

JUSTIFICATION  
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)  
Office of Acquisition Operations  
Technology Acquisition Center  
23 Christopher Way  
Eatontown, NJ 07724
  2. Description of Action: This proposed action is for a 60 day firm-fixed price task order (TO) that will be issued under the Serious Educational Games Solutions (SEGS), indefinite delivery, indefinite quantity (IDIQ) Contract Number VA118-17-1948 with Advanced Computer Learning Company (ACLC) to provide Gaming Master Plan Development.
  3. Description of the Supplies or Services: The proposed action is for contractor support for the development of a Gaming Master Plan. The Master Plan shall outline the Gaming development strategy, which will be the framework during the life of the SEGS Contract for all products and services. The goal of this effort is to achieve a high level strategy to standardize all Government gaming product development. The Gaming Development Master Plan Task Order shall consist of collective discussions that will focus on the establishment of a strategy for task areas that will include but are not limited to; storytelling, storyboarding, design, development, testing, release, Game Based Learning Management Systems, human physics engine, accreditation, section 508 requirements, documentation, the Talent Management System, and VA Network issues. The effort proposed for ACLC shall focus on the categories of; storytelling, storyboarding, alpha development, and alpha testing. The period of performance for this proposed action is 50 days from date of award. The total estimated value of the proposed action is [REDACTED].
  4. Statutory Authority: The statutory authority permitting an exception to fair opportunity is Section 41 U.S.C. 4106(c)(4) as implemented by the Federal Acquisition Regulation (FAR) Subpart 16.505(b)(2)(i)(D), entitled "It is necessary to place an order to satisfy a minimum guarantee".
  5. Rationale Supporting Use of Authority Cited Above: The proposed source is ACLC, 208 Hay Street Suite 2C, Fayetteville, NC, 285301. Solicitation Number VA118-17-R-1774 was issued competitively, utilizing the Federal Business Opportunities (FBO) website on January 25, 2017. The solicitation closing date was February 16, 2017. Four offerors were chosen for an award in accordance with the criteria set forth in the Basis for Award of the solicitation. Included in the solicitation was FAR clause 52-216-22, Indefinite Quantity, which stated the minimum guarantee that would be satisfied for each resultant contract award under the SEGS contract. This order is being issued to ACLC to satisfy the minimum guarantee. ACLC has been determined by the Government's technical experts to be capable of meeting all aforementioned requirements.
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A minimum guaranteed order under an IDIQ contract must be placed during the same fiscal year as the IDIQ is awarded to avoid a bona fide need violation (31 U.S.C. Section 1502) and until it is placed, there is no enforceable contract. Once the IDIQ contract has been awarded, an obligation is created. Given the short term requirements and nature of the effort, it is necessary to provide each winning offeror a specific study area to develop a timely Master Plan. Further, given the time remaining in the fiscal year, it is not possible to compete the orders with an expectation that each SEGS contractor will be awarded one.

6. Efforts to Obtain Competition: In accordance with FAR 5.301 and 16.505(b)(2)(ii)(D), this action will be synopsisized at award on the FBO page and the justification will be made publicly available within 14 days after the award. In addition, this justification will be posted with the solicitation to notify all the SEGS vendors.

7. Actions to Increase Competition: There is no competition anticipated for this action as it is being issued to meet the mandatory minimum guaranteed value for this IDIQ contract. It is expected that any future requirements will be awarded on a competitive basis.

8. Market Research: Market research was not conducted for this effort. The order is being issued to meet the mandatory minimum guaranteed value for this IDIQ contract.

9. Other Facts: N/A

