

JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY

PR No: 0040341061

Solicitation No.: R17PX00448

Project Name: Hoover Dam Plastic Jersey Barriers and Fencing – Urgent and Compelling

In accordance with FAR 6.302, the proposed contractual action is pursuant to the statutory authority of 41 U.S.C. 253(c)(2).

1. **Agency and Contracting Activity.** Department of Interior, Bureau of Reclamation, Lower Colorado Regional Office, Acquisitions and Assistance Management Office
2. **Nature/Description of Action.** Urgent and compelling acquisition to purchase plastic jersey barriers and fencing for the top of the Hoover Dam. This is a firm-fixed price purchase order. Procurement cost is \$167,991.70.
3. **Description of Supplies/Services.** This requirement will provide plastic jersey barriers and fencing for the top of the Hoover Dam. The procurement cost is \$167,991.70. Delivery date of all items shall be no later than August 9, 2017.
4. **Statutory Authority Permitting Other than Full and Open Competition.**

	Authority	FAR Coverage	Application
<input 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 checked="" 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
<input type="checkbox"/>	41 U.S.C. 3304(a)(1)	FAR 6.302-1(c)	Application for brand-name descriptions

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

This determination is being prepared using the guidelines at FAR Part 6.303-2. Per FAR Part 6.303-2(b)(9)(iii), the citation for this determination is FAR Part 6.302-2 - Unusual and Compelling Urgency. The rationale to the extent and nature of harm to the Government is as follows:

A Security Issue Evaluation was completed by LC Region security personnel in cooperation with Reclamation Safety, Security, and Law Enforcement Office to assess the risk to pedestrians of a vehicle attack on the crest of Hoover Dam. A decision was

made that a permanent protective system to reduce this risk will be evaluated, designed, and installed. This effort is expected to take one to three years to complete. A decision was also made that an immediate solution to provide interim protection shall also be implemented to protect the safety of pedestrians on top of the Hoover Dam.

The source that was found to supply and delivery the jersey barriers and fencing is Tamis Corporation (Tamis). This was the only manufacturer identified that can provide plastic barriers meeting the project specifications. Specifications requirements are 18 inch wide, interlocking gray, plastic water and sand filled barriers.

6. Description of efforts made to maximize competition.

No opportunities exist at this time. This was an urgent and compelling acquisition. As described in paragraph 8 below, market research was conducted, but it was found that no other vendor could supply this immediate requirement.

7. Determination of Fair and Reasonable Cost.

Barrier cost from Tamis is \$245.00. A search of similar barriers ranged from \$269.75 from Traffic Safety Warehouse to \$299.00 from Accordion Security Gates. Additionally, similar jersey barriers were found on GSA Advantage for \$307.34. GSA has already determined this product to be fair and reasonable. Based on this price comparison, Tamis price of \$245 is determined to be fair and reasonable and in the best interest of the Government.

8. Description of Market Research Conducted.

Searched all vendors on GSA Advantage, and no vendor could provide 18 inch wide gray barriers.

Traffic Safety Warehouse and Accordian Security Gates were also searched, but these two vendors could not meet the required specifications for the jersey barriers.

Only Tamis was the only manufacturer identified that can provide plastic barriers meeting the project specifications. Specifications requirements are 18 inch wide, interlocking gray, plastic water and sand filled barriers.

9. Any Other Supporting Facts.

A Security Issue Evaluation was completed by LC Region security personnel in cooperation with Reclamation Safety, Security, and Law Enforcement Office to assess the risk to pedestrians of a vehicle attack on the crest of Hoover Dam. A decision was made that a permanent protective system to reduce this risk will be evaluated, designed, and installed. This effort is expected to take one to three years to complete. A decision was also made that an immediate solution to provide interim protection shall also be implemented.

The recommendation is to install 18 inch wide plastic jersey barriers and fencing along both sides of the roadway across the crest of the dam. This solution utilizes commercially available products, does not require design, and can be implemented almost immediately. The barriers and fencing on the upstream side of the dam will be installed in the roadway, barriers on the downstream side will be installed on the walkway. Because the roadway and walkways are narrow, the maximum barrier width that can be used is 18 inches. Typical barriers have a 24 inch wide base.

Due to the Hoover Dam being a national historic landmark, a final consideration was selecting the barrier color. It was determined that gray barriers would minimize the visual impact in comparison with typical white or orange barriers typically used for construction.

10. Listing of Interested Sources. N/A

11. Actions Taken to Remove Barriers to Competition. Market research was conducted prior to completing this justification to ensure that no other vendors were available, but market research

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 to this action.*

Date: 06/12/2017

Type Name: Theresa Saumier

Signature:


Requesting Office Representative

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

Date: Click here to enter text.

Type Name: Nicholas Clements

Signature:


Contracting Officer

NICHOLAS CLEMENTS
Digitally signed by NICHOLAS CLEMENTS
Date: 2017.06.15 16:12:37 -07'00'

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

Date:

6/16/17

Type Name: Meagan R. Fyffe

Signature:


Chief of Contracting Office