

**U.S. ENVIRONMENTAL PROTECTION AGENCY
JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION**

BACKGROUND

Date: 01/03/2012

Program Office: Regional Office/Facilities

Project Officer: Roger Bradshaw/Kathrine Clever
Address: 901 N. 5th Street, Kansas City, Kansas 66101
Telephone Number: 913-551-7035
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E-mail: bradshaw.roger@epa.gov

Project Identification: R7 Furniture Disassembly/Inventory/Storage

Description of Supplies/Services:
Disassembly of existing Herman Miller furniture, Inventory, Storage of furniture during construction phase of new Regional office location.

Period of Performance: 01/23/12 – 8/22/12

Proposed Contractor: John A. Marshall Company
Address: 10930 Lackman Road, Lenexa, Kansas 66219
Telephone Number: 913-599-4700

JUSTIFICATION

- 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."**

The Environmental Protection Agency, Region 7 proposes a Justification for Other than Full and Open Competition (JOFOC).

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

The action to be approved is the award of a sole source contract to John A. Marshall Company for inventory, disassembly, and storage of existing furniture at the new Regional building, for the purpose of emptying the building for construction in preparation for the Regional move to the building.

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

The estimated value of this acquisition is XXXXXXXXXX

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

6.302-2 (2) Unusual and compelling urgency. Delay in award of a contract would result in serious injury, financial or other, to the Government.

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

The statutory authority for issuing this action is *41 U.S.C 253(c)(2) 6.302-2 Unusual and compelling urgency*

EPA Region 7 is currently located at 901 N. 5th Street in Kansas City, Kansas. The Regional office is scheduled to relocate to a new facility located at 11201 Renner Blvd, Lenexa, KS, in FY 2012.

As part of the move, the prior tenant at the new facility abandon a significant quantity of Herman Miller furniture and offered ownership of such furniture to the EPA at no cost. The EPA desired to accept; however, transfer of the ownership of the furniture required a lengthy legal process. The building owner needed the furniture out of the new facility so that construction for EPA's future occupancy could be accommodated. However, the prior tenant would not remove the furniture, and EPA could not move it until ownership of the furniture was obtained.

The construction process is time critical. Failure to immediately begin the process to remove the furniture would delay the start of construction. This would result in serious financial harm to the Agency as it would place the move date in jeopardy; thereby, risking double rent in the amount of ~~17,000~~ per day. Therefore, an immediate award is required.

The John A. Marshall is a Herman Miller Distributor. They sold and installed all the furniture at the facility for the prior tenant/owner. The contractor has extensive experience with the furniture lines and with the actual methods and parts used in this specific installation, currently on site, and for the additional quantity of furniture currently in storage at their warehouse, ownership of which was also transferred to the EPA.

The Agency has a the time critical and urgent need to remove the furniture from the facility to avoid any delay in the building construction which would cause serious financial harm to the Agency, in addition to a requirement for an accurate inventory; disassembly of furniture; and new/continued storage of the same.

For all the reasons stated herein, the EPA has an unusual and compelling urgency to award this contract as a single source to avoid serious financial injury to the Government.

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.

Synopsis Exempt under FAR 5.202 (2).

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

This procurement is subject to Service Contract Act wages. Assumptions were assessed by the contacting staff which indicates the time proposed for each phase is within in reasonable expectations; blue collar service workers will be utilized; Contractor may compensate employees at a higher rate than the Wage Determination; Contractor will ensure oversight throughout the project which will include an oversight wage; Contractor fringe program is assumed to be more than reflected in the Wage Determination considering business status and culture; EPA is gaining value in knowledge and familiarity and the contractor has regarding the equipment and efforts needed, and; overtime may be required to meet the aggressive delivery schedule. Based on a review of the wages, anticipated level of effort, delivery schedule, and assumptions, the Contracting Officer has determined the cost to the Government will be fair and reasonable.

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.

Due to the critical timeframe for award and need to proceed without delay to avoid jeopardizing the move by impact to the construction schedule and thereby cause serious financial harm to the Agency, and due to the unique qualifications of the proposed contractor to meet the requirement, no market research was conducted.

9. Any other facts supporting the use of other than full and open competition, (i), (ii), or (iii).

None.

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

None.

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.

None.

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

CONTRACTING OFFICER CERTIFICATION/APPROVAL

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



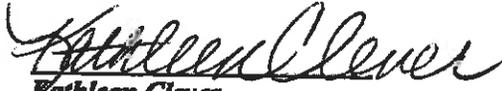
**Melissa A. Witcher,
Contracting Officer, Region 7**

01/15/2012

Date

PROGRAM OFFICE CERTIFICATION

I certify that all supporting data under the responsibility of technical or requirements personnel which form a basis for the justification for other than full and open competition is complete and accurate.


Kathleen Clever

01/15/2012
Date