

## Justification and Approval for Sole Source

### 1. Identification of the agency and contracting activity.

The U.S. Department of Justice - US Trustees proposes to enter into a sole source contract with the Delaware Regional Transit Commission, for the purchase of transit cards for bus and rail services for the for Philadelphia, Harrisburgh, Pittsburgh PA, Wilmington, DE PA & Newark, NJ U.S. Trustees in employees on a monthly or as needed basis.

### 2. Nature and/or description of the action being approved.

The statutory authority permitted Other Than Full and Open Competition is 41 U.S.C. 235(c)(1), as implemented by the Federal Acquisition Regulation (FAR) 6.302-1(b)(1) (i), which permits contracting without providing for full and open competition in those situations where the services are available from only one responsible source and no other type of services will satisfy the DOJ-US TRUSTEES requirements.

### 3. Description of the supplies or services required to meet the agency's needs (including the estimated value).

a. **Project title.** DELAWARE REGIONAL TRANSIT - TRANSIT SUBSIDY

b. **Project description.**

The U.S. Department of Justice - US Trustees proposes to enter into a sole source contract with the Delaware Regional Transit for the purchase of transit cards for bus and rail services for the DOJ-US Trustees in Philadelphia, Harrisburgh, Pittsburgh PA, Wilmington, DE and Newark, NJ employees on a monthly or as needed basis.

• **Requirement type.** Check the appropriate box:

- ☐ Research & development (R&D)
- ☐ R & D support services
- ☐ Support services (non-R&D)
- ☐ Supplies/equipment
- ☐ Information technology (IT)
- ☐ Construction
- ☐ Architect-engineer (A & E) services
- ☐ Design-build
- ☒ Other (specify): Transit Subsidy

• **Type of action.** Check the appropriate box:

- ☐ New requirement
- ☐ Follow-on
- ☒ Other (specify): Transit Subsidy

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- **Proposed contract/order type.** Check all that apply:

- ☒ Firm-fixed-price
- ☐ Other fixed-price (specify, e.g., fixed-price award-fee, fixed-price incentive-fee): \_\_\_\_\_
- ☐ Cost-plus-fixed-fee
- ☐ Other cost reimbursement (specify, e.g., cost-plus-award-fee, cost-plus-incentive-fee): \_\_\_\_\_
- ☐ Time and materials
- ☐ Indefinite delivery (specify whether indefinite quantity, definite quantity, or requirements): \_\_\_\_\_
- ☐ Other (specify): \_\_\_\_\_
- ☐ Completion Form    ☐ Term form

- **Contract / Purchase Order number.**

15JUST19P00000129

- c. **Total estimated dollar value and performance/delivery period.**

\$40,680.60 for Fiscal Year 2019

- d. **Demonstration that the proposed contractor(s) unique qualifications or the nature of the acquisition requires use of the authority cited.**

Effective January 1, 1994, the Federal Employees Clean Air Act (Public Law 103-172) authorized the establishment of transit benefits programs on a permanent basis for federal employees. These programs encourage Federal Employees to commute by means other than single-occupancy motor vehicles, with improves air quality by meeting Clean Air Act Standard through reduced traffic congestion and parking programs. Therefore, the DOJ for US Trustees implemented Full Share Programs for issuance of fare cards for use on public transportation in the Philadelphia, PA, Harrisburg, PA, Pittsburgh, PA, Wilmington, DE and Newark, NJ a metropolitan area. The transit media which is downloaded to UST employee fare cards for bus and or rail services to commute to work from their home. There is only one source in the metropolitan Philadelphia, PA, Harrisburg, PA, Pittsburgh, PA, Wilmington, DE and Newark, NJ area that provides bus and rail services to USTP staff which is not county base. DRTA assist numerous counties that have been designated non-attainment for ozone and particulate matter under the Federal Clean Airs Act standards.

DRTA is the only source available in Philadelphia, PA, Harrisburg, PA, Pittsburgh, PA, Wilmington, DE and Newark, NJ a to provide the USTP employees with the required transit services. The anticipated cost to the Government for this proposed contract action has been determined to be fair and reasonable; the prices for the transit fare are set by law and regulation and charged to all DRTA users.

The estimated total value for the services to be acquired is \$40,680.60

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**4. Identification of the statutory authority permitting other than full and open competition.**

☐ This acquisition is conducted under the authority of 41 United States Code (U.S.C.) 3304(a)(\_\_\_) as set forth in Federal Acquisition Regulation (FAR) 6.302-\_\_\_.

☐ This acquisition is conducted under the authority of section 4202 of the Clinger-Cohen Act of 1996.

☐ This acquisition is conducted under the authority of the Services Acquisition Reform Act of 2003 (41 U.S.C. 428a).

☒ This acquisition is conducted under the authority of  
41 U.S.C. 235(c)(1) \_\_\_\_\_ as set forth in  
Federal Acquisition Regulation (FAR) 6.302-1(b)(1)(i).

**5. Description of the efforts made to ensure that offers are solicited from as many potential sources as practicable. Indicate whether a FedBizOpps notice was or will be publicized as required by FAR Subpart 5.2 and, if not, which exception under FAR 5.202 applies.**

Philadelphia, PA (Reg. 03) Office contacted several transportation providers in the market however none were able to provide the services without substantial duplication of cost to the government or unacceptable delays in fulfilling agency's requirement.

**6. Determination by the Contracting Officer that the anticipated cost/price to the Government will be fair and reasonable.**

As the Contracting Officer, I have determined that the anticipated price will be fair and reasonable as it is anticipated that the costs for this task order will be nearly identical to those costs from the previous contract for Delaware Regional Transit transit subsidies. The prices for the transit fare are set by law and regulation and charged to all Wage Works users.

**7. Description of the market research conducted (see FAR Part 10) and the results, or a statement of the reasons market research was not conducted.**

Philadelphia, PA Office contacted several transportation providers in the market however none were able to provide the services without substantial duplication of cost to the government or unacceptable delays in fulfilling agency's requirement.



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**9. Any other facts supporting the use of other than full and open competition.**

The prices for the transit fare are set by law and regulation and charged to all Delaware Regional Transit users.

**10. Listing of sources, if any, that expressed, in writing, an interest in the acquisition.**


No other sources have expressed an interest, in writing, in the proposed acquisition

**11. Statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the required supplies or services.**

If a similar requirement arises, every effort will be made to compete to the maximum extent practicable.


**12. USTP office certification.**

This is to certify that the portions of this justification that have been developed by the undersigned office personnel, including supporting information and/or data verifying the Government's minimum needs, schedule requirements and other rationale for other than full and open competition, are accurate and complete.

Official	Name & Title	Signature	Date
Technical Cognizance	Janel Bomann, Transit Manager USTP		03/21/2019
Supervisor / Manager			03/21/2019

**13. Contracting Officer Certification.**


This is to certify that the justification for the proposed acquisition has been reviewed and that to the best of my knowledge and belief the information and/or data provided to support the rationale and recommendation for approval is accurate and complete.

Official	Name & Title	Signature	Date
Contracting Officer	Keron White		03/21/2019

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The Chief of the Procurement & Property Branch (PPB), if applicable, shall indicate review of, and concurrence with, any J & A over \$25,000 by providing the information required below and signing in the applicable block.

**14. Chief of the Procurement & Property Branch signature(s).**

Official	Name & Title	Signature	Date
Chief of the Contracting Office	Keron D. White Chief Procurement & Property		03/21/2019