J&A Control Number JA26-00210

JUSTIFICATION FOR OTHER THAN FULL & OPEN COMPETITION

AUTHORITY: FAR 6.103

Requirement Title / Name: Propane for Mescalero Agency

Purchase Request Number: 44049498

Originating Office (Customer): Trey Kaydahzinne, Supervisory Facility Operations Specialist

Division / Unit / Branch: Mescalero Agency

1. This is a justification for other than full and open competition.

Agency: Bureau of Indian Affairs

IA Acquisition Office: A12 Northwest Region

2. Nature and/or description of the action being approved:

Requirement: New

Pricing: Firm-Fixed Price

Proposed Contractor/Vendor:

Name: Mescalero Gas Company

Street Address: 222 Chiricahua Plaza

City, State, Zip: Mescalero, NM 88340

UEI: ELX9D1N9NSK6

3. A description of the supplies or services required to meet the agency's needs (including the estimated value):

The Bureau of Indian Affairs, Southwest Regional Office (SWRO), Mescalero Agency requires 15,000 gallons of propane to be delivered to three locations to ensure uninterrupted service and functionality at these facilities: the BIA Law Enforcement building, the BIA Mescalero Agency building and the OJS Mescalero Adult Detention Center. On 21 November 2019, the Mescalero Apache Tribe passed Resolution 19-140. This resolution established Mescalero Gas Company as the exclusive provider of propane on the Mescalero Apache Indian Reservation. Furthermore, it prohibits any non-tribal propane company from entering the reservation to supply propane. Due to the restrictions imposed by the tribal resolution, the requirement for propane delivery will be awarded as a sole source contract to Mescalero Gas Company with a period of performance of 7/1/2026 - 6/30/2027.

IGE: [redacted]

4. An identification of the statutory authority permitting other than full and open competition:

- [x] FAR 6.103-1 -- Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements.
- [ ] FAR 6.103-2 -- Unusual and Compelling Urgency.
- [ ] FAR 6.103-3 -- Industrial Mobilization; Engineering, Developmental, or Research Capability; or Expert Services.
- [ ] FAR 6.103-4 -- International Agreement.
- [ ] FAR 6.103-5 -- Authorized or Required by Statute.
- [ ] FAR 6.103-6 -- National Security.
- [ ] FAR 6.103-7 -- Public Interest.

5. A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.

On 21 November 2019, the Mescalero Apache Tribe passed Resolution 19-140. This resolution established Mescalero Gas Company as the exclusive provider of propane on the Mescalero Apache Indian Reservation. Furthermore, it prohibits any non-tribal propane company from entering the reservation to supply propane. Mescalero Gas Company is the only responsible source and no other supplies or services will satisfy agency requirements.

6. A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable, including whether a notice was or will be publicized as required by part 5 and, if not, which exception under part 5 applies.

There are no other sources that would satisfy agency requirements. A special notice will be posted for 5 days before award.

7. A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.

I hereby determine that the anticipated cost to the Government for this contract action will be fair and reasonable. This determination is based on the following:

The SWRO has purchased similar requirements in the past that have been found fair & reasonable.
140A0725P0002 Propane for UMU Agency
140A0726C0001 Propane for UMU Agency
Average propane gas prices are currently $2.50 to $3.50 per gallon.

8. A description of the market research conducted (see Part 10) and the results or a statement of the reason market research was not conducted.

No market research was conducted due the fact on 21 November 2019, the Mescalero Apache Tribe passed Resolution 19-140. This resolution established Mescalero Gas Company as the exclusive provider of propane on the Mescalero Apache Indian Reservation. Furthermore, it prohibits any non-tribal propane company from entering the reservation to supply propane.

9. **Any other facts supporting the use of justification of other than full and open competition, such as:**

See #5 above.

10. **A listing of the sources, if any, that expressed an interest in the acquisition in writing.**

N/A

11. **A statement of any actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required.**

There are no actions the agency can take to remove or overcome any barriers to competition until Mescalero Apache Tribe Resolution 19-140 is changed or abolished.

Originating Office Attestation:

I certify that the technical data which forms a basis for this justification is complete and accurate and meets the Government's minimum needs.

[redacted]

Trey Kaydahzinne

Supervisory Facility Operations Specialist

Bureau of Indian Affairs

12. Contracting Officer certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief:

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

Brian Roberts

Contracting Officer

Bureau of Indian Affairs

ADDITIONAL APPROVALS:

~~**CCO or One Level Above the CO**~~ ***(if the CCO is the signing CO)***
(>SAT)

I hereby provide concurrence that this justification is accurate and complete to the best of my knowledge and belief.

N/A

Title

Office

~~**IA Competition Advocate**~~
(>$900k)

I hereby provide concurrence that this justification is accurate and complete to the best of my knowledge and belief.

N/A
IA Competition Advocate

~~**Head of the Contracting Activity (HCA)**~~
(>$20M)

I hereby provide concurrence that this justification is accurate and complete to the best of my knowledge and belief.

N/A

Head of the Contracting Activity

~~**Senior Procurement Executive (SPE)**~~
(>$90M)

I hereby provide concurrence that this justification is accurate and complete to the best of my knowledge and belief.

N/A

Senior Procurement Executive