

TDF-76-01.6 (03/11)  
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 (Previous Edition Obsolete)

**DEPARTMENT OF THE TREASURY  
 JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION  
 (JOFOC)**

I recommend that the U.S. DEPARTMENT OF THE TREASURY use other than full and open competition for the acquisition of the following supplies or services. If this acquisition is to be made with only one source or a limited number of sources, negotiations will be conducted with the indicated proposed supplier(s):

**1. DESCRIPTION OF SUPPLIES OR SERVICES**  
 Interim Contract for the period of 07/01/2011-3/31/2012, for maintenance and repair (O&M) of HVAC systems, building structures, and other systems required for the continuous operation of the Atlanta Tax Submissions Processing Center, 4800 Buford Hwy, Chamblee, GA. The interim is required while the new follow-on O&M contract is competitively solicited & awarded (award scheduled for March 2012). The 4800 Building is a 330,000 square foot facility housing multiple critical data center operations and undergoing extensive electrical renovations. Note: An additional 3-month period will be included to extend the interim contract term, if needed for start-up of the new follow-on contract. Total term of interim contract, including options, is 12 months.

<b>2. REQUISITION NO.</b> D-1-09-13-DE-137	<b>4. NAME(S) OF PROPOSED SOURCE(S)</b> Four Seasons Environmental, Inc. 43 New Garver Rd, STE A Monroe, OH, 45050
<b>3. COST ESTIMATE</b>	

**REQUESTING OFFICE CERTIFICATION**

I certify that the attached justification is accurate, and contains complete data necessary to support the recommendation for other than full and open competition.

<b>5. REQUESTING OFFICE REPRESENTATIVE (Name &amp; Title)</b> Management Specialist	(Signature) [Signature]	(Phone No.)	(Date) 5/09/11
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**SMALL BUSINESS CERTIFICATION**

I have conducted a search of vendor files, Central Contractor Registration (CCR), and the SBA's Dynamic Small Business Search under the CCR System to locate potential offerors for this procurement. If any were found, a list is attached.

<b>6. SMALL BUSINESS SPECIALIST (Name &amp; Title)</b> Procurement Analyst	(Signature) [Signature]	(Phone No.)	(Date) 5.24.2011
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**PROCUREMENT OFFICE CERTIFICATION**

> This requirement  will,  will not, provide for a bridge contract  
 I certify that this submission is accurate, and that it contains complete information necessary to enable Approving Officials to make an informed recommendation for approval or disapproval.

<b>7. ASSIGNED CONTRACTING OFFICER (Name)</b>	(Signature) [Signature]	(phone)	(Date) 5/10/2011
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Before requesting this procurement, state one statutory authority for this procurement to be conducted under "other than full and open competition" procedures. Provide narrative justification associated with the respective state authority in block number 15.

**THE COMPETITION IN CONTRACTING ACT OF 1984 (P.L. 98-369)**

*(place "X" in appropriate box)*

**8. 41 USC 253(c)(1) – Only one responsible source; or brand name specification**

X This authority shall be used in preference to the Public Interest justification. It shall not be used when any of the other circumstances is applicable. (Explain what makes this contractor the only responsible source i.e., Does this proposed contractor have facilities or equipment that are specialized and vital to the effort? Is the proposed contractor the only one that can meet critical schedules? Does the proposed contractor have prior experience of a highly specialized nature vital to the effort? Why won't any other product or service satisfy the need? What are the unique features of the product that are unavailable in any other brand or product? Why was this particular product and/or vendor chosen? Are these features available in other models? Describe the rationale for the brand name specification. Describe the market survey and analysis efforts leading to this conclusion. In addition, for brand name, indicate that "the use of such descriptions in the acquisition is essential to the Government's requirements, thereby precluding consideration of a product manufactured by another company.")

**9. 41 USC 253(c)(2) – Unusual and compelling urgency**

This authority applies in those situations where (1) an unusual and compelling urgency precludes full and open competition, and (2) delay in award of contract would result in serious injury, financial or other, to the Government. (Explain why the agency's need for the supplies or services is of such an unusual and compelling urgency that the Government would be seriously injured unless it limited the number or sources. Solicitation from as many potential sources as is practicable under the circumstances is required.) **Note: The total period of performance under this authority is limited to the minimum contract period necessary to meet the requirements and to enter into another contract through the use of competitive procedures, and may not exceed one year unless the head of the agency entering into the contract determines that exceptional circumstances apply. The determination is in addition to the approval of the justification.**

**10. 41 USC 253(c)(3) – Industrial mobilization, engineering, developmental, or research capability; or expert services**

This authority applies when it is necessary to award the contract to a particular source or sources in order (1) to maintain a facility, producer, manufacturer, or other supplier available for furnishing supplies or services in case of a national emergency or to achieve industrial mobilization, or (2) to establish or maintain an essential engineering, research, or development capability to be provided by an educational or other nonprofit institution or a federally funded research and development center, or (3) to acquire the services of an expert for any current or anticipated litigation or dispute. (Does the proposed contractor have facilities and equipment that are vital in the event of a national emergency? Is the proposed contract to maintain properly balanced sources of supply for meeting the requirements of acquisition of programs in the interest of industrial mobilization? Is the proposed contract to create or maintain the required domestic capability for production of critical supplies by limiting competition to items manufactured in the United States or the United States and Canada?)

11.	<p><b>41 USC 253(c)(4) – International agreement</b></p> <p>This authority may be used when the acquisition is to be reimbursed by a foreign country that requires the product to be obtained from a particular firm as specified in official written direction such as a Letter of Offer and Acceptance; or, when services are to be performed, or supplies are to be used in the sovereign territory of another country and the terms of a treaty or agreement specify or limit the sources to be solicited. (Cite the international agreement or treaty between the United States and the foreign government or international organization that precludes full and open competition. Provide the written directions of the foreign government reimbursing the agency for the cost of the acquisition, which preclude full and open competition.)</p>
12.	<p><b>41 USC 253(c)(5) – Authorized or required by statute</b></p> <p>This authority may be used when a statute expressly authorizes that the acquisition be made through another agency or from a specified source. (Cite the authority that expressly authorizes that the acquisition be made through another agency or from a specified source, and attach a copy of the statute.) Note: While this statutory exception includes the small disadvantaged business 8(a) set-aside program, a JOFOC is not required for this type of procurement, unless the amount exceeds \$20M.</p>
13.	<p><b>41 USC 253(c)(6) – National Security</b></p> <p>This authority may be used for any acquisition when disclosure of the Government's needs would compromise national security. It will not be used merely because the acquisition is classified, or merely because access to classified matter will be necessary to submit a proposal or to perform the contract. (Explain why the disclosure of the Government's needs would compromise the national security or violate security requirements.)</p>
14.	<p><b>41 USC 253(c)(7) – Public Interest</b></p> <p>This authority may be used when none of the other authorities above apply. Individual justification, Secretarial approval, and Congressional notification 30 days before award of the contract are required.</p>

**15. JUSTIFICATION (ADD PAGES IF NEEDED)**

**A. DEMONSTRATION THAT THE PROPOSED CONTRACTOR'S UNIQUE QUALIFICATIONS OR THE NATURE OF THE ACQUISITION REQUIRES USE OF THE AUTHORITY CITED.**

The National Office of AWSS efforts to standardize all O&M Contracts for Delegated Service Centers resulted in numerous delays in finalizing a standardized SOW. The standardized SOW is now finalized; however, the details and final changes necessary to make the new Contract functional for Atlanta location are still being completed.

Preparation of the solicitation for a new long term contract for this service has begun, however the follow-on contract action is not yet ready to be awarded and the services required must be maintained without disruption. Continuity of the services is imperative for the reasons explained below and therefore, this interim contract is issued for the period of 07/01/2011 through 3/31/2012 pending award of a new contract effective on or about 04/01/2012.

The current O&M Contractor, Four Seasons Environmental, Inc has performed the O&M services for over five years at this location and has the expertise and experience to provide the necessary uninterrupted services. The Federal Government does not maintain a trained or educated staff

capable of operating the facility. At this time, the current Contractor is considered the only responsible and qualified source capable of continuing the necessary O&M services uninterrupted until the competitive follow-on contract is solicited and awarded next March.

Failing to grant time to award a new Contract will leave critical data center operations in jeopardy of loss of HVAC and UPS support. Data center systems include multiple software systems serving

and others. Many of the Computer Room Air Conditioners (CRAC) units are long past obsolescence and operate using in-house customized controls. Current construction includes installation of a new electrical distribution backbone throughout the building – the current Contractor's knowledge and experience with the existing system is invaluable when planning shutdowns, routing paths, etc. Use of another contractor during this short, interim period would not allow for an adequate phase-in period which is needed to provide a continuous acceptable level of performance and could result in excessive costs and system failure. Such a shutdown would result in the loss of data system operations and possibly information that cannot be calculated.

**B. DESCRIBE THE EFFORTS TAKEN TO ENSURE OFFERS WERE SOLICITED FROM AS MANY POTENTIAL SOURCES AS IS PRACTICABLE, INCLUDING WHETHER A GPE NOTICE WAS OR WILL BE PUBLISHED AS REQUIRED BY SUBPART 5.2 AND, IF NOT, WHICH EXCEPTION UNDER 5.202 APPLIES.**

Competition will not be sought to fulfill the requirement for services on the interim basis. An FBO notice for the interim period will be posted in Federal Business Opportunities. The solicitation for the follow-on contract will also be publicized to ensure adequate competition.

**C. DEMONSTRATION THAT THE ANTICIPATED COST TO THE GOVERNMENT WILL BE FAIR AND REASONABLE**

The current contract, TIRSE-10-C-00011 will expire on 06/30/2011 and there is no option to extend the services. Four Seasons Environmental, Inc., the incumbent contractor, has indicated that they will perform the services for the interim contract effective 04/01/2011 of the existing contract, TIRSE-10-C-00011. The contract price inclusive of all option was determined fair and reasonable at the time of award. Also, prices were determined fair and reasonable at the time the Option to Extend Services was exercised on 10/01/2010.

**D. DESCRIBE THE MARKET SURVEY THAT WAS CONDUCTED AND THE RESULTS OF THAT SURVEY. IF ACTIONS WERE TAKEN BY PROCUREMENT PERSONNEL TO SATISFY THIS REQUIREMENT SUCH AS A GPE SOURCES SOUGHT SYNOPSIS, PLEASE SPECIFY.**

Not Applicable. However, for the follow-on contract, the market research was conducted and the results will be in the contract file.

**E. DESCRIBE ANY OTHER DOCUMENTATION TO SUPPORT THE JOFOC.**

The 4800 Buford Hwy building was constructed in 1962 and 1963 as the first IRS Center. The initial structure proved to be inadequate and was doubled in size via a 1968 expansion. Major modifications and renovations have occurred over the years and another HVAC renovation was performed last year. Maintaining the incumbent contractor for the interim period ensures that the building systems continue to operate properly.

F. LIST SOURCES, IF ANY, THAT EXPRESSED, IN WRITING, AN INTEREST IN THE ACQUISITION

If applicable. However, for the follow-on contract, several sources have expressed interest in the acquisition and will be documented in the contract file.

G. LIST THE ACTIONS THE BUREAU WILL TAKE TO PROMOTE THE COMPETITION ON ANY SUBSEQUENT ACQUISITIONS FOR SIMILAR SUPPLIES OR SERVICES

The Government has performed market research for the follow-on contract and the follow-on contract will be competed.

H. STATEMENT THAT REQUIREMENT DOES NOT RESULT FROM A LACK OF PLANNING OR THE EXPIRATION OF FUNDS.

This requirement does not result from a lack of planning or the expiration of funds.

16. COMPETITION REVIEW BOARD RECOMMENDATION (OPTIONAL)

APPROVE     DISAPPROVE

(Name and Title)	(Signature)	(Phone No.)	(Date)
(Name and Title)	(Signature)	(Phone No.)	(Date)

ADDITIONAL APPROVALS

OVER \$650,000	17. BUREAU COMPETITION ADVOCATE (Name & Title)  Office of Strategic Acquisition Initiatives	<input checked="" type="checkbox"/> APPROVE	(Signature)  [Signature]	(Phone No.)
		<input type="checkbox"/> DISAPPROVE		(Date)  5.24.11
OVER \$12.5 MILLION	18. BUREAU HEAD OR SENIOR EXECUTIVE SERVICE DESIGNEE (Name & Title)	<input type="checkbox"/> APPROVE	(Signature)	(Phone No.)
		<input type="checkbox"/> DISAPPROVE		(Date)
OVER \$62.5 MILLION	19. SENIOR PROCUREMENT EXECUTIVE (Name & Title)	<input type="checkbox"/> APPROVE	(Signature)	(Phone No.)
		<input type="checkbox"/> DISAPPROVE		(Date)

NOTE: Each review must be preceded by lower level approval(s), e.g. over \$62.5 million all approvals are required. IN NO CASE WILL AN INDIVIDUAL SIGN MORE THAN ONE APPROVAL /EL.

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