

## JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

**Solicitation No.:** N/A  
**Contract No.** R13PC10024, Task Order No. TBD  
**Contractor:** Cardno, Inc.  
**Project Name:** 80% and Final Engineering Design and Environmental Compliance Support - Bird Track Springs Fish Habitat Enhancement Project, Grande Ronde Sub-basin, Oregon - Columbia Snake River Salmon Recovery Program

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In accordance with FAR 16.505(b)(2), the proposed contractual action is pursuant to the statutory authority of 41 U.S.C. 253(c).

1. **Agency and Contracting Activity.** U.S. Bureau of Reclamation, Pacific Northwest Regional Office, Contracts Group.
2. **Nature/Description of Action.** Firm, fixed-price follow-on Task Order for Architect-Engineering Services.
3. **Description of Supplies/Services.** Under this requirement, the Contractor (Cardno, Inc.) will provide continued engineering and permitting services for an anadromous fish habitat improvement project in the Grande Ronde River Sub-basin in Oregon. Services to be performed under this Task Order include: (1) completing the 80% designs for the project based on the previously-completed 30% designs; (2) 80% to final design; and (3) construction support/observation. The estimated Task Order value is \$XXX,XX. The period of performance is estimated to 28 months, with a target final design date of December 2019 which includes pre-award construction contract support and post-award construction observation. The Task Order is being awarded as a logical follow-on to a competed award pursuant to the exception to Fair Opportunity at FAR 16.505(b)(2)(i)(C).
4. **Identification of the exception to fair opportunity and the supporting rationale**
  - a. **The following fair opportunity exception applies to this acquisition.** FAR 16.505(b)(2)(i)(C). The order must be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order.
  - b. **Supporting Rationale.** The initial phase of the project for draft/conceptual design and related analyses and investigations was competed among all eligible multiple-award ID/IQ contractors using FAR 36.6 *Architect-Engineer Services* procedures. Cardno, Inc. was selected for the requirement and was awarded Task Order R15PD00842 on August 11, 2015. Cardno, Inc. was then awarded follow-on

Task Order R16PD00696 for the development of the 30% designs and continued permitting assistance/development services on July 15, 2016.

Cardno, Inc. has produced all previous phases of the designs and has assisted Reclamation in planning the project with local stakeholders. As the Engineer-of-Record, Cardno, Inc. is the contractor most familiar with the project, having completed the initial phases of the work under competed Task Order R15PD00842 and follow-on Task Order No. R16PD00696. Having another A-E contractor take over the project would require the new contractor to re-visit and/or re-perform work already completed by Cardno, Inc. Since basic designs for this requirement have already been completed, contracting this requirement to a different engineer of record would require complete duplication of the original design effort, valued at \$X,XXX,XX.XX. In addition, substantial time would also be required to perform re-work. The pricing of the original design work was previously determined to be fair and reasonable, and is representative of the financial cost of potential duplicated effort.

The time delay associated with re-competing the initial effort represents an unacceptable risk to the Government and other project stakeholders. The Columbia-Snake River Salmon Recovery Office coordinates with both governmental and private stakeholders to perform fish habitat restoration. Coordination of project schedule and funding is very complex, and affects all stakeholders. Delay of this project due to re-competition would reasonably result in withdrawal of critical support for this project from one or more stakeholders.

5. **Determination of Fair and Reasonable Cost.** The Task Order price will be determined fair and reasonable using cost and price analysis techniques found in FAR 15.404-1(b)(2). Cardno, Inc.'s ID/IQ hourly rates were previously determined fair and reasonable upon award. Furthermore, Cardno, Inc.'s proposed level of effort will be evaluated to determine if it is commensurate and appropriate to meet the Government need in accordance with FAR 15.404-1(b)(2).
6. **Any Other Supporting Facts.** None.
7. **Actions Taken to Remove Barriers to Competition.** This action is a logical follow-on to an originally-competed Task Order against multiple-award indefinite delivery vehicles. Although work is severable, great efficiencies in cost or otherwise will be lost if it were competed. All other stand-alone work are competed regularly among the multiple awardees.

**REQUESTING OFFICE REPRESENTATIVE CERTIFICATION:** *All supporting data provided and the contents of this justification are complete and accurate to the best of my knowledge and belief. (FAR 6.303-2(c)) (All Values) Please remove all signature blocks that do not apply this action.*

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Dorothy Finaldi, Program Analyst

Date

**CONTRACTING OFFICER (CO) CERTIFICATION: ( $\leq$  \$25K)**

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Colby A. Clifford

Date

**CHIEF of the CONTRACTING OFFICE CONCURRENCE (CCO): ( $>$  \$25K)**

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Jericho E. Lewis

Date

**BUREAU COMPETITION ADVOCATE: ( $>$  \$650K)**

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Diana M. Terrell

Date