

**JUSTIFICATION AND APPROVAL  
TO PROCURE USING OTHER THAN FULL AND OPEN COMPETITION**

1. Identification of Agency and Contracting Activity.

This Justification and Approval (J&A) for Other Than Full and Open Competition is executed by the Strategic Acquisition Center (SAC), Fredericksburg, VA, on behalf of the Department of Veterans Affairs (VA), Veterans Benefits Administration (VBA).

2. Nature/Description of Action.

VBA has a requirement for a conference to conduct Specialized Adjudication Review Course (SPARC) training for those VBA employees identified as requiring assistance with production and quality. Funding for this requirement was specifically appropriated by Congress to provide the necessary training required to reduce the backlog of Veterans' disability claims.

This activity proposes to negotiate a noncompetitive sole-source award with the National Conference Center (NCC), for the procurement of a complete event meeting package. This complete meeting package is inclusive of lodging, meals, guest dining, break stations (food and beverage) and parking for the individual. It also includes meeting space, a projector and screen in each meeting room. This requirement is in addition to Event Labor Support and Audio Visual Equipment, which is being procured separately. As part of a separate task order, NCC is currently providing the lodging, meals, guest dining, break stations (food and beverage) and parking for the individuals during Session I as a subcontractor to National Conferencing Inc. (NCI). Since NCC is the subcontractor to the Prime Contractor, NCI, the Government is responsible to pay for all sales and occupancy taxes on the rooms currently being used. Those taxes are an added expense to the Government of \$300K per session. The Government has decided to do a partial Termination for Convenience of the NCI task order which will separate the lodging, meals, and meeting space from the current NCI task order. The Session 1 lodging, meals, meeting space, event support personnel, and audiovisual support will remain as part of the current NCI task order as Session I is currently on-going. A sole-source task order award will need to be made to NCC for lodging, meals, and meeting space for approximately 600 employees and approximately 100 field instructors during Sessions II and III. The anticipated cost to NCC for Sessions II and III is approximately \$4,498,959. Establishing a direct contract will NCC and the VA will allow the Government to be exempt from sales and occupancy tax, which could total more than \$600K over Sessions II and III.

3. Description of Supplies/Services.

Training will be conducted over the course of three, three-week sessions. Each session will train approximately 600 employees, using approximately 100 field instructors. The Government estimate is \$6,868,250. Due to the volume of participants, training must be conducted at an off-site training location. The training space will include classroom and lodging facilities. The classrooms are to be used exclusively for VBA training.

4. Identification of Statutory Authority.

The statutory authority permitting other than full and open competition is 41 U.S.C.3304(a)(1) as implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-1 entitled, "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements. Source Selection Information in Accordance with FAR 2.101 and 3.104

## Specialized Adjudication Review Course (SPARC) Training

### 5. Demonstration of Contractor's Unique Qualifications.

Only NCC has the unique capability to hold the series of events required to support the VBA's training requirement. NCC has the facility layout and presentation capabilities uniquely suited to handling a conference of this magnitude. A full discussion of the capabilities provided by NCC is detailed in the market research, conducted on April 23, 2014, and is presented in detail in Section 8 of this document.

### 6. Description of efforts made to ensure offers are solicited from as many potential sources as practicable.

A detailed market research, detailed in Section 8 of this document, effort was conducted to ensure the Government determines the best possible location to optimize the learning environment required for VBA's training. This effort did not identify any other locations with comparable space; access and available equipment that could help ensure a successful event for the SPARC training requirements. In accordance with 5.202(a)(11), the proposed contract action is made under the terms of an existing contract that was previously synopsisized in sufficient detail to comply with the requirements of 5.207 with respect to the current proposed contract action.

### 7. Contracting Officer Fair and Reasonable Determination

Fair and reasonable pricing is based on Government schedule pricing and the comparison of the per diem rates as listed in the Federal Travel Regulation against the Contractor's proposed cost for Lodging and Food.

### 8. Description of Market Survey.

Although extensive market research was conducted in support of providing a viable location capable of supporting all training activities, the basis for this sole-source requirement is that only one vendor can provide all of the Government's requirements as outlined in the Performance Work Statement to ensure a successful event. In accordance with FAR Subpart 6.302-1, a sole-source award will be made to NCC to provide lodging, meals, conference and classroom space.

The SPARC training requirements are as follows-

Approximately 125 personnel (instructors and course management personnel) will arrive at the selected site on May 5, 2014, for the first "Train-The-Trainer" session and setup. The trainees will arrive as noted in the following schedule:

- (1) May 12, 2014 through May 30, 2014      Session One
- (2) June 2, 2014 through June 20, 2014      Session Two

Approximately 125 personnel (instructors and course management personnel) will arrive at the selected site on July 7, 2014, for the second "Train-The-Trainer" session and setup. The trainees will arrive on:

- (3) July 14, 2014, through August 1, 2014. Session Three
- (4) All personnel will depart on August 1, 2014.

## Specialized Adjudication Review Course (SPARC) Training

Research for this event was performed for the following locations:

- (1) National Conference Center, Leesburg VA
- (2) Sprint Center, Wichita KS
- (3) Microtek, Orlando FL

The Sprint Center and Microtek did not have availability for all training sessions as outlined below. Specifically, Microtek only had availability to support no more than 200 people at one location. Furthermore, the Microtek facility only provided training space. VBA would still have been required to provide transportation, lodging and meal support. Since the space could not accommodate all trainees and instructors, we would also have been required to contract or locate extra training facilities in addition to the Microtek location in Orlando. The nature of this requirement requires training be provided at one location to ensure success.

The Kansas City Sprint Center did not have the ability to accommodate the number of trainees and instructors required for each session. They had the ability to provide support for 275 people per session. This would require the organization to contract or locate extra training facilities in addition to the Sprint Center location. The Government would also have been required to provide transportation, lodging and meal support.

Neither facility could accommodate all training sessions. Microtek's availability was only for the first session. The Sprint Center's availability was only for the first two sessions. To meet the requirements, Microtek stated that they did have training facilities available at multiple training facilities nationwide, but none of which could take on the entire group for all three sessions. Additionally, the Sprint Center could not accommodate the Government beyond providing the limited support for the first two sessions.

NCC is the only facility which meets all the prerequisite conditions required by the VBA for this highly important training. Their location and facility location will optimize the learning environment, which will ultimately provide the best possible return on investment for the Government.

### 9. Other facts supporting the use of other than full and open competition.

The Strategic Acquisition Center currently possesses a Blanket Purchase Agreement with five vendors who can compete for the Event Planning and Event support services.

The original acquisition strategy used the existing BPA and a task order was issued on May 2, 2014. This task order was issued to provide the event support for the required action. After the BPA task-order was issued, it was identified that the Government (via the task order contractor), would be liable for Occupancy and Sales Taxes associated with this event. This is due to the third-party nature of the BPA/task order process and the fact that the BPA task-order contractor is not the facility owner.

Through the issuance of a Purchase Order directly to the facility (NCC) the Government will be exempt from all Occupancy and Sales Tax because the support is being provided directly to the Government via the purchase order contractor. This directly benefits the Government by preserving critical funding, which will be used to improve the quality of life for Veterans.

### 10. Listing of Interested Sources.

Source Selection Information in Accordance with FAR 2.101 and 3.104

Specialized Adjudication Review Course (SPARC) Training

WXIII/OXFORD DTC REAL ESTATE, LLC  
DBA: National Conference Center  
DUNS: 612087978 CAGE Code: 1QX23  
18980 UPPER BELMONT PL  
LEESBURG, VA, 20176-1245,  
UNITED STATES

11. Actions Taken to Remove Barriers to Competition.

The future Event Planning and Event Support Services (EPES) Task Orders are intended to have more planning time, thus utilizing the current EPES BPA competitive procedure.

12. Technical and Requirements Certification: I certify that the supporting data under my cognizance, which are included in this justification, are accurate and complete to the best of my knowledge and belief.

Name: Pamela Miller

Date: 10 May 2014

Title: Chief, Training Staff, Comp SVC

Signature: Pamela Miller

13. Fair and Reasonable Cost Determination: I hereby determine that the anticipated price to the Government for this contract action will be fair and reasonable based on Government pricing and the comparison of the per diem rates as listed in the Federal Travel Regulation against the Contractor's proposed cost for Lodging and Food.

Zachary Wilcox

Date: 20 May 2014

Procuring Contracting Officer

Signature: Zachary Wilcox

14. Contracting Officer Certification:

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

Zachary Wilcox

Date: 20 May 2014

Contracting Officer

Signature: Zachary Wilcox

15. Legal Sufficiency Certification:

I have reviewed this justification and find it legally sufficient as to formalities and compliance with the requirements in FAR 5.302-1.

Legal Counsel

Signature: Robert J. Smith, Esq. Date: 5/20/14

16. Contracting Activity Competition Advocate Approval:

Source Selection Information in Accordance with FAR 2.101 and 3.104

Specialized Adjudication Review Course (SPARC) Training

In my role as Contracting Activity Competition Advocate, based on the foregoing justification, I hereby approve the acquisition of a complete meeting package in support of this VBA Conference. This training is necessary for those employees identified as requiring assistance with production and quality, on an other than full and open competition basis pursuant to the statutory authority cited in paragraph 4 above, subject to availability of funds, and provided that the property and services herein described have otherwise been authorized for the acquisition.

Date: 5/22/14

Signature:



Phyllis Bower  
Head of the Contracting Activity