

JUSTIFICATION REVIEW DOCUMENT FOR OTHER THAN FULL AND OPEN COMPETITION		
CONTROL NUMBER: 22-0007		
PROJECT/EQUIPMENT: Class J&A for Law Enforcement		
AUTHORITY: FAR 6.302-1(a)(2) & FAR 6.303-1(d)		
AMOUNT: \$1,751,625.11		
Prepared By	Sara Edwards EDWARDS.S ARA.JANE.12 CONTRACT SPECIALIST 45134009 <small>Digitally signed by EDWARDS.S.ARA.JAN E.1245134009 Date: 2022.03.18 08:37:02 -07'00'</small>	Telephone: 509-527-7216 Date:
Contracting Officer	Brooke Moore Signed J&A	Telephone: (509) 527-7913 Date:
Technical Signed J&A	Sonya Kurle Contract Performance Specialist	Telephone: (509) 751-0246 Date:
Requirements	PROJECT MANAGER	Telephone: Date:
REQUIRED SIGNATURES		
I have reviewed this J&A and find the justification adequate to support other than full and open competition		
Deputy for Small Business	James Glynn	Telephone: (509) 527-7434
SIGNATURE		DATE: 28 Jan 2022
GLYNN.JAMES.R.1163086235 <small>Digitally signed by GLYNN.JAMES.R.1163086235 Date: 2022.01.28 12:14:39 -08'00'</small>		
Project Manager		Telephone:
SIGNATURE		DATE:
Office of Counsel	Theresa Hampson SIGNED J&A	Telephone: (509) 527-7709
SIGNATURE signed J&A		DATE:
TURNERY.THEODORE.TRISTAN.1115839833 <small>Digitally signed by TURNERY.THEODORE.TRISTAN.1115839833 Date: 2022.03.22 14:36:23 -07'00'</small>		
DCC/CCC Contracting Chief	Theodore Turney	Telephone: (509) 527-7201
SIGNATURE		DATE:

**CLASS JUSTIFICATION AND APPROVAL
FOR OTHER THAN FULL AND OPEN COMPETITION
NWW District Project Offices
Law Enforcement Services
18 March 2022**

1. CONTRACTING AGENCY:

US Army Corps of Engineers, Directorate of Contracting, Walla Walla District (CECT-NWW), 201 North 3rd, Walla Walla, WA 99362.

2. DESCRIPTION OF ACTION: This document requests a class justification and approval (J&A) to allow Contracting Officers to issue solicitations for new firm fixed-price commercial single-source requirement for law enforcement services in the Walla Walla District, U.S. Army Corps of Engineers, without the requirement to execute a J&A on a contract-by-contract basis. Anticipated funding will be from Operation and Maintenance (O&M) funds and will be for FY22-FY27. This J&A applies to the Walla Walla District and to acquisition of service contracts. This J&A shall remain in effect until 1 April 2027.

3. DESCRIPTION OF SERVICES: This action is to procure supplementary law enforcement services on Corps-administered lands and waters within the Walla Walla District boundaries which include the States of Oregon, Idaho and Washington. The total estimated annual cost of these law enforcement service contracts is \$350,000, with an estimated five-year total value of \$1,751,625.11 was based on prior contract awards. Periods of performance will be specified in each individual contract.

County	Service	FY22	FY23	FY24	FY25	FY26
Ada	Law Enforcement	\$105,000.00	\$110,250.00	\$115,762.50	\$121,550.63	\$127,628.16
Boise	Law Enforcement	\$23,000.00	\$24,150.00	\$25,357.50	\$26,625.38	\$27,956.64
Garfield	Law Enforcement	\$8,000.00	\$8,400.00	\$8,820.00	\$9,261.00	\$9,724.05
Nez Perce	Law Enforcement	\$11,000.00	\$11,550.00	\$12,127.50	\$12,733.88	\$13,370.57
Lewiston	Law Enforcement	\$9,000.00	\$9,450.00	\$9,922.50	\$10,418.63	\$10,939.56
Mill Creek	Law Enforcement	\$17,000.00	\$17,850.00	\$18,742.50	\$19,679.63	\$20,663.61
Clarkston	Law Enforcement	\$6,000.00	\$6,300.00	\$6,615.00	\$6,945.75	\$7,293.04
WDFW	Law Enforcement	\$30,000.00	\$31,500.00	\$33,075.00	\$34,728.75	\$36,465.19
Umatilla	Law Enforcement	\$55,000.00	\$57,750.00	\$60,637.50	\$63,669.38	\$66,852.84
Clearwater	Law Enforcement	\$20,000.00	\$21,000.00	\$22,050.00	\$23,152.50	\$24,310.13
Columbia	Law Enforcement	\$18,000.00	\$18,900.00	\$19,845.00	\$20,837.25	\$21,879.11
Whitman	Law Enforcement	\$15,000.00	\$15,750.00	\$16,537.50	\$17,364.38	\$18,232.59
NWW Total		\$317,000.00	\$332,850.00	\$349,492.50	\$366,967.13	\$385,315.48

4. AUTHORITY CITED:

10 U.S.C.2304(c)(5) or 41 U.S.C.3304(a)(5) as implemented by FAR 6.302-5(a)(2), When full and open competition need not be provided for when– (i) A statute expressly authorizes or requires that the acquisition be made through another agency or from a specified source.

Class justification is authorized by FAR 6.303-1(d) "Justifications required by paragraph (a) of this section may be made on an individual or class basis", and shall be approved in writing, FAR 6.304(c) and AFARS 5106-303-1(d).

5. REASON FOR AUTHORITY CITED:

a. BACKGROUND:

For the past 10 plus years, the US Army Corps of Engineers has procured law enforcement services within the Walla Walla District boundaries, which include Oregon, Idaho and Washington. All contractors are governmental entities who have the statutory jurisdiction and authority to cite, detain, and arrest individuals. Although the Law Enforcement contracts are for almost identical services with standard language, individual J&As have been issued for each separate law enforcement contract executed every year up to every 5 years. The Government desires to expedite these services by executing a class J&A and eliminating the need to prepare separate J&As and route for approval each time these services are required.

b. JUSTIFICATION:

- (1) Single source justification for law enforcement services has been previously authorized by statute (see (2 & 3 below) and by the fact that there are no other available sources who can provide these services. FAR 6.302-5 provides that "full and open competition need not be provided for when-(i) a statute expressly authorizes or requires that the acquisition be made through another agency of from a specified source;"
- (2) 42 USC 1962d-5d states: "(a) The Secretary of the Army, acting through the Chief of Engineers, is authorized to contract with States and their political subdivisions for the purpose of obtaining increased law enforcement services at water resources development projects under the jurisdiction of the Secretary of the Army to meet needs during peak visitation periods.
- (3) Section 120 of the Water Resource Development Act of 1976 (Public Law 94-587, 90 Sta. 2917, Exhibit A) grants the US Army Corps of Engineers (USACE) the authority to contract with the States and their political subdivisions for the purpose of obtaining increased law enforcement services. This authority is re-enforced by a 2005 legal opinion from the Corps Chief Counsel which further states such procurements will be exempt from the full and open competition requirements of the Competition in Contracting Act (CICA) and FAR since the law only authorizes contracts for law enforcement services with "States and their political subdivisions."
- (4) RCW Title 36, Chapter 36.28, Section 36-28-010, General Duties (of the Sheriff), states, "The sheriff is the chief executive officer and conservator of the peace of the county. In the execution of his or her office, he or she and his or her deputies: (1) Shall arrest and commit to prison all persons who break the peace, or attempt to break it, and all persons guilty of public offenses . . ."
- a) RCW Title 10, Chapter 10.93, Section 10.93.070, General Authority Peace Officer, states, "In addition to any other powers vested by law, a general authority Washington peace officer who possesses a certificate of basic law enforcement training or a certificate of equivalency or has been exempted from the requirement therefor by the Washington state criminal justice training commission may enforce the traffic or criminal laws of this state throughout the territorial bounds of this state, under the following enumerated circumstances....":
- b) ORS Title 20, Chapter 206, Section 206.010, General Duties (of Sheriff), states, "The sheriff is the chief executive officer and conservator of the peace of the county. In the execution of the office of

sheriff, it is the sheriff's duty to: (1) Arrest and commit to prison all persons who break the peace, or attempt to break it, and all persons guilty of public offenses...."

- c) ORS Title 14, Chapter 133, Section 133.005 to 133.450, states, "(1) A peace officer may arrest a person for a crime at any hour of any day or night. (2) A peace officer may arrest a person for a crime, pursuant to ORS 133.310 (1), whether or not such crime was committed within the geographical area of such peace officer's employment, and the peace officer may make such arrest within the state, regardless of the situs of the offense...."
- d) Idaho Statutes Title 67, Chapter 70, Idaho Code 67-7028 states, "The sheriffs and deputy sheriffs of the respective counties shall be primarily responsible for the enforcement of this chapter and in the exercise of their authority may stop and board any vessel subject to law."
- e) Idaho Statutes Title 49, Chapter 2, Idaho Code 49-205, Duties of Officers. This statute states that the various counties of the state (of Idaho) shall be agents of the department and shall perform duties prescribed in this title. Peace officers with the state of Idaho shall enforce and make arrests.

c. IMPACTS: Not contracting for this service would result in the lack of an immediate law enforcement presence, thus jeopardizing the safety of USACE employees and the general public. Walla Walla District does not have sufficient manpower to maintain routine patrols of this kind.

d. ALTERNATIVES: The possibility of soliciting law enforcement agencies in nearby areas is not likely based on historical data and no other contractor holds the same legal authority as a law enforcement agency (see paragraph 6). The Government could continue to issue individual J&As for each separate contract, but a Class J&A would substantially reduce time and effort and expedite all of these contract awards for law enforcement services.

6. EFFORTS TO OBTAIN COMPETITION: The Contracting Officer published the notices required by FAR 5.201 on March 2, 2022, no inquiries, bids, quotes or proposals were made. Historically Justification for all Sheriff and Law Enforcement actions in the Walla Walla District have been published as a Notice of Intent to Make a Single-Source Award on the SAM.gov website. No expression of interest has ever been received due to no private firm possess the authority to act as a law enforcement entity.

7. ACTIONS TO INCREASE COMPETITION: Due to the single source resource available in each county, there are no efforts that would increase competition for these contracts. See paragraph 6.

8. MARKET RESEARCH: See paragraph 6.

9. INTERESTED SOURCES: See paragraph 5. To date, no other sources have written to express an interest. Any bids, quotes or proposals received shall be considered.

10. OTHER SUPPORTING FACT: Procurement history is discussed in paragraph 5 above.

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.

KURLE.SONYA.L.123
1397120

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KURLE.SONYA.L.1231397120
Date: 2022.03.21 06:59:46 -07'00'

Sonya Kurle
Contract Performance Specialist

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.

KURLE.SONYA.L.12313
97120

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Date: 2022.03.21 07:00:22 -07'00'

Sonya Kurle
Contract Performance Specialist

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. The Police and Sheriff's Departments do not have a collective bargaining agreement. They will use the wage determination by county pricing, plus an estimated amount to cover their vehicle/vessel use and maintenance to determine their price quote. The prices quoted by the Police and Sheriff's Departments will be evaluated based on historical pricing in addition to comparison with other counties' rates for similar services. IAW FAR 15.403-4(a)(1), certified cost or pricing data will not be required since the individual awards will be below the threshold.

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Brooke Moore
Contracting Officer

14. Contracting Officer Certification:

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

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Date: 2022.03.22 13:38:35 -07'00'

Brooke Moore
Contracting Officer

Reviewed by:

HAMPSON.THERESA.L.1374580937
SA.L.1374580937

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Date: 2022.03.22 14:07:44 -07'00'

Theresa Hampson
Assistant District Counsel

**CLASS JUSTIFICATION AND APPROVAL
FOR OTHER THAN FULL AND OPEN COMPETITION**

Law Enforcement

Walla Wall District

Based on the foregoing justification, I hereby approve the procurement of Law Enforcement Services contracts to C-PTPA, on an other than full and open competition basis pursuant to the authority of FAR 6.302-5(a)(2), When full and open competition need not be provided for when– (i) A statute expressly authorizes or requires that the acquisition be made through another agency or from a specified source, subject to the availability of funds and provided the services herein described have otherwise been authorized for acquisition.

CONCUR:

WARREN.THOMAS.JACOB.1163420410

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Date: 2022.03.30 10:34:20 -07'00'

Thomas J. Warren
Assistant Counsel, Procurement Law
& Contract Disputes
Office of Chief Counsel, CECC-C
HQ, United States Army Corps of Engineers

Date

APPROVAL:

MICHAEL C. ORR
Alternate Advocate for Competition (AFC)

Date