

U.S. ENVIRONMENTAL PROTECTION AGENCY
JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
Under Authority of 41 U.S.C. 253(c)(2) as set forth in Federal Acquisition Regulation
(FAR) 6.302-2 — Unusual and Compelling Urgency
Extension of Period of Performance – Superfund Organic Methods (SOM01.2) Multi-
Media, Multi-Concentration

(1) Identification of the agency and the contracting activity, and specific identification of the document as a “Justification for other than full and open competition.”

Date: August 25, 2010

Program Office:

U.S. Environmental Protection Agency (EPA)
Office of Solid Waste and Emergency Response (OSWER)
Office of Superfund Remediation and Technology Innovation (OSRTI)
Analytical Service Branch (ASB)
Potomac Yards South
2777 Crystal Drive
Arlington, VA 22202

Contracting Officer’s Representative:

Philip Cocuzza, Manager for the CLP Organic Program
(732) 632-4765
cocuzza.phil@epa.gov

Title: “Superfund Organic Methods (SOM01.2) Multi-Media, Multi-Concentration”

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

Extension of the period of performance for Superfund Organic Methods (SOM01.2) Multi-Media, Multi-Concentration contracts. Six contracts will be extended for nine months due to a protest (number B-403360) of the competitive range determination for the current solicitation (PR-HQ-09-12542) to continue services under SOM01.2. The protest was filed with the Government Accountability Office on August 2, 2010. After review of the protest, corrective action was deemed appropriate and the government envisions that award of the competitive contracts will require an additional nine months. For this reason, an extension is needed to the period of performance of the existing contracts in order to avoid serious injury to the Agency’s mission objectives during the extended evaluation period.

The following are the contractors/contracts to be extended, under which the required work is currently being accomplished: A4 Scientific, Inc., EP-W-05-036; ALS Laboratory Group, EP-W-05-026; KAP Technologies, EP-W-05-032; Liberty Analytical, EP-W-05-028, Mitkem Corp., EP-W-05-030; and Shealy Environmental, EP-W-05-031.

(3) A description of the supplies or services required to meet the agency's needs (including the estimated value).

The purpose of the multi-media, multi-concentration organic analytical service is to provide analytical data for use by the U.S. Environmental Protection Agency (USEPA) in support of its investigation and clean-up activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and the Superfund Amendments and Reauthorization Act of 1986 (SARA). Other USEPA Program Offices that have similar analytical data needs also use this service.

The organic analytical service provides a contractual framework for laboratories to apply USEPA Contract Laboratory Program (CLP) analytical methods for the isolation, detection, and quantitative measurement of 52 volatile, 67 semivolatile, 21 pesticide, and 9 Aroclor target compounds in water and soil/sediment samples. The analytical service provides the methods to be used, and the specific contractual requirements by which USEPA will evaluate the data. This service uses Gas Chromatograph/Mass Spectrometer (GC/MS) and Gas Chromatograph/Electron Capture Detector (GC/ECD) methods to analyze the target compounds.

Period of Performance: The current contracts will be extended from September 28, 2010 to June 28, 2011.

Estimated Contract Amount: The maximum potential value and the maximum ordering amounts of the extended contracts remain unchanged, however; the estimated aggregate total dollar value for all the contracts for the extended period is \$7,524,000.00. The estimate is based on the average monthly number of samples analyzed in the past year of data, multiplied by the average sample cost.

(4) An identification of the statutory authority permitting other than full and open competition.

The statutory authority for this contract being awarded without full and open competition is:

- I. FAR Subpart 6.302-2 which implements 41 U.S.C. 253(c)(2) – *Unusual and compelling urgency*.

(5) A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.

This requirement for unusual and compelling urgency is necessary to continue work under the existing contracts. EPA has the responsibility of maintaining qualified organic laboratories to meet the Agency's mission to chemically analyze field samples from various waste sites across the United States. Analysis is required to determine the presence or absence of contamination, quantify the health risk to the public and the environment and monitor the effectiveness of the treatment systems used to reduce the level of contamination at the sites.

The Sample Management Office (SMO) schedules samples with laboratories six weeks in advance on active contracts. With the contracts expiring September 28, 2010, the program is currently in need of active orders to continue scheduling without interruption. Failure to extend these contracts will result in the following serious injuries to the Government:

The Agency's inability or failure to:

- a. meet statutory mandates to protect human health and the environment;
- b. make hazardous waste sites safer, by basing site evaluation decisions on available data of documented known quality, in accordance with The National Contingency Plan;
- c. list and de-list hazardous waste sites on the National Priorities List (NPL);
- d. provide accurate sample analyses data to determine time-sensitive remediation and removal options for contaminated sites;
- e. provide analytical data to be used as evidence in court cases for Superfund enforcement and cost recovery; and,
- f. serve as a basis for educated decisions on cleanup actions or risk assessment.

(6) 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 Subpart 5.2 and, if not, which exception under 5.202 applies.

A notice of this contract action was not advertised in FedBizOpps, due to the urgent and compelling nature of this acquisition. The authority cited in FAR 5.202(a)(2) applies.

(7) A determination by contracting officer that the anticipated cost to the Government will be fair and reasonable.

The anticipated cost to the government will be fair and reasonable. The prices in the extensions are the same as in the existing contracts, which met the standard for adequate price competition in FAR 15.403-1(c)(1)(i), and have been the subject of a price analysis under FAR 15.403-1(c)(1)(iii).

(8) A description of the market research conducted (see Part 10) and the results or a statement of the reason market research was not conducted.

The most recent market research conducted prior to the release of the solicitation (PR-HQ-09-12542) to continue services under SOM01.2 did not show any technological advances or other significant changes in the market.

(9) Any other facts supporting the use of other than full and open competition.

All expiring contracts are being extended under this contract action. Therefore, competition between vendors is not being limited due to the competitive nature of the sample ordering process. Each vendor will continue to be considered for sample scheduling as per the terms of the contracts.

(10) A listing of the sources, if any, that expressed, in writing, an interest in the acquisition.

There are no listings of sources in this action.

(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 the supplies or services required.

No barriers to future competition exist, as the 3-year follow-on contracts are currently being competed using full and open competition, with a 50% set-aside for small business.

(12) Contracting officer certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief.

I certify that the information contained in the justification above is accurate and complete to the best of my knowledge and belief.



Keith Upah
Contracting Officer

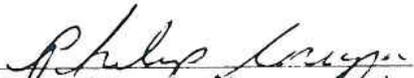


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Project Officer's Certification

I certify that the supporting technical data contained in this JOFOC is complete and accurate.


Philip Cocuzza, Manager for the CLP Organic Program
Analytical Service Branch (ASB)

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APPROVAL

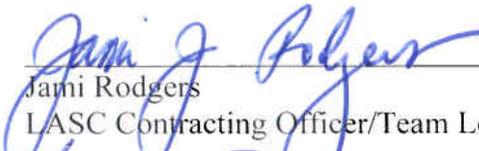


Keith Upah
Contracting Officer

8/25/2010

Date

REVIEW



Jami Rodgers
LASC Contracting Officer/Team Leader

8/30/10

Date



Yvonne Stiso
LASC Manager

8/30/2010

Date

APPROVAL



Susan Moroni
Agency Competition Advocate

8/30/10

Date