JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN COMPETITION

Updated IAW Revolutionary FAR Overhaul 6 and DOI-AAAP-F006

In accordance with Revolutionary FAR Overhaul 6.103 or 12.201, the proposed contractual action is pursuant to the statutory authority identified in paragraph 4. This template is required for actions over the Simplified Acquisition Threshold (unless the procurement is acquired as a limited source IAW FAR 8.405-6 or is an Exception to Fair Opportunity IAW FAR 16.505(b)(2)).

1. **Agency and Contracting Activity (FAR 6.104-1(a)(1)).**

   U.S. Department of the Interior
   Bureau of Reclamation Acquisition Division
   CGB-3800, Supply and Services Branch
   2800 Cottage Way, E-1815
   Sacramento, CA 95825

2. **Nature/Description of Action (FAR 6.104-1(a)(2))**.

   This action is a sole-source procurement for pesticide monitoring and enforcement services on Klamath Project federal lease lands. The requirement will be awarded as a firm-fixed-price contract. Other than full and open competition is justified because the County of Siskiyou is the only entity legally authorized to perform pesticide inspection and enforcement services within the area where the work is required.

3. **Description of Supplies/Services (FAR 6.104-1(a)(3))**.

   This procurement provides pesticide monitoring and enforcement services on federally leased agricultural lands within the Tule Lake National Wildlife Refuge (TLNWR) and the Lower Klamath National Wildlife Refuge (LKNWR). These lands are farmed under federal lease agreements, and all pesticide applications must comply with approved Pesticide Use Proposals. The County of Siskiyou's Department of Agriculture, Environmental and Natural Resources Protection Division will conduct on-site inspections, review pesticide applications, and ensure that pesticide use follows federal, state, and county requirements. These services help protect public health, natural resources, and refuge wildlife by ensuring pesticides are applied safely and correctly.

   The period of performance is a 5-year contract consisting of a base year and 4 option years. The total estimated value of the contract is [redacted].

4. **Statutory Authority Permitting Other than Full and Open Competition (FAR 6.104-1(a)(4)).** *(Check one)*

	Authority	FAR Coverage	Application
☒	41 U.S.C. 1901	RFO 12.201	Only one responsible source using Simplified Acquisition Procedures (above SAT but at or below $9M)
☐	41 U.S.C. 1903	RFO 12.201	Special emergency procurement authority
☐	41 U.S.C. 3304(a)(1)	FAR 6.103-1	Only one responsible source and no other supplies or services will satisfy agency requirements
☐	41 U.S.C. 3304(a)(1)	FAR 6.103-1(d)	Application for brand-name descriptions
☐	41 U.S.C. 3304(a)(2)	FAR 6.103-2	Unusual and compelling urgency
☐	41 U.S.C. 3304(a)(3)	FAR 6.103-3	Industrial mobilization; engineering, developmental or research capability; or expert services
☐	41 U.S.C. 3304(a)(4)	FAR 6.103-4	International Agreement
☐	41 U.S.C. 3304(a)(5)	FAR 6.103-5	Authorized or required by statute
☐	41 U.S.C. 3304(a)(6)	FAR 6.103-6	National Security
☐	41 U.S.C. 3304(a)(7)	FAR 6.103-7	Public Interest

5. **Demonstration of Contractor's Unique Qualifications (FAR 6.104-1(a)(5))**.

This requirement is to obtain pesticide monitoring and enforcement services on federal lease lands within the Tule Lake National Wildlife Refuge (TLNWR) and Lower Klamath National Wildlife Refuge (LKNWR). These services are essential to ensure that all pesticide applications comply with approved Pesticide Use Proposals. Since many of the pesticides used on these agricultural lands are toxic to humans and wildlife, the Endangered Species Act Biological Opinion #1-7-95-F-26 requires ongoing monitoring and enforcement to protect endangered species, human health, and property. This requirement stems from the 1994 settlement agreement in Case No. 94-6339-TC and from Reclamation's continued consultations with the U.S. Fish and Wildlife Service (FWS). Under the Cooperative Agreement for administration of the Federal Lease Lands program, Reclamation must ensure that pesticide applications comply with the Biological Opinion, the requirements of the Kuchel Act, and Department of the Interior Pesticide Use Policy (517 DM 1).

The County of Siskiyou Agricultural Commissioner (CAC) is the only entity legally authorized to performed pesticide inspection and enforcement activities within Siskiyou County. Under California Food and Agricultural Code Section 11501.5, the CAC has exclusive jurisdiction to regulate and oversee pesticide use within the county boundaries, which includes all refuge lands for which these services are required. No private

company or other governmental entity has the authority to conduct these inspections or issue enforcement actions within the area.

The CAC employs professional Agricultural Inspections who are specifically trained and certified to carry out pesticide monitoring, compliance inspections, and enforcement actions. Their authority includes the ability to issue violations and civil penalties in accordance with the Agricultural Civil Penalty Fine Guidelines under Title 3, California Code of Regulations, Section 6130 (3 CCR § 6130). These enforcement capabilities are essential to the Government's requirement and cannot legally or practically be performed by any other source.

Siskiyou County is the only legally authorized entity capable of providing the required pesticide monitoring and enforcement services in this geographic area. Competition is not possible as no other contractor can meet the Government's needs.

6. **Description of efforts made to maximize competition (FAR 6.104-1(a)(6)).**

An Intent to Sole Source notice was posted to SAM.gov on March 26, 2026 with responses requested by April 9, 2026. The notice stated that all responsible sources may submit a capability statement which would be considered by the agency. No responses were received. Due to California Food and Agricultural Code §11501.5 granting exclusive authority for pesticide inspection and enforcement within Siskiyou County to the Siskiyou County Agricultural Commissioner, no additional sources exist who can legally perform the required services.

7. **Determination of Fair and Reasonable Cost (FAR 6.104-1(a)(7)).**

The Contracting Officer will determine the price to be fair and reasonable in accordance with the price analysis techniques in RFO 12.204. The County of Siskiyou establishes standard rates for pesticide inspection and enforcement services under its authority as the local agricultural commissioner. Price reasonableness will be supported through comparison to historical prices paid for the same services, review of current county rate schedules, and evaluation of pricing consistency across prior fiscal years. Based on these methods, the anticipated cost is expected to be fair and reasonable for the required services.

8. **Description of Market Research Conducted (FAR 6.104-1(a)(8))**.

Market research included a review of historical acquisitions for pesticide enforcement services, discussion with program office personnel, and an Intent to Sole Source posting on SAM.gov. Historical records confirm that identical services for pesticide monitoring and enforcement for federal lease lands within Siskiyou County have been obtained from Siskiyou County due to exclusive statutory authority. The Intent to Sole Source notice

received no responses, further demonstrating the absence of other qualified or legally authorized sources. This research confirms that only one responsible source is capable of meeting the Government's requirement, and no alternative acquisition strategies could increase competition for current or future requirements.

9. **Any Other Supporting Facts (FAR 6.104-1(a)(9)).**

   None

10. **Listing of Interested Sources (FAR 6.104-1(a)(10))**.

    No sources expressed interest in this procurement. The Intent to Sole Source notice posted on SAM.gov did not receive any responses or capability statements.

11. **Actions Taken to Remove Barriers to Competition (FAR 6.104-1(a)(11)).**

    The Government reviewed the requirement to determine whether any barriers to competition could be mitigated. However, the primary barrier, exclusive statutory jurisdiction held by the Siskiyou County Agricultural Commissioner, cannot be changed by the agency. Since state law limits pesticide enforcement authority to county agricultural commissioners, competition cannot be introduced for this requirement. Future opportunities for competition are not feasible unless statutory authority changes. The Government will continue to monitor legal and regulatory structures to identify any future circumstances under which competition may become possible.

SIGNATURES

REQUESTING OFFICE REPRESENTATIVE CERTIFICATION (FAR 6.104(b): *Ensure that the file contains evidentiary, supporting data – certified as complete and accurate by the technical or requirements personnel – that form the basis for the justification.*

CONTRACTING OFFICER (CO) (FAR 6.104-2(a) or RFO 12.201): (All Values)

X MARGARET JONES Digitally signed by MARGARET JONES Date: 2026.04.30 14:40:49 -05'00'

Name: Margaret Jones

Date:

CHIEF of the CONTRACTING OFFICE (CCO) (DOI-AAAP-0024): (> $350K)

X Brenda Davis Digitally signed by BRENDA DAVIS Date: 2026.05.01 06:23:24 -07'00'

Name:

Date: