

Justification for Other than Full and Open Competition

- 1. Identification of the agency and the contracting activity:** US Environmental Protection Agency, Headquarters Procurement Operations Division, Administrative Contract Service Center.
- 2. Nature and/or description of the action being approved:** A sole source purchase order will be issued to FLIR Systems, Inc. for purchase of infrared cameras, telephoto lenses and extended warranties.
- 3. A description of the supplies or services required to meet the Agency's needs (including the estimated value):** The US EPA's Office of Enforcement and Compliance Assurance (OECA), Office of Civil Enforcement (OCE) Air Enforcement Division requires two FLIR GF320 infrared (IR) cameras to use for determining compliance with Leak Detection and Repair (LDAR) provisions in the Clean Air Act, including Reference Method 21 monitoring, and other investigative purposes. EPA has developed this Clean Air Act monitoring method for air toxics and volatile organic compounds (VOCs) based on its existing FLIR IR cameras. In addition to the cameras, a telephoto lens for each, for detecting gas releases at greater distances, and a one-year extended warranty on the cameras is required. [REDACTED]
- 4. An identification of the statutory authority permitting other than full and open competition:** The exemption applicable to this procurement is FAR Part 6, subpart 6.302-1 "Only one responsible source and no other supplies or services will satisfy Agency requirements."
- 5. A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited:** EPA has determined that FLIR Systems, Inc. is the only source of IR gas-imaging cameras that can satisfy OCE's requirement. The required camera and lenses are specific to and compatible with EPA's investigative procedures for air toxics and volatile organic compound (VOC) monitoring under EPA Reference Method 21, and for other VOC emissions investigations, including fence line monitoring. The needed items are only available directly from FLIR. Further information is below.
- 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:** An intent to sole source was posted to FedBizOpps in January, 2012 in accordance with Subpart 5.2, and this JOFOC will be posted post-award in accordance with Subpart 6.3.
- 7. A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable:** Market research has been conducted as

described below on this order and the CO has determined the prices to be fair and reasonable based upon published prices and recent purchases.

8. A description of the market research conducted and the results or a statement of the reason market research was not conducted: Market research was originally conducted in December 2011. Specifically, EPA searched the internet for other vendors of hand-held gas imaging cameras using Google, GSA Advantage, and a comprehensive engineering search engine called "Global Spec." It was found that the only other available vendor of gas-imaging cameras is Gas Imaging Technology, LLC (GIT). GIT manufactures a camera called the "Sherlock VOC." This product, however, is not suitable for this requirement as it is designed with a single, fixed lens, whereas EPA requires an instrument with interchangeable near-field and telephoto lenses. Furthermore, the Sherlock VOC is too large for conducting Method 21 investigations which involve navigating narrow walkways and climbing ladders. The Sherlock VOC is the size of a small suitcase and must be carried using a harness and a second inspector would be needed to carry and operate a video recorder of the gas leak images, which makes the product impractical for this requirement.

In compliance with the FAR, a current FedBizOpps intent to sole source posting was also conducted in January 2012, before awarding this purchase order. The only response to the previous market research was from GIT, for the Sherlock VOC, which was already found to be not technically sufficient. When the current intent to sole source was originally posted for this current requirement, a second company, Opgal, responded with their product, the EyeCGas. The EyeCGas was determined to be potentially technically sufficient for this requirement, but the delivery requirements could not be met, and so they were not considered eligible for award.

9. Any other facts supporting the use of other than full and open competition, such as: (i) Explanation of why technical data packages, specifications, engineering descriptions, statements of work, or purchase descriptions suitable for full and open competition have not been developed or are not available; (ii) When 6.302-1 is cited for follow-on acquisitions as described in 6.302-1(a)(2)(ii), an estimate of the cost to the Government that would be duplicated and how the estimate was derived; (iii) When 6.302-2 is cited, data, estimated cost, or other rationale as to the extent and nature of the harm to the Government: For this requirement no other facts supporting the use of other than full and open competition are available.

10. A listing of the sources, if any, that expressed, in writing, an interest in the acquisition: Currently no other sources other than those listed above have expressed an interest in this acquisition in writing.

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: The EPA will continue to conduct market research for subsequent similar requirements to determine if any additional viable sources become available.

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

Recommended:



Trina Fisher, Contract Specialist

5/3/12

Date

Approved:



Lorraine Lesieur, Contracting Officer

5/3/12

Date

Program Office Certification

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



Cary Secret, Project Officer

5-3-12

Date