

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
(JOFOC)
FAR SUBPART 6.3**

I recommend the use of other than full and open competition for the acquisition of the following supplies or services. If this acquisition is to be made with only one source or a limited number of sources, negotiations will be conducted with the indicated proposed supplier(s).

1. IDENTIFICATION OF THE AGENCY AND CONTRACTING ACTIVITY:

Internal Revenue Service (IRS), Southeast Area Procurement Office OS:PR:B:S:A

2. NATURE/DESCRIPTION OF THE ACTION BEING APPROVED:

New Order for Utility Services (Electrical, Gas, and Water)

Type of Contract: Fixed Price

Year of Funds to be Used: FY17

3. DESCRIPTION OF SUPPLIES OR SERVICES

Provide electrical power, natural gas, and water to the Memphis Internal Revenue Service Center (MIRSC) located at 5333 Getwell Rd. Memphis, TN 38118.

Period of Services – October 1, 2016 - September 30, 2017

4. REQUISITION NO.

D-7-D9-24-DE-L33

6. COST ESTIMATE

10/01/2016-09/30/2017

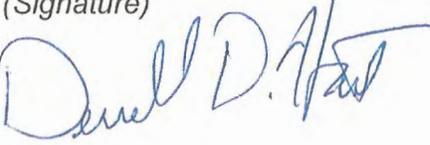
\$3,257,941.56

5. NAME(S) OF PROPOSED SOURCE(S)

**MEMPHIS LIGHT, GAS AND WATER (MLGW) DIVISION
220 SOUTH MAIN ST.
MEMPHIS TN. 38103-3917**

CERTIFICATION OF TECHNICAL OR REQUIREMENTS PERSONNEL

I hereby certify that any supporting information and data provided, which form the basis for this justification, are accurate and complete to the best of my knowledge and belief.

<p>7. PROGRAM OFFICE (Requiring Activity) (Name & Title)</p> <p>Derrell D. Hart Sr. SENIOR BUILDING MANAGEMENT SPECIALIST</p>	<p>(Signature)</p> 	<p>(Phone No.)</p> <p>901-546-2229</p>	<p>(Date)</p> <p>6/23/16</p>
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SMALL BUSINESS CERTIFICATION

I have reviewed this justification, including any attached documentation, if applicable, and concur / do not concur with the findings.

<p>8. SMALL BUSINESS SPECIALIST (Name and Title)</p> <p>Sandra D. Dubose Small Business Specialist</p>	<p>(Signature)</p> <p>Sandra D. Dubose</p> <p><small>Digitally signed by Sandra D. Dubose DN: c=US, o=U.S. Government, ou=Department of the Treasury, ou=Internal Revenue Service, ou=People, serialNumber=332694, cn=Sandra D. Dubose Date: 2016.07.13 08:49:36 -0400</small></p>	<p>(Phone No.)</p> <p>470-719-6505</p>	<p>(Date)</p> <p>07/13/2016</p>
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PROCUREMENT OFFICE CERTIFICATION

> This requirement [] will, [X] will not, provide for a bridge contract

I certify that this submission is accurate and complete to the best of my knowledge and belief. This certification will serve as approval, unless action exceeds \$700K.

<p>9. CONTRACTING OFFICER (Name)</p> <p>Camille D. Pettway Contracting Officer</p>	<p>(Signature)</p> <p>Camille D. Pettway</p> <p><small>Digitally signed by Camille D. Pettway DN: c=US, o=U.S. Government, ou=Department of the Treasury, ou=Internal Revenue Service, ou=People, serialNumber=512131, cn=Camille D. Pettway Date: 2016.07.13 07:04:26 -0400</small></p>	<p>(Phone No.)</p> <p>470-719-6514</p>	<p>(Date)</p> <p>07/13/2016</p>
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Before requesting this procurement, state one statutory authority for this procurement to be conducted under "other than full and open competition" procedures. Provide narrative justification associated with the respective state authority in block number 17.

THE COMPETITION IN CONTRACTING ACT OF 1984 (P.L. 98-369)

(Place "X" in appropriate box)

<input checked="" type="checkbox"/>	10. 41 U.S.C. 3304(a)(1), FAR 6.302-1– Only one responsible source; or brand name specification
<input type="checkbox"/>	11. 41 U.S.C. 3304(a)(2), FAR 6.302-2 – Unusual and compelling urgency
<input type="checkbox"/>	12. 41 U.S.C. 3304(a)(3), FAR 6.302-3 – Industrial mobilization, engineering, developmental, or research capability; or expert services
<input type="checkbox"/>	13. 41 U.S.C. 3304(a)(4), FAR 6.302-4 – International agreement
<input type="checkbox"/>	14. 41 U.S.C. 3304(a)(5), FAR 6.302-5 – Authorized or required by statute
<input type="checkbox"/>	15. 41 U.S.C. 3304(a)(6), FAR 6.302-6 – National Security
<input type="checkbox"/>	16. 41 U.S.C. 3304(a)(7), FAR 6.302-7 – Public Interest

17. JUSTIFICATION (ADD PAGES IF NEEDED)

A. DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS OR THE NATURE OF THE ACQUISITION REQUIRES USE OF THE AUTHORITY CITED.

MLGW is a municipality owned utility that provides network electrical power, natural gas, and water for all of Shelby County. The MIRSC is located within the city limits of Memphis, TN, in Shelby County. MLGW is the only source to supply electrical power, natural gas, and water to the MIRSC site.

B. DESCRIBE THE EFFORTS TAKEN TO ENSURE OFFERS WERE SOLICITED FROM AS MANY POTENTIAL SOURCES AS IS PRACTICABLE, INCLUDING WHETHER A NOTICE WAS OR WILL BE PUBLISHED AS REQUIRED BY SUBPART 5.2 AND, IF NOT, WHICH EXCEPTION UNDER 5.202 APPLIES.

Exception-FAR 5.202 (a) (5) The proposed contract action is for utility services other than telecommunications services and only one source is available.

C. DETERMINATION THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE.

The Government will pay for services based on the actual usage at the MLGW's published rate(s).

D. DESCRIBE THE MARKET RESEARCH THAT WAS CONDUCTED AND THE RESULTS OF THAT SURVEY. IF ACTIONS WERE TAKEN BY PROCUREMENT PERSONNEL TO SATISFY THIS REQUIREMENT SUCH AS A GPE SOURCES SOUGHT SYNOPSIS, PLEASE SPECIFY.

Market Research was conducted by the Contract Specialist, and found MLGW is the only know supplier/source that provides utility services for the city/county of Memphis/Shelby.

E. DESCRIBE ANY OTHER FACTS TO SUPPORT THE JOFOC.

In addition to the Market Research was conducted by the Contract Specialist, and found MLGW is the only know supplier/source that provides utility services for the city/county of Memphis/Shelby, the Independent Government Cost Estimate (IGCG) was performed by the program office of the services cost estimate. The proposed contract action is for the supply of utility services (electric, gas and water). Therefore, no statement of work is required.

F. LIST SOURCES, IF ANY, THAT EXPRESSED, IN WRITING, AN INTEREST IN THE ACQUISITION.

No sources expressed in writing an interest in the acquisition.

G. LIST THE ACTIONS THE BUREAU WILL TAKE TO REMOVE OR OVERCOME ANY BARRIERS TO PROMOTE THE COMPETITION ON ANY SUBSEQUENT ACQUISITIONS FOR SIMILAR SUPPLIES OR SERVICES.

Competition will be sought in the future if another supplier/source becomes available.

H. STATEMENT THAT REQUIREMENT DOES NOT RESULT FROM A LACK OF PLANNING OR THE EXPIRATION OF FUNDS.

This requirement does not result from lack of planning or the expiration of funds.

ADDITIONAL APPROVALS

OVER \$700,	18. BUREAU COMPETITION ADVOCATE (<i>Name & Title</i>) BRENDA J. BOBBITT	<input checked="" type="checkbox"/> APPROVE <input type="checkbox"/> DISAPPROVE	(Signature)	(Phone No.) (202) 578-0574 (Date)
OVER \$13.5 MILLION	19. HEAD OF THE PROCURING ACTIVITY OR AUTHORIZED DESIGNEE (<i>Name & Title</i>)	<input type="checkbox"/> APPROVE <input type="checkbox"/> DISAPPROVE	(Signature)	(Phone No.) (Date)
OVER \$6, LION	20. SENIOR PROCUREMENT EXECUTIVE (<i>Name & Title</i>)	<input type="checkbox"/> APPROVE <input type="checkbox"/> DISAPPROVE	(Signature)	(Phone No.) (Date)

NOTE: Each review must be preceded by lower level approval(s). e.g., over \$68 million all approvals are required. IN NO CASE WILL AN INDIVIDUAL SIGN MORE THAN ONE APPROVAL LEVEL.

CONTROL NO. OM 2016-23