[redacted]

LIMITED SOURCE JUSTIFICATION PURSUANT TO RFO 12.102

1. **CONTRACTING AGENCY:** U.S. Army Corps of Engineers (USACE), Seattle District

2. **DESCRIPTION OF ACTION**: Approval is requested for continued services with Washington Department of Fish and Wildlife (WDFW), for operation of a smolt trap on the Green River and production of a written report in support of operations of the Howard A. Hanson Dam, King County, WA. The contract would cover monitoring of smolts during outmigration for 2026 season plus four years of option years through the 2030 season.

3. **DESCRIPTION OF SUPPLIES/SERVICES OR NATURE OF CONSTRUCTION:** A juvenile salmon screw trap has been operated in the Green River, Washington at river mile 34.5 for 26 consecutive years (2000-2026). A mark recapture study design has been used to estimate the abundance of juvenile salmonids migrating past the trap. The current project will estimate the production, survival, and timing of the natural origin sub-yearling Chinook in the Green River. Production of other anadromous salmonid species originating from above the trap location will be estimated as flow and trapping conditions permit. Results of this work will be summarized in an annual report. The total estimated cost for the services is [redacted] for the base year and four option years combined (or, [redacted] per year).

This requirement has been ongoing since at least 2012 with various contract awards and cooperative agreements, with task orders, issued to WDFW. These include W912DW21P0019, W912DW20P0042, W912DW2020002, W912DW1420002, and W912DW1320001.

Specific services are as follows:

- Trap Operation. The trap will operate 24/7 as river flow and debris levels permit. When operational, the trap will be fished and the catch sampled twice daily at dawn and dusk.
- Sample Catch. As river flow and debris levels permit, enumerate total migrants captured by species, age, and origin twice daily at dawn and dusk.
- Trap calibration. If sample catch is sufficient, externally mark a portion of the maiden captured sub-yearling Chinook, coho, and steelhead smolts for release above the trap, and subsequent recapture to estimate trapping efficiency for these species daily.
- Biological Data. When trap is operational, collect length and scales samples for age determination from a portion of the salmonids captured.
- Data input. Enter all collected field data into juvenile trapping database and excel spreadsheets for in-season reporting needs and future summarization, analysis and reporting.

[redacted]

[redacted]

• In-season reporting. Provide a summary of the status of the juvenile salmon outmigration immediately prior to each of the bi-weekly Howard Hanson refill coordination conference calls. This will be in the form of spreadsheet that will be e-mailed to each participant involved in the conference call. It will contain information on the number and species that have been collected to date and the immediate last couple of days catch and any observable trend in migration timing and magnitude.

4. AUTHORITY CITED:

10 U.S. C. § 3204(a)(1), when services needed are available from a limited number of responsible sources and no other type of property or services will satisfy the needs of the agency;

RFO 12.102(a) For acquisitions valued at or below the simplified acquisition threshold (SAT), document the decision that only one source is available and the basis for the decision.

5. REASON FOR AUTHORITY CITED: Pursuant to 10 U.S.C. § 3204(a)(1) and RFO 12.102, document decisions to restrict competition, including the use of brand-name descriptions without allowing for "equal" products, as follows: (a) For acquisitions valued at or below the simplified acquisition threshold (SAT), document the decision that only one source is available and the basis for the decision.

The Government and the State of Washington have similar interests to work in a collaborative manner on the Green River with respect to recently listed species of fish under the Endangered Species Act, 16 U.S.C. § 1536, et seq, including the operation and maintenance of a fish trap and collection of monitoring data in the Green River.

The Revised Code of Washington (RCW) 77.04.012, formerly RCW 75.08.012, grants the Washington Department of Fish and Wildlife (WDFW) authority to manage Washington State's fish, shellfish, and wildlife. The department is mandated to preserve, protect, perpetuate, and manage the wildlife and food fish, game fish, and shellfish in state waters and offshore waters.

Due to its interest in collecting anadromous freshwater production data on the Green River and its interest to fund such action pursuant for monitoring salmon recovery as directed by the Washington State legislature, in 2000, WDFW purchased a floating fish trap (screw trap) for use on the Green River at RM 34.5. Data collected at the trap is used by USACE to analyze the success of the National Marine Fisheries Service (NMFS) Redd Scour Reduction requirement to avoid jeopardizing the species, Reasonable and Prudent Alternative (RPA) 2 of the Biological Opinion on Howard Hanson Dam Operations and Maintenance (February 2019). RPA 2 requires an evaluation of egg to migrant survival rates estimated from the juvenile smolt trap operation and submission of that evaluation to NMFS annually.

USACE does not have equipment for conducting their own similar monitoring. Through this arrangement USACE obtains the necessary data while sharing the cost among multiple agencies including WDFW, King County (WRIA 9), and Tacoma Water. WDFW is the only viable source for this requirement due to critical cost efficiencies, specialized equipment ownership, and established regulatory permits. WDFW currently operates the smolt trap under a collaborative

cost-share agreement with King County and the City of Tacoma, reducing the Corps' annual burden to approximately [redacted]. If the Corps were to contract with an alternative source, these cost sharing agreements would dissolve, and the Corps would assume full responsibility for the annual operational costs of approximately [redacted]. Furthermore, a new contractor would require the acquisition of specialized equipment, including the juvenile screw trap unit (estimated [redacted] to [redacted]) and associated supporting and anchoring equipment (estimated [redacted] - [redacted]). Additionally, the new contractor would face significant administrative and financial hurdles to secure the necessary state and federal scientific take permits that are required to handle Endangered Species Act (ESA) listed salmonids, which would result in project delays and duplication of costs to the government.

6. <u>EFFORTS TO OBTAIN COMPETITION:</u> Agencies may contract without providing for full and open competition when the supplies or services required by the agency are available from only one responsible source and no other type of supplies or services will satisfy agency requirements. 10 U.S.C. § 3204(a)(1). To promote competition to the maximum extent practicable under RFO 12.101, a Sources Sought notice was posted to the Governmentwide Point of Entry (GPE) via SAM.gov on 8 June 2026. Four commercial contractors responded, indicating capabilities in fisheries biology:

a. [redacted]
b. [redacted]
c. [redacted]
d. [redacted]

While these firms may possess standard capabilities to perform general environmental monitoring, none can reasonably satisfy the agency's minimum requirements without triggering:

- Immediate dissolution of the cost-share arrangement (resulting in an unrecoverable cost increase);
- Unnecessary federal expenditure for specialized equipment duplication;
- Project delays due to permitting lag times; and
- Endangering the scientific continuity of a critical 26-year historical dataset.

7. <u>ACTIONS TO INCREASE COMPETITION:</u> A Notice of Intent to Sole Source will be published on SAM.gov. This public notice will identify the intended source, explain the Government's justification to limit the source and provide a 15-day window for any interested party to submit a capability statement. Consistent with RFO 12.102(a), there is no requirement to publicly post the text of this written determination, unless determined otherwise by the Contracting Officer.

8. <u>MARKET RESEARCH:</u>
As stated, a Sources Sought notice was posted to SAM.gov on 8 June 2026 with four responses received. Although some of these contractors may be qualified to perform the work, this

requirement, in cooperation with WDFW, relies on the mitigation of cost duplication, current permits in effect, and the continuity of the historical dataset. By continuing to fund WDFW to meet the RPA requirement, the Corps is responsible to cost share [redacted] for each of the five years. If the Corps were to fund a different screwtrap outside of this cost sharing arrangement, costs to the Corps would likely exceed [redacted] for the five years. Moreover, a new screw trap and operator would break continuity with the existing 26-year dataset and create technical problems regarding the applicability of these new data. Maintaining continuity with the existing methodology, operator, and location are critical to ensuring consistent and comparable data over the years. The previous contract award, W912DW21P0019, was issued to WDFW on 8 March 2021.

9. INTERESTED SOURCES: Four commercial contractors expressed interest and indicated capabilities in fisheries biology and biological monitoring: [redacted] &

While these four firms might possess standard commercial qualifications for environmental monitoring, none of them are reasonably available to satisfy the agency's actual minimum needs for this specific requirement. To award to any of these commercial sources would:

- Dissolve the existing non-federal tripartite cost-sharing agreement, immediately increasing the annual cost to the government;
- Require the duplicate purchase of federal property (traps, rigging, and anchors) that the government does not own;
- Introduce an unacceptable schedule delay due to federal permitting requirements, triggering probable violation of the Howard Hanson Dam Operations and Maintenance Biological Opinion; and
- Compromise the scientific integrity and continuity of a 26-year historical dataset.

Consequently, WDFW is the only known source capable of performing this highly leveraged, seasonally sensitive requirement without causing severe cost duplication, schedule defaults, and regulatory non-compliance.

CONTRACTING OFFICER CERTIFICATION:

I hereby certify to the best of my knowledge this justification is accurate and complete.

NAME: Kimberly Robinson
TITLE: Contracting Officer

SIGNATURE: ROBINSON.KIMBERLY.MICHELE [redacted]

FAIR AND REASONABLE COST DETERMINATION:
I hereby determine that the anticipated cost or price to the Government for this contract action will be fair and reasonable pursuant to RFO 12.204(a).

NAME: Kimberly Robinson
TITLE: Contracting Officer

SIGNATURE: ROBINSON.KIMBERLY.MICHELE [redacted]

[redacted]

APPROVAL

Based on the foregoing justification, I hereby approve the procurement of services to operate the smolt trap on the Green River on an other than full and open competition basis pursuant to RFO 12.102 Restricting competition, subject to the availability of funds, and provided the services herein described have otherwise been authorized for acquisition.

NAME: Kimberly Robinson
TITLE: Contracting Officer

SIGNATURE: ROBINSON.KIMBERLY.MICHELE [redacted]

[redacted]