

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: Headquarters Procurement Services Division
Requisition No. PR-OEI-12-00146
Contractor: Elsevier Inc.

2. **Nature and/or description of the action:**

This is a sole source action for a one-year online subscription access to Science Digest magazine which provides all of the Environmental Protection Agency's (EPA) more than 18,000 employees at all Agency locations with the access to more than 180,000 articles in various scientific journals. The Office of Environmental Information (OEI) manages the Agency's access to information via the EPA library on its internal Intranet site. OEI's headquarters library pays for this online subscription. EPA employees use this access for its scientific, regulatory and technical staff in order to support policy, scientific and research determinations for rulemaking. This online access is the most cost-effective method of accessing the information and data as part of the Agency's mission to protect the public health and safeguard the natural environment to meet regulatory requirements. It also eliminates the necessity for the library to create multiple copies of the hardcopy documents for the EPA libraries at each location, as well as reducing recycling and printing requirements.

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

Scientific Journals on-line from Science Direct, Elsevier, Inc.

Estimated value: \$588,475.01 for one year to be paid in quarterly amounts.

Proposed Source: Elsevier Inc.
360 Park Avenue South
New York, New York 10010

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

[X] Only One Responsible Source
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5. **Describe how the contractor's unique qualifications or the nature of the acquisition requires use of the authority cited:**

These online resources are defined under the Copyright Act of 1976, Title 17 U.S.C. and are therefore subject to copyright protection. Science Direct is the sole holder of the

copyright in the Science Direct online resource in its entirety and does not authorize or delegate distribution rights to any other contractor.

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

The contracting officer (CO) published a sources sought notice on December 14, 2011 on the Government Point-of-Entry, FedBizOps, website with a request for any interested party or authorized reseller with the capability to provide equivalent access to respond to the CO no later than 12:00 p.m. on December 30, 2011.

7. The CO 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.

Elsevier's journals access is a commercial subscription service. The company's online pricing is based upon the list price for its print journals. Elsevier provides a 10 % discount and a 50% content fee off of its standard commercial rates. These discounted rates are the same as the ones that Elsevier charges other Government agencies, states and local entities.

8. Description of the market research conducted. If no market research was conducted, state the reasons:

The OEI librarian and the contracting officer used various search engines to determine if the Agency could gain access to the same scientific journals as those provided via this online subscription but found none, and the contracting officer didn't receive any responses to the FedBizOps notice.

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

N/A

10. List sources that expressed, in writing, an interest in the acquisition. If no sources expressed an interest in writing, indicate such.

No other sources have expressed any interest in writing to the CO's sources sought notice.

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. The EPA OEI librarian will continue to use market research to locate other sources in order to overcome barriers to future competition for access to scientific journal articles currently only available through the

Science Direct online subscription. The Office of Acquisition Management and the Office of Environmental Information will endeavor to try to to enhance future competition. However, at the present time there is no other known resource.

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.

_____/s/_____

_____Darlene Boerlage_____

Signature of Technical Officer

Printed name of Technical Officer

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

(202) 566-0675 boerlage.darlene@epa.gov

Date: January 4, 2012

2) Contracting Officer's Certification

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

Lin Pinskey
Signature of Contracting Officer

Lin Pinskey
Printed name of Contracting Officer

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

(202) 564-4394 pinskey.lin@epa.gov

Date: January 5, 2012