

Justification for Other than Full and Open Competition (JOFOC)

Authority: 41 U.S.C. 253(c), FAR PART 6.3

1. **Agency:** U.S. Environmental Protection Agency
Contracting Activity: Headquarter Procurement Operations Division
Contractor: Inside Washington Publishers LLC (IWP)
2. **Nature and/or description of the action:** For the purchase of InsideEPA and Clean Energy on-line reports
3. **Description of the Supplies or Services:** These on-line reports provided by Inside Washington Publishers, LLC (IWP) will be a resource to all Agency users to give them the most up to date information regarding protecting human health and safe guarding the environment.

DUNS: 045105244

Proposed Source: Inside Washington Publishers LLC

4. **Authority:** [Check appropriate exception.]

Only One Responsible Source

Authority: 41 U.S.C. 253 (c) (1)

FAR Cite: FAR 6.302-1

Unusual and Compelling Urgency

Authority: 41 U.S.C. 253 (c) (2)

FAR Cite: FAR 6.302-2

Industrial Mobilization

Authority: 41 U.S.C. 253 (c) (3)

FAR Cite: FAR 6.302-3

International Agreement

Authority: 41 U.S.C. 253 (c) (4)

FAR Cite: FAR 6.302-4

Authorized or Required by Statute

Authority: 41 U.S.C. 253 (c) (5)

FAR Cite: FAR 6.302-5

National Security

Authority: 41 U.S.C. 253 (c) (6)

FAR Cite: FAR 6.302-6

[] Public Interest

Authority: 41 U.S.C. 253 (c) (7)

FAR Cite: FAR 6.302-7

5. **Describe how the contractor's unique qualifications or the nature of the acquisition requires use of the authority cited:**
IWP holds the data rights to both of the publications and therefore is the only source that can provide EPA with these on-line publications. IWP has not released publication rights to any other publisher at this present time.
6. **Describe the efforts made to ensure that offers are solicited from as many potential sources as practicable:** In an effort to solicit offers from as many potential sources as possible, the Contract Specialist posted a notice of intent to award a sole source procurement on the Office of Acquisition Management (OAM) website, as well as a sources sought notification in FedBizOpps. Both of these notifications were posted to inform the public of EPA's need for the on-line services and to determine if there were any other vendors who could provide this service to the Agency.
7. **The contracting officer determines that the anticipated cost to the Government will be fair and reasonable due to the vendor's published rates, or other available price information.** IWP publications are commercial publication subscriptions with a commercial market price list. However, IWP discounts its commercial price list by 27% for government and non-profit entities. Therefore the Contracting Officer has determined the prices to be fair and reasonable.
8. **Description of the market research conducted (see FAR Part 10). If no market research was conducted, state the reasons:** The Contract Specialist did not do any market research for this requirement because IWP is the only vendor that holds the exclusive rights to the data and information provided in the on-line reports.
9. **Other facts supporting the use of other than full and open competition.**
The Contract Specialist posted a Sources Sought notification on April 25, 2012 in FedBizOpps and a Notice of Intent to Award a Sole Source notification on the OAM website on April 25, 2012. Upon the closing date of both notices, no vendors responded or notified the Contract Specialist regarding interest in competing for this requirement.
10. **List sources that expressed, in writing, an interest in the acquisition. If no sources expressed an interest in writing, indicate such.**
No sources expressed interest in the requirement.
11. **Include 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.

In order to remove and overcome any barriers to competition, the Agency intends to continue to post notices on the FedBizOpps and OAM website to seek additional viable vendors for supplies and services, along with doing more extensive market research to determine if products or services are available both in the commercial open market and on GSA Schedules.

Approvals –

1) Contracting Officer's Representative Certification

I certify that the facts and representations stated in this justification are complete and accurate which form the basis to award this requirement.

Darlene H. Boerlage
COR's Printed Name

8/17/12
Date

Darlene H. Boerlage
COR's Signature

(202) 564-0675
boerlage.darlene@epa.gov
Project Officer's Phone &
E-mail address

2) Contracting Officer's Certification

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

Lin Pinskey
Contracting Officer's Printed Name

8/20/12
Date

Lin Pinskey
Contracting Officer's Signature

202-564-4394 pinskey.lin@epa.gov
Contracting Officer's Phone and
E-mail Address