

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
(INCLUDING BRAND NAME)**

1. AGENCY AND CONTRACTING ACTIVITY (FAR 6.303-2(a)(1)).

Bureau of Land Management, Vale District Office, 100 Oregon Street, Vale, Oregon 97918

2. NATURE/DESCRIPTION OF ACTION(s) (FAR 6.303-2(a)2)). The Bureau of Land Management (BLM), Vale District Office, is requesting that Dr. Deward Walker, Walker Research Group, conduct an ethnographic study along the proposed and alternative alignments of Idaho Power Company's Boardman to Hemingway 500 kV powerline. The goal of the study is to initiate a process to identify, document and map properties of religious and traditional cultural importance to the Shoshone-Paiute Tribes of Duck Valley Indian Reservation and to document Shoshone-Paiute use and reliance on the natural and cultural resources in the project area. Locations and information identified as traditional cultural properties are important for future management consideration under federal cultural resource protection laws by the BLM. This information is an important element of the tribal consultation requirements as identified in the National Environmental Policy Act, the National Historic Preservation Act, as amended, and the American Indian Religious Freedom Act, as well as Executive Orders 13007 and 13175.

3. DESCRIPTION OF THE SUPPLIES/SERVICES (FAR 6.303-2(a) (3)).

Dr. Walker will provide the BLM with deliverables as stated in Attachment A: Boardman to Hemingway Transmission Line Final Ethnographic Study Scope of Work.

Deliverables as shown below:

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| <i>Deliverable for Task 1: Literature Review for the Study Area and list of potential interviewee questions due 60 days after Notice To Proceed (NTP).</i> |
| <i>Deliverable for Task 2: Interviews: Report of the interviews for Tribal review only due 150 days after NTP</i> |
| <i>Deliverable for Task 3: Report Based on Interviews: Report on interviews due 210 days after NTP</i> |
| <i>Deliverable for Task 4: Four copies of Final Ethnographic Study Report for the Tribes and BLM (Cultural Resource Specialists Vale District Office, Boise District Office and the Marsing Field Office) due 320 or 360 days after NTP</i> |
| <i>Deliverable for Task 5: Completion of confidential report due 380 or 420 days after NTP</i> |

4. IDENTIFICATION OF STATUTORY AUTHORITY (FAR 6.303-2(a) (4)).

This project meets the statutory exception under FAR 6.302.

Only one responsible source: when the supplies or service required by the agency are available from only one responsible source and no other types of supplies or services will satisfy agency requirements.

5. DEMONSTRATION OF CONTRACTOR'S UNIQUE QUALIFICATIONS (FAR 6.303-2(a)(5)).

Dr. Deward Walker
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The BLM has a requirement for knowledge of resources and resources uses that are known only to members of the Shoshone-Paiute Tribes of Duck Valley Indian Reservation or incorporated in their oral histories. The Tribe has clearly expressed that they will only share this information with Dr. Walker. Dr. Walker has had a long history of working with the tribe and outside contractors would not have immediate or secondary access to this information. Since this information is proprietary Shoshone-Paiute Tribes of Duck Valley Indian Reservation would not allow free and unencumbered access to the information from a private contractor or the BLM. Given the protected nature of the data, it seems appropriate that the government obtains the information without competition directly from Dr. Walker through his existing relationship with the Shoshone-Paiute Tribes of Duck Valley Indian Reservation.

6. FEDERAL BUSINESS OPPORTUNITIES AND ELECTRONIC COMMERCE FOR POTENTIAL SOURCES (FAR 6.303-2(a)6)). Publication of a notice of intent is required if the action is expected to exceed \$25,000.

This requirement was synopsised on the Federal Business Opportunities website via a Sources Sought notice on March 17, 2011. The notice stated that the BLM intends to issue a purchase order to Dr. Walker unless another entity comes forward who can meet the Government's requirements as stated in the notice. Three firms responded as interested vendors but the tribe clearly stated that they would only allow Dr. Walker as the ethnographer with access to the tribe and tribal elders.

7. DETERMINATION OF FAIR AND REASONABLE COST (FAR 6.303-2(a)(7)).

Dr. Walker's quote was \$206,600.00 is fair and reasonable for the completion of the five tasks as stated on the Statement of Work. A request was sent to SWCA Environmental Consultants, a GSA firm, to provide a comparative quote utilizing the same Statement of Work. Their offer came in at \$137,104.00.

The land acreage involved in the pending Shoshone Paiute Ethnographic study is 4,835,289 acres. Dr. Walkers cost per acre is $\$206,600.00/4,835,289$ acres or \$0.04 per acre. SWCA's cost per acre is of $\$137,104.00/4,835,289$ acres or \$0.03 per acre.

The primary differences between the two quotes were: 1) Dr. Walker's hourly rate compared to SWCA's, 2) fewer hours were budgeted for the study by SWCA and 3) reduced interview effort by SWCA. We considered the travel and interview stipends and time proposed to complete Task 2 an important element of Dr. Walker's cost proposal. Dr. Walker's hourly rates were found to

be very comparable to or less than other ethnographer's rates under GSA contracts. Dr. Walker's total quote for this study while greater than SWCA's quote, factors in a reasonable amount of hours to thoroughly conduct the work. Therefore, Dr. Walker's price is determined to be fair and reasonable.

8. DESCRIPTION OF MARKET RESEARCH (FAR 6.303-2(a)(8)). A description of the market research conducted (FAR part 10) and the results or a statement of the reason market research was not conducted:

A sources sought announcement was posted on fedbizopps. Three firms responded.

First, GSA E-library was searched using the term "ethnography services". No services were shown. The environmental services SIN 899 was used to search for ethnographers by going through the terms and conditions of each firm. Several firms were located providing these services. SWCA was called and asked to provide a comparative quote. It was also determined in the market search that the number of firms or persons that do ethnographic services is small. Research on previous BLM contracts for ethnographic services revealed only 5 awards in the past 3 years.

9. ANY OTHER SUPPORTING FACTS (FAR 6.303-2(a)(9)).

The information to be gathered for this study is considered culturally sensitive to Native American communities. Tribal Elders do not freely give the information regarding properties of traditional use needed for this study. Disclosure of culturally sensitive information requires trust that the information will not be made public or misused. In addition, as per the National Historic Preservation Act and some of the other federal laws stated above, significant cultural sites are to be preserved and protected. One key component to protecting these sites is to keep them confidential. Because the BLM has a need for this sensitive information to consider approval of the Boardman to Hemingway permit, and because Dr. Walker is the only ethnographer that the Shoshone-Paiute Tribes and Elders are willing to work with, it is in the Government's best interest to contract non-competitively with Dr. Walker.

10. A LISTING OF SOURCES, IF ANY, THAT EXPRESSED, IN WRITING, AN INTEREST IN THE ACQUISITION:

Three firms (ASM Affiliates, Reginald D Brown, and Epochs Past-West) responded to the synopsis but the Shoshone Paiute tribe had expressly stated that the only firm they are willing to utilize is the Walker Research group headed by Dr. Walker.

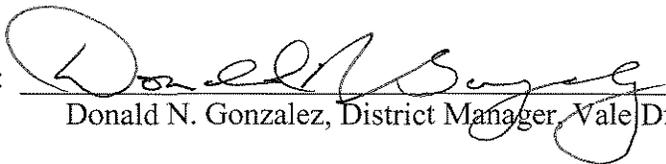
11. ACTIONS, TAKEN TO REMOVE BARRIER TO COMPETITION (FAR 6.303-2(a)(11)).

This is a one-time procurement and there are no actions to take.

12. CONTRACTING OFFICERS CERTIFICATION THAT THE JUSTIFICATION IS ACCURATE AND COMPLETE. (FAR 6.303-2 (a)(12)). See certifications below.

TECHNICAL AND REQUIREMENTS CERTIFICATION (FAR 6.303-1(b))

I certify that the facts and representations which are included in this justification and which form a basis for this justification are complete and accurate.

Signature:  Date: 8/3/11
Donald N. Gonzalez, District Manager, Vale District Office

CONTRACTING OFFICER CERTIFICATION (FAR 6.303-1(a) 6.303-2(a)(12))

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

Signature:  Date: 8/9/11
Yuri Dyson, Contracting Officer, Oregon State Office