



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Research Triangle Park, NC 27711

## JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

### PART I – BACKGROUND

**Date:** 9/1/2011

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

**Project Officer:** JoLynn Collins  
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**Project Identification:** Support for NATA and Risk Assessment Activities with the Integrated Air Program

#### **Description of supplies or services required:**

On September 29, 2006, EPA's Office of Air Quality Planning and Standards (OAQPS) initiated a new contract with EC/R for services to support national air toxics assessment activities (Contract No. EP-D-06-119). 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 28, 2011. Therefore, additional time beyond the September 28, 2011, 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 explain 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 September 29, 2010. Option period four includes 5,000 base hours plus 15,000 optional quantity hours (available in 10 1,500-hour increments). The OAQPS has exercised ten (10) optional quantity increments. The OAQPS needs to extend option period four by six (6) months, ending March 31, 2012. No additional effort is needed.

The OAQPS relies on this contract for support for risk assessment activities associated with the standards development under the authority of the Clean Air Act, including sections 112(d), 112(k), and 112(f). In addition, this contract supports risk assessment activities

associated with national, regional, and community-based initiatives on multi-media and cumulative risks; National Air Toxics Assessments; and education and outreach on health risks associated with standards development. 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.

EC/R has provided support for these programs since this contract was awarded in 2006.

**Period of Performance (Base year and options) or Date of Delivery:**

Extension of Option Period IV – September 29, 2011 to March 31, 2012.

**Estimated Contract Amount:**

Period	Current Potential	Increase Amount	New Total Potential
Option Period IV	\$1,500,108	No Increase	\$1,500,108
	20,000 man-hours	No Increase	20,000 man-hours

**Proposed Contractor:**

EC/R Incorporated  
501 Eastowne Drive, Suite 250  
Chapel Hill, NC 27514

## 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, EC/R is uniquely qualified to provide the required support for the following reasons:

- (1) Only EC/R 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., National Ambient Air Quality Standards, New Source Performance Standards, and National Emission Standards for Hazardous Air Pollutants). The EPA will work 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 and additional court action 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. Finally, the contractor must have access to, and a working knowledge of, the voluminous information needed to document the bases of the analysis and the standard being developed. Acquiring this knowledge and expertise may take a contractor up to three years and usually requires a substantial investment on the part of the Agency. Therefore, once a contractor has gained this type of institutional knowledge about a specific regulatory sector and developed work products and files for use in a standards development effort for that sector, it is in the Agency's best interests to continue utilizing that contractor's support for future analytical projects covering the same sector, when time is of the essence. Because EC/R has provided support for the critical projects referenced above, they are the only contractor that can provide the level of expertise required to meet the mandated deadlines.

- (2) Using another contractor would result in a substantial duplication of effort.

In addition to the time considerations discussed above in item (1), a substantial amount of resources would also be required for another contractor to acquire a level

of knowledge and expertise which is equivalent to EC/R's knowledge and expertise. To require another contractor to develop similar expertise would be an expenditure of these resources and would constitute a significant duplication of effort.

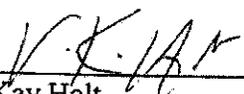
(3) Summary

The Agency has a substantial investment in the unique experience and knowledge that EC/R has developed while providing risk assessment support for the regulatory sectors during performance of the current contract. Furthermore, because our program activities are under considerable time constraints (many of which are court-ordered), EC/R 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.

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.

  
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V. Kay Holt  
Director, Central Operations and Resources  
OAQPS, OAR, U.S. EPA

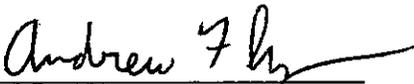
7/25/2011  
\_\_\_\_\_  
Date

PART IV - CO'S DETERMINATION

The intent to sole source was posted at FedBizOpps on August 8, 2011. All responsible sources were invited to submit a capability statement for consideration. No responses were received.

I hereby determine that this six month extension is the most advantageous method for fulfilling the Government's requirement and the anticipated cost to the Government for this requirement will be fair and reasonable. I certify that this justification is accurate and complete to the best of my knowledge and belief.

Prepared by:

  
\_\_\_\_\_  
Andrew Flynn  
Contract Specialist  
RTP Procurement Operations Division

  
\_\_\_\_\_  
Date

