



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Research Triangle Park, NC 27711

MAY 13 2010

From: Rodney-Daryl Jones *Rodney-Daryl Jones*  
Contracting Officer  
USEPA/RTPPOD

Thru: Lauranne Vogel *Lauranne S. Vogel*  
Service Center Manager  
USEPA/RTPPOD

Neil Stroud *Neil Stroud*  
USEPA/RTP/OARM/OAM *O&C/CRFLO*

To: Susan L. Moroni  
Competition Advocate  
OARM/OAM

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

Re: JOFOC for Spare Parts for [REDACTED], PR-NC-09-10767

Your review and approval is requested of the attached JOFOC in accordance with USEPA Acquisition Handbook 4.1.5 Policy.

[REDACTED] Systems have been purchased from General Atomic Electronics Systems, Inc. (GA-ESI) through a competitive bid process. These [REDACTED] are under a one year warranty by GA-ESI. EPA requires spare parts for repair of the [REDACTED] that have exceeded their one year warranty. Specified parts within these [REDACTED] are proprietary in nature and available only through the original manufacturer, R. T. S. Instruments S.r.l, from Rome, Italy. GA-ESI is the exclusive United States distributor for R. T. S. Instruments S.r.l. Acquiring these specific proprietary components is required to repair the [REDACTED], to prevent impairment or catastrophic failure of critical data collection, and to prevent loss of undermining of scientific data.

Attached:

1. JOFOC
2. Buy American Act D & F
3. [REDACTED]
4. [REDACTED]



## JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

**Nature/Description of Activity(s):** [REDACTED] have been purchased from General Atomics Electronics Systems, Inc. (GA-ESI) through a competitive bid process. These [REDACTED] are under a one year warranty by GA-ESI. EPA requires spare parts for repair of the [REDACTED] that have exceeded their one year warranty. Specified parts within these [REDACTED] are proprietary in nature and available only through the original manufacturer, R. T. S. Instruments S.r.l, from Rome, Italy. GA-ESI is the exclusive United States distributor for R. T. S. Instruments S.r.l. Acquiring these specific proprietary components is required to repair the monitors, to prevent impairment or catastrophic failure of critical data collection, and to prevent loss of undermining of scientific data.

A service contract is in place to a third party service contractor for repair of [REDACTED] Systems requiring repair after expiration of their one year warranty. Although the third party service contractor acquires some available repair parts for repair of monitors, other vital parts are proprietary and available only from GA-ESI. The service contract requires the service contractor to use these proprietary spare parts, and the service contract stipulates that an inventory of these proprietary spare parts will be furnished to the service contractor by the Government. This acquisition will provide the inventory of proprietary spare parts stipulated in the service contract.

**Demonstration of Contractors' Unique Qualifications:** General Atomics Electronic Systems Inc (GA-ESI), San Diego, California, is the exclusive distributor of RTS Instruments, equipment and services in the United States. The components from RTS Instruments are proprietary; these nor equivalent components are available from other sources.

**FedBizOpps Announcement/Potential Sources:** A FedBizOpps synopsis was published April 8, 2010. This was a notice of intent to procure spare parts from only one responsible source. Any response failing to provide a capability statement will not be honored. All responses were due by April 23, 2010 at 12:00 noon EST.

**Determination of Fair and Reasonable Cost:** A spare parts price list was provided which is dated June 19, 2009; and the program office has verified the cost escalation figures for the parts specified in the acquisition for [REDACTED].

**Description of Market Research:** A sources sought notice was released on FedBizOpps on April 8, 2010 to gather new potential sources interested in supplying the parts required. No responses were received is response to the notice. The vendor has certified that GA-ESI is the exclusive distributor of the spare parts. To date, GA-ESI is determined to be the only fully qualified company capable and interested in proposing work to fulfill the requirements.

**Listing of Interested Sources:** General Atomics Electronic Systems, Inc., San Diego, CA

**Reference to the Approved Acquisition Plan (AP)/Program Plan (PP):** This effort does not meet the threshold for an AP.

**Reference for Information Technology (IT)/National Security System (NSS) it and Information Management (IM):** This effort does not meet the threshold for an IT plan.

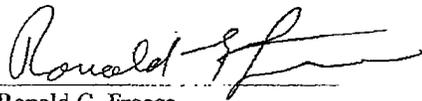
**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION**

**Actions Taken to Remove Barriers to Competition:** It is the intent of the Government to compete future acquisitions for the end products this requirement supports.

**Any Other Supporting Facts:** The spare parts acquisition is critical to the continued operation of the ~~XXXXXXXXXXXX~~. Any further delay of spare parts procurement will jeopardize the continued operation of the national network of ~~XXXXXXXXXXXX~~.

**PART III – PROGRAM OFFICE DIVISION DIRECTOR’S CERTIFICATION**

I certify the data and information contained in this JOFOC are accurate and complete to the best of my knowledge and belief.

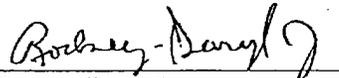
  
Ronald G. Fraass  
Laboratory Director

13 May 2010  
Date

**PART IV – CO’S DETERMINATION**

The anticipated cost to the Government will be fair and reasonable. The market research conducted determined that any components procured from other sources would not work in the monitors, as the components are proprietary to the manufacturer, R T S Instruments S.r.l, from Rome, Italy.

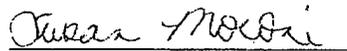
I certify the data and information contained in this JOFOC are accurate and complete to the best of my knowledge and belief.

  
Rodney-Daryl Jones  
Contracting Officer

MAY 13 2010  
Date

**PART V - APPROVAL**

Upon the basis of the following justification, I as Procuring Activity Competition Advocate; hereby approve the use of other than full and open competition for the proposed contractual action pursuant to the authority of 10 U.S.C. 2304(c)

  
Susan Moroni  
Competition Advocate

6/4/10  
Date