



OFFICE OF
ADMINISTRATION
AND RESOURCE
MANAGEMENT

LIMITED SOURCE JUSTIFICATION

FAR 8.405-6(a)(1)(i)(B)

AGENCY

U.S. Environmental Protection Agency (EPA)

CONTRACTING ACTIVITY

Office of Acquisition Management (OAM), Superfund/RCRA Regional Procurement Operation Division (SRRPOD), Headquarters Contract Service Center (HCSC)

REQUIREMENT TITLE

National Rollout of Region 4 State Measurement Template

AUTHORITY

In accordance with FAR 8.405-6(a)(1)(i)(B)

NATURE AND DESCRIPTION OF THE ACTION BEING APPROVED

This sole source contracting action is pursuing a waiver from placing an order on a competitive basis pursuant to FAR 8.405-2 for the aforementioned requirement based on the application of FAR 8.405-6(a)(1)(i)(B), which states, "Only one source is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized." The requirement exceeds the simplified acquisition threshold and the estimated value is \$590,125.33 (inclusive of all options). This requirement will involve access to proprietary Re-TRAC Connect™. The period of performance for this effort will be a 12-month base period with three (3) 12-month option periods and optional line items, beginning July 24, 2013 through July 23, 2017.

DESCRIPTION OF THE SUPPLIES OR SERVICES REQUIRED TO MEET THE AGENCY'S NEEDS

Nationally, the EPA is working to increase the reuse and recycling of municipal solid waste (MSW). To help accomplish and document this goal, EPA, states and other stakeholders have realized that a consistent standard for measurement of MSW and recycling must be developed. The Government has a requirement for a web-based environmental measurement system that provides a state-to-state, apples to apples comparison of recycling and solid waste data that can share basic state programmatic and system information. The system must allow multi-tier access in real time by various stakeholders and

entities and conform to the national solid waste recycling measurement process and support of the WasteWise Partnership.

The requirement calls for a transparent, web based data collection and management system for a national recycling and solid waste management that allows local units of government, states and regions access to real-time data and information on materials management. Data will be entered and evaluated at the local level or agglomerated at the state, regional or national level for a comprehensive look at solid waste management and recycling through a comprehensive and easy to use reporting structure. The system must automatically generate summaries of data submitted by State agencies and then organize, aggregate, and analyze through a report engine and be made available to other State Governments and the US EPA.

After a successful multi-year collaborative effort, extensive market research, and an EPA Region 4 pilot using Re-TRAC™, the Government has found and tested with confirming results that Re-TRAC Connect™ is a robust data management tool that it can now use on a national level. The system is called Re-TRAC Connect™ offered by Emerge Knowledge Design, Inc. is commercially available on the GSA Federal Supply Schedule (FSS) as a commercial-off-the-shelf (COTS) subscription service under Schedule 70. Emerge Knowledge Design is the only contractor that can provide proprietary services for the Re-TRAC Connect and has not licensed the resale rights to the Re-TRAC Connect software to any other contractors. EPA has established Re-TRAC Connect™ as the only environmental database for reporting data through its WasteWise Partnership. Re-TRAC Connect™ is a comprehensive system that provides the ability to efficiently deliver, manage, and measure programs with unprecedented speed, ease, and reliability to ensure good decision-making and the long term success of waste management programs.

SUPPORTING RATIONALE

Under the authority of FAR 8.405-6(a)(1)(i)(B), the proprietary Re-TRAC Connect™ offers a highly unique software that is a web-based environmental measurement tool that provides essential, cost effective and specialized access to empirical data in real time on waste prevention, recycling and overall materials management to the public, governments, and organizations. Access to Re-TRAC Connect™ allows communities, States, Regions, and other stakeholders to create a standardized bottom up data collection point for a national solid waste recycling measurement process. This effort bridges the gap between environmental data and the information that people need to meet regulatory (e.g., Subtitle D planning requirements). In addition, the use of this data management system facilitates an integrated, multi-state, approach to create and expand markets for secondary materials and promotes regional efforts to build and expand business opportunities, create jobs, and enhance economic development in the states and Regions where it is used. The Re-TRAC Connect™ platform provides states and EPA with an economic development and environment protection tool while sharing key information about their sustainable materials management programs. It is these specific characteristics of the service subscription that limit the availability to a sole source (unique features, functions, etc.). Any level of service below those offered through Re-TRAC Connect™ would not fulfill the Government's needs.

The uniquely developed software developed by Emerge Knowledge Design, Inc. is a sophisticated waste reduction measurement system for Government and Organizations with premium functionality in data management. Emerge Knowledge Design, Inc. is the only contractor that can provide proprietary subscription services for Re-TRAC Connect™ and has not licensed the resale rights to the Re-TRAC Connect™ software to any other contractors. In support of EPA's efforts to establish a national solid waste measurement strategy, EPA Headquarters is undertaking a subscription to implement this system as part of its national measurement strategy over the next four years.

BEST VALUE DETERMINATION/CERTIFICATION

Consistent with FAR 8.404(d), a determination has been made that this order represents the best value to the Government.

MARKET RESEARCH

In accordance with FAR Part 10, the market survey involved a multi-pronged approach to include (1) reviewed "Analysis of Commercial Off-the Shelf Customer Relation Management Systems for the Waste Wise Management Information System" report; (2) gathered internal intelligence from EPA data management subject matter experts on COTS product options and alternatives; (3) internet searches on updates to the programs mentioned in the report; (4) EPA personnel attended a recycling conference and obtained vendor capabilities; (5) surveyed the major trade journals in the solid waste and recycling field to determine if any other vendors and programs have been used by others; and (6) examined multiple GSA Schedule 70 holder's offerings.

Re-TRAC Connect™ is a proprietary owned system/software for which no comparable software to collect recycling and waste management activities and state program information currently exists in the market. Market research revealed that it would be cost prohibitive and inefficient to attempt to replicate a similar system and convert the growing list of existing participants to another system. The best value to the Government and the most prudent use of tax payers' dollars is to acquire Emerge Knowledge Design's COTS product Re-TRAC Connect™.

OTHER FACTS SUPPORTING THE JUSTIFICATION

All facts and circumstances have been presented; therefore, there are no additional facts.

BARRIERS TO COMPETITION

The CO determined that there are no barriers that led to the restricted consideration, as this acquisition is the direct result of a pilot project that was tried and implemented on a small scale in order to reduce risk that is now a well supported business decision to use this product nationally.

CERTIFICATION OF SUPPORTING DATA

Supporting data that has been provided by and is the responsibility of technical or requirements personnel and which form a basis for the justification herein have been certified as complete and accurate by the technical or requirements personnel.

Kent Foerster
Kent Foerster, EPA Technical Personnel
OSWER/ORCR/RCSD

7/18/13
Date

DETERMINATION

Pursuant to justifications under 8.405-6(a)(1), this written document hereby serves as a determination by the approving official and identifies the relevant circumstances to support the application of the cited authority.

PREPARED AND RECOMMENDED BY

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

Rayna D. Brown
Rayna D. Brown
Contracting Officer
OAM/SRRPOD/HCS

7/19/2013
Date

APPROVAL

In accordance with FAR 8.405-6(d)(1), for orders over the simplified acquisition threshold and under \$650,000.00 the ordering activity contracting officer's certification that the justification is accurate and complete to the best of the ordering activity contracting officer's knowledge and belief will serve as approval. However, in accordance with Agency policy under the Acquisition Handbook Section 4.1 Reviews, Concurrences, and Checklists item number 26, one level above approval is required.

Lynette Gallion
Lynette Gallion
Team Leader
OAM/SRRPOD/HCS

7/19/2013
Date