

Justification for Other Than Full and Open Competition

PART I-Background

1. Date: August 14, 2012
2. Program Office: Office of Emergency Management (OEM)
3. PO: Jon Gulch On-Scene Coordinator, U.S. EPA-Region 5
Emergency Response Branch, Phone: 734-692-7686
4. Contract No. EP-W-08-074, Portable Satellite Unit (PSU) Services
5. Description of Supplies or Services Required:

Provides continuing sustainment operations and technical support for 56 existing Portable Satellite Units (PSUs). Location of the deployed terminals (PSUs) is both within the continental United States (CONUS) and outside the continental United States (OCONUS) Government sites.

As part of its national assets, the EPA has acquired and maintains 56 existing PSUs within 15 different geographic locations across the U.S. to maintain contact in emergency response situations. Providing high-speed Internet connection is essential for emergency response personnel and/or agencies. In addition, all PSUs and many Mobile Command Posts (MCPs) have Voice over Internet Protocol (VoIP) phone systems that provide incoming/outgoing voice connectivity via a toll-free telephone number.

6. Period of Performance: September 30, 2008–March 29, 2013, Base Year with 4 Option Years (inclusive of 6 month extension)
7. Estimated Contract Amount: Above Simplified Acquisition Threshold and below \$550K
8. Proposed Contractor: Miri Microsystems LLC
3075 Joyce Street, Burton, MI, 48529, Phone: 800-959-6474

PART II-Justification

Pursuant to the requirements of the Competition in Contracting Act (CICA) as implemented by FAR Subpart 6.3 and in accordance with the requirements of FAR 6.302-1(b) Only one responsible source and no other supplies or services will satisfy agency requirements.

1) Agency and Contracting Activity.

The U.S. Environmental Protection Agency (EPA), Office of Acquisition Management (OAM) proposes to enter into an extension of a hybrid contract on the basis of other than full and open competition. The hybrid contract extension includes: (1) Firm Fixed Priced (FFP) line items for bandwidth services, help desk support and quarterly reports; and (2) Time and Material (T&M) line items for repair, replacement, upgrade services and emergency services based on the original contract structure.

2) Nature and/or description of the action being approved.

U.S. Environmental Protection Agency (EPA), Office of Acquisition Management (OAM) proposes to enter into a contract extension on a basis of other than full and open competition. The U.S. Environmental Protection Agency (EPA), Office of Emergency Management, National Approach to Response Field Communications (NARFCOM) has a requirement to extend services on a sole source basis with Miri Microsystems LLC to procure portable satellite services (PSUs) with critical communication and connectivity services.

Under Contract No. EP-W-08-074, EPA has acquired and currently maintains 56 PSUs within 15 different geographic locations across the United States that maintain contact in emergency response situations.

Services under Contract No. EP-W-08-074 provides a single point of contact for continuing sustainment and support for Ku-Band Satellite Transmit and Receive Systems. This action will provide continued sustainment operations and technical support for 56 existing Portable Satellite Units (PSUs). Location of the deployed terminals (PSUs) is both CONUS and OCONUS Government sites.

Proposed Contractor:

Miri Microsystems LLC
3075 Joyce Street
Burton, MI, 48529

The estimated period of the extension is from September 30, 2012 through March 29, 2013. This consists of a three month base period and three one month option periods for a total extension not to exceed six months.

The existing services are currently being performed by Miri Microsystems LLC under Contract No. EP-W-08-074. This contract was competed and awarded in accordance with the procedures under FAR Part 15 under solicitation RFP No. PR-HQ-08-12068, which was posted on Federal Business Opportunities (FedBizOpps) on August 22, 2008 and closed on September 18, 2008. Contract No. EP-W-08-074 was awarded to Miri Microsystems on September 30, 2008 and expires on September 29, 2012.

3) Description of Supplies/Services.

The 56 PSUs under Contract No. EP-W-08-074 provide EPA reliable emergency communications in the field in the event of a natural disaster or any catastrophic event that may occur. The contractor, Miri Microsystems provides EPA with high quality broadband connectivity and antennas throughout the continental United States. This includes high speed internet access as well as private phone lines that enable EPA and other Government agencies to continue operations during large and small national emergency events. In addition, nationwide coverage combined with the rapid deployment capability offered allows first responders to communicate seamlessly during emergency situations.

Miri provides both mobile and fixed broadband satellites systems and professional grade satellite internet sales, installations with options for different connection speeds. In addition, Miri

is equipped with qualified technicians that consult, design, install and maintain the satellites required by EPA to continue emergency operations in the field.

EPA's current Network Operations Center (NOC) is IsoTropic Networks, Inc., located in Lake Geneva, Wisconsin. The current service is provided through several different earth-orbiting satellites for the purpose of redundancy and geographic advantages. EPA requires similar redundancy to the PSUs and requires that services be available and the system be operational to the users 99.95% of the time along with customer care and help desk support (24x7x365). The services provided by Miri under Contract No. EP-W-08-074 includes connecting to the IsoTropic Networks NOC and the use of Hughes Network Systems.

Given the critical nature of this contract in maintaining continuity of operations during the height of hurricane season, it is necessary that the services under Contract No. EP-W-08-074 continue without interruption. To separately procure new equipment and a new contractor, other than Miri Microsystems, at this critical juncture, would put EPA's ability to respond effectively during emergency situations at risk.

The anticipated contract extension not to exceed six months allows for a re-competition of these services and adequate time for transition between the incumbent and the awardee. The three-month base period is the estimated time required to complete the competitive process to award a new contract. In addition, an estimated 30 day transition period is required for an orderly transfer of intellectual knowledge necessary to allow the follow-on contractor to perform at a reasonable acceptable level.

4) Identification of Statutory Authority Permitting Other Than Full and Open Competition.

Citation: 41 U.S.C. 253(c), FAR Subpart 6.302-1(b) Only one responsible source and no other supplies or services will satisfy agency requirements. It is determined that the services are only available from only one supplier with unique capabilities.

5) Demonstration That the Proposed Unique Qualifications or the Nature of the Acquisition Requires Use of the Authority Cited.

The Contracting Officer has determined that issuing the proposed extension of the contract to Miri Microsystems to continue this effort represents the best value and will result in the lowest cost alternative, considering price and administrative costs, to meet the Government's need.

EPA requires a transition plan that allows for continuity of services as the current contract is phased out and the new contractor is phased in whereby the new contractor will have gained the necessary knowledge and secured the Network Operations Center to ensure successful performance under this important contract. It is unacceptable to have the slightest blackout of service for any period of time during the transition. It is EPA's requirement to have little or no lapse in service for any PSU or its current provider for its Network Operations Center (NOC) during this timeframe. Similar to the PSUs, the new contractor would be responsible for selection of the NOC that provides support under the follow-on contract.

At the time of award under Contract No. EP-W-08-074, a transition plan was not included in the contract to allow for the required seamless transition from the current contract to the follow-on contract that ensures no delays or service disruptions. After contract award, it has become

apparent that a transition in which the current contract overlaps with the follow-on contract is essential for continuity of services.

A contract award without a transition plan in place at this critical time period could present significant performance and cost risks in terms of:

-interoperability: if a new satellite unit is offered or is built by another contractor that does not function optimally with EPA's bandwidth service.

-interchangeability: if satellite units are composed of entirely different equipment or components.

-end-users operability: if users in the field must be trained on how to use different types of satellite units from different contractors.

-warranty: if satellite units not provided by the contractor must be repaired or upgraded.

An overlap of the current and follow-on contract with a transition plan allows EPA assurances of continuity of services during emergency situations and the flexibility for EPA to purchase additional PSUs, as needed, and increase bandwidth on a per unit/per month basis for an emergency response. An extension to add the transition plan will ensure that EPA meets its emergency response requirements during the height of hurricane season.

A current extension of services with Miri Microsystems is essential because it provides support to EPA through its PSU services during emergency situations like Hurricane Katrina, recovery efforts after Hurricane Rita, vital communication support of the Gulf Oil Spill and any other emergency response situation. The Government would be adversely impacted due to abruptly transitioning to another contractor.

6) Description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.

Citation: 41 U.S.C. 253(c), FAR Subpart 6.302-1(b) Only one responsible source and no other supplies or services will satisfy agency requirements. It is determined that the services are only available from one supplier with unique capabilities.

7) Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable.

The Contracting Officer will make a determination that the price is fair and reasonable based on a cost analysis of the contractor's proposal and negotiations, if appropriate. Furthermore, the pricing structure (hybrid of firm fixed price line items and T&M line items) will be preserved under the extension. The results of this analysis will be documented in a price justification memorandum.

8) Description of Market Research.

Market Research was conducted to identify available sources and evaluate current labor rates in the marketplace as follows:

- Prior Acquisitions
- GSA Schedules, www.gsaelibrary.gsa.gov

Based on the market research conducted on GSA and in the open market, there are other contractors that can provide similar services. Miri Microsystems is in the unique position of having the technical expertise and experience along with being the contractor that is currently providing the services under this contract. Having a new contractor take over services on day one of the follow-on contract without overlap would put EPA at risk for service disruption during an emergency.

Therefore, Miri plays a critical role in maintaining that EPA's emergency communications are available during the transition as the new contractor becomes fully functional to perform the services required by this contract. As a result, Miri is the only one source that will satisfy EPA's requirements during the transition to the new contract.

9) Any Other Facts Supporting the Use of Other Than Full and Open Competition.

This extension under the contract is necessary to avoid a break in service for this critical, mission essential requirement. Miri has the corporate knowledge and critical information needed to complete EPA's requirement. An open competition to compete the work in the original solicitation (RFP No. PR-HQ-08-12068) during the height of hurricane season, would cause intolerable delays and would significantly increase the risk of EPA meeting its mission in the event of a national emergency.

10) A Listing of the Sources, if Any, That Expressed, in Writing, an Interest in the Acquisition.

Based upon the rationale as contained in paragraphs 1) through 9) above, no other sources will be solicited.

11) A Statement of the Actions, if Any, the Agency May Take to Remove or Overcome Any Barriers to Competition Before Any Subsequent Acquisition for Supplies or Services Required.

The Government will seek competition of future acquisitions for these services thus eliminating the barriers to competition.

Technical/Requirements Personnel Certification

I certify this requirement meets the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.



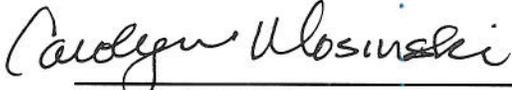
Jon J. Gulch, On-Scene Coordinator
U.S. EPA-Region 5
Emergency Response Branch

8/14/12
Date

12) Contracting Officer's Certification that the Justification is Accurate and Complete to the best of the Contracting Officer's knowledge and Belief.

I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief. Therefore, I approve this action and deem it to be in the best interest of the Government in accordance with FAR 6.304(a)(1) and the Acquisition Handbook 4.1.5 item no. 26.

Recommend:



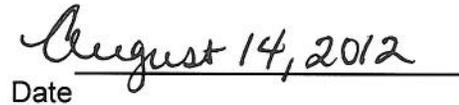
Carolyn Mosinski
Contracting Officer


Date

Approve:



Lynette Gallion
Team Lead/Contracting Officer


Date

Contracting Officer Contract Information
Carolyn Mosinski, Contracting Officer
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