This document is a Justification for Other Than Full and Open Competition prepared in accordance with RFO FAR 6.104-1.

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(1) Identification of the agency and the contracting activity, and specific identification of the document as a "Justification for other than full and open competition."

Agency: U.S. Department of the Interior
Bureau/Office: Office of Acquisition and Property Management
Contracting Activity: BSEE/BOEM Programs
Requiring Activity: National Park Service, Yellowstone National Park

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

Yellowstone National Park requires specialized potable water and wastewater treatment chemicals to support safe drinking water production and compliant gray and black water discharge operations throughout the park. Due to Yellowstone's unique environmental and geological conditions, standard commercially available treatment chemical formulations are not sufficient to consistently achieve operational and regulatory requirements.

The Park's water systems are uniquely impacted by high elevation, geothermal and thermal water activity, seasonal temperature extremes, and naturally occurring dissolved minerals and metals present in source waters. These conditions create complex treatment challenges that require specifically engineered chemical formulations and polymer blends tailored to Yellowstone's operating environment.

The Department of the Interior intends to establish a single award Blanket Purchase Agreement (BPA) to support the continued operation of National Park Service potable water and wastewater treatment systems within Yellowstone National Park. The Contractor shall furnish and deliver water and wastewater treatment chemicals in accordance with all applicable Federal, State, and National Park Service laws, regulations, standards, and policies. The BPA shall consist of a base year plus for additional option years.

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

The estimated value of the BPA is $670,000.00.

The Contractor shall furnish water treatment chemicals as specified for use in potable water and wastewater treatment processes. Chemicals shall be delivered in brand-specific formulations approved by the Park Service, with performance characteristics compatible with the existing treatment systems. No substitutions, equivalents, or unapproved formulations will be accepted. The following products are required:

Product	Hawkinks Product Number	Current Unit measures
AQUA HAWK D2707	3392	55 gal drum
AQUA HAWK 2757	3349	Gallon
AQUA HAWK 2987/POLYMER	3428	574 lb drum
AQUA HAWK 107	31885	580 lb drum
AQUA HAWK 7856	41799	55 gal drum
AQUA HAWK 7858	45941	55 gal drum

AQUA HAWK 7882	40822	55 gal drum
AQUA HAWK 1121	34147	55 gal drum
AQUA HAWK 1191	36127	55 gal drum
AQUA HAWK 15057	58282	55 gal drum
Aqua Hawk 7242	50818	5-gal pail
AQUA HAWK 7247	50818	5 gal pail
AQUA HAWK SKMA7	38827	5 gal pail
AZONE 15, EPA REG NO 7870-5	15450	gal
AZONE 15, SODIUM HYPOCHLORITE, NaOCL	815407	55 gal drum
AZONE 15 SODIUM HYPOCHLORITE NaOCL 12.5%		Gallon
AZONE 15 SODIUM HYPOCHLORITE NaOCL 12.5%	15450	55 gal drum
KMnO4/POTASSIUM PERMANGANATE	12117	55 lb pail
SODIUM BICARBONATE	14420	50-LB BAG
SODIUM BICARBONATE	22545-53842	50 LB BAG
SODIUM BISULFITE 38% SOLUTION	14635	Gallon
SODIUM HYDROXIDE 25% MEMBRANE	58164	55 Gallon Drum
SODIUM HYDROXIDE 25%		Gallon
SODIUM HYDROXIDE 25%		55 Gallon Drum
SODIUM HYDROXIDE 25%		330 Gallon Totes
SODIUM HYDROXIDE 30%	13600	55 Gallon Drum
SODIUM HYDROXIDE 50% MEMBRANE	14200	5 gal pail
SODIUM HYDROXIDE 50% MEMBRANE	14050	52 gal drum
SODIUM HYDROXIDE 50% MEMBRANE		330 GALLON Tote
SODIUM HYDROXIDE 50% MEMBRANE		55 Gallon Drum
GLYCERIN USP	67513	Tote
GLYCERIN USP	42125	55 Gallon Drum
ALUMINUM SULFATE	2116	gal
CAPTOR DECHLOR	58244	55 gal drum
CAPTOR DECHLOR	57940	1LB BLK MINI BULK
CAUSTIC SODA 50% LIQUID	15754	Gallon
CITRIC ACID	544	50 LB BAG
CARTRIDGE HC-PP-170-0.2		1 Each
CARTRIDGE HC/170-AC-5		1 Each
CARTRIDGE HC/170-0.35		1 Each
CARTRIDGE HC/170-LT2		1 Each
CARTRIDGE HC/170		1 Each
SODA ASH GRADE 100	13025	1 Gallon
SODA ASH GRADE 100	13025	54 Bag Pallet (50 lb bag)
SODA ASH DENSE	13013	Gallon
SULFURIC ACID 93%		55-gallon drum

SULFURIC ACID 93%		250-gallon Tote
SULFURIC ACID 93%		330-gallon tote
ANTHRACITE 1-1.2Mm	501451	52 lb bag
Filter Fit / Filter Fit Floran Catalyst FC1-I (No Charge [comes with filter fit])	36793 / 36934	5 gallon pail
AH 107H, PAC, PLOY-ALUMINUM CHLORIDE	39115	580 lb drum
Ferric Chloride	41853	5 gallon pail
FERRIC CHLORIDE 35%	6205	55 Gallon Drum
Aqua Hawk 137 H Aluminum Chloride Hydroxide	39137	55 gal drum
Antifoam TS	900320	5 gallon pail
Aqua Hawk 61387 Polyaluminum Chlorosulfate Solution	44956	275 gallon tote
JAR TEST		ea
ALUMINUM SULFATE LIQUID	41817	1LB BLK MINI BULK
MAGNESIUM HYDROXIDE		
MICRO C 2000	41341	55 Gallon Drum
55-gallon blue drum	699921	1 Each
AH 107H, PAC PLOY-Aluminum Chloride	39115	55 Gallon Drum
Environmental Delivery Charge	EC55	1 each
Type N Hydrated Lime	7610	50 lb Bag

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

This justification is issued under 41 U.S.C. 3304(a)(1), as implemented by RFO FAR 6.103-1, which permits other than full and open competition when there is only one responsible source and no other supplies or services will satisfy the agency's requirements.

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

For more than twenty (20) years, Hawkins, Inc. has worked directly with Yellowstone National Park personnel to develop, test, refine, and optimize proprietary treatment blends for the Park's potable water and wastewater systems. Through long-term operational experience and site-specific performance testing, Hawkins has developed customized formulations that are uniquely compatible with Yellowstone's water chemistry, infrastructure, treatment processes, and discharge requirements.

Although the base raw chemicals utilized in these formulations may be commercially available from multiple manufacturers, the specific percentages, proprietary blends, polymer combinations, and performance characteristics required by Yellowstone are unique to Hawkins and are not available through other vendors. Substitution with alternative products would require extensive reengineering, compatibility testing, pilot studies, operational adjustments, regulatory validation, and retraining of personnel, creating unacceptable operational risk to public health, environmental compliance, and continuity of Park operations.

The Program Office confirmed that duplicating, testing, validating, or transitioning to alternative formulations would require unacceptable time and duplication of effort and would introduce operational risk to Yellowstone's potable water and wastewater treatment systems.

Use of non-Hawkins formulations could result in:

- Inability to consistently meet potable water quality standards;
- Increased scaling, fouling, or corrosion within treatment and distribution systems;
- Reduced treatment effectiveness for gray and black water discharge;
- Potential violations of state and federal environmental discharge requirements;
- Increased operational downtime and costs associated with testing and requalification.

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

This acquisition is a recompete of previous award No. 140P1421D0009, which was competed using full and open competition on a brand-name-or-equal basis for the required blended chemicals. In response to that prior competition, the Government received only one bid, which was submitted by Hawkins, Inc.

For this acquisition, the Contracting Officer conducted additional market research to determine whether other sources are capable of meeting the Government's current requirement.

Market research was conducted to identify firms within a 250-mile radius of Yellowstone National Park capable of providing potable water and wastewater treatment chemicals, including blended coagulants and specialty polymers used for contaminant removal. A service or warehouse location within that radius is required to reduce outages and eliminate emergency situations.

Several regional chemical distributors and water treatment suppliers were identified. While these firms supply general treatment chemicals, polymers, coagulants, and technical support services, none were found to produce or distribute the proprietary formulations currently used in Yellowstone's water systems. As a result, the market research did not identify any additional sources capable of meeting the Government's requirement without changing the established chemical formulations currently used in the park's treatment processes.

An Intent to Sole Source was posted on SAM.gov to publicize the Government's intent to award the requirement to Hawkins, Inc. The notice invited all responsible sources to submit a capability statement, quotation, or other information demonstrating their ability to meet the Government's requirement, including the ability to provide the same proprietary formulations currently used in Yellowstone National Park's potable water and wastewater treatment systems without substitution, reformulation, or operational reengineering.

Two responses were received in response to the notice. The Contracting Officer provided both respondents with a list of required chemicals/formulations to determine whether the vendors had the capability to provide the required proprietary Hawkins blended chemicals. The Contracting Officer and Program Office reviewed the vendor submissions, qualifications, and any additional information provided. Based on the review of the capability statements, additional market research, vendor responses, and confirmation regarding availability of the required formulations, the Government determined that neither respondent demonstrated the ability to sell, obtain from Hawkins, or otherwise provide the required Hawkins proprietary chemical blends. Accordingly, the responses did not change the Government's determination that Hawkins, Inc. is the only known source capable of meeting the requirement.

The Contracting Officer contacted Hawkins, Inc. to confirm whether the required proprietary chemicals are available through authorized resellers or distributors, and Hawkins confirmed that the products must be purchased directly from Hawkins.

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

The Contracting Officer will determine that the anticipated cost to the Government is fair and reasonable prior to award. Price reasonableness will be evaluated using commercial item procedures under FAR Part 12 and appropriate price analysis techniques, such as comparison to prior prices paid, the Independent Government Cost Estimate, and current catalog or published price lists, if available.

Because this requirement involves commercial water and wastewater treatment chemicals, the Government may also consider market pricing, historical ordering data, and any discounts offered from commercial pricing. The final price reasonableness determination will be documented in the contract file prior to award.

(8) The market research conducted (see part 10) and the results or a statement of the reason market research was not conducted.

Market research was conducted in accordance with FAR Part 10 using several methods, including review of prior acquisition history, analysis of the commercial marketplace, and identification of potential regional sources capable of providing potable water and wastewater treatment chemicals, publicizing the Intent to Sole Source on SAM.gov and directly engaging Hawkins and review of vendor responses received in response to the Notice.

The required blended coagulants and water/wastewater treatment chemicals supplied by Hawkins, Inc. are commercial products as defined by FAR 2.101. Water treatment chemicals, including blended coagulants, proprietary polymers, and related treatment products, are routinely sold in the commercial marketplace and purchased by public and private water utilities. Although the specific formulations used at Yellowstone National Park are proprietary and uniquely blended for the park's operational needs, they are derived from Hawkins' commercially marketed product lines and do not require Government-unique modifications. Their use in Yellowstone's water and wastewater treatment systems is consistent with normal commercial practice. Accordingly, this acquisition is appropriate for use of FAR Part 12 procedures for the acquisition of commercial products.

The Government also reviewed prior acquisition history. Yellowstone's water systems have used Hawkins, Inc. blended coagulants and other Hawkins water and wastewater treatment chemicals for approximately twenty years. Park operators rely on these chemical formulations to remove EPA-regulated arsenic from the Old Faithful water supply and to remove Total Organic Carbon from other park surface water systems. The previous requirement was awarded under Contract No. 140P01421D0009 to Hawkins, Inc. The contract was a firm-fixed-price, open-market IDIQ with a total value of $670,000.00, awarded under NAICS 424690 and PSC 6810, with a period of performance from July 6, 2021, through July 31, 2026. Individual delivery orders were placed against the IDIQ.

For the current acquisition, additional market research was conducted to identify firms within a 250-mile radius of Yellowstone National Park capable of providing potable water and wastewater treatment chemicals, including blended coagulants and specialty polymers used for contaminant removal. Several regional chemical distributors and water treatment suppliers were identified. While these firms appear capable of supplying general treatment chemicals, polymers, coagulants, and related technical support services, none were found to produce or distribute the proprietary Hawkins formulations currently used in Yellowstone's water systems. Additionally, it was confirmed these chemicals must be purchased directly from Hawkins.

The Notice of Intent to Sole Source on SAM.gov did not yield additional information that other vendors are capable of meeting the requirement to provide Hawkins blended chemicals.

The Contracting Officer confirmed with Hawkins that there are no distributors or resellers of the required proprietary chemical blends.

To assist with the acquisition strategy, the Contracting Officer reviewed several U.S. Government Accountability Office (GAO) decisions addressing protests of sole source awards. GAO has recognized that a sole source award may be proper where the agency documents a reasonable basis that award to another source would likely result in substantial duplication of cost not expected to be recovered through competition, unacceptable delays in fulfilling the agency's requirements, or where the agency lacks the proprietary information necessary to compete the requirement (FN America, LLC, B-415261; B-415261.2 and Atlantic Diving Supply, Inc., B-422759, B-422759.2.)

Based on the market research conducted, the Government did not identify any other source capable of meeting the requirement without changing the established chemical formulations currently used in the park's treatment processes. The results support the conclusion that Hawkins, Inc. is the only known source capable of providing the required proprietary blended chemicals necessary to meet Yellowstone National Park's operational water and wastewater treatment needs.

(9) Any other facts supporting using other than full and open competition, such as:

(i) When 6.103-1 is cited for follow-on acquisitions as described in 6.103-1(c)(2), an estimate of the cost to the Government that would be duplicated and how the estimate was derived.

Not applicable.

(ii) When 6.103-2 is cited, data, estimated cost, or other rationale as to whether and how much the Government would be harmed.

Not applicable.

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

Colonial Chemical Solutions, Inc.

C5 Technology, LLC.

(11) A statement of the 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.

The primary barrier to competition is Yellowstone National Park's reliance on proprietary Hawkins blended chemical formulations that have been used in the park's water and wastewater treatment systems for approximately twenty years.

Before any subsequent acquisition, the agency may conduct additional market research, issue a sources sought notice or RFI, and evaluate whether alternative chemicals or blended formulations could meet the park's treatment requirements. Any alternative would need to be tested and approved to ensure it can meet water quality, regulatory, and operational requirements without unacceptable risk to park operations.

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

I certify that this justification is accurate and complete to the best of my knowledge and belief. The facts and rationale stated herein support the use of other than full and open competition for the required supplies/services.

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[redacted]

Contracting Officer
Office of the Acquisition and Property Management (PAM)- BSEE/BOEM/OSMRE Programs
Department of the Interior

Approval and Concurrence

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[redacted]

Chief of Contracting Office- AOB-2
Office of the Acquisition and Property Management (PAM)- BSEE/BOEM/OSMRE Programs
Department of the Interior

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[redacted]

Bureau Competition Advocate
Office of the Acquisition and Property Management (PAM) - NPS Programs
Department of the Interior (DOI)