

II. Nature and/or Description of the Action Being Processed

State whether the action is a new order or by modification to an existing order. Identify the GSA schedule number, the Blanket Purchase Agreement (BPA) number, the order number for the current action, and the Contactor(s). Indicate the Period of Performance (PoP). Also identify the type of the order/line items on the order (e.g. Firm Fixed Price, Labor Hour, etc).

This procurement is a new order.

The GSA schedule number for the vendor is GS-24F-6165A.

The EPA purchase order number is EP-G115-00044.

The contractor for this order is Waters Corporation, 34 Maple St., Milford, MA 01757.

There is no period of performance for this order as it is a procurement for laboratory equipment.

The order is a firm fixed-price order.

III. Description of the Supplies/Services Required To Meet the Agency's Needs

Specifically describe the supplies and/or services to be acquired including the price and quantity of each item in the order and state the total estimated value of the order. For services, state whether the services are performance-based, and if not, provide rationale for not being performance based. Also state the delivery/performance schedule/period for the items under the order.

EPA Region 5 has awarded a firm fixed-price order for the following items:

- one (1) Xevo TQ-S system at a cost of \$258,987.47

The Xevo TQ-S system is an advanced tandem quadrupole mass spectrometer designed to utilize UPLC/MS/MS applications. The Xevo TQ-S system includes a dual vacuum roughing pump, mains cable kit, and operating computer console.

- one (1) installation certificate at a cost of \$7,583.86

The installation certificate includes set up, specification testing, training, remote connection assist, and warranty

- one (1) Acquity UPLC H-class core system at a cost of \$31,589.16

The core system is an solvent and sample management system used to integrate samples into the testing apparatus. This system can be configured to work with a variety of UPLC optical and mass spectrometry systems.

- freight at a cost of \$1,100.

The total value for this award is \$299,260.49.

IV. Identification of the Justification/Rationale for Limiting Sources and Demonstration of the Contractor's Unique Qualifications to Provide the Required Supply/Service

This section is normally the most detailed part of the justification. To assist you in preparing this justification, an introductory sentence and the four circumstances of FAR 8.405-6 that justify restricting the number of schedule holders, are provided below. Select the appropriate cite, then provide, in narrative form, a detailed explanation supporting the specific circumstance cited for limiting the number of schedule holders.

(Introductory sentence): FAR 8.405-6 requires an ordering activity to justify its actions when restricting consideration of schedule contractors to fewer than required in FAR 8.405-1 or 8.405-. The specific circumstance that justifies restriction for this acquisition is FAR 8.405-6 (b) () (Insert (1), (2), (3), or FAR 8.405-6(a) (2), as applicable).

After selecting the appropriate cite, next select one of the four sentences below and provide a detailed explanation supporting the specific circumstance cited.

FAR 8.405-6 (b) (1), "Only one source is capable of responding due to the unique or specialized nature of the work". *(Provide a detailed justification with supporting documentation, as evidence of the "unique or highly specialized" nature of the procurement. The user/customer typically provides this supporting information. Recommend attaching supporting documentation to the back of the document. General statements are not acceptable)*

FAR 8.405-6 (b)(2), "The new work is a logical follow-on to an original Federal Supply Schedule order provided that the original order was placed in accordance with the applicable Federal Supply Schedule ordering procedures." The original order was not issued under sole source or limited source procedures. *(Provide details on the previously competed order and explain how this order is a logical follow-on to that order. Explain fully the connection between the previous work/order and the current one. The user/customer typically provides this supporting information. General statements are not acceptable)*

FAR 8.405-6 (b)(3), "An urgent and compelling need exists, and following the ordering procedures would result in unacceptable delays" *(Provide a detailed justification with supporting documentation that explains the exact urgency of the requirement and the schedule impact if time were to be taken to follow FSS ordering procedures. The user/customer typically provides this supporting information. Recommend attaching supporting documentation to the back of the document. General statements of urgency are not acceptable)*

FAR 8.405-6 (a) (2), "The item is peculiar to one manufacturer. A brand name item, whether available on one or more schedule contracts, is an item peculiar to one manufacturer". *(Brand name specifications should not be used unless the particular brand name, product or feature is essential to the Government's requirements. Therefore, explain why the particular brand item is essential to the Government's requirements, and why other companies' similar items, or products lacking the particular feature, do not meet, or cannot meet, or cannot be modified to meet, the agency's need. The user/customer typically provides this supporting information. General statements are not acceptable)*

Waters Corporation is the only source of these items as they are the only vendor to offer the mass spectrometer that incorporates integrated LC-MS/MS analysis capability. The new UPLC/MS/MS instrument will be used for the ultra-low analysis of hormones, hormone mimics, degradation products, Triclosan, pharmaceutical and pesticides to support the program offices. The instrument will be used to develop new method for the analysis of analytes of interest to the Office of Water and GLNPO.

The instrument must be very sensitive and robust to environmental samples. The ion source must be of a dual orthogonal design to protect against source fouling. A source isolation valve must be fitted to allow the source elements to be removed for cleaning without breaking instrument vacuum, maximising instrument up time. The isolation valve must be operable without the need for tools. A high efficiency differentially pumped ion guide capable of pumping high gas flows must serve as the transfer optics between the source and analyser. The ion guide between the source and analyser must use a travelling

wave voltage for rapid, axial transport of ions through the device, enabling use of high performance rapid chromatographic separations and acquisition in MS and MS/MS modes. A dual parallel ion tunnel ion guide between the source and analyser to allow the ion beam to be actively separated from neutrals and gas load. Neutrals and gas load must be actively exhausted with the ion beam actively extracted into a parallel off axis ion tunnel for enhanced transmission and to enable focussing into the analyser. A combined ESI/APCI source must be provided as standard with the instrument. ESI and APCI ionisation is achieved using a single probe. Voltage supplies are alternated between the probe (ESI) and the corona pin (APCI). The facility of combined ESI/APCI provides the facility of switching between the two ionisation types during a single LCMS experiment.

The instrument must incorporate two quadrupole mass analysers (MS1 and MS2) each having a mass (m/z) range of 2-2048 amu. It must be possible to rapidly switch between MS (full scan MS and/or SIR) and MS/MS (MRM, product ion scanning, and parent ion scanning, neutral loss) acquisition modes in no more than 5ms, and without changing the pressure of collision gas (argon) within the collision cell. This must be possible without significantly compromising either MS or MS/MS data quality.

V. Determination by the Ordering Activity Contracting Officer that the Order Represents the Best Value Consistent with FAR 8.404(d)

This section needs to be tailored based upon whether the order is for supplies/services not requiring a statement of work (FAR 8.405-1) or if the order is for services requiring a statement of work (FAR 8.405-2).

For FAR 8.405-1 orders the best value determination needs to be based upon the supply or service offered under MAS contracts by surveying at least three schedule contractors through the GSA Advantage! On-line shopping service or by reviewing the catalogs or pricelists of at least three schedule contractors. The ordering Contracting Officer's review of the Contractor's pricelist(s) and any price reductions sought is also required. (Contracting Officer should seek additional price discounts/concessions based on the specific order requirements on all orders over the micro-purchase threshold). In addition to price, when determining best value, the ordering activity may consider, among other factors, past performance, special features of the supply or service required for effective program performance, trade-in considerations, probable life of the item selected as compared with that of a comparable item, warranty considerations, maintenance availability, environmental and energy efficiency considerations, and delivery terms.

*When an order contains brand name specifications, the Contracting Officer shall post the Request for Quote (RFQ) along with the basis of the justification as required by FAR 8.405-6 (post ONLY the basis of the justification, do **NOT** post the actual Justification and Approval document).*

For FAR 8.405-2 orders for services requiring a statement of work, FAR 8.405-2(d) requires that a price evaluation be performed. Therefore, the justification must address how the FAR 8.404(d) requirement for an evaluation of the proposed level of effort and mix of labor will be conducted and include a statement that the Contracting Officer will perform a price reasonableness determination as part of the best value determination.

Pursuant to FAR 8.404(d) items on the Federal Supply Schedules are deemed fair and reasonable.

"Supplies offered on the schedule are listed at fixed prices. Services offered on the schedule are priced either at hourly rates, or at a fixed price for performance of a specific task (e.g., installation, maintenance, and repair). GSA has already determined the prices of supplies and fixed-price services, and rates for services offered at hourly rates, under schedule contracts to be fair and reasonable. Therefore, ordering activities are not required to make a separate determination of fair and reasonable pricing, except for a price evaluation as required by 8.405-2(d). By placing an order against a schedule contract using the procedures in 8.405, the ordering activity has concluded that the order represents the best value (as defined in FAR 2.101) and results in the lowest overall cost alternative (considering price, special features, administrative costs, etc.) to meet the Government's needs. Although GSA has already negotiated fair and reasonable pricing, ordering activities may seek additional discounts before placing an order (see 8.405-4).

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Additionally, there are few manufacturer's of items of this nature. One of the vendors that makes a machine that is similar but not of the same composition or reading ability is on a Federal Supply Schedule and is charged at a cost that is comparable. Since the unit does not provide the specifications that are needed for the testing requirements it is not a viable option for this procurement.

VI. Description of the Market Research Conducted Among Schedule Holders and the Results Or a Statement of the Reason Market Research Was Not Conducted

Discuss market research that was conducted among schedule holders and the market research results that led to the conclusion to go sole source or to limit the number of schedule holders to be solicited. The narrative in this section should provide a high level of confidence that the requirements of 8.405-1 or 8.405-2. If no market research was conducted, state so and provide the rationale.

Market research performed for this procurement was limited to schedule holders. For this specific item the only schedule holder is Waters Corporation. The acquisition staff investigated a similar item on a different schedule and presented it to the program office. After discussions with the program office it was stated there are specifications that are required and the item manufactured by Waters Corporation is the only item that meets those specifications.

VII. Other Facts Supporting the Justification

When FAR 8.405-6(b)(2) is cited for an follow-on acquisition as the basis for the justification, include an estimate of the cost that would be duplicated and the basis and derivation of the estimate, or provide details on why a delay to solicit additional schedule holders would be unacceptable.

Provide any other facts supporting the Limited Sources Justification.

All information is included in the limited source justification.

VIII. Actions the Agency May Take to Remove or Overcome Any Barriers that Led to the Restricted Consideration Before Any Subsequent Acquisition For the Supplies or Services

Describe all efforts to be taken to remove or overcome any barriers that preclude the agency from meeting the requirements of FAR 8.405-1, FAR 8.405-2 before any subsequent acquisition for the supplies or services is made. If no actions are planned, so state and provide reasons.

There are no actions planned as the item was required to meet specific criteria in accordance with industry testing requirements. The acquisition staff and program staff reviewed all options available but only one provided the needed specifications.

IX. Contracting Officer's Certification

The contracting officer's signature on the signature page evidences that he/she has determined this document to be both accurate and complete to the best of his/her knowledge and belief.

I hereby certify that the justification and supporting data are accurate and complete to the best of my knowledge and belief.

David G. Anderson

Signature

06/21/11

Date

X. Technical/Requirements Personnel's Certification

As evidenced by their signatures on the signature page, the technical and/or requirements personnel have certified that any supporting data contained herein which is their responsibility is both accurate and complete.

I hereby certify that the justification and supporting data are accurate and complete to the best of my knowledge and belief.

James B. Jeltz

Signature

6/21/11

Date