

Who will the Corps use to count fish in 2013?

Normandeau and Associates, Inc., headquartered in Bedford, New Hampshire. The Walla Walla District (the Corps) awarded the adult fish counting services contract for the Snake and Columbia Rivers on November 8, 2012.

Who was the previous contractor?

Washington Department of Fish and Wildlife (WDFW). In 2007, the Corps transitioned from a cooperative agreement with the WDFW to a competitive procurement process for adult fish counting services to comply with certain laws, including but not limited to the Competition in Contracting Act, the Small Business Act, and the Federal Grant and Cooperative Agreement Act. That same year, the Corps awarded WDFW a 5-year contract for adult fish counting services. The Corps was satisfied with WDFW's performance on this five year contract.

Why did the Corps change contractors?

In April 2012, as the 5-year contract to WDFW was pending expiration, the Corps followed federal procurement processes to execute a replacement contract to continue the adult fish counting services. When developing contracts, the Corps works within an established contracting process using Federal Acquisition Regulations (FAR). The intent of the FAR is to employ fair processes to contract for goods and services and to achieve Federal goals.

What was the Corps' process to select the current contractor?

In accordance with the FAR, the initial step in a competitive procurement process for any acquisition over the simplified acquisition threshold (\$150,000) is to conduct market research. The initial step includes issuing a "Sources Sought" requesting qualified businesses to notify USACE of their ability to accomplish this work. In accordance with the FAR, Part 19.502-2(b), should two or more small businesses respond to a federal agency's request for sources sought, and these businesses adequately demonstrate they are capable of performing the work, that federal agency **is required** to set the procurement aside for only small business participation.

The Corps issued the sources sought notice for this requirement in Nov. 2011. Two small and one large business provided technical information demonstrating their capability to perform the work. The responsible fish biologist deemed all three responses technically acceptable. Therefore, in accordance with the FAR, the Corps set the contract aside for small business participation. This is unlike the 2007 competitive process when only WDFW responded.

How many bidders were in the initial open competition? How many small businesses submitted proposals? How many small businesses did the Corps find to be qualified?

The Corps solicited this requirement as a request for proposal, firm fixed price contract. Specific details of this acquisition are procurement sensitive and have limited releasability in

accordance with the FAR. As noted above, the 2012 market research identified at least two small businesses capable of performing fish counting services. Therefore, the Corps solicited the fish counting requirement as a small business set-aside pursuant to FAR 19.520-2(b), as mandated by the Small Business Act, 15 U.S.C. 631, et seq. The Corps evaluated all proposals and determined the Normandeau and Associates, Inc. submission was technically acceptable and offered fair and reasonable pricing. This evaluation led to a contract award.

Is Normandeau and Associates, Inc. a small business?

Yes. The SBA establishes small business size standards on an industry-by-industry basis [see 13 Code of Federal Regulations (CFR) 121]. The Small Business Administration publishes and matches small business size standards to industry NAICS codes. You may find these details at:

<http://www.sba.gov/content/table-small-business-size-standards>

In this case, the small business standard applied because Normandeau has < 500 employees.

Are the costs of the current and previous contracts comparable?

Yes. However, we acknowledge the first year costs are higher, largely because the contracts have different characteristics. For example, the contract to WDFW was a 5-year contract; the contract to Normandeau is a base-year contract with 2-option years. Given the new contract's structure, the first year cost is higher because the contractor incorporated start up costs into the first year. If an option year(s) is awarded, we anticipate subsequent costs will be lower.

Note: From 2007 to 2013 fish counting requirements on the Snake and Columbia Rivers grew during the WDFW contract period to incorporate lamprey counting, night counts, etc. As such, funding increased on WDFW's original contract award. In a comparison analysis of hourly rates between the incumbent's final contract performance period and the new contractor's hourly rates for their performance period, we determined the new contractor's hourly rates to be fair and reasonable when compared to the government independent cost estimate.

Is the current contractor qualified to successfully meet contract requirements?

Yes. USACE understands the importance of adult fish counting to the Federal Columbia River Power System. Based on the technical analysis of the sources sought responses, we are confident regional fish managers will continue to receive accurate and timely fish counts.

In conclusion, the Corps followed the FAR process and awarded this contract at a fair and reasonable price to a small business deemed capable of performing the work by a Source Selection Evaluation Board comprised of Corps technical experts.

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