



United States Department of the Interior

Office of Acquisition and Property Management (PAM)
National Park Service Programs
Contracting Operations, National

Sole Source Justification under RFO 8.401 and GSAM/R 538.7104-3

Department of the Interior (DOI) Acquisition Arts, and Asset Policy (AAAP) F008, effective 3/31/26, adopted the Revolutionary FAR Overhaul (RFO) model deviation of Federal Acquisition Regulation (FAR) part 8. RFO 8.401 states that when placing an order under a Federal Supply Schedule (FSS) contract, which includes Multiple Award Schedule (MAS) contracts, agencies must follow the ordering procedures established by GSA found at GSAM/R subpart 538.71.

A. Description and Background

Contractor support is required to address hazardous substances present in areas managed by the National Park Service (NPS). NPS has authority under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601 et seq. to respond to releases or threatened release of hazardous substances to NPS-managed resources. CERCLA's implementing regulations, codified in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 Code of Federal Regulations (CFR) Part 300, establish frameworks for responding to hazardous substance releases and threatened releases. NPS is following the long-term remedial action response framework to assess and address hazardous substances present at five sites located in Washington, District of Columbia (the District) and identified below:

- Anacostia River Sediment Project (ARSP)
- Kenilworth Park Landfill
- Poplar Point Site
- Watts Branch Sediment Site, and
- Washington Gas – East Station Site

Technical support is required to fulfill NPS's responsibilities as the federal land manager to ensure the managed resource is protected and the cleanup of contamination is completed in a manner that protects human health and the environment and achieves the non-impairment mandate of the NPS Organic Act.¹

This acquisition is for technical support services at the five sites to complete the CERCLA phases of work through issuance of a Record of Decision (ROD) and initiation of implementation of the cleanup remedy for each of those sites. The long-term remedial action response framework is an iterative process, with the results and conclusions of the previous phase informing the activities required to complete the next phase. The specific CERCLA phases of work to be completed at each site are defined in the Statement of Work (SOW).

Under separate time-and-materials (T&M) Multi Award Schedule (MAS) orders currently underway, Vanasse Hangen Brustlin (VHB) is performing CERCLA technical support services at these five sites under its GSA MAS contract GS-00F-116CA. VHB is one of five companies

¹ Act of Aug. 25, 1916, ch. 408, 39 Stat. 535 (codified as amended at 54 U.S.C. § 100101).

with a Blanket Purchase Agreement (BPA) that supports NPS's Park Planning Facilities and Lands (PPFL) Environmental Management Program (EPM) for Contaminated Site Cleanup.

B. Justification

1. Circumstances

GSAM/R 538.7104-3 lists five circumstances justifying limiting the number of established sources solicited for a proposed order with an estimated value above the Simplified Acquisition Threshold (\$350,000); two are relevant to this procurement:

1. (b)(ii) Only one source is capable of providing the supplies or services required at the level of quality required because the supplies or services are unique or highly specialized, and
2. (b)(v) A law expressly authorizes or requires that the purchase be made from a specified source.

Regarding circumstance number 1, VHB is the only source capable of providing the required services at the level of quality required because the service is highly specialized for the reasons provided below:

Site Complexity and NPS Contaminated Site Team (CST) Requirements. Under NPS's contaminated site cleanup protocol, NPS established a CST for each of the five sites. Each CST includes three roles: a federal government lead (FGL), a legal lead (LL), and a cleanup lead (CL). The FGL is an NPS subject matter expert, and the LL is an attorney-advisor assigned by DOI's Office of the Solicitor. The CL role must be filled by an NPS contractor that has completed NPS Contaminated Sites Cleanup onboarding and other required training. The contractor must also have experience with CERCLA response actions, the NPS Cleanup Framework for sites of comparable complexity, NPS Cleanup Best Practices, and NPS online tools. NPS uses a complexity categorization model with four levels, from Level 1 as the lowest to Level 4 as the highest, to determine the experience required of CST Leads, including the contractor serving in the CL role. NPS has categorized each of the five sites in this acquisition as Level 4 — the most complex contaminated sites in its portfolio—because they involve unique technical challenges, including comingled contamination in the urban tidal Anacostia River system; multiple jurisdictions; significant public and stakeholder interest; and related legal actions and cost-recovery cases.

VHB staff have served as the CL on each of the five CSTs since the teams were created in 2018. VHB staff assigned to the project have completed NPS onboarding and, through their past and current support, have the experience required and developed detailed knowledge of the historical investigations, technical issues, legal actions and NPS Contaminated Site Cleanup Framework applicable to perform the role for these complex sites. VHB has been the only contractor to fill the CL role on the CST for each of these five sites and therefore is the only contractor that has the specific experience and expertise for sites of this complexity and scope located in Washington D.C.

Interrelationship of the Five Sites. Four of the five sites are adjacent to the Anacostia River ("River"), and the fifth, ARSP, involves cleanup of the riverbed itself, for which NPS is responsible for protecting U.S. proprietary interests. On January 10, 2025, the District of Columbia filed a cost-recovery lawsuit against the United States, alleging that

the United States is the principal party responsible for contaminating the River. That litigation is currently stayed for mediation. All four sites are implicated in the District's litigation. As noted above, VHB has filled the CL role on the CST for all five sites and its detailed technical understanding of the sites and their relationship with the river has allowed VHB to provide important support to DOI attorney-advisors during the active negotiations related to the River litigation and other settlement negotiations currently underway.

Departmental Policy and Need for Technical Expertise. It is DOI's policy for bureaus, including NPS, to aggressively pursue potentially responsible parties (PRPs) to correct contamination of Departmental lands and facilities or recover cleanup costs. 518 DM 2.4; *see* ECM 10-1; ECM 40-5. Consistent with this policy, NPS may pursue enforcement, cost recovery, and litigation, all of which require technical expertise for effective preparation and execution. VHB has been supporting NPS's cost recovery efforts for all five sites since 2018 and has unique and highly specialized expertise in supporting DOI's cost recovery efforts by maintaining required documentation, uploading records, and preparing cost recovery reports using DOI's Cost Tracking Tool (CTT), DOI's cost documentation platform.

Regarding circumstance number 2, CERCLA includes a provision that allows single source procurement of services under: United States Code (USC) Title 42, The Public Health and Welfare. Chapter 103, Comprehensive Environmental Response, Compensation, and Liability. Subchapter I, Hazardous Substances Releases, Liability, Compensation. §9609. Civil penalties and awards. (e) Procurement procedures: Notwithstanding any other provision of law, any executive agency may use competitive procedures *or procedures other than competitive procedures to procure the services of experts for use in preparing or prosecuting a civil or criminal action under this chapter*, whether or not the expert is expected to testify at trial. The executive agency need not provide any written justification for the use of procedures other than competitive procedures when procuring such expert services under this chapter and need not furnish for publication in the Commerce Business Daily or otherwise any notice of solicitation or synopsis with respect to such procurement. *emphasis added*

As noted above, VHB is currently providing important support to DOI attorney-advisors during active negotiations related to the River litigation. A new Contractor would not be capable of attaining the necessary technical knowledge and expertise for the five large and complicated sites associated with this litigation within a reasonable timeframe to continue to provide meaningful support to NPS and the DOI attorney-advisors.

In addition to supporting the River litigation, there are existing legal agreements in place for two of the sites and a third is actively under negotiation. VHB has been supporting DOI attorney-advisors in both the active negotiations and in ensuring NPS continues to meet its legal obligations under the current legal agreements that exist for the sites included in this acquisition.

VHB's experience supporting DOI attorney-advisors and NPS in cost recovery, enforcement actions, settlement negotiations, mediation, and litigation, combined with its understanding of the interrelated sites and complex relationships among support agencies, responsible parties, and surrounding communities, uniquely qualifies VHB as the subject matter expert for this acquisition. Retaining VHB is therefore in the Government's best interest and represents the most efficient course of action.

2. Other Capable Sources

Other potential sources include Contaminated Site Cleanup BPA contractors (five large businesses); GSA MAS 541620 contractors in a variety of socioeconomic categories; and the open market, using a set-aside or sole source under a socioeconomic program.

3. Barriers to Future Competition

Most of the contract support for NPS CERCLA investigations is solicited from the BPA contractors. There are no systemic barriers to competition for subsequent acquisitions, either for work at this Site or for CERCLA work more generally.

- C. Recommendation and Certification by Program Office.** Based on the above justification, I recommend this acquisition to be awarded to VHB. I certify that this justification is accurate and complete to the best of my knowledge and belief.

[REDACTED]
Program / Project Officer

Date

- D. Contracting Officer Certification and Approval.** Based on the narrative above, I certify that the circumstances justify soliciting the acquisition from a single source.

[REDACTED]
Contracting Officer

Date

- E. Concurrence by Chief of the Contracting Office.** *Required for awards exceeding the Simplified Acquisition Threshold (\$350,000) in accordance with DOI-AAAP-0024.*

[REDACTED]
Contracting Officer

Date