# CHECKLISTS FOR PUBLIC UTILITY PROJECTS

There are two types of Public Utility Contracts: **(1) Connection** and **(2) Service**. Both types of contracts are considered a “utility service.” There is a checklist below for each type of utility contract.

A Public Utility contract is when the National Park Service (NPS) contracts directly with the public utility to install, upgrade, replace or move a utility that is owned, operated and maintained by the utility company. Ownership will remain with the utility after work is completed. The utility is responsible for all future operation and maintenance of the line. The NPS funds new installations or upgrades and/or changes when needed by the NPS to support NPS operations. There are some exceptions to this. They are reviewed on a case by case basis.

**Connection** contracts are those where NPS pays the utility a charge for the “connecting facilities, which are installed, owned, operated, and maintained by the utility supplier.” Federal Acquisition Regulation (FAR) 41.101

**Service** contracts are generally ten-year contracts that establish the terms and conditions for the acquisition of the actual utility service (i.e., monthly utility services, interconnection agreements). Net metering agreements fall under service contracts but have a separate checklist.

The below processes may vary from time to time depending on the individual utility.

DOCUMENTS

* Checklist for Public Utility Connection Orders
* Checklist for Public Utility Service Agreements/Contracts
* Justification for Other Than Full and Open Competition (JOFOC)

UTILITY CONTRACTING TEAM

Paula Johnson

Contracting Officer

Telephone: 303-969-2407

paula\_johnson@nps.gov

Ian Steinheimer

Section Chief

Telephone: 303-969-2496

ian\_steinheimer@nps.gov

# PUBLIC UTILITY CONNECTION PROJECTS

Please contact the Public Utility Contracting Team prior to sending any documentation to the Washington Contracting Office. Items 1-9 must be submitted to the Washington Support Office (WASO) Utility Contracting Team, via email or attached to a Purchase Request. If the information and/or documents are not able to be included within or attached to the Purchase Request (PR), they may be sent via email to the WASO Utility Contracting Team. No work will begin on the project until all documents are received.

1. **PR** – Funded Purchase Request (PR) in Financial Business Management System (FBMS) for the amount of the Government Estimate. Attach documents 2-9 (or send via email to the Utility Contracting Officer, referencing the PR number). **CRITICAL:** Purchasing Group: Present Worth of Annuity (PWA), User Product Code (UPC) S1190300
2. **Utility Company** – Provide name of utility company, point-of-contact, phone and address.
3. **GSA Areawide** – If the utility has a General Services Administration (GSA) Areawide contract, complete and attach the appropriate Authorization (Exhibit A, B or C). The issuing office is the WASO-WCP (Washington Contracting and Procurement) Office and not the park. If you need assistance finding or completing the form, contact the WASO Utility Contracting Office.
4. **Statement of Work** – The description and specifications of the work to be accomplished, location, etc. Please note that a utility project is not a construction project.
5. **Date of Completion** – The best estimate of when you want/need the work completed. If there is a critical date, please provide short explanation.
6. **Justification** – Short explanation of why this work needs to be done. If the utility is sole source, provide the sole source justification using the JOFOC form (attached). Fill in the parts marked in red and make other edits as necessary. The JOFOC must be signed (not electronically) by the park. A scanned copy of the signed JOFOC will be accepted.
7. **Government Estimate** – Provide an Independent Government Estimate for the work to be performed by the utility.
8. **MAP/Sketch** – Provide a sketch or picture that will show roughly where the new installation will be placed.
9. **National Environmental Policy Act (NEPA) Hawaii Environmental Policy Act (HEPA) 106 compliance** – Provide copies of the signed compliance, to include the routing for the utility installation.

Next Steps:

1. **Proposal** – The WASO Contracting Officer (WASO CO) will then prepare a Letter Request for Proposal (LRFP) to the utility company. This could include phase 1 design and phase 2 installation. (Note: If you already have a proposal from the utility, you need to send it in with the Purchase Request and other documents.)
2. **Recommendation to proceed** – The proposal received by the WASO CO will be routed to the park or Contracting Officer Representative (COR) for review. They will need to provide a statement that the proposal is fair and reasonable based on the Government Estimate and that the WASO CO should proceed with the contract.
3. **Submit contract to utility (WASO)** – As necessary a draft contract may be sent to the utility company for review and comments before award.

# PUBLIC UTILITY SERVICE AGREEMENTS/CONTRACTS

Please contact the Public Utility Contracting Team prior to sending any documentation to the Washington Contracting Office. Items 1-8 must be submitted to the WASO Utility Contracting Team, via email or attached to a Purchase Request. If the information and/or documents are not able to be included within or attached to the Purchase Request (PR), they may be sent via email to the WASO Utility Contracting Team. No work will begin on the project until all documents are received.

These service contracts are issued for up to a period of ten years for utility service. No funding is attached. This outlines the terms and conditions for acquiring utility service. You will continue to pay your routine utility invoices through your normal process using unobligated funds. They may be paid with the government charge card or by submitting to the Accounting Operations Center (AOC) as a UT (utility) payment.

1. **PR** – Unfunded Purchase Request (PR) in FBMS for 1 dollar. Attach documents 2-8 (or send via email to the Utility Contracting Officer, referencing the PR number).

**CRITICAL**: Purchasing Group: PWA, UPC S1190200

1. **Utility Company** - Provide name of utility company, point-of-contact, phone and address.
2. **GSA Areawide** – If the utility has a GSA Areawide contract, complete and attach the appropriate Authorization (Exhibit A, B or C). The issuing office is the WASO-WCO (Washington Contracting Office) and not the park. If you need assistance finding or completing the form, contact the WASO Utility Contracting Office.
3. **Description of Services** – This would include any terms and conditions the utility and/or the park need to include in the contract.
4. **List of Accounts** – Provide a list of your accounts, meter number, rate plan, service address, billing address.
5. **Electricity Usage** – Provide an estimate of the Park’s annual usage (in dollars and kilowatt hours).
6. **Sole Source Determination** – Provide the sole source justification using the attached JOFOC form. Fill in the parts marked in red and make other edits as necessary. The JOFOC must be signed (not electronically) by the park. A scanned copy of the JOFOC will be accepted.
7. **MAP** – Provide a map of location(s), if appropriate.

Next Steps

1. **Initial Steps** – The WASO Contracting Officer (WASO CO) will begin discussions with the utility. (Note: If you already have a proposal from the utility for the service agreement, you need to send it in with the Purchase Request and other documents.)
2. **Negotiations** – These service agreements/contracts can take some time to negotiate, however, our goal is to get these done as efficiently as possible for the park. The Contracting Officer will work with the Solicitor’s office, the park or project staff and the utility to come to agreement.
3. **Issue Contract** – Once agreement is reached, the WASO CO will award a contract to the utility.

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION (JOFOC)

In accordance with the authority granted under 41 United States Code (U.S.C.) 3304(a)(1), this request for award under other than full and open competition is hereby submitted.

1. **Identification of the Agency and the Contracting Activity:**

National Park Service, Washington Contracting Office (WCO)

1. **Nature and/or Description of the Action Being Approved:**

Identify the utility service that will be performed.

1. **A Description of the Supplies or Services Required to Meet the Agency’s Needs, Including the Estimated Value:**

Describe the project and estimated costs.

1. **An Identification of the Statutory Authority Permitting Other Than Full and Open Competition:**

*FAR 6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements*

1. **A Demonstration That the Proposed Contractor’s Unique Qualifications or the Nature of the Acquisition Requires Use of the Authority Cited:**

Utility name is the only responsible source that can provide the needed utility services in this acquisition.

[Explain circumstances here, i.e. utility owns power lines, meters, or pipes; utility will own new installation.]

1. **A Description of 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 FAR Subpart 5.2 and, If Not, Which Exception Under FAR 5.202 Applies:**

Based on applicable market research, no utility company other than utility name exists that can provide the services needed. [Specify research conducted].

Exception 5.202 (a)(5) applies, so no public notice or synopsis was issued.

Based on applicable market research, no utility company other than utility name exists that can provide the services needed.

1. **A Determination By the Contracting Officer That the Anticipated Cost to the Government Will Be Fair and Reasonable:**

The National Park Service will ensure that any and all proposed costs align with the Independent Government Cost Estimate and fair market prices.

1. **A Description of the Market Research Conducted (see FAR Part 10) and the Results or a Statement of the Reason Market Research Was Not Conducted:**

As previously noted, based on applicable market research, only one utility company can provide the services needed by the National Park Service in this procurement.

1. **Any Other Facts Supporting the Use of Other Than Full and Open Competition (see FAR 6.302-2 (9) (i) – (iii) for some examples):**

This is a sole source utility project/agreement that will be carried out in accordance with the provisions in *FAR 41 – Acquisition of Utility Services*.

1. **A Listing of the Sources, If Any, That Expressed in Writing, an Interest in the Acquisition:**

None.

1. **A Statement of the 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:**

The National Park Service will continue to monitor the utility marketplace to ensure that competition, as feasible and allowable by state regulations, occurs.

**12. Certification:**

**I certify that any supporting data that is the responsibility of technical or requirements personnel (i.e. verifying the Government’s minimum needs or schedule requirements or other rationale for other than full and open competition) and which form a basis for the justification have been certified as complete and accurate:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Signature) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Date)

(Type or Print Name): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**(Title):**

**I certify that the justification is accurate and complete to the best of my knowledge and belief:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Date)

(Type or Print Name): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Contracting Officer**

**Reviewed for Legal Sufficiency by Solicitor’s Office (over $500,000 or as requested):**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Date)

(Type or Print Name): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **Attorney-Advisor**

**Reviewed/Concur/Approved by: (if applicable)**

**(Signature) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Date) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**(Type or Print Name): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Regional or Center Chief of Contracting**

**Reviewed/Concur/Approved by: (if applicable)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Signature) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Date)

(Type or Print Name): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Bureau Competition Advocate**

*version 9-22-09*