



DEFENSE LOGISTICS AGENCY
ENERGY
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J&A Tracking Number 26-0019

Justification for Other than Full and Open Competition
Utility Energy Service Contract SP0604-26-R-0408

1. Summary/Introduction:

The Defense Logistics Agency (DLA) Energy, a Major Subordinate Command of DLA, is procuring a Utility Energy Service Contract (UESC) on behalf of the United States Air Force (USAF) Warner Robins Air Logistics Complex (ALC) located on Robins Air Force Base (AFB), Georgia. A UESC is an energy performance contract authorized under 42 USC § 8256 that allows federal and DOD contracting activity or agency to contract directly with a Utility company. Warner Robins ALC wants to implement an energy performance project using a UESC.

This Justification and Approval (J&A) is intended to secure approval for an other than full and open competition procurement with Georgia Power Company (GPC). DLA Energy plans to engage GPC in solicitation SP0604-26-R-0408 and intends to award a Firm Fixed Price (FFP) task order (TO) against GPC's General Services Administration Areawide Public Utility Contract (GWAC) number 47PA04-25-D-0026. The awarded TO will implement the Energy Conservation Measures (ECMs) outlined in two completed Investment Grade Audits (IGA) at Warner Robins ALC. DLA Energy undertakes this UESC procurement pursuant to DFARs 241.103(1)(ii) authorizing contracting officers to enter into an energy savings contract under 10 USC § 2913 for a period not to exceed 25 years. The estimated value of the resultant contract is [REDACTED]

This action is exempt from full and open competition under the authority of 10 U.S.C. § 3204(a)(1) as implemented by FAR 6.103-1 (Only One Responsible Source and No Other Supplies or Services will Satisfy Agency Requirements), and in conjunction with 42 U.S.C. § 8256 and in 10 U.S.C. § 2913. These authorities allow DLA Energy to acquire energy savings contracts from a single responsible source when no other supplies or services will satisfy the agency's need. In this case, the statutory authority is executed through an UESC.

2. Nature and/or description of the action being approved (FAR 6.104-1(a)(2)):

Warner Robins ALC seeks to implement ECMs identified in two completed IGAs as a UESC project at Warner Robins ALC. This action serves to award an FFP TO against GPC's GWAC, number 47PA04-25-D-0026. The two IGAs were previously completed by GPC and delivered to Air Force Civil Engineer Center (AFCEC)/Warner Robins ALC. GPC is a Utility company servicing Robins Air Force Base (AFB) territory. The Georgia Public Service Commission (GPSC) regulates utility service companies operating in the State of Georgia and allocates service territories to the utility. GPC, a subsidiary of Southern Company Services, Inc., is a utility distribution company servicing the Houston County area and regulated by GPSC. GPC is an eligible serving utility that provides demand side management services required by the UESC in the Robins AFB area. Warner Robins ALC will provide DLA Energy with USAF Working Capital Funds to fund this UESC project.

3. Description of supplies or services required to meet the agency's need (including estimated value) (FAR 6.104-1(a)(3)):

This UESC procurement is required to execute the implementation and performance of two completed IGAs at Robins AFB. The two IGAs were for the design and development of energy savings measures (ECMs) for Warner Robins ALC's [REDACTED] The two IGAs

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were previously procured by the U.S. Army Corps of Engineer (USACE), Huntsville Engineering and Support Center (CEHNC), Alabama. USACE utilized GSA's UESC areawide contract (GWAC) GS-00P-15-BSD-1134 to award two separate task orders W912DY-17-F-0029 and W912DY-18-F-0820 to Georgia Power Company on a sole source basis to procure the two IGAs. Warner Robins ALC funded the two task orders to procure the IGAs.

The two IGAs were completed and subsequently delivered to Robins AFB. After receipt of the two IGAs, Robins AFB and AFCEC Energy and Program Managers requested DLA Energy to take the follow-on actions to implement the two IGAs. Upon TO award, GPC will implement the ECMs identified in the two completed IGAs to address Warner Robins ALC energy and resiliency needs. The estimated award value is [REDACTED]

In a UESC, a Utility typically provides only performance assurance to meet energy savings; however, AFCEC requires guaranteed energy savings for a Utility engaged in a UESC project in an installation or base under AFCEC's cognizance. Moreover, a UESC allows agencies to take advantage of third-party financing for projects that generate savings. GSA's area-wide contracts for UESCs follow FAR Part 41 provisions and conditions. Utility/UESC service is available to the general public and considered commercial service.

The Energy Policy Act of 1992 (EPACT-92) established utility incentive programs pursuant to 42 U.S.C. § 8256(c) encouraging and authorizing federal agencies to participate in services intended to increase energy efficiency in the areas of gas, water or electric utilities using upgraded technology and the use of renewable and sustainable sources of energy. EPACT allows agencies to accept financial incentives, goods, or services generally available from any such utility to increase energy efficiency or to conserve water or manage electricity demand. Each agency is encouraged to negotiate with the Utility to design cost-effective demand management and conservation incentive programs to address the needs of its facilities.

4. Identification of the statutory authority permitting other than full and open competition (FAR 6.104-1(a)(4)):

This J&A is based upon the authority of 10 U.S.C. § 3204(a)(1), as implemented by FAR 6.103-1 authorizes and justifies this acquisition without providing for full and open competition. For the services required by the agency, GPC is the only authorized and eligible Utility company that provides Demand Side Management Services within Robins Air Force Base franchised areas, and no other type of services will satisfy the agency requirements.

5. Demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited

The Georgia Public Service Commission (GPSC) regulates utility service companies operating in the State of Georgia and allocates service territories to a specific Utility company. GPC, a subsidiary of Southern Services Company, Inc., is a utility distribution company servicing the Houston County area and is regulated by GPSC. GPC is an eligible serving utility that is legally authorized to provide electric utility services in Houston County territory that encompasses the Robins AFB franchised area and offers demand side management services under its GSA Areawide Contract (GWAC).

The two IGAs were for the design and development, by GPC of energy savings measures (ECMs) for Warner Robins ALC's [REDACTED]. GPC is responsible for developing the IGA that will contain the designs, drawings, descriptions, and the technical specifications along with the performance assurance plan, and measurement and verification plan that will eventually serve as the scope of work and performance work statement after review, approval, and acceptance by the Government. The Government depends on the utility's technical and industry knowledge to propose and

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investigate appropriate ECMs to meet the goals of Warner Robins ALC. GPC is the only utility that provides electricity distribution and demand side management services to Robins AFB. It is an authorized eligible electricity distribution and demand side management services Utility that serves Robins AFB.

The Energy Policy Act of 1992 (EPACT) (codified as 42 U.S.C. § 8256) authorizes and encourages agencies to participate in programs to increase energy efficiency and for water conservation or the management of electricity demand conducted by gas, water, or electric utilities and generally available to customers of such utilities. 42 U.S.C. § 8256 authorizes government agencies to take advantage of the expertise, rebates, and other financial incentives offered to customers of serving distribution utility providers for reducing energy consumption. EPACT allows agencies to accept financial incentives, goods, or services generally available from any such utility to increase energy efficiency or to conserve water or manage electricity demand. Each agency is encouraged to negotiate with the Utility to design cost-effective demand management and conservation incentive programs to address the needs of its facilities.

In conclusion, GPC is the only responsible source to perform the UESC to address Warner Robins ALC energy and resiliency needs and no other supply or service will satisfy the Warner Robins's requirement as authorized under 42 U.S.C. § 8256 and in 10 U.S.C. § 2913.

6. Description of the efforts made to ensure that offers are/were solicited from as many potential sources as is/was practicable, including whether a notice was or will be publicized as required by Subpart 5.1 and, if not, which exception under 5.101(b) applies (FAR 6.104-1(a)(6)):

On 26 February 2026, DLA Energy posted a Sources Sought Notice (Notice ID SP0604-26-R-0408) in SAM.gov seeking any authorized eligible sources interested in undertaking a UESC project at Warner Robins ALC. The Sources Sought Notice closed on 10 March 2026 at 1500. Only two responses were received: GPC and RV Global Solutions, Inc. (RVGS). GPC provided a timely and compliant response; however, the other responder, RVGS, is not an eligible Utility company. RVGS's business focuses on information technology & management consulting services, and in infrastructure & engineering logistics. The result of the SSN is consistent with GPSC's territory allocation and regulation. As authorized under 42 U.S.C. § 8256, GPC is an eligible authorized source.

Pursuant to FAR 5.101(b)(1)(vi), a pre-solicitation synopsis of the proposed procurement was not posted or published in a GPE. This exception is invoked because UESCs are for utility services (other than telecommunications) for which only one source is available.

Additionally, FAR 41.204(b)(3) states (in relevant part), "Due to the regulated nature of the utility industry, as well as statutory restrictions associated with the procurement of electricity, competition is typically not available within the entire geographical area covered by an areawide contract." This FAR cite further supports the justification for other than full and open competition.

7. Determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable (FAR 6.104-1(a)(7)):

The Contracting Officer shall obtain data other than certified cost and pricing data to establish a fair and reasonable price. The Contracting Officer will conduct a thorough cost/price analysis of the contractor's (Georgia Power) proposal(s) utilizing a combination of techniques in accordance with FAR 15.404-1(b) to include, but not limited to, comparison to historical prices paid and parametric estimating methods. In accordance with FAR 15.408-1, a Price Objective Document (POD) will be generated to document the Government's negotiation position/objectives and obtain the appropriate approval per DEPI 1.690-1(101) prior to negotiations to arrive at a fair and reasonable price for the procurement.

8. Description of the market research conducted and the results or a statement of the reason market research was not conducted (FAR 6.104-1(a)(8)):

Obtaining competition under this proposed UESC acquisition is not possible, given the fact that Georgia Power is the only eligible utility authorized to provide electricity and demand side management services in the franchised territory that includes Robins AFB. Nevertheless, market research was conducted by the Contract Specialist(s):

- a) A search of the GPSC websites at <https://www.psc.state.ga.us/> and <https://rules.sos.state.ga.us/gac/515-11-1> confirmed that Georgia Power Company is an authorized Utility providing electricity for the Robins AFB franchised territory. Georgia Power serves 155 of Georgia's 159 counties.
- b) A search of GSA's Public Utilities contract website at <https://www.gsa.gov/real-estate/areawide-public-utility-contracts/public-utility-contracts-and-modifications> determined that there are four Utilities with GWACs for the State of Georgia: (1) Atlanta Gas Light Company, (2) Canoochee EMC, (3) Southern Company Gas, and (4) Southern Co. Services – Georgia Power Company. However, Southern Company Gas, a subsidiary of AGL Resources, is authorized to operate only within its franchised areas in Atlanta, and Atlanta Gas Light Company likewise serves only its designated Atlanta franchise territory. Canoochee Electric Membership Cooperative (EMC) provides service in the Southeast region of Georgia, while Robins ALC falls within the Northwest region as defined by Georgia Power's service map.
- c) Sources Sought Notice was published on SAM.gov on 26 Feb 2026 to seek eligible utilities serving the Warner Robins franchised area. The Sources Sought Notice closed on 10 March 2026. Two responses: GPC and RVGS responded. RVGS is not an eligible utility company. Its business is in IT and management consulting, and in infrastructure and logistics.
- d) A query to Warner Robins ALC facility/energy managers confirmed there are three utilities providers for the installations: (1) Flint Electric Cooperative, (2) City of Warner Robins, and (3) Georgia Power Company.

(1) Although Flint Energies Cooperative is not a GWAC holder, it does provide electric service within the broader Warner Robins franchise area; however, its service to federal facilities is limited to the off-base Museum of Aviation, which is a co-op member. According to Flint Energies (Flint Membership Cooperative), the cooperative does not offer Demand-Side Management services and only provides electricity to its co-op members. Warner Robins ALC is not a co-op member.

(2) City of Warner Robins is a city-owned Utility company that supplies natural gas, water, sewer, and sanitation services. It does not provide demand side management services.

(3) Georgia Power Company is a Utility that provides electricity distribution and demand side management services to Robins AFB. It is an authorized eligible electricity distribution and demand side management services Utility that serves Robins AFB. It responded as an interested source in providing the services required in this acquisition.

Additionally, in the previous USACE acquisition of the completed and delivered IGA, USACE conducted its own research on electricity distribution and energy management service serving Robins AFB. USACE determined that Georgia Power Company is an eligible utility authorized by the GPSC to provide utility electricity distribution and demand side management services at Robins AFB. In conclusion, GPC is the only responsible source to perform the UESC to address Warner Robins ALC energy and resiliency needs and no other supply or service will satisfy the Warner Robins's requirement as authorized under 42 U.S.C. § 8256.

9. Any other facts supporting the use of other than full and open competition, such as (FAR 6.104-1(a)(9)):

(i) Explanation of why technical data packages, specifications, engineering descriptions, statements of work, or purchase descriptions suitable for full and open competition have not been developed or are not available.

In a UESC, the Utility company is responsible for developing the IGA that will contain the designs, drawings, descriptions, and the technical specifications along with the performance assurance plan, and measurement and verification plan that will eventually serve as the scope of work and performance work statement after review, approval, and acceptance by the Government. The Government depends on the utility's technical and industry knowledge to propose and investigate appropriate ECMs to meet the goals of Warner Robins ALC.

(ii) When 6.103-1 is cited for follow-on acquisitions as described in 6.103-1(c), an estimate of the cost to the Government that would be duplicated and how the estimate was derived.

Not Applicable.

(iii) When 6.103-2 is cited, estimated cost, or other rationale as to the extent and nature of the harm to the Government.

Not Applicable.

10. A listing of the sources, if any, that expressed, in writing, an interest in the acquisition (FAR 6.104-1(a)(10)):

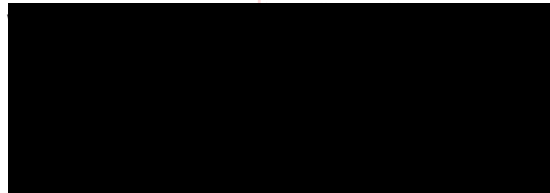
Two possible sources responded to the Sources Sought Notice and expressed interest in this acquisition:

- 1) RV Global Solutions, Inc. (RVGS) – RVGS was deemed ineligible. It is not a Utility company. Its business focuses on IT and management consulting, and in infrastructure and logistics.
- 2) Georgia Power Company (GPC) – GPC is an eligible Utility authorized to provide electricity distribution and energy management services within Robins AFB area.

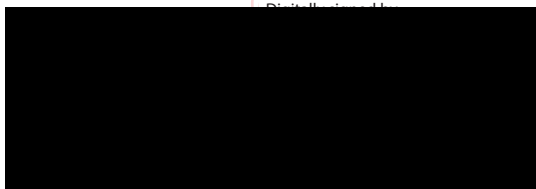
11. Actions that may be taken to remove or overcome barriers to competition before any subsequent acquisition for the supplies or services are required (FAR 6.104-1(a)(11)):

The GPSC regulates and allocates the service territories to the Utility in the State of Georgia. There are no indications that this will change any time soon; however, DLA Energy will continue to monitor the utility landscape for additional utility providers that are authorized by the GPSC to provide electrical and demand side management services in the Robins AFB franchised territory and will reassess competition prior to any new requirements.

I hereby certify that the data which forms the basis for this justification is accurate and complete to the best of my knowledge and belief.



I have reviewed and concur with this Justification.



Approved:

A black rectangular redaction box covering a signature. A small portion of the signature, showing a stylized 'J' or 'G' shape, is visible above the box.