

## DEPARTMENT OF VETERANS AFFAIRS

### Justification and Approval

#### For

#### Other Than Full and Open Competition

1. **Contracting Activity:** Veterans Health Administration (VHA), Service Area Office (SAO) – East, 323 North Shore, Suite 500, Pittsburgh, PA 15212. Obligation # 648-11-4-372-0551
2. **Nature and/or Description of the Action Being Processed:** The VHA/SAO-East office, on behalf of the VA National Center for Rehabilitative Auditory Research (NCRAR), Portland, Oregon, requests the sole source procurement of Listening Lab Media Components designed and owned by POD Design + Media, LLC. The NCRAR houses an existing “Listening Lab Anechoic Chamber” and requests additional Listening Lab Media Components for their existing system. This requirement will be procured as a Firm-Fixed Price purchase order under FAR Part 12, Commercial Items and FAR Part 13, Simplified Acquisition Procedures.
3. **Description of Supplies/Services Required to Meet the Agency’s Needs:** The NCRAR has an existing “Listening Lab Anechoic Chamber” and requests additional Listening Lab Media Components for their existing system. Listening Lab Media Components consist of samples of real-world immersive video and audio environments. These environments include a series of conversations that switch environmental backgrounds and ambient audio levels as they occur in real time, which challenges patients/research participants to attend and listen closely to try and understand the conversations. The conversations, which grow progressively more complex, involve multiple and off-screen speakers and are triggered by tapping keys on a keyboard. The backdrop is interchangeable, so the same conversation can be set in a marsh in Montauk, an apartment, a noisy restaurant, the city streets, or on a subway platform. Additional conversations and backdrops can be added at any time or developed for future deployment. The NCRAR request Listening Lab Media Components as follows:
  - a. Interface design: Design will include unique spatialization techniques using the latest methods of convolution reverberation, surround systems and a proprietary user and tester interface. Maximum attention will be given to creating a simple, intuitive interface for the tester and the patient/research participant.
  - b. Video and audio production: There are nine video backgrounds and eleven foreground audio conversations. The video backgrounds and audio foregrounds are interchangeable within the system, or can be used separately on their own for additional tests and research. In order to make the test stimuli optimally effective, any and all aspects of audio or video production that may occur during design deployment will be created at maximum fidelity.

The estimated total value of this procurement is \$40,000.00. Delivery is requested within 30 days after receipt of order.

4. **Statutory Authority Permitting Other than Full and Open Competition:** *41 USC §253(g), as implemented by FAR 6.302.*

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The estimated total value of this procurement is \$40,000.00. Delivery is requested within 30 days after receipt of order.

4. **Statutory Authority Permitting Other than Full and Open Competition:** *41 USC §253(g), as implemented by FAR 6.302.*

- (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- ( ) (2) Unusual and Compelling Urgency per FAR 6.302-2;
- ( ) (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- ( ) (4) International Agreement per FAR 6.302-4
- ( ) (5) Authorized or Required by Statute FAR 6.302-5;
- ( ) (6) National Security per FAR 6.302-6;
- ( ) (7) Public Interest per FAR 6.302-7;

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The requested Listening Lab media is essentially a follow-on request, as NCRAR has an existing "Listening Lab Anechoic Chamber". Only Listening Lab Media Components designed and owned by Pod Design + Media, LLC, are compatible with the existing Listening Lab Anechoic Chamber. Pod Design + Media, LLC has proprietary ownership of the Listening Lab Systems, to include the Listening Lab Media Components. These components are proprietary and only sold through Pod Design + Media, LLC.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Both end user and SAO-East Contract Specialist performed market research to determine additional suppliers of this product. Market research was performed on the internet, to include GSA Advantage, professional and industry conventions/conference and direct contact with the manufacturer. Additionally, an Intent to Sole Source was posted on Federal Business Opportunities and no responses were received. Pod Design + Media, LLC is the sole manufacturer and distributor of these items at this time

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The contracting officer has evaluated the market in accordance with FAR Parts 12.209 and 13.106-3 to ensure price fair and reasonableness prior to final award. This requirement includes nine (9) video and eleven (11) audio Listening Lab Media Components (software and software licenses), hardware and installation. Seventy-five (75) % of the costs are the video and audio components; 20 Ea Video/Audio: \$30,650.00 (about \$1,532.00/ea). In comparison with other market providers of similar nature:

MANUFACTURER	MODEL	PRICE/EA	Open or FSS?	DIFFERENCE
Pod Design + Media	Listening Lab	\$1,532.00	Open	
Tucker-Davis Technology	PsychRP	\$1,450.00	Open	5% Lower
Tucker-Davis Technology	Sykofizx	\$2,500.00	Open	39% Higher
MOTU	MADPLP	\$1,475.00	GSA Advantage	4% Lower
Aspect Software	7030-0174	\$1,813.50	GSA Advantage	15% Higher
Broadcasts Electronics	959-0200-CON	\$1,575.00	GSA Advantage	3% Higher

The hardware required on this requisition are one (1) each Mac Pro CPU (8 Core/16Gb Add RAM/Software/Dell UltraSharp U2711 27" Monitor) (\$3,500.00), one (1) each Fireface 800 Soundcard (\$1,200.00), and cables (\$650.00) for a total value of \$5,350.00. In comparison with the same hardware on the market today:

Source	MAC PRO CPU,etc	Fireface 800 SOUNDCARD	DIFFERENCE
Pod Design + Media	\$3,500	\$1,200.00	

GSA Advantage (Various)	\$2,128.28		39% Lower
Apple Store (Open)	\$5,248.00		33% Higher
Average of Above	\$3,688.14		5% Higher
GSA Advantage (B&H Video)		\$1,701.72	29% Higher
Sweetwater (Open)		\$1,699.00	29% Higher
Average of Above		\$1700.36	29% Higher

Based on the above price comparison to equal or similar items in both the GSA market and the open market, the price quoted by the sole source vendor is found to be both fair and reasonable.

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted in accordance with FAR Part 10 by both the end user and the contract specialist. Market research was performed on the internet, to include GSA Advantage, professional and industry conventions/conference and direct contact with the manufacturer.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** Attached is a letter from Pod Design + Media, LLC stating that they are the sole provider of the Listening Lab Media Components. A notice of Intent to Sole source was posted to confirm this; no responses were received.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None
11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** This J&A will be posted post-award to FBO for 30 days in accordance with FAR 6.305. NCRAR will evaluate and consider any proposals received as a result of these postings.

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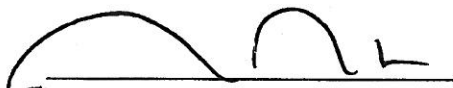


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12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.



STEVEN R. LATHROP

CONTRACTING OFFICERS TECHNICAL REPRESENTATIVE

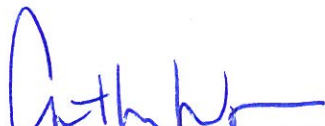
NATIONAL CENTER FOR REHABILITATIVE AUDITORY RESEARCH

19 SEPT 2011

Date

13. **Approvals in accordance with FAR 6.304**

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



ANTHONY WARNER

CONTRACTING OFFICER

SERVICE AREA OFFICE - EAST

9/22/11

DATE

- b. **Supervisory Peer Review:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



TREVOR C. MARTIN

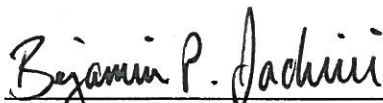
SUPERVISORY CONTRACT SPECIALIST

SERVICE AREA OFFICE - EAST

9/22/11

DATE

- c. **SAO East QA (Required \$3K and above):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



BENJAMIN P. IACHINI

QUALITY ASSURANCE / COMPLIANCE OFFICER

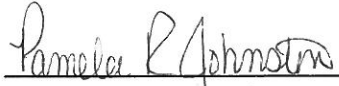
SERVICE AREA OFFICE - EAST

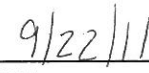
9/22/11

DATE



- d. **NCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.

  
\_\_\_\_\_  
PAMELA R. JOHNSTON  
DEPUTY DIRECTOR  
SERVICE AREA OFFICE - EAST

  
\_\_\_\_\_  
DATE



DESIGN + MEDIA

STEPHANIE M. GOE  
CONTRACT SPECIALIST  
SAO-EAST  
PITTSBURG, PA

PROJECT NAME: LISTENING LAB MEDIA COMPONENTS  
PROJECT NUMBER: 2007-0016

Dear Stephanie,

I, Brooks Atwood principal of POD DESIGN & MEDIA LLC, am the owner and sole proprietor of the Listening Lab Media Components.

RE: NCRAR in Portland, OR

Sincerely,

POD DESIGN+MEDIA LLC

A handwritten signature in black ink, appearing to read 'Brooks Atwood'. The signature is stylized with long, vertical strokes for the letters 'B' and 'A'.

Brooks Atwood  
Principal

September 02, 2011