedule for conversion of active and non active farm land for the creation of land cover types has been developed and agreed to by both Reclamation and CNWR.

Currently, 375 acres is being farmed with crops of alfalfa, 355 areas of cottonwood/willow trees and 105 acres of atriplex. The areas of CNWR are planted with riparian trees that will need to be maintained at a level appropriate for efficient water delivery; invasive weed control and general maintenance of the site.

A five (5) year Indefinite Delivery/Indefinite Quantity type contract is contemplated. Period of performance will be January 1, 2014 through December 31, 2018, with a maximum ceiling of \$1.2M.

3. **Description of Supplies/Services.** The purpose of this contract is to perform farming services for the planting and management of cottonwood/willow and associated habitats, crop maintenance of existing crops and trees, and irrigation services (maintenance and repairs) at CNWR restoration sites.

There is an existing irrigation system in place which includes two pumps, lined canals and lateral ditches. Currently a drainage ditch bisects the property. The following list indicates the type of work to be performed by the contractor.

- Farming services including custom tillage and equipment.
- Spraying (herbicides and fertilizer)
- Seeding/Planting
- Leveling/Contouring
- Irrigation services, repair and maintenance.
- Road maintenance and watering.
- Other services might include: purchasing commercially available seed, shallow excavation up to maximum 2 foot depths, purchasing and applying herbicides and fertilizers.
- Removal of noxious weeds

4. **Statutory Authority Permitting Other than Full and Open Competition.**

	Authority	FAR Coverage	Application
<input checked="" type="checkbox"/>	41 U.S.C. 253(c)(1)	FAR 6.302-1	Only one responsible source and no other supplies or services will satisfy agency requirements
<input type="checkbox"/>	41 U.S.C. 253(c)(2)	FAR 6.302-2	Unusual and compelling urgency
<input type="checkbox"/>	41 U.S.C. 253(c)(3)	FAR 6.302-3	Industrial mobilization; engineering, developmental or research capability; or expert services
<input type="checkbox"/>	41 U.S.C. 253(c)(4)	FAR 6.302-4	International Agreement
<input type="checkbox"/>	41 U.S.C. 253(c)(5)	FAR 6.302-5	Authorized or required by statute
<input type="checkbox"/>	41 U.S.C. 253(c)(6)	FAR 6.302-6	National Security
<input type="checkbox"/>	41 U.S.C. 253(c)(7)	FAR 6.302-7	Public Interest

5. **Demonstration of Contractor's Unique Qualifications.**

The proposed contractor is Riverbottom Farms (Riverbottom). Riverbottom is the cooperative farmer for CNWR and is responsible for setting the irrigation schedules for over 1500 acres of farm fields. As cooperative farmer, Riverbottom controls, maintains, and provides the irrigation for the entire area and currently employs a full time staff to provide farming and irrigation to the CNWR. Integration and coordination of the irrigation requirements for both the active farm fields and restoration projects is critical and cannot be separated. Riverbottom Farms is responsible for the upkeep of the

irrigation system as well as the release and management of the water delivered for irrigation. Riverbottom Farms is currently the only cooperative farmer authorized by CNWR to farm, manage and irrigate these fields. As the cooperative farmer for CNWR, they have been provided a staging area for their equipment and therefore currently have all the needed equipment readily available for this requirement. Since Riverbottom Farms has equipment readily available to use for the Reclamation requirement, this would be a significant cost savings to the Government as there will not be any mobilization costs. Also there currently is no additional space available on the CNWR for equipment to be stored, therefore requiring all other contractors to remove their equipment daily and store at an offsite facility. Having to mobilize equipment on a daily basis would be large expense.

6. **Description of efforts made to maximize competition.** Pursuant to FAR 5.101(a), a synopsis notice of the contract action will be posted on the Federal Business Opportunities (FedBizOps) website.
7. **Determination of Fair and Reasonable Cost.** The estimated price of this requirement is \$826,552 over a Base period and four 1-year optional periods. The prices are based on the current contract reclamation has with Riverbottom. The pricing for the current option period, January 1, 2013 through December 31, 2013, of the existing contract, was determined to be fair and reasonable at the time the option was exercised. Market research was conducted at the time the option year was exercised. The market research, when compared to the option year pricing was favorable and was the basis for determining the option year pricing to be fair and reasonable. The anticipated prices associated with this requirement are expected to be consistent with the prices under the current option year pricing under the contract.
8. **Description of Market Research Conducted.** The CNWR manager was contacted for information regarding farming services for the Refuge. The CNWR has a share croppers agreement in place with Riverbottom to farm, irrigate and manage the Reserve. Riverbottom is the only farming service that is currently allowed to farm on the Refuge. They also indicated that Riverbottom is responsible for the timely irrigation of the property and has primary responsibility for the irrigation system. As the contracted farmer for the Refuge, they have been provided limited space for storage of their equipment. The Refuge indicated that there is currently no additional space within the Refuge to store any additional equipment.
9. **Any Other Supporting Facts.**

Riverbottom Farms is CNWR's cooperative farmer and is authorized to farm, irrigate and manage the land. As the cooperative farmer, Riverbottom Farms currently has the equipment in place and available to perform services required under this requirement.
10. **Listing of Interested Sources.** None

11. Actions Taken to Remove Barriers to Competition. There are no actions that can be taken to remove the barriers to competition on subsequent acquisitions for these services. As the cooperative farmer, Riverbottom controls, maintains, and provides the irrigation for the CWMR lands and is the only cooperative farmer authorized by CNWR to irrigate their fields.