

## Justification for Other Than Full and Open Competition

### PART I – BACKGROUND

**Date:** September 27, 2010

**Program Office:** Office of Air and Radiation (OAR)  
Office of Air Quality Planning and Standards (OAQPS)

**Project Officer:** JoLynn Collins  
(919) 541-5671  
[Collins.jolynn@epa.gov](mailto:Collins.jolynn@epa.gov)  
Mail Code C404-02

**Project Identification:** Program Review and Tracking Support

#### **Description of Services Required:**

On October 18, 2005, EPA's Office of Air Quality Planning and Standards (OAQPS) initiated a new contract with Pechan for services in support of program review and tracking support (Contract No. EP-D-06-001). This contract award was made from a small business set aside competition. A new contract award is in progress, but will not be awarded by the current contract expiration date of September 30, 2010. Therefore, additional time beyond the September 30, 2010, expiration date on the current contract is needed to avoid disruption of support for OAQPS' program requirements. The purpose of this Justification for Other Than Full and Open Competition (JOFOC) is to justify the need for additional time for this support.

The original contract contains the standard period of performance of one base 12 month period plus four optional 12 month periods. The fourth and final optional period was exercised on October 1, 2009 and is scheduled to expire on September 30, 2010. Option period four includes 7000 base hours + 14,000 optional quantity hours (available in twenty (20) 720-hour increments). OAQPS has exercised four optional quantities and has sixteen (16) remaining. OAQPS needs to extend option period four by two months, ending November 30, 2010. No additional effort is needed.

OAQPS relies on this contract for support for cost, benefits, and economic analyses, as well as regulatory impacts and quality management for major Office of Air and Radiation rule makings. Any interruption in this support poses a significant risk of missing statutory and court-ordered deadlines. Many of these deadlines will occur within the next 12 months, which requires analytical support well in advance of those deadlines. Specifically, National Ambient Air Quality Standards, New Source Performance Standards, and review of National Emission Standards for Hazardous Air Pollutants are some of the regulatory efforts with approaching deadlines.

Pechan has been providing support for these programs since this contract was awarded in 2005.

Period of Performance:

Extension of Option Period IV – October 1, 2010 to November 30, 2010.

Estimated Potential Contract Amount:

Period	Current Potential	Increase Amount	New Total Potential
Option Period IV	[REDACTED]	No Increase	[REDACTED]

There are adequate hours and dollars available on the contract to support these efforts without increasing the cost ceiling or number of hours.

Proposed Contractor:

E.H. Pechan & Associates  
5528 Hempstead Way  
Springfield, VA 22151

## **Part II – Justification**

This justification cites Federal Acquisition Regulation (FAR) Subpart 6.302-1(a)(2) which implements 41 USC 253(c)(1) – Only one responsible source and no other supplies or services will satisfy agency requirements.

Specifically, Pechan is uniquely qualified to provide the required support for the following reasons:

- (1) Only Pechan can supply the needed services within the time frame the Agency requires

Timing is a critical element to all of the program activities supported by this contract (i.e., the NAAQS, NSPS, and NESHAP projects mentioned in Part I). EPA will be working to complete many of these projects within the next 12 months to meet statutory and court-ordered deadlines. Not only would missing these deadlines result in harsh penalties for EPA officials, but a delay in completing the standards would increase the public's exposure to harmful toxic air pollutants and seriously damage the Agency's credibility with the public.

To provide timely technical support, a contractor must have, at a minimum, the technical knowledge of the profile and dynamics of the regulatory sectors, the processes used, and the pollutants emitted and their associated health effects. In addition, the contractor must be familiar with databases and/or models that are used to provide accurate and efficient analysis.

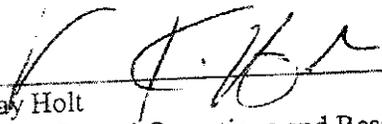
The Agency has a substantial investment in the unique experience and knowledge that Pechan has developed while providing analysis support for the regulatory sectors during performance of the current contract. Furthermore, because our program activities are under considerable time constraints, Pechan is the only available source capable of providing the required support within the time frame required by the EPA. Awarding the extended time to another contractor would jeopardize the Agency's ability to meet statutory and court-ordered deadlines, which could then damage the Agency's credibility and, more importantly, increase the public's exposure to harmful toxic pollutants by delaying the implementation of standards. Therefore, it is in the Agency's best interests to extend the period of performance on this contract rather than competing the extended time.

The agency's plan of action to overcome barriers to competition before subsequent acquisition for these services is to synopsise the requirement and make the procurement opportunity available to all eligible offerors who are capable of satisfying the agency's need.

Finally, this JOFOC does not increase the level of effort or cost on this contract. It only extends the period of performance to avoid a disruption in technical support.

PART III - PROGRAM OFFICE DIVISION DIRECTOR'S CERTIFICATION

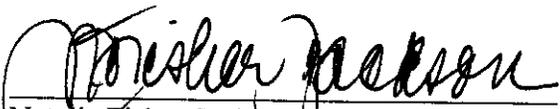
I certify that the supporting data contained in this JOFOC is complete and accurate.

  
\_\_\_\_\_  
V. Kay Holt  
Director, Central Operations and Resources  
OAOPS, OAR, U.S. EPA

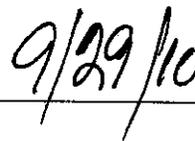
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**PART IV – CONTRACTING OFFICER’S DETERMINATION**

A notice of intent to extend the contract was synopsisized on September 14, 2010. No affirmative responses were received in response to the synopsis. I hereby determine that this two month extension is the most advantageous method fulfilling the Government’s need and the cost is fair and reasonable. I certify that this justification for other than full and open competition is accurate and complete to the best of my knowledge and belief.



Natalia Fisher-Jackson  
Contracting Officer, Environmental Protection Agency  
RTP Procurement Operations Division

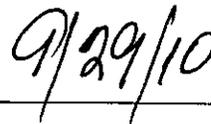


Date

**PART V – APPROVAL**



Natalia Fisher-Jackson  
Contracting Officer, Environmental Protection Agency  
RTP Procurement Operations Division



Date

**Review and Approval – One Level Above CO**



Robert D. Flowers  
Contracting Officer, Environmental Protection Agency  
RTP Procurement Operations Division

