

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
FAR PART 6**

1. IDENTIFICATION OF THE AGENCY AND CONTRACTING ACTIVITY (FAR 6.303-2(b)(1)).

Bureau of Land Management, Medford District, 3040 Biddle Road, Medford OR 97504.

2. NATURE/DESCRIPTION OF THE ACTION BEING APPROVED (FAR 6.303-2(b)(2)).

This is a sole source procurement for a firm fixed price services contract (base plus four one-year options) with Central Oregon & Pacific Railroad, Inc., c/o RailAmerica, P.O. Box 409590, Atlanta GA 30384-9590.

3. DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEEDS (INCLUDING THE ESTIMATED VALUE) (FAR 6.303-2(b)(3)).

The BLM, Medford District Office, requires annual maintenance of three railroad crossing and warning signal systems located at BLM Road 33-7-2, Cow Creek Backcountry Byway, in the Grants Pass Resource Area, to ensure public safety and accident prevention. The maintenance of these railroad crossings is to be performed by Central Oregon & Pacific Railroad at BLM's expense under the terms and conditions of already established Access Road Easement Agreements RE-M-294, RE-M-288, and RE-M-375 between the railroad company and BLM, dated February 19, 1962, June 21, 1961, and July 31, 1964 respectively.

The total estimated value of this acquisition is \$ [REDACTED]. The estimated cost for each year is as follows:

Base year:	\$ [REDACTED]
Option Year 1:	\$ [REDACTED]
Option Year 2:	\$ [REDACTED]
Option Year 3:	\$ [REDACTED]
Option Year 4:	\$ [REDACTED]

4. IDENTIFICATION OF STATUTORY AUTHORITY PERMITTING THE OTHER THAN FULL AND OPEN COMPETITION (FAR 6.303-2(b)(4)). The statutory authority permitting the other than full and open competition is 10 U.S.C. 2304(c)(1) or 41 U.S.C. 253(c)(1) under FAR 6.302-1 - Only one responsible source and no other supplier or services will satisfy the requirements.

5. DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS OR THE NATURE OF THE ACQUISITION REQUIRES USE OF THE AUTHORITY CITED (FAR 6.303-2(b)(5)).

Central Oregon & Pacific Railroad is the only responsible source to provide these services as the company owns the railroad signals and maintains them at the BLM's expense under the terms and conditions of the Access Road Easement Agreements already in place. If the BLM should fail, neglect, or refuse to keep to the terms of any of the agreements, Central Oregon & Pacific Railroad has the right to suspend the use of the respective right-of-ways required to access BLM land. Barriers to competition cannot be removed in this particular acquisition because of the terms of the right-of-way agreements.

6. DESCRIPTION OF THE 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 SUBPART 5.2 AND IF NOT, WHICH EXCEPTION UNDER 5.202 APPLIES (FAR 6.303-2(b)(6)).

A public notice of intent to sole source will be publicized.

7. DETERMINATION BY THE CONTRACTING OFFICER THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE (FAR 6.303-2(b)(7)). In consideration of the market research in paragraph 8, the contractor's anticipated price is determined fair and reasonable.

8. DESCRIPTION OF MARKET RESEARCH CONDUCTED (SEE PART 10) AND THE RESULTS OR A STATEMENT OF THE REASON MARKET RESEARCH WAS NOT CONDUCTED (FAR 6.303-2(b)(8)).

This work is exclusive to Central Oregon & Pacific Railroad as it owns the railroads; however, market research was conducted via publicly available pricing information from the Michigan Department of Transportation (DOT) for similar work. Central Oregon & Pacific Railroad's historical pricing, on which the Independent Government Estimate is based, is found to be less than the costs for railroad crossing maintenance posted by Michigan's DOT.

9. ANY OTHER FACTS SUPPORTING THE USE OF OTHER THAN FULL AND OPEN COMPETITION (FAR 6.303-2(b)(9)).

None.

10. LISTING OF THE SOURCES, IF ANY, THAT EXPRESSED, IN WRITING, AN INTEREST IN THE ACQUISITION (FAR 6.303-2(b)(10)).

A public notice of intent to sole source will be publicized; however, competition will not be permitted due to the unique nature of this requirement.

11. STATEMENT OF 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. (FAR 6.303-2(b)(11)).

Barriers to competition cannot be removed due to the unique nature of this requirement.

12. CONTRACTING OFFICER CERTIFICATION THAT THE JUSTIFICATION IS ACCURATE AND COMPLETE TO THE BEST OF THE CONTRACTING OFFICER'S KNOWLEDGE AND BELIEF. (FAR 6.303-2 (b)(12)).

See certifications below.

TECHNICAL AND REQUIREMENTS CERTIFICATION (FAR 6.303-1(b)(2))

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: <u>Miriam Liberman</u>	Date: <u>1/8/13</u>
Printed Name: <u>MIRIAM LIBERMAN</u>	Telephone #: <u>541-618-2412</u>
Title: <u>Acting Supply Realty Specialist</u>	
CONTRACTING OFFICER CERTIFICATION (FAR 6.303-1(b)(1) and 6.303-2(b)(12))	
I certify that this justification is accurate and complete to the best of my knowledge and belief.	
Signature: <u>Kathy Burke</u>	Date: <u>1/10/2013</u>
Printed Name: <u>Kathy Burke</u>	Telephone #: <u>503-808-6252</u>
Title: <u>Contract Specialist</u>	