

Justification for Other than Full and Open Competition (JOFOC)

Authority: 41 U.S.C. 253(c), FAR PART 6.3

1. **Agency:** U.S. Environmental Protection Agency
Contracting Activity: Purchase of BNA Daily Environment Report
Contractor: Bureau of National Affairs (BNA), Inc. PR-OEI-12-00008
2. **Nature and/or description of the action:**

This is a sole source procurement of a subscription to the BNA Daily Environment Report. The service provides Agency enforcement, regulatory and technical staff with essential information for environmental health, safety and compliance. Failure to extend this task order would disrupt EPA's ability to respond in an effective and timely manner to the safety, health, regulatory and compliance needs of the Agency for policy, regulations and enforcement determinations. This procurement is consistent with the Agency's top seven priorities to protect human health and safeguard the natural environment.

3. **Description of the Supplies or Services:**

OEI manages access to information on the Agency's Intranet site. This service is an on-line subscription to the BNA Daily Environment Report and will provide access to their exclusive report on-line via the Internet to four umbrella EPA Internet Protocol (IP) addresses that provide access to all Agency staff and on-site contractors.

Period of performance: 1/01/2012 – 12/31/2012.

Estimated value: \$ 120,200.00

DUNS: 003244084

Proposed Source: Bureau of National Affairs
1801 S. Bell Street
Arlington, VA 22202

Contacts: Leslie Monsees
TEL: 913-4638-4906
lmonsees@bna.com

Patrick Riendeau
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priendeau@bna.com

(202) 438-2738.

4. **Authority:** [Check appropriate exception.]

Only One Responsible Source

Authority: 41 U.S.C. 253 (c) (1)

FAR Cite: FAR 6.302-1

Unusual and Compelling Urgency

Authority: 41 U.S.C. 253 (c) (2)

FAR Cite: FAR 6.302-2

Industrial Mobilization

Authority: 41 U.S.C. 253 (c) (3)

FAR Cite: FAR 6.302-3

International Agreement

Authority: 41 U.S.C. 253 (c) (4)

FAR Cite: FAR 6.302-4

Authorized or Required by Statute

Authority: 41 U.S.C. 253 (c) (5)

FAR Cite: FAR 6.302-5

National Security

Authority: 41 U.S.C. 253 (c) (6)

FAR Cite: FAR 6.302-6

Public Interest

Authority: 41 U.S.C. 253 (c) (7)

FAR Cite: FAR 6.302-7

5. **Describe how the contractor's unique qualifications or the nature of the acquisition requires use of the authority cited:**

BNA is the sole provider of the BNA Daily Environment Report. Selecting a publisher or distributor other than BNA would not be possible. BNA is the publisher and the only source that can deliver the electronic version. At this time, BNA has not released the rights for the electronic submission of its resources to any other publisher or distributor.

6. **Describe the efforts made to ensure that offers are solicited from as many potential sources as practicable:**

A JFOC notice will be sent to FedBizOpps (synopsized) for ten calendar days.

7. **The contracting officer determines that the anticipated cost to the Government will be fair and reasonable due to the vendor's published rates, or other available price information.**

It has been determined that the anticipated cost to the Government is fair and reasonable based on prior procurements.

8. **Description of the market research conducted (see FAR Part 10). If no market research was conducted, state the reasons:**

No other market research has been conducted because there is no other publisher of the BNA Daily Environment Report.

9. **Other facts supporting the use of other than full and open competition.**

Only one provider of this service.

10. **List sources that expressed, in writing, an interest in the acquisition. If no sources expressed an interest in writing, indicate such. None.**

11. **Include 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.**

This justification for other than full and open competition is for services that are not currently available from another qualified source. To overcome barriers to future competition for these services a thorough market research will be conducted including contacting and meeting with vendors, and an announcement placed in the Federal Business Opportunities website at <http://www.fedbizopps.gov> to try to enhance future competition.

Approvals –

1) Project Officer's Certification

I certify that the facts and representations stated in this justification are complete and accurate which form the basis to award this requirement.



Signature of Technical Officer

Darlene H. Boerlage

Printed name of Technical Officer

Technical Officer's phone number & E-mail address:

(202) 566-0675

boerlage.darlene@epa.gov

Date: 10/21/11

2) Contracting Officer's Certification

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

[Handwritten Signature]

Signature of Contracting Officer

Lottie Plater

Printed name of Contracting Officer

Contracting Officer's phone number and E-mail address:

Date: 11/16/11

3) Reviewing Official(s):

Level Above Contracting Officer
(> \$500,000)

Signature _____

Printed name and title _____

Date _____

Office of General Counsel
(> \$500,000)

Signature _____

Printed name and title _____

Date _____

4) Approval Official(s):

Competition Advocate
(> \$500,000)

Signature _____

Printed name and title _____

Date _____

**Head of Contracting Activity
(> \$10,000,000)**

Signature (Director, Office of Acquisition Management) _____

Printed name _____

Date _____