UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

This document is being prepared pursuant to the content requirements prescribed in Federal Acquisition Regulation (FAR) subpart 6.303-2 [41 U.S.C.3304(a)(2)] and Environmental Protection Agency Acquisition Guide (EPAAG) Subsection 6.3.1 – Bridge Justification for Other Than Full and Open Competition (January 2018).

1. FAR §6.303-2(b)(1), Identification of the agency and the contracting activity, and specific identification of the document as a "Justification for other than full and open competition":

Agency:	Environmental Protection Agency
Contracting Activity:	Region 6, Mission Support Division (6MSD)
Program Office:	Region 6 Superfund and Emergency Management Division (6SEMD)
Program Point of Contact:	Kellon Pearson, Contracting Officer's Representative (COR)
Project Identification:	Region 6 Superfund Technical Assessment and Response Team (START) IV contract for Emergency, Time-Critical, Non-Time-Critical, and Environmental Program Technical Support
Proposed Source(s):	EP-S5-17-02, Weston Solutions, LLC

2. FAR §6.303-2(b)(2), Nature and/or description of the action being approved:

The Environmental Protection Agency (EPA), Region 6 Superfund and Emergency Management Division (6SEMD) is requesting an emergency bridge extension via modification to the existing single-award Indefinite Delivery/Indefinite Quantity (IDIQ) contract, EP-S5-17-02, awarded July 3, 2017, to Weston Solutions, LLC, and is scheduled to expire on January 2, 2023. The extension will ensure continued mission-critical support for Emergency, Time-Critical, Non-Time-Critical, and Environmental Program Responses. This extension does not impact the general scope of the contract or the overall contract ceiling. The extension is requested for a maximum of 12 months through January 2, 2024, for the IDIQ contract and the existing task orders, inclusive of a six (6) month Base extension and six (6) monthly optional extensions. The emergency bridge extension is necessary to allow critical emergency response, preparedness, prevention, risk assessment, sampling, analysis, and inspection support and related projects and activities to continue, and for new Task Orders and projects to be issued for unforeseen emergency and time-critical work in response to significant events, such as natural disasters and oil spills, as the Agency recompetes Region 6's mission-critical requirement for Superfund Technical Assessment and Response support. This justification includes: six (6) Optional Monthly Extensions for the services to continue as they are transitioned to the successor awardee; and an extension of not-to-exceed 3

months (90 days) and associated ceiling for transition to the successor contractor pursuant to FAR 52.237-3 Continuity of Services to run concurrent with the last three (3) months of performance under the extension, upon finalization of the new recompete award.

3. FAR §6.303-2(b)(3), A description of the supplies or services required to meet the agency's needs (including the estimated value):

(i) Description of Services Required to Meet the Agency's Needs (including the Estimated Value):

EPA requires nationally consistent technical assistance services provided to EPA On-Scene Coordinators (OSCs) and other federal officials implementing EPA responsibilities under the National Response System (NRS). EPA's role under the NRS is to respond to emergencies with respect to the release or threat of release of oil, hazardous substances, or pollutants and contaminants, or fire or explosion hazard. EPA responds to emergencies that vary in threat of or actual impact from short day trips to multi-month-long response efforts that turn into emergency Removal Actions. Work in support of emergency Removal Actions includes and/or requires: confirmation that Responsible Parties (RPs) or Potentially Responsible Parties (PRPs) are responding appropriately and with minimal impact; observation that incident conditions are significantly worse than initially reported by RPs/PRPs; conducting air monitoring for various volatile or semi-volatile organic compounds in downwind communities; delineating the drainage pathway impacted or threatened, assessing mismanaged drums and containers usually not labelled properly and comingled next to incompatibles (e.g.: acids in metal drums next to bases in metal drums); data management; documentation; multimedia sampling for various hazardous substances; and personal protective equipment (PPE) utilization depending on the specific situation/event. The START contract provides a large response force to support the activated site coordination efforts and provide EPA with direct observations for incidents that cover large geographical footprints.

Under several federal and regional contingency plans, EPA has the responsibility for coordinating all federal, state, local, and private efforts associated with responding to environmental issues both emergency and time critical. This also includes conducting evaluations and cleanups of uncontrolled hazardous substance disposal sites and placing those that are considered to pose a significant threat to human health or the environment on the National Priorities List. The National Priorities List (NPL) is the list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories. The NPL is intended primarily to guide the EPA in determining which sites warrant further investigation.

The START contractor provides emergency response and scientific and technical support to EPA in all of these stated roles and activities in furtherance of the agency's primary mission: the protection of human health and the environment. EPA activates START to respond to these emergency situations and provide technical support (e.g. assist in assessment of the situation/significant event, determine the extent of the potential impact, and to provide the documentation thereof) in protection of public health and the environment. The contract also provides assistance services to other programs such as Site Assessment, Brownfields, and Remedial support activities. This can range from multi-media sampling and air monitoring to modeling the extent of contamination over large-scale areas. It also includes distributing information in a fast and concise manner in order that immediate decisions can be made by EPA in urgent situations, including determinations of imminent and substantial endangerment.

These tasks are critical to EPA's mission and are not inherent to EPA personnel. The above mission outcomes are accomplished through the following IDIQ task areas:

- Response Activities
- Preparedness and Prevention Activities
- Assessment/Inspection Activities

ON-GOING, EXISTING WORK: All work is ordered and performed under seven (7) existing seven (7) task orders. There are currently 139 active projects under the Task Orders for Emergency Responses or Time-Critical Responses which are critical to the EPA's mission. A lapse in support in any of the on-going/existing work would have immediate and significant detrimental consequences to the Agency's ability to fulfill its mission-critical emergency response, preparedness, prevention, risk assessment, sampling, analysis, and inspection activities, and would pose serious and significant threats to the health and safety of the public, environment wildlife, waterways, and surrounding land. Below are descriptions of the TOs and examples of the mission-critical projects that cannot lapse:

Task Order 1: Support for Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) (1980), (42 U.S.C. s/s 9601 et. seq.), as amended. This task order primarily includes activities in support and compliance with CERCLA. CERCLA created an additional financial tax on the direct sale of manufactured chemicals within the chemical and petroleum industries. It also provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. The law authorizes responses on short-term removals[1] and long-term remedial response actions[2]. These actions can only be conducted at sites listed on EPA's National Priorities List[3] (NPL). CERCLA also enabled the revision of the National Contingency Plan[4] (NCP), which established the NPL. The work under this task order is critical in ensuring the contaminants at the sites are cleaned to a safe and inhabitable level. A lapse in the services under this task order would endanger the Agency's ability to respond quickly to an emergency and/or to neutralize/contain any contaminates, thereby posing an immediate and significant danger to the health and safety of the public/local community, environment, and wildlife surrounding the site. A few examples of the active projects under this task order that are so critical they cannot lapse are described below:

- **Emergency Response Readiness:** This project requires the contractor to maintain emergency response readiness consistent with the contract's Readiness Plan. The contractor is required to have two (2) personnel on call during non-business work hours

[1] where actions may be taken to address releases or threatened releases requiring prompt response
[2] Actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life threatening
[3] the list of sites of national priority among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories
[4] Established by the Clean Water Act, the NCP provides a government-wide framework that provides the guidelines and procedures needed for agencies to respond to releases and threatened releases of oil, hazardous substances, pollutants, or contaminants into inland waters of the United States

to respond to EPA emergency activations and to mobilize to the disaster site with equipment and any additional necessary personnel. This project covers the rental of vehicles, equipment, and warehouse space to accommodate the contractor's emergency response capability, and for contractor personnel to train on specialized EPA-owned equipment (i.e. radiation meters, portal contamination monitors, specialized air samplers, etc.) used to assess the severity of future disasters.

- **Garland Creosoting:** The 12-acre Garland Creosoting site is located in Longview, Texas. Garland Creosoting operated a wood-treating facility at the site between 1960 and 1997. Operations included the disposal of wood-treating wastes into unlined surface impoundments on site. Site activities and waste disposal practices contaminated soil, sludge, and groundwater with hazardous chemicals. Follow-up cleanup, operation and maintenance activities are ongoing and continuous.

- **RCRA UPRR 5th Ward Investigation and Cleanup:** The Union Pacific Railroad Houston Wood Preserving Works site (UPRR) is located adjacent to the Kashmere Gardens community within the Fifth Ward in the City of Houston. Formerly owned and operated by Southern Pacific Railroad, the site ceased operating as a wood preserving facility in 1984. It was acquired by UPRR in 1997 through a merger with Southern Pacific. There is a current Industrial and Hazardous Waste Permit that requires corrective action for most of the site and post- closure care for one RCRA permitted unit located on the west side of the site. Several Solid Waste Management Units and Areas of Concern are also located throughout the site. Assessment has identified contamination/releases to the soil and groundwater associated with the former wood treating operations, including the presence of creosote dense non-aqueous phase liquid (DNAPL) in the groundwater. The impacted groundwater and presence of dense non-aqueous phase liquid extends off-site into the Kashmere Gardens neighborhood to the north. The neighborhood around the facility ranks above the 80th percentile for all eleven (11) environmental justice (EJ) indices in EJSCREEN as compared to the United States, and it is at or above the 95th percentile for diesel particulate matter, Superfund site proximity, and Risk Management Plan proximity. These same communities are almost entirely populated by people of color and 65% percent of households earn less than twice the federal poverty limit – almost double the national average. Of particular concern, multiple recent health studies conducted by the Texas Department of State Health Services (TDSHS) have shown elevated levels of adult cancers in the area surrounding the UPRR facility. By far the most troubling, these health studies have now identified elevated levels of certain childhood cancers as well. The community, the City of Houston, the State, and EPA want to fully understand the contribution of the UPRR site contamination, as well as other potential historical contaminant sources in the Fifth Ward area that may have contributed to these adverse impacts. The contractor is currently searching and reviewing information to identify contribution to potential contaminant exposures in the Greater Fifth Ward (Project Area) via releases to soil, groundwater, surface water, etc. and will be conducting the assessments for contamination in January 2023 while the air testing is conducted simultaneously for this site under Task Order 5.

Task Order 2: Site Support for Oil Pollution Act (OPA-90). This task order primarily includes activities to support site-specific responses under the Oil Pollution Act (OPA-90). One of EPA's top mission priorities is to prevent, prepare for, and respond to oil spills that occur in and around inland waters of the United States. EPA is the lead federal response agency for oil spills occurring in inland waters. The U.S. Coast Guard is the lead response agency for spills in coastal waters and deepwater ports. EPA's oil spill prevention program includes Spill Prevention, Control, and Countermeasure[5] (SPCC) and the Facility Response Plan[6] (FRP) rules. The SPCC rule helps facilities prevent a discharge of oil into navigable waters or adjoining shorelines. The FRP rule requires certain facilities to submit a response plan and prepare to respond to a worst-case oil discharge or threat of a discharge. The work under this task order is critical in monitoring and documenting the PRP's efforts and response activities to ensure the contaminants at the site are contained (i.e. do not expand further into adjacent waterways) to reduce the impact of oil spills to the surrounding community and inland waterways. A lapse in these services would endanger the Agency's ability to assess the clean-up progress and the presence/state of any contaminants in the surrounding inland waterways, thereby posing an immediate and significant danger to the health and safety of the public/local community, environment, and fish/wildlife in the areas surrounding/adjacent to the spill. This is particularly dangerous around waterways that are used by the local communities as a source of fishing for food. An example of an active project under this task order that is so critical it cannot lapse is described below:

- **MacMillan Ring Free Oil Plume Norphlet, AR:** Approximately 5,900 tons of asphaltic oil contaminated soil and 150 tons of asphaltic oil impacted steel were transported off-site for disposal. The excavated areas were backfilled with clean soil and seeded. EPA will be conducting an assessment of the groundwater plume on site to deal with the oil leaching off the property. This assessment will take approximately 3-6 months. Once a plan for recovery is determined, the plan will be presented to the U.S. Coast Guard to determine next steps. EPA is also planning to address newly found asbestos containing soil under CERCLA Removal authority. Testing is currently being conducted to confirm the percentage of the asbestos present. EPA anticipates a CERCLA Action will be scheduled for next Spring. The action should take approximately 6 weeks to complete.

Task Order 3: Non-Site Support for Oil Pollution Act (OPA-90). This task order primarily includes activities to support non-site-specific responses under the OPA-90[7]. EPA utilizes contractor support under this task order to review the FPRs submitted by facilities and to inspect those facilities in accordance with SPCC and FPR rules. An example of an active project under this task order that is so critical it cannot lapse is described below:

- **Oil Spill Preparedness Support - FRP Plan Review**: To ensure compliance with 40 CFR 112.20(g)(1), (2), and (3), reviews and updates of Facility Response Plans (FRP) must be updated to reflect changes at facilities. These changes include: a change in the

[5] The SPCC rule helps facilities prevent a discharge of oil into navigable waters or adjoining shorelines
[6] The FRP rule requires certain facilities to submit a response plan and prepare to respond to a worst-case oil discharge or threat of a discharge
[7] The Oil Pollution Act amended the Clean Water Act (CWA) to require some oil storage facilities to prepare FRPs.

facility's configuration that materially alters information in the response plan; a change in the type of oil handled, stored, or transferred; a material change in capabilities of any oil spill removal organization that provides equipment and personnel to respond to oil discharges from the facility; and a material change in the facility's discharge prevention and response equipment or emergency response procedures.

Task Order 4: Support for Robert T. Stafford Natural Disaster Act (Stafford Act), (42 USC 5121, et. Seq), as amended. This task order primarily includes support for activities subject to the Stafford Act. The Stafford Act constitutes the statutory authority for most Federal disaster response activities especially as they pertain to FEMA and associated programs. This Act provides a means of assistance by the Federal Government to State and Local governments in carrying out their responsibilities to alleviate disaster-related suffering and damage to the affected communities. EPA utilizes this task order to accomplish FEMA-directed missions in response to natural disasters (i.e.: winter storms, hurricanes, wildfires) and other nationally-declared emergencies (e.g. shuttle explosions). The work under this task order is critical in ensuring the Agency is in compliance with the Stafford Act and the National Contingency Plan (NCP) and is able to respond to current and future Federally declared national emergencies, which occur year-round. A lapse in these services would render the Agency non-compliant with the aforementioned Act and NCP, and incapable of responding to a disaster, the latter of which would pose a significant threat to the public should a disaster occur. Although there are no active projects currently being supported under this task order, the Agency must have the ability to issue new projects for natural disasters and other nationally declared emergencies under this task order as there is no other mechanism with sufficient scope and/or capacity to provide the critical support immediately in response to such event.

Task Order 5: Support for the Clean Air Act (CAA). This task order primarily includes support for air monitoring under the CAA. The CAA is the comprehensive federal law that regulates air emissions from stationary and mobile sources. Among other things, the Act authorizes EPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants. An example of an active project under this task order that is so critical it cannot lapse is described below:

RCRA UPRR 5th Ward Investigation and Cleanup: Refer to the description of this project under Task Order 1 regarding the critical remedial and removal efforts underway for this site. In support of those efforts, under this project the contractor is currently searching and reviewing information to identify contribution to potential contaminant exposures in the Greater Fifth Ward (Project Area) via releases to air and will be conducting the actual air testing for contamination in January 2023 while the soil, groundwater, surface water, etc. testing is conducted simultaneously for this site under Task Order 1.

Task Order 68HE0619F0031: Brownsfield Support. This task order primarily includes support for the Brownfields Revitalization and Environmental Restoration Act of 2001. This Act establishes the Federal government's role in assisting states and local communities in cleaning up Brownfield sites. Brownfield sites are defined as real property locations that are identified

and supported in order to strengthen the local economy/community in socioeconomically disadvantaged areas. The expansion, redevelopment, or reuse of these sites may be complicated and are impeded by the presence or potential presence of a hazardous substance, pollutant, or contaminant. EPA utilizes this task order to conduct Targeted Brownfields Assessments (TBAs)[8] for sites so they can be revitalized, or remediated for revitalization, for expansion, redevelopment, or reuse. The TBAs are critical as they are used to identify unknown hazardous substance, pollutant, or contaminant in the soil that would make the sites unsafe and unhealthy for habitation. An example of an active project under this task order that is so critical it cannot lapse is described below:

> **LaPlace Air Monitoring**: This project requires the contractor to perform Phase I and Phase II TBAs at each of three (3) different locations in the Muscogee (Creek) Nation in OK. Critical activities include the following: sampling for Polychlorinated Biphenyls (PCBs); testing of underground storage tanks; and sampling for asbestos-containing material, lead-based paint, mold, hazardous materials, and/or Natural Occurring Radioactive Material (NORM).

Task Order 68HE0520F0011: Support for the DePue/New Jersey Zinc/Mobil Chemical Corp Superfund Site. This site-specific task order is for a large Superfund site in the state of Illinois. The contractor provides support for community involvement and PRP oversight efforts as required and pursuant to CERCLA and the NCP. An example of an active project under this task order that is so critical it cannot lapse is described below:

- **DePue/NJ Zinc Site**: This project requires the contractor to provide response support and activities to ensure the zinc at the site is properly removed and disposed of to prevent the impact of unsafe zinc exposure to the local/public community, and activities are communicated and coordinated with the public. Critical activities include, but are not limited to, documenting the PRP's cleanup activities, and coordination and outreach for the impacted community.

ANTICIPATED NEW WORK: As this contract provides support for Emergency and Time-Critical responses to significant events, such as natural disasters and oil spill, within hours or days after the event occurs, it is impossible to accurately predict the exact future needs. There have been approximately 548 projects under this contract since it was awarded in July of 2017, which averages to approximately 8 new projects initiated per month. Based on this average, the potential for new projects to be initiated during the extension period of January 3, 2023, to January 2, 2024, is estimated at approximately 96 new projects: 48 new projects for the Base Extension (January 3, 2023 – July 2, 2023) at an estimated value of $3M (based on historical TDD values), and 48 new projects for the optional monthly extension periods (July 3, 2023 – January 2, 2024) of $3M, or $500K per month, (based on historical project values).

[8] Targeted Brownfields Assessments (TBAs) are site assessments efforts provided to local governments by the EPA under the Brownfields Program to promote the cleanup and redevelopment of brownfield sites. TBAs are conducted by an EPA contractor and can include site assessments, cleanup options and cost estimates, and community outreach.

CONTINUITY OF SERVICES / TRANSITION: FAR 52.237-3 Continuity of Services, which is contained in contract EP-S5-17-02, provides for transition and related activities (i.e. phase-in/phase-out for up to 90 days after the new award is placed (anticipated by July 10, 2023), including the requirement for Weston Solutions, LLC to allow as many personnel as practicable to remain on the job to help the successor maintain the continuity and consistency of the Agency's mission-critical Emergency Response and Time-Critical requirements. Transition the critical information, activities, and responsibilities is anticipated to take no less than 3 months (90 days). During the transition period, the successor contractor would need time to ramp up activities under the new IDIQ vehicle and begin performance under newly issued task orders and projects, which is anticipated to take no less than 4.5 months. This projection is based on the standard procurement lead time of 135 days for a task order award, assuming a task order is awarded within 30 days after the contract is awarded. Therefore, this justification includes sufficient ceiling to cover transition activities ($1,634,831.28) and sustained levels of current support until such time (4.5 months into performance under the new award) the successor contractor is able to adequately sustain and perform them.

As demonstrated above, work performed by Weston Solutions, LLC under this contract is critical to the Agency's mission and to the protection of the health and safety of the public, environment, wildlife, waterways, and surrounding land areas. Therefore, it is vital to the Agency's Superfund programs and mission to ensure the support provided under EP-S5-17-02 does not lapse.

(ii) Estimated Value Summary

The estimated value of the extension is $14,174,156.40, inclusive of and delineated as follows:

ESTIMATE FOR EXTENSION OF CURRENT & ANTICIPATED MISSION-CRITICAL SUPPORT			
Type	**Duration**	**Period**	**Estimated Value**
Base Extension (Existing Work) (Estimated value for 6 months of performance for existing, on-going mission-critical work)	6 months	January 3, 2023 – July 2, 2023	$3,269,662.56
Base Extension (Anticipated New Work) (Estimated value for 6 months of performance for new TDDs for anticipated future emergency and time-critical mission work)	6 months	January 3, 2023 – July 2, 2023	$3,000,000.00
Optional Monthly Base Extensions (Existing New Work) (Estimated value for 6 months of performance for existing, on-going mission-critical work at a monthly estimate of $544,943.76)	6 months (6, 1-month options)	July 3, 2023 – January 2, 2024	$3,269,662.56
Optional Monthly Base Extensions (Anticipated New Work) (Estimated value for 6 months of performance for new TDDs for anticipated future emergency and time-critical mission work at a monthly estimate of $500K)	6 months (6, 1-month options)	July 3, 2023 – January 2, 2024	$3,000,000.00
Continuity of Services / Transition	3 months	Anticipated to be exercised for up to a 90-day period not to extend beyond January 2, 2024	$1,634,831.28
Total Estimate for Bridge Extension			**$14,174,156.40**

Reference Section 9(ii) herein for additional information.

4. FAR §6.303-2(b)(4), An identification of the statutory authority permitting other than full and open competition:

The statutory authority permitting other than full and open competition is 41 U.S.C.3304(a)(2) in accordance with FAR 6.302-2, Unusual and compelling urgency, for situations where an unusual and compelling urgency precludes full and open competition; and delay in award of a contract would result in serious injury, financial or other, to the Government. It is determined that the emergency bridge extension requested herein meets the criteria established for other than full and open competition.

5. FAR §6.303-2(b)(5), A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited:

The EPA Region 6 Superfund Program relies on the START contract support when responding to emergency situations due to accidental, intentional, man-made or naturally occurring releases of hazardous substances or discharges (such as oil) that threaten the public, environment, wildlife, waterways, and land areas of the United States surrounding the event. A lapse in support services is also detrimental to the Agency's ability to carry out its statutory mission to protect human health and the environment and would render the Agency incapable of responding to such emergency situations and unable to provide such critical support (i.e. ensuring proper waste clean-up, preventing harmful exposure, and overseeing the cleanup of land for productive and healthy use) to affected communities upon, during, and after the unforeseen occurrence of such emergencies. Because the services performed under the contract are so critical, any lapse or disruption in the services provided or the Agency's ability to obtain support for future emergencies, would result in significant and unacceptable delays in providing critical emergency response, preparedness, prevention, risk assessment, sampling, analysis, and inspection support to the Agency, posing an immediate and extensive threat to the public, environment, wildlife, waterways, and land areas surrounding the emergency sites, as demonstrated below:

Task Order 1: Support for Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) (1980), (42 U.S.C. s/s 9601 et. seq.), as amended. The work under this task order is critical in ensuring the contaminants at the sites are cleaned to a safe and inhabitable level. A lapse in these services would endanger the Agency's ability to respond quickly to an emergency and/or to neutralize/contain any contaminates, thereby posing an immediate and significant danger to the health and safety of the public/local community, environment, and wildlife surrounding the respective sites.

Task Order 2: Site Support for Oil Pollution Act (OPA-90). The work under this task order is critical in monitoring and documenting the PRP's efforts and response activities to ensure the contaminants at the site are contained (i.e.: do not expand further into adjacent waterways) to reduce the impact of oil spills to the surrounding community and inland waterways. A lapse in these services would endanger the Agency's ability to assess the clean-up progress and the presence/state of any contaminants in the surrounding inland waterways, thereby posing an

immediate and significant danger to the health and safety of the public/local community, environment, and fish/wildlife in the areas surrounding/adjacent to the spill. This is particularly dangerous around waterways that are used by the local communities as a source of fishing for food.

Task Order 3: Non-Site Support for Oil Pollution Act (OPA-90). The work under this task order is critical in ensuring sufficient plans are in place to prevent oil discharges and respond to actual or imminent discharges in the event they occur. A lapse in these services would pose a significant threat to the health and safety of the public/local community, environment, and fish/wildlife in waterways surrounding oil storage facilities if the facilities do not have sufficient prevention or response plans in place in the event of a discharge.

Task Order 4: Support for Robert T. Stafford Natural Disaster Act (Stafford Act), (42 USC 5121, et. Seq), as amended. The work under this task order is critical in ensuring the Agency is able to respond immediately and with the appropriate resources to Federally declared national emergencies. A lapse in these services would render the Agency incapable of responding to a disaster, which would pose a significant threat to the public should a disaster occur.

Task Order 5: Support for the Clean Air Act (CAA). The work under this task order is critical in monitoring and testing the air quality surrounding emission-producing facilities to ensure the quality of the air is at safe levels for human and wildlife consumption A lapse in these services would render the Agency unable to assess the quality and safety of the air and the presence/state of emissions in the areas surrounding identified facilities The impacts of these outcomes would pose an immediate and significant danger to the health of the public/local community, environment, and wildlife in the surrounding areas.

Task Order 68HE0619F0031: Brownsfield Support. The work under this task order is critical in ensuring that Brownfield sites are safe for habitation. A lapse in these services would render the Agency unable to provide critical Brownfields support to state and local governments The impact of a lapse would cause the sites to remain unsafe and unusable. The financial investment and progress the local governments have already made in this ongoing process would be stalled, potentially straining the relationship between EPA and the government and people of the Muscogee (Creek) Nation, thus opening the EPA to legal action by the Muscogee (Creek) Nation government.

Task Order 68HE0520F0011: Support for the DePue/New Jersey Zinc/Mobil Chemical Corp Superfund Site. The work under this task order is critical in ensuring the zinc at the site is properly removed and disposed of to prevent the impact of unsafe zinc exposure to the local/public community. A lapse in these services would endanger the Agency's ability to assess the clean-up progress and the presence/state of zinc at the site, thereby posing an immediate and significant risk of zinc toxicity to the health of the public/local community due to increased risk of zinc toxicity.[9]

The current contract expires January 2, 2023. EPA lacks the manpower, equipment, institutional

[9] Zinc toxicity can result in serious respiratory system issues and treatment generally requires chelation therapy and/or prescribed medication.

knowledge, and expertise to perform the emergency response and time-critical work provided under this contract. There are no other contractors capable of stepping in to support the immediate needs of the projects currently in progress under the existing contract within the 1 week remaining in the contract period of performance, and no existing contract vehicles that can assume and provide the full scope of the critical services immediately and until the competitive follow-on is awarded, without causing detrimental delays and severe adverse impacts to the program's mission and the critical support provided to protect the public health and environment. Although the Agency is in the process of placing the follow-on for a new competitive contract vehicle (anticipated to be awarded by July 10, 2023), EPA will have no mechanism or ability to obtain or provide the critical and necessary emergency response, preparedness, prevention, risk assessment, sampling, analysis, and inspection support for on-going/existing emergency situations, or new emergencies that arise once the current contract expires.

Because of the multidisciplinary and highly specialized expertise, knowledge, experience, and performance required for the execution of the programs within the current contract, the learning curve would be substantial for a new contractor other than Weston Solutions, LLC to overcome immediately to maintain and provide sufficient levels of such mission-critical support that must continue without disruption until the new award is issued. Therefore, while there are other companies in the market who can perform some of these mission-critical services (e.g.: emergency response activities in only some parts of Region 6, risk assessment, sampling, and analysis, etc.), no other company was identified that can immediately perform all of the contract requirements for the entirety of the various multi-disciplinary emergency, time-critical, and non-time-critical disasters that Region 6 is responsible for without resulting in the Agency being unable to meet its mission and result in endangerment to the public's health, welfare and environment, in addition to presenting potential legal risk to the Agency. Additionally, because of the multidisciplinary and highly specialized expertise, knowledge, experience, and performance required for the execution of the programs within the current contract, the learning curve would be substantial for a new contractor to overcome within a little over a week remaining in the current contract period of performance.

For the aforementioned reasons, it is determined that the circumstances for which an unusual and compelling urgency precludes full and open competition are met, and delay in award of a contract would result in serious injury to the Government, the public, and the environment. As demonstrated in Section 9(i), it is further determined that the Agency is in compliance with the requirements and limitations at FAR 6.302-2(c) for this emergency bridge extension.

6. FAR §6.303-2(b)(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 and, if not, which exception under 5.202 applies:

Regarding efforts made to ensure that offers are solicited from as many potential sources as practicable, refer to the discussion in Section 9(i) pertaining to the Agency's compliance with the requirements and limitations at FAR 6.302-2(c)(2).

A notice as required by FAR 5.201 will not be publicized because the exception at FAR 5.202(a)(2) applies. As permitted by the exception, the notice is not required to be submitted when the proposed contract action is made under the conditions described in FAR 6.302-2 and

the Government would be seriously injured if the Agency complies with the time periods specified in FAR 5.203. The proposed contract is made under the conditions described in FAR 6.302-2. If the Agency were to post the notice now for the 15-day time period specified in FAR 5.203, the notice would not close before the current contract expires on January 2, 2023, posing serious injury to the Government, the public, and the environment as it would guarantee a lapse in the critical emergency response services and support for which this emergency bridge extension is justified.

In accordance with FAR 6.305(b), the Contracting Officer will post this justification at the Government Point of Entry (GPE) (https://www.sam.gov) and on FedConnect (https://www.fedconnect.net) within 30 days after contract award (i.e. execution of the modification for the emergency bridge extension to the current contract), which will provide access to the justification by linking to the GPE. Any responses received to the notice or justification will be recorded and retained as a listing of interested and/or prospective sources to be included in EPA's market research for the current recompete, which is being conducted as a full-and-open competitive acquisition.

As stated above, the START requirements are currently being recompeted. On December 12, 2022, a combined sources sought notice and request for information (RFI) (68HE0623R0002) was issued via FedConnect and SAM.gov to identify interested open market sources, with responses due January 3, 2023. Any responses received to the notice or justification will be recorded and retained as a listing of interested and/or prospective sources to be included in EPA's market research for the current recompete, which is being conducted as a full-and-open competitive acquisition in order to enhance competition. The Agency does not foresee any barriers that will restrict competition for the follow-on procurement.

7. FAR §6.303-2(b)(7), A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable:

FAR Subsection 15.403-4, Requiring certified cost or pricing data (41 U.S.C. chapter 35) requires the contracting officer to obtain certified cost or pricing data only if the contracting officer concludes that none of the exceptions in FAR 15.403-1(b) applies. However, if the contracting officer has reason to believe exceptional circumstances exist and has sufficient data available to determine a fair and reasonable price, then the contracting officer may consider requesting a waiver under the exception at FAR 15.403-1(b)(4). The threshold for obtaining certified cost or pricing data is $2 million for contracts or contract modifications awarded after July 1, 2018. Unless an exception applies, certified cost or pricing data are required before the modification of any negotiated contract whether or not certified cost or pricing data were initially required. Although the initial award of Contract EP-S5-17-02 was based on full and open competition, this proposed non-competitive modification is a new procurement for an extension. Consequently, certified cost and price data is now required per FAR 15.403-4(a) (1)(iii) unless an exception applies or a waiver is obtained.

None of the exceptions in FAR 15.403-1(b) applies to this proposed non-competitive action. Prices for the proposed extensions are not based on adequate price competition nor set by law or regulation, are not commercial services, and the waiver standards provided in paragraph 15.403-1(c) cannot be met. Therefore, per FAR 15.403-4(a)(1)(iii), for this planned contract modification wherein the anticipated agreed-upon price will exceed the current FAR established $2 million threshold for prime contracts, the Contracting Officer will require the submission of certified cost or pricing data from the contractor.

The proposal will be evaluated in accordance with FAR 15.404 analysis requirements and procedures including cost analysis techniques such as verification of cost or pricing data and evaluation of cost elements, comparison of actual costs previously incurred and current costs on other contracts held by the contractor with the EPA. The EPA contracting office will also perform other means of rate verification using information obtained through agency internal sources, such as the Financial Analysis and Oversight Branch (FAOB) within EPA, and external sources such as the Defense Contract Management Agency (DCMA) or the Defense Contract Audit Agency (DCAA). More importantly, the Contracting Officer will perform price analysis in addition to cost analysis to assure overall price reasonableness. The use of the above techniques and resources will ensure that the CO can determine a fair and reasonable price for the anticipated extension period(s).

Additionally, in preparing a proposal for the extension, Weston Solutions, LLC will be requested to price the extension utilizing labor and equipment rates that are consistent with (i.e. equal to or less than) the current rates contained in the current contract period, which were determined to be fair and reasonable prior to issuance of the original contract. In evaluating the extension proposal, the Contracting Officer will consider, if proposed by Weston Solutions, LLC, an escalation factor applied to the labor and equipment, for which an escalation factor consistent with the annual escalation applied historically under the contract and/or industry-based escalation rates will be considered reasonable. The contractor will also be requested to propose pricing for the base extension period of 6 months, based on maintaining a level of effort that is consistent with the current levels provided for these services, and the 6 optional monthly extensions on a downward sliding scale based on declining needs for the services to continue as they are transitioned to the successor awardee.

8. FAR §6.303-2(b)(8), A description of the market research conducted (see part 10) and the results or a statement of the reason market research was not conducted:

Market research for the estimated amounts for this bridge extension are based on historical expenditures under the IDIQ and respective task orders. Research was conducted on other existing EPA contract vehicles and other common contracting solutions database to determine available scope and capacity prior to the decision to begin the recompete process for a new contract. No existing contract vehicles had sufficient scope and capacity to absorb the value and full scope of Region 6's existing critical START requirements, and requirements that were anticipated to arise during and beyond the remaining duration of contract performance.

9. FAR §6.303-2(b)(9), Any other facts supporting the use of other than full and open competition:

(i) Rationale

The requirements and limitations at FAR 6.302-2(c) have been met for this emergency bridge extension, as follows:

FAR 6.302-2(c)(1): The emergency bridge extension ("contract award") to be awarded using the authority at FAR 6.302-2 is supported by this written justification and approvals described in FAR 6.303 and 6.304. This justification will be made and approved prior to contract award.

FAR 6.302-2(c)(2): Since this justification is for an emergency sole source bridge extension of

the period of performance for the existing START contract, offers will not be solicited from any additional sources beyond Weston Solutions, LLC for the emergency continuation of the emergency response and time-critical services and support currently provided and anticipated to be needed for future emergencies, under the current START contract.

FAR 6.302-2(c)(3): The total maximum 12-month period of performance of the emergency bridge extension to the START contract is only requested and required for the time necessary to meet the unusual and compelling requirements of the work to be performed until the competitive follow-on is awarded and the successor contractor is able to assume performance of the emergency response and time-critical work for on-going/existing emergencies and any new emergencies that may arise. As required by FAR 6.302-2(c)(3)(ii), the extension does not exceed 1 year, as the extension is requested for a maximum of 12 months through January 2, 2024 for the IDIQ contract and the existing task orders, inclusive of a six (6) month Base extension and six (6) monthly optional extensions. The extensions are necessary to allow critical emergency response, preparedness, prevention, risk assessment, sampling, analysis, and inspection support and related projects and activities to continue, and for new Task Orders and projects to be issued for unforeseen emergency and time-critical work in response to significant events, such as natural disasters and oil spills, as the Agency recompetes Region 6's mission-critical requirement for Superfund Technical Assessment and Response support (anticipated to be awarded by July 10, 2023). Under the recompete, Task Orders will be issued on a non-competitive basis to the single-award IDIQ contractor. It is anticipated to take no less than 135 days (based on the standard procurement lead time) to place each Task Order under the new award. As such, it is anticipated all on-going or new Task Orders issued under this extension that must continue will be awarded and transitioned over to the new contract vehicle, as needed, between July 2023, and November 2023. In the event the work currently being performed under the current START contract cannot be disrupted to transition immediately to the successor contract upon award of the follow-on, the extension period includes an additional two (2) months (through January 2, 2024) to ensure such work can be completed. Therefore, this extension period also includes: six (6) Optional Monthly Extensions for the services to continue as they are transitioned to the successor awardee; and an extension of not-to-exceed 3 months (90 days) for transition to the successor contractor pursuant to FAR 52.237-3 Continuity of Services to run concurrent with the last three (3) months of performance under the extension, upon finalization of the new recompete award.

(ii) Cost

- Current contract ceiling is **$61,802,877.00**
- To date, seven (7) Task Orders have been issued utilizing **$46,392,699.36** of this ceiling, leaving **$15,410,177.64** in available ceiling to utilize under the extension.
- Current estimated bridge extension cost is **$14,174,156.40** (as delineated in Section 3, paragraph (ii) herein)

There is sufficient ceiling capacity remaining under the existing IDIQ contract to support the requested maximum extension of 12 months. This extension of current support and any Task Orders and/or projects awarded under the extension will not result in an increase in the IDIQ contract price ceiling and, therefore, will result in no increase in the current IDIQ ceiling. Therefore, the existing total contract ceiling amount will remain as $61,802,877.00 as a result of executing the modification to extend the contract ordering period by a potential maximum of 12 months.

(iii) Period of Performance

- Existing contract period of performance expiration date: **January 2, 2023**
- Anticipated bridge extension period of performance: **January 3, 2023 – January 2, 2024** (January 3, 2023 – July 2, 2023, for the Base extension for 6 months; July 3, 2023 – January 2, 2024, for the Optional monthly extensions of up to 6 months total; and Optional extension of 3 months for continuity of services/transition, anticipated to be exercised for up to a 90-day period not to extend beyond January 2, 2024)
- Previous approved bridge extension periods of performance: **Not Applicable**

(iv) Follow-on

The Agency is in the process of placing a new competitive single-award contract vehicle, which is currently anticipated to be awarded on or around July 10, 2023, in accordance with the following milestone schedule:

- **Acq Plan/Complete Package:** January 23, 2023
- **Solicitation Issued:** February 21, 2023
- **Proposals Received:** March 20, 2023
- **Evaluation Complete:** May 4, 2023
- **Final Proposals:** June 3, 2023
- **Award Date:** July 10, 2023

The incumbent, Weston Solutions, LLC, is a large business that may be eligible to compete as a prime offeror for the recompete requirement. In the event Weston Solutions, LLC is not the successor contractor, award to any other contractor for the recompete will require Weston Solutions, LLC to transition to the new, successor awardee once the new award is made.

(v) Previous Bridge

Not applicable. No previous bridge extensions have been requested or executed under this contract.

10. FAR §6.303-2(b)(10), A listing of the sources, if any, that expressed, in writing, an interest in the acquisition:

No sources have expressed in writing an interest in this bridge extension at this time. On December 12, 2022, a combined sources sought notice and request for information (RFI) (68HE0623R0002) was issued via FedConnect and SAM.gov to identify interested open market sources, with responses due January 3, 2023. Any responses received to the notice or justification will be recorded and retained as a listing of interested and/or prospective sources to be included in EPA's market research for the current recompete, which is being conducted as a full-and-open competitive acquisition.

11. FAR §6.303-2(b)(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 Agency anticipates completing the re-competition for a new competitive contract vehicle to provide these critical services within approximately 6.5 months of this justification. Therefore, the EPA has considered and determined there are no barriers to competition to remove or overcome in order to execute the requested extension of the current contract ordering period.

12. FAR §6.303-2(c), Evidence that any supporting data that is the responsibility of technical or requirements personnel (e.g., verifying the Government's minimum needs or schedule requirements or other rationale for other than full and open competition) and which form a basis for the justification have been certified as complete and accurate by the technical or requirements personnel:

The undersigned hereby certifies that all supporting data that is the responsibility of technical or requirements personnel (e.g., verifying the Government's minimum needs or schedule requirements or other rationale for other than full and open competition) and which form a basis for this justification is complete and accurate.

KELLON PEARSON Digitally signed by KELLON PEARSON
DN: c=US, o=U.S. Government, ou=Environmental Protection Agency, cn=KELLON PEARSON, 0.9.2342.19200300.100.1.1=68001003655838
Date: 2022.12.08 11:59:49 -06'00'

Kellon Pearson, *COR* Date
Region 6 Superfund and Emergency Management Division
Resources Section

13. FAR §6.303-2(b)(12), Contracting officer certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief.

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

JESSICA WHITE Digitally signed by JESSICA WHITE
Date: 2022.12.29 11:27:22 -05'00'

Jessica White, *Contracting Officer* Date
Office of Acquisition Solutions
Headquarters Acquisition Division

BRIDGE JUSTIFICATION FOR OTHER THAN FULL AND OPEN OMPETITION

CONTRACT EP-S5-17-02

(EPAAG 1.6.1-A, Item 8b: REVIEWS AND APPROVALS, FAR 6.304(a)(2) threshold)

REVIEW:

NOELLE MILLS Digitally signed by NOELLE MILLS
Date: 2022.12.29 11:42:27 -05'00'

In lieu of **Kevin Logan,** *Acting Director* Date
Office of Acquisition Solutions
Headquarters Acquisition Division

TOMMIE MADISON Digitally signed by TOMMIE MADISON
Date: 2022.12.29 12:57:11 -05'00'

Tommie Madison, *Agency's Advocate for Competition* Date
Office of Acquisition Solutions

(EPAAG 6.3.1.4: Head of Contracting Activity (HCA) approval to waive the six (6) month limitation on bridge justifications)

APPROVED:

PAMELA LEGARE Digitally signed by PAMELA LEGARE
Date: 2022.12.30 19:19:36 -05'00'

Pamela Legare Date
Director, Office of Acquisition Solutions (OAS)
Head of Contracting Activity and Senior Procurement Executive