JUSTIFICATION REVIEW DOCUMENT
OTHER THAN FULL AND OPEN COMPETITION

Action: Rehabilitation Inspection Program (RIP) 2017 Flood Event Mitigation Credits

Authority: 10 U.S.C. § 3204(a)(1), the Federal Acquisition Regulations (FAR) 6.302-1(b)(1)(ii) as implemented by RFO 6.103-1(b) - Only one responsible source can satisfy agency requirements.

Amount: [redacted]

Prepared by:
[redacted]

Contracting Officer:
[redacted]

Technical Representative:
[redacted]

Requirements Representative:
[redacted]

I have reviewed this justification and find it adequate to support other than full and open competition.

[redacted]

Justification for Other than Full and Open Competition
US Army Corps of Engineers (USACE), Sacramento District (SPK)
RFO 6.103-1(b) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements

Revolutionary Federal Acquisition Regulation (FAR) Overhaul Part 6 Justification & Approval (J&A), Supporting Procurements under RFO Part 12.

Purchase Request Number: TBD
Contract Number: TBD
Task/Delivery Order Number: N/A
Procurement Title: RIP 2017 Flood Event
Estimated Value: [redacted]
Statutory Authority: RFO 6.103-1(b), only one responsible source, 10 U.S.C. § 3204(a)(1)

Upon the basis of the following justification, I, as Contracting Officer, hereby approve the use of other than full and open competition of the proposed contractual action pursuant to the authority of 10 U.S.C. § 2304(a)(1).

1. CONTRACTING ACTIVITY:

Contracting Activity:
U.S. Army Corps of Engineers, Sacramento District
Contracting Division, Service and Supply Section
1325 J Street, Room 1420
Sacramento, California 95814-2928

Requesting Agency:
U.S. Army Corps of Engineers,
1325 J. Street
Sacramento California, 95814

2. DESCRIPTION OF ACTION: This is a new firm-fixed price contract to procure Giant Garter Snake (GGS) habitat mitigation credits. These credits are required to support the U.S. Army Corps of Engineers (USACE), Sacramento District's 2017 Public Law 84-99 Rehabilitation Inspection Program (RIP) mitigation projects. The purchase is mandatory for compliance with the amended terms of the U.S. Fish and Wildlife Service (USFWS) Biological Opinions (including No. 08ESMF00-2019-F-1556), which require the acquisition of 16.08 GGS habitat mitigation credits. The selected mitigation bank will provide all necessary documents associated with the credits. Award is proposed to Resource Environmental Solutions (RES) as the only source with currently available USFWS approved credits in the required service area.

3. DESCRIPTION OF SUPPLIES/SERVICES: The contractor shall provide 16.08 Giant Garter Snake (GGS) habitat mitigation credits from a USFWS-approved mitigation bank. The purchase of these credits represents the full transfer of environmental liability and includes the provision of all necessary real estate, labor, materials, equipment, and long-term management supplies required by the mitigation bank to sustain the habitat in compliance with the specified USFWS Biological Opinions. The total estimated value of this acquisition is [redacted]

4. AUTHORITY CITED:
The statutory authority permitting other than full and open competition for the proposed action is 10 U.S.C. § 3204(a)(1), as implemented by RFO 6.103-1(b) — Only one responsible source and no other supplies or services will satisfy agency requirements.

5. REASON FOR AUTHORITY CITED:
Other than full and open competition is necessary as this requirement is restricted only one responsible source. USACE is required to purchase 16.08 GGS habitat mitigation credits to comply with the terms of multiple U.S. Fish and Wildlife Service (USFWS) Biological Opinions (including No. 08ESMF00-2018-F-3052 and 08ESMF00-2019-F-1556).

The USFWS mandates that these mitigation credits must be purchased from a USFWS-approved mitigation bank located within the same "bank service area" as the original construction impacts, which for this project is the Sacramento Basin. This regulatory constraint severely limits the competitive field. Market research confirms that only two vendors, Westervelt Ecological Services and Wildlands (Lurline Bank), are located within the mandated service area and have the available GGS credits required to satisfy the Biological Opinions. Therefore, award to any other source would not follow the binding terms set by the USFWS.

6. EFFORTS TO OBTAIN COMPETITION:
Market research conducted via the USACE RIBITS database indicates that the market for Giant Garter Snake (GGS) mitigation credits within the mandated Sacramento Basin service area is extremely limited. The USFWS controls who can be a vendor for mitigation credits. Any other potential vendors interested in this sort of work has to work with USFWS to get accepted into the program. This is not something a Sources Sought would do any good for. We will post the redacted J&A at time of award to SAM.

7. ACTIONS TO INCREASE COMPETITION:
See section 6.

8. MARKET RESEARCH:
Initial market research, provided by the Contracting Officer's Representative (COR) Mr. Steven Mclemore on 4 April 2026, identified Westervelt Ecological Services and Wildlands (Lurline Bank) as potential sources for the required Giant Garter Snake (GGS) mitigation credits.

To independently verify these findings, the Contract Specialist (CS) conducted market research on 2 June 2026 using the official USACE Regulatory In-lieu Fee and Bank Information Tracking System (RIBITS). A query of the RIBITS database for the mandated Sacramento Basin service area returned zero (0) available GGS credits.

Based on this discrepancy, the CS initiated direct telephonic market research:

1. Westervelt Ecological Services (Westervelt): The CS contacted Ms. Olivia Dalton, a Westervelt representative, who confirmed they did not have currently available GGS credits. The representative stated that credits were pending the final signature of a Bank Enabling Instrument (BEI), which they anticipated in early 2027. To secure future credits, Westervelt

offered to provide a commercial "Reservation Agreement" requiring a 20% deposit, with a stated price of [redacted] per credit.

2. Resource Environmental Solutions (RES): Following the initial calls, the COR, recalled that the Independent Government Estimate (IGE) was based on a quote from a different vendor. The PM submitted a revised MRR identifying RES as the source of the [redacted] per credit quote. The CS contacted RES and spoke with Mr. A.J. Ramon, who confirmed credit availability and the [redacted] price. The CS actively inquired if RES offered bulk purchase discounts. The RES representative confirmed that discounts are typically provided for purchases exceeding 10 acres. The CS verified with the PM that the required 16.08 credits correspond directly to acres of impacted land, indicating the Government is positioned to leverage this bulk discount during final negotiations.

This market research, combining database queries with direct vendor communication, confirms that Resource Environmental Solutions (RES) is the only identified source with currently available, USFWS-approved GGS credits within the mandated service area, and with the over 10 acres discount at a price lower than the published rate on the RIBITS site.

9. INTERESTED SOURCES:
The primary barrier to competition is regulatory: the USFWS mandates that mitigation credits must be purchased from a bank within the Sacramento Basin service area.

Furthermore, the CS actively engaged multiple vendors to explore all available options. While Westervelt offered a "Reservation Agreement" for future credits, the Contracting Officer (KO) determined this to be a high-risk approach, as it would require the Government to commit to a purchase for credits that doesn't yet legally exist. The direct engagement with RES confirmed they are the only source with currently available credits, making a sole-source award the only viable path to meeting the mandatory compliance deadlines of the Biological Opinions.

10.OTHER FACTS:
Procurement History:
The Independent Government Estimate (IGE) of [redacted] was generated using a quoted market cost from Resource Environmental Solutions (RES). This confirms the estimated value is grounded in current market realities for the mandated Sacramento Basin service area. Furthermore, the Government will actively pursue potential bulk-purchase discounts during final price negotiations to ensure the final price is fair, reasonable, and represents the best value to the Government.

11. TECHNICAL CERTIFICATION: I certify that the supporting data under my cognizance, which are included in the justification are accurate and complete to the best of my knowledge and belief.

[redacted]

12. REQUIREMENTS CERTIFICATION: I certify that the supporting data under my cognizance, which are included in the justification are accurate and complete to the best of my knowledge and belief.

[redacted]

13. FAIR AND REASONABLE COST DETERMINATION: I hereby determine that the anticipated cost to the Government for this contract action will be Fair and Reasonable. This will be determined by conducting a detailed cost/price analysis of the offeror's proposal, taking into consideration all pertinent information including Independent Government Estimate (IGE) and Historical Pricing. The contractor will be required to submit their price/cost proposal IAW RFO Part 15, and Certified Cost or Pricing Data will not be required IAW RFO15.403-3.

[redacted]

TITLE/ORGANIZATION: Contracting Officer

[redacted] Date: 29 Jun 2026

14. CONTRACTING OFFICER CERTIFICATION: I certify that this justification is accurate and complete to the best of my knowledge and belief.

[redacted]

TITLE/ORGANIZATION: Contracting Officer

[redacted] Date: 29 Jun 2026

APPROVAL

Based on the foregoing justification, I hereby approve the procurement of 16.08 Giant Garter Snake (GGS) Habitat Mitigation Credits for the estimated amount of [redacted] on a limited-source basis pursuant to the authority of 10 U.S.C. § 3204(a)(1), Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements. This approval is granted pursuant to the authority of the Revolutionary FAR Overhaul (RFO) implementing RFO 12.102(b), which provides for simplified procedures for certain commercial acquisitions. This action is subject to the availability of funds and provided that the supplies herein described have otherwise been authorized for acquisition.

Signature: [redacted] Date: 29 Jun 2026

[redacted]
Contracting Officer