SOLE SOURCE JUSTIFICATION FOR SIMPLIFIED ACQUISITION UNDER THE TEST PROGRAM FOR COMMERCIAL ITEMS (FAR 13.5)

1. Contracting Agency and Activity. The Department of the Interior, United States Geological Survey, Branch of Acquisition and Grants plans to contract by means other than full and open competition. This document sets forth the justification and approval as required by FAR 13.501(a).

2. Nature of Action Being Approved.

The USGS intends to contract noncompetitively with Brigham Young University, of Provo, UT, under authority of the Special Test Program for Certain Commercial Items at Federal Acquisition Regulation (FAR) Subpart 13.5. In accordance with (IAW) FAR 13.501(a)(1), "acquisitions conducted under simplified acquisition procedures are exempt from the requirements in Part 6". This contemplated action is follow-on to purchase order 05WRSA0584. The new contract is for a 5 year contract.

3. Description of Supplies or Services. Services to be provided are soil and plant sample chemical analyses/testing. Soil and plant sample analyses is an on-going and integral part of the biological soil crust and climate change research being performed at Canyonlands Research Station. Failure to procure soil testing would be extremely detrimental to the current research program. It would bring some research to a complete stop.

4. Estimated Dollar Value. ver five (5) years

5. Statutory Authority. The proposed action may be awarded without full and open competition under authority of the test program for commercial items (section 4202 of the Clinger-Cohen Act of 1996).

6. Rationale Supporting Use of Citation in No. 5.

The Brigham Young University Plant and Soil Testing Lab have been analyzing soil samples for USGS from the inception of our current research program in 1993. In order to make certain that the results from previous years and sites are comparable, it is imperative that USGS stay with this same soil testing facility for future samples.

The analyses USGS does today are very often compared with results from previous testing—all done at the BYU lab. There are many factors that control the results of soil analyses, and after extensive consultations with other experts in this field, USGS has verified the following: 1. Laboratories and their results vary substantially. Labs may use different techniques and protocols, they may use different equipment or have varying protocols in the preparation and testing of samples, etc.; 2. Quality control measures are the most important and the most variable in attempting to get results that can be used in comparison with other data. These measures may include temperature control, measurement of chemicals used in testing, and equipment

calibration. After investigating labs at other government facilities and universities in the western United States, the USGS has found that the quality control measures taken by the BYU lab are superior to those of other labs. To change analytical labs in the middle of research projects where data is being compared would compromise the integrity of the science being performed.

7. Other Information. Provide any other facts supporting the use of other than full and open competition, such as:

In an attempt to foster competition the USGS has, on several occasions, sent split samples to other soil testing facilities for comparative analyses. USGS received disparate results every time. On one occasion, split samples were sent to soil testing facilities at Utah State University in Logan, UT, the USDA lab in Las Cruces, NM, the USGS lab in Sacramento, CA, and the Brigham Young University lab in Provo, UT. The results were distinctly dissimilar, indicating that using another soil testing facility would compromise our research.

8. Efforts to Identify Additional Sources:

As cited in Number 7 above, USGS has made several attempts in the past to compare analyses of same (split) samples by sending them to different testing facilities. The results returned were so dissimilar that they were considered unusable in the current research program.

9. Future Plans to Permit Competition.

There are no other sources that can perform the soil testing required by our soil crust and climate change research programs. The recommendation of the BRD, Southwest biological Science Center, Canyonlands Research Center in support of this noncompetitive justification is made in recognition of the fact that competition must be obtained to the maximum extent practicable.

10. Recommendation and Certification

Based on the above, I recommend this acquisition be conducted on the basis of other than full and open competition. I certify that technical data that is the responsibility of technical or requirements personnel and which form a basis for the justification are complete and accurate.

Date: 6/25/10

Research Ecologist

11. Certifications from the Contracting Officer:

a. It is anticipated that the price will be fair and reasonable; a notice of intent to award noncompetitively will be posted in the GPE. A more detailed analysis and determination will be included in the pre-award memorandum.

b. This justification is accurate and complete to the best of my knowledge and belief.

12. Approvals

6/30/2010

Date

Contracting Officer

2 Jul 10

Chief, Branch of Acquisition & Grants, WR

Date